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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 23, 2002.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, Your revelation shaped the founding of this Nation. Divine Providence has guided us through the years. Our spiritual heritage gives us strength as leaders in government face the questions and problems whirling around us in these autumn winds.

You have boldly said ''Today I have set before you life and death, therefore choose life.'' These words have inspired people of faith down through the ages. Renew hearts around the world as people dedicate their energy in the pursuit of peace and justice. Bless America's leadership in the effort to unite people against all forms of terrorism and help build a more humane world.

In You we place our trust now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2121. An act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Democratic Leader, after consultation with the Chairman of the Senate Committee on Finance, announces the appointment of Jack L. Hillyard, of Iowa, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Dr. Richard V. Burkhauser, of New York.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2002.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelop received from the White House on September 20, 2002 at 9:44 a.m. and said to contain a message from the President whereby he submits the National Security Strategy of the United States.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services:

To the Congress of the United States:

As required by section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 19, 2002.*

SPECIAL ORDERS

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

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CONTINUING CHALLENGES FACING GUAM'S ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, as we consider unfinished legislative business for the 107th Congress, I want to take this opportunity to talk about the continuing challenges facing Guam's economy as well as the economies of other insular areas of the United States.

Over the past year, the entire country has faced unprecedented economic challenges in the aftermath of September 11 as well as security challenges, and we have responded here in Congress by the consideration of legislation to establish a Department of Homeland Security and have taken steps to restore the peace in the Middle East and to make our security stronger in the Middle East and around the world.

Against this backdrop, many of the economic relief measures that were passed by Congress did not address the economic conditions of Guam and the other insular areas for a wide number of reasons regarding the exact nature of the relationship.

Fortunately for Guam, legislation was eventually signed into law by President Bush on August 21, the Guam Foreign Investment Equity Act, to provide for equitable rates for foreign investors in Guam and level the playing field.

Most recently, the Committee on Resources on September 12 also marked up H.R. 2826, legislation to provide relief to U.S. Territories by increasing the matching waiver requirements for Federal grants for the territorial governments in Guam, the Virgin Islands, American Samoa and the Commonwealth of the Northern Marianas. I hope that the House will be able to act on this measure in the near future.

With regard to actions by the executive branch, I am pleased that President Bush announced the appointment of David Cohen to be Deputy Assistant Secretary for Insular Affairs in late April. This appointment was an elevation from the position formerly entitled Director of the Office of Insular Affairs; and it was greatly appreciated by people in the territories, particularly given Mr. Cohen's qualifications and knowledge of insular issues.

Today I would like to again reiterate my call for the establishment of a Federal interagency group headed by the White House and Department of the Interior to address issues in the U.S. Territories of Guam, the Virgin Islands, the Northern Marianas, and American Samoa; and I am hopeful that President Bush will do so by Presidential executive order.

As a follow-up to my previous concerns on Federal insular affairs, I believe it is equally important to ensure that there is greater coordination amongst Federal agencies on insular area issues. The elevation of the OIA director to the Deputy Assistant Secretary position and the establishment of a Federal interagency group on insular areas are both necessary to improve Federal territorial relations and to have a chance to improve our economies as well.

Unlike the 50 States, any of the 50 States, the insular areas simply do not have the same representation, available resources, or level playing field in Congress or the Federal policy-making process. In addition, our small populations, geographical distance from Washington, D.C., and our varying political and tax structures create even greater challenges and complexities.

While the Interior Department is the lead agency for the territories, many of the pressing matters facing our island communities do not fall under that Department's jurisdiction. Such things as taxes, economic development, health, education, labor, immigration, agriculture, the environment, transportation, housing and defense all fall under other agencies. As a result, the insular area governments, many of which are experiencing budgetary shortfalls and double-digit unemployment rates, have a difficult time having issues addressed by the executive branch in an effective and timely manner.

Previously, under the previous Clinton administration, an Interagency Group on Insular Areas was established by Presidential memorandum in 1999 to provide guidance to Federal agencies on policies concerning the insular areas. Although a forum was held in the year 2000 and an attempt was made to produce a Federal progress report on economic development, there has been no continuation in the dialogue between the insular areas and the interagency group. Consequently, there has been very little coordination of the executive response. During these very difficult economic times, it is more important that there be a forum in which the insular areas can work with all of the Federal agencies in a collaborative matter.

It is important to understand that in a place like Guam we are experiencing double-digit unemployment. In fact, some figures place us as high as 21 percent unemployment. We are suffering from the effects of September 11. We need the administration to establish via Presidential executive order an interagency group to address economic issues, homeland security issues, anything that affects the territories.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. BRIAN BAIRD, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jeanne Bennett, District Director of the Honorable Brian Baird, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2002.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a deposition subpoena issued by the Superior Court of Washington for Cowlitz County in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JEANNE BENNETT,
District Director.

CONFERENCE REPORT ON H.R. 1646

Mr. HYDE submitted the following conference report and statement on the bill (H.R. 1646), to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–671)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1646), to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment to the text and an amendment to the title as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Relations Authorization Act, Fiscal Year 2003''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Authorization Act, Fiscal Year 2003.

(2) DIVISION B.—Security Assistance Act of 2002.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 111. Administration of foreign affairs.
Sec. 112. United States educational, cultural, and public diplomacy programs.
Sec. 113. Contributions to international organizations.
Sec. 114. International Commissions.
Sec. 115. Migration and refugee assistance.
Sec. 116. Grants to The Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Emergency evacuation services.

Sec. 202. Special agent authorities.
Sec. 203. International Litigation Fund.
Sec. 204. State Department records of overseas deaths of United States citizens from nonnatural causes.
Sec. 205. Foreign Relations Historical Series.
Sec. 206. Expansion of eligibility for award of certain construction contracts.
Sec. 207. International Chancery Center.
Sec. 208. Travel to Great Lakes fisheries meetings.
Sec. 209. Correction of Fishermen's Protective Act of 1967.
Sec. 210. Use of funds received by the International Boundary and Water Commission.
Sec. 211. Fee collections relating to intercountry adoptions and affidavits of support.
Sec. 212. Annual reports on compliance with The Hague Convention on the Civil Aspects of International Child Abduction.
Sec. 213. Repeal of provision regarding housing for Foreign Agricultural Attaches.
Sec. 214. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 215. Report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 216. Continuation of reporting requirements.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

Sec. 221. Fulbright-Hays Act authorities.
Sec. 222. Extension of requirement for scholarships for Tibetans and Burmese.
Sec. 223. Plan for achievement of public diplomacy objectives.
Sec. 224. Advisory Committee on Cultural Diplomacy.
Sec. 225. Allocation of funds for ''American Corners'' in the Russian Federation.
Sec. 226. Report relating to Commission on Security and Cooperation in Europe.
Sec. 227. Amendments to the Vietnam Education Foundation Act of 2000.
Sec. 228. Ethical issues in international health research.
Sec. 229. Conforming amendments.

Subtitle C—Consular Authorities

Sec. 231. Report on visa issuance to inadmissible aliens.
Sec. 232. Denial of entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation.
Sec. 233. Processing of visa applications.
Sec. 234. Machine readable visas.

Subtitle D—Migration and Refugees

Sec. 241. Prohibition on funding the involuntary return of refugees.
Sec. 242. United States membership in the International Organization for Migration.
Sec. 243. Report on overseas refugee processing.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

Sec. 301. Comprehensive workforce plan.
Sec. 302. ''Rightsizing'' overseas posts.
Sec. 303. Qualifications of certain officers of the Department of State.

Subtitle B—Personnel Matters

Sec. 311. Thomas Jefferson Star for Foreign Service.
Sec. 312. Presidential rank awards.
Sec. 313. Foreign Service National Savings Fund.
Sec. 314. Clarification of separation for cause.
Sec. 315. Dependents on family visitation travel.
Sec. 316. Health education and disease prevention programs.
Sec. 317. Correction of time limitation for grievance filing.
Sec. 318. Training authorities.
Sec. 319. Unaccompanied air baggage.
Sec. 320. Emergency medical advance payments.
Sec. 321. Retirement credit for certain Government service performed abroad.
Sec. 322. Computation of Foreign Service retirement annuities as if Washington, D.C., locality-based comparability payments were made to overseas-stationed Foreign Service members.
Sec. 323. Plan for improving recruitment of veterans into the Foreign Service.
Sec. 324. Report concerning minority employment.
Sec. 325. Use of funds authorized for minority recruitment.
Sec. 326. Assignments and details of personnel to the American Institute in Taiwan.
Sec. 327. Annual reports on foreign language competence.
Sec. 328. Travel of children of members of the Foreign Service assigned abroad.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Payment of third installment of arrearages.
Sec. 402. Limitation on the United States share of assessments for United Nations peacekeeping operations in calendar years 2001 through 2004.
Sec. 403. Limitation on the United States share of assessments for United Nations regular budget.
Sec. 404. Promotion of sound financial practices by the United Nations.
Sec. 405. Reports to Congress on United Nations activities.
Sec. 406. Use of secret ballots within the United Nations.
Sec. 407. Sense of Congress relating to membership of the United States in UNESCO.
Sec. 408. United States membership on the United Nations Commission on Human Rights and International Narcotics Control Board.
Sec. 409. Plan for enhanced Department of State efforts to place United States citizens in positions of employment in the United Nations and its specialized agencies.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Modification of limitation on grant amounts to RFE/RL, Incorporated.
Sec. 502. Pay parity for senior executives of RFE/RL, Incorporated.
Sec. 503. Authority to contract for local broadcasting services outside the United States.
Sec. 504. Personal services contracting pilot program.
Sec. 505. Travel by Voice of America correspondents.
Sec. 506. Report on broadcasting personnel.
Sec. 507. Conforming amendments.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Middle East Peace Commitments Act of 2002

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Reports.
Sec. 604. Imposition of sanctions.

Subtitle B—Tibet Policy

Sec. 611. Short title.
Sec. 612. Statement of purpose.
Sec. 613. Tibet negotiations.
Sec. 614. Reporting on Tibet.
Sec. 615. Congressional-Executive Commission on the People's Republic of China.
Sec. 616. Economic development in Tibet.
Sec. 617. Release of prisoners and access to prisons.
Sec. 618. Establishment of a United States branch office in Lhasa, Tibet.
Sec. 619. Requirement for Tibetan language training.
Sec. 620. Religious persecution in Tibet.
Sec. 621. United States Special Coordinator for Tibetan Issues.

Subtitle C—East Timor Transition to Independence Act of 2002

Sec. 631. Short title.
Sec. 632. Bilateral assistance.
Sec. 633. Multilateral assistance.
Sec. 634. Trade and investment assistance.
Sec. 635. Generalized System of Preferences.
Sec. 636. Authority for radio broadcasting.
Sec. 637. Security assistance for East Timor.
Sec. 638. Reporting requirement.

Subtitle D—Clean Water for the Americas Partnership

Sec. 641. Short title.
Sec. 642. Definitions.
Sec. 643. Establishment of program.
Sec. 644. Environmental assessment.
Sec. 645. Establishment of Technology America Centers.
Sec. 646. Promotion of water quality, water treatment systems, and energy efficiency.
Sec. 647. Grants for prefeasibility studies within a designated subregion.
Sec. 648. Clean Water Technical Support Committee.
Sec. 649. Authorization of appropriations.
Sec. 650. Report.
Sec. 651. Termination date.
Sec. 652. Effective date.

Subtitle E—Freedom Investment Act of 2002

Sec. 661. Short title.
Sec. 662. Purposes.
Sec. 663. Human rights activities at the Department of State.
Sec. 664. Human Rights and Democracy Fund.
Sec. 665. Reports on actions taken by the United States to encourage respect for human rights.

Subtitle F—Elimination and Streamlining of Reporting Requirements

Sec. 671. Elimination of certain reporting requirements.
Sec. 672. Biennial reports on programs to encourage good governance.

Subtitle G—Other Matters

Sec. 681. Amendments to the International Religious Freedom Act of 1998.
Sec. 682. Amendments to the Victims of Trafficking and Violence Protection Act of 2000.
Sec. 683. Annual human rights country reports on child soldiers.
Sec. 684. Extension of authority for Caucus on International Narcotics Control.
Sec. 685. Participation of South Asian countries in international law enforcement.
Sec. 686. Payment of anti-terrorism judgments.
Sec. 687. Reports on participation by small businesses in procurement contracts of USAID.
Sec. 688. Program to improve building construction and practices in Latin American countries.
Sec. 689. Sense of Congress relating to HIV/AIDS and United Nations peacekeeping operations.
Sec. 690. Sense of Congress relating to Magen David Adom Society.
Sec. 691. Sense of Congress regarding the location of Peace Corps offices abroad.
Sec. 692. Sense of Congress relating to resolution of the Taiwan Strait issue.
Sec. 693. Sense of Congress relating to display of the American flag at the American Institute in Taiwan.

Sec. 694. Reports on activities in Colombia.
Sec. 695. Report on United States-sponsored activities in Colombia.
Sec. 696. Report on extradition policy and practice.
Sec. 697. Special Court for Sierra Leone.
Sec. 698. United States Envoy for Peace in Sudan.
Sec. 699. Transfer of proscribed weapons to persons or entities in the West Bank and Gaza.
Sec. 700. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh.
Sec. 701. Policing reform and human rights in Northern Ireland.
Sec. 702. Annual reports on United States-Vietnam human rights dialogue meetings.
Sec. 703. Sense of Congress regarding human rights violations in Indonesia.
Sec. 704. Report concerning the German Foundation ''Remembrance, Responsibility, and the Future''.
Sec. 705. Sense of Congress on return of portraits of holocaust victims to the artist Dina Babbitt.
Sec. 706. International drug control certification procedures.

DIVISION B—SECURITY ASSISTANCE ACT OF 2002

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE XI—VERIFICATION OF ARMS CONTROL AND NONPROLIFERATION AGREEMENTS

Sec. 1101. Verification and Compliance Bureau personnel.
Sec. 1102. Key Verification Assets Fund.
Sec. 1103. Revised verification and compliance reporting requirements.

TITLE XII—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

Sec. 1201. Authorization of appropriations.
Sec. 1202. Relationship of Foreign Military Sales to United States nonproliferation interests.
Sec. 1203. Official reception and representation expenses.
Sec. 1204. Arms Export Control Act prohibition on transactions with countries that have repeatedly provided support for acts of international terrorism.
Sec. 1205. Congressional notification of small arms and light weapons license approvals; reports.
Sec. 1206. Treatment of Taiwan relating to transfers of defense articles and defense services.

Subtitle B—International Military Education and Training

Sec. 1211. Authorization of appropriations.
Sec. 1212. Human rights violations.
Sec. 1213. Participation in post-undergraduate flying training and tactical leadership programs.

Subtitle C—Assistance for Select Countries

Sec. 1221. Assistance for Israel and Egypt.
Sec. 1222. Security assistance for Greece and Turkey.
Sec. 1223. Security assistance for certain other countries.
Sec. 1224. Assistance for Lebanon.

Subtitle D—Excess Defense Article and Drawdown Authorities

Sec. 1231. Excess defense articles for certain countries.
Sec. 1232. Annual listing of possible excess defense articles.
Sec. 1233. Leases of defense articles for foreign countries and international organizations.
Sec. 1234. Priority with respect to transfer of excess defense articles.

Subtitle E—Other Political-Military Assistance

Sec. 1241. Destruction of surplus weapons stockpiles.

Subtitle F—Antiterrorism Assistance

Sec. 1251. Authorization of appropriations.

Subtitle G—Other Matters

Sec. 1261. Additions to United States War Reserve Stockpiles for Allies.
Sec. 1262. Revised military assistance reporting requirements.
Sec. 1263. Consultation with Congress with regard to Taiwan.

TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Subtitle A—General Provisions

Sec. 1301. Authorization of appropriations.
Sec. 1302. Nonproliferation technology acquisition programs for friendly foreign countries.
Sec. 1303. International nonproliferation and export control training.
Sec. 1304. Relocation of scientists.
Sec. 1305. International Atomic Energy Agency regular budget assessments and voluntary contributions.
Sec. 1306. Amendments to the Iran Nonproliferation Act of 2000.
Sec. 1307. Amendments to the North Korea Threat Reduction Act of 1999.
Sec. 1308. Annual reports on the proliferation of missiles and essential components of nuclear, biological, chemical, and radiological weapons.

Subtitle B—Russian Federation Debt Reduction for Nonproliferation

Sec. 1311. Short title.
Sec. 1312. Findings and purposes.
Sec. 1313. Definitions.
Sec. 1314. Authority to reduce the Russian Federation's Soviet-era debt obligations to the United States.
Sec. 1315. Russian Federation Nonproliferation Investment Agreement.
Sec. 1316. Independent media and the rule of law.
Sec. 1317. Restriction on debt reduction authority.
Sec. 1318. Discussion of Russian Federation debt reduction for nonproliferation with other creditor states.
Sec. 1319. Implementation of United States policy.
Sec. 1320. Consultations with Congress.
Sec. 1321. Annual reports to Congress.

Subtitle C—Nonproliferation Assistance Coordination

Sec. 1331. Short title.
Sec. 1332. Findings.
Sec. 1333. Definitions.
Sec. 1334. Establishment of Committee on Nonproliferation Assistance.
Sec. 1335. Purposes and authority.
Sec. 1336. Administrative support.
Sec. 1337. Confidentiality of information.
Sec. 1338. Statutory construction.
Sec. 1339. Reporting and consultation.

Subtitle D—Iran Nuclear Proliferation Prevention Act of 2002

Sec. 1341. Short title.
Sec. 1342. Withholding of voluntary contributions to the International Atomic Energy Agency for programs and projects in Iran.
Sec. 1343. Annual review by Secretary of State of programs and projects of the International Atomic Energy Agency; United States opposition to certain programs and projects of the Agency.
Sec. 1344. Reporting requirements.
Sec. 1345. Sense of Congress.

TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS

Sec. 1401. License officer staffing.
Sec. 1402. Funding for database automation.
Sec. 1403. Information management priorities.
Sec. 1404. Improvements to the Automated Export System.
Sec. 1405. Adjustment of threshold amounts for congressional review purposes.
Sec. 1406. Congressional notification of removal of items from the Munitions List.

TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY

Sec. 1501. Briefing on the strategy.
Sec. 1502. Security assistance surveys.

TITLE XVI—MISCELLANEOUS PROVISIONS

Sec. 1601. Nuclear and missile nonproliferation in South Asia.
Sec. 1602. Real-time public availability of raw seismological data.
Sec. 1603. Detailing United States governmental personnel to international arms control and nonproliferation organizations.
Sec. 1604. Diplomatic presence overseas.
Sec. 1605. Compliance with the Chemical Weapons Convention.

TITLE XVII—AUTHORITY TO TRANSFER NAVAL VESSELS

Sec. 1701. Authority to transfer naval vessels to certain foreign countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of State.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003

SEC. 101. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act, Fiscal Year 2003''.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'', $4,030,023,000 for the fiscal year 2003.

(B) WORLDWIDE SECURITY UPGRADES.—Of the amount authorized to be appropriated by subparagraph (A), $564,000,000 for the fiscal year 2003 is authorized to be appropriated for worldwide security upgrades.

(C) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amount authorized to be appropriated by subparagraph (A), $20,000,000 for the fiscal year 2003 is authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(D) RECRUITMENT OF MINORITY GROUPS.—Of the amount authorized to be appropriated by subparagraph (A), $2,000,000 for the fiscal year 2003 is authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $200,000,000 for the fiscal year 2003.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—

(A) IN GENERAL.—For ''Embassy Security, Construction and Maintenance'', $555,000,000 for the fiscal year 2003, in addition to amounts otherwise authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–470).

(B) AMENDMENT OF THE NANCE-DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT.—Section 604(a)(4) of that Act (113 Stat. 1501A–453) is amended by striking ''$900,000,000'' and inserting ''$1,000,000,000''.

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2003.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $11,000,000 for the fiscal year 2003.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $15,000,000 for the fiscal year 2003.

(7) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,250,000 for the fiscal year 2003.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $18,817,000 for the fiscal year 2003.

(9) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $30,800,000 for the fiscal year 2003.

(b) AVAILABILITY OF FUNDS FOR PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—The amount appropriated pursuant to subsection (a)(5) is authorized to remain available through September 30, 2004.

SEC. 112. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $135,000,000 for the fiscal year 2003.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amount authorized to be appropriated by clause (i), $5,000,000 for the fiscal year 2003 is authorized to be available to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(iii) NEW CENTURY SCHOLARS INITIATIVE—HIV/AIDS.—Of the amount authorized to be appropriated under clause (i), $1,000,000 for the fiscal year 2003 is authorized to be available for HIV/AIDS research and mitigation strategies under the Health Issues in a Border-Less World academic program of the New Century Scholars Initiative.

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, $125,000,000 for the fiscal year 2003.

(ii) TIBETAN EXCHANGES.—Of the amount authorized to be appropriated by clause (i), $500,000 for the fiscal year 2003 is authorized to be available for ''Ngawang Choephel Exchange Programs'' (formerly known as ''programs of educational and cultural exchange between the United States and the people of Tibet'') under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amount authorized to be appropriated by clause (i), $500,000 for the fiscal year 2003 is authorized to be available for ''East Timorese Scholarships''.

(iv) MONTENEGRO PARLIAMENTARY DEVELOPMENT.—Of the amount authorized to be appropriated by clause (i), $500,000 for the fiscal year 2003 is authorized to be available for a program of parliamentary development and exchanges in Montenegro.

(v) SOUTH PACIFIC EXCHANGES.—Of the amount authorized to be appropriated under clause (i), $750,000 for the fiscal year 2003 is authorized to be available for ''South Pacific Exchanges''.

(vi) ISRAEL-ARAB PEACE PARTNERS PROGRAM.—Of the amount authorized to be appropriated under clause (i), $750,000 for the fiscal year 2003 is authorized to be available for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the ''Israel-Arab Peace Partners Program''.

(vii) SUDANESE SCHOLARSHIPS.—Of the amount authorized to be appropriated under clause (i), $500,000 for the fiscal year 2003 is authorized to be available for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as ''Sudanese Scholarships''.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(A) IN GENERAL.—For the ''National Endowment for Democracy'', $42,000,000 for the fiscal year 2003.

(B) REAGAN-FASCELL DEMOCRACY FELLOWS.—Of the amount authorized to be appropriated under subparagraph (A), $1,000,000 for the fiscal year 2003 is authorized to be available for a fellowship program known as the ''Reagan-Fascell Democracy Fellows'', for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans.

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $15,000,000 for the fiscal year 2003.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For the ''Dante B. Fascell North-South Center'', $2,500,000 for the fiscal year 2003.

SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated under the heading ''Contributions to International Organizations'' $891,378,000 for the fiscal year 2003 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amount authorized to be appropriated under the heading ''Contributions to International Organizations'' for fiscal year 2003, and for each fiscal year thereafter, such sums as may be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There is authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $725,981,000 for the fiscal year 2003 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 2002–2003 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations may be available for the United States proportionate share of any framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the International Criminal Court.

(d) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized to be appropriated by subsection (a), there is authorized to be appropriated such sums as may be necessary for the fiscal year 2003 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection may be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

(e) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the organization or agency concerned its proportionate share of the amount by which the total contributions to the organization or agency exceed the expenditures of the regular assessed budget of the organization or agency.

SEC. 114. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions, and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $28,387,000 for the fiscal year 2003; and

(B) for ''Construction'', $9,517,000 for the fiscal year 2003.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $1,157,000 for the fiscal year 2003.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,544,000 for the fiscal year 2003.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $19,780,000 for the fiscal year 2003.

SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for the Department for ''Migration and Refugee Assistance'' for authorized activities, $820,000,000 for the fiscal year 2003.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $60,000,000 is authorized to be available for the fiscal year 2003 for the resettlement of refugees in Israel.

(c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2003 is authorized to be available for humanitarian assistance, including food, medicine, clothing,

and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(d) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2003 is authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 116. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There is authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.''.

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For ''International Broadcasting Operations'', $485,823,000 for the fiscal year 2003.

(B) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated by subparagraph (A) for the fiscal year 2003, there is authorized to be available for Radio Free Asia $35,000,000 for the fiscal year 2003.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $13,740,000 for the fiscal year 2003.

(3) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $25,923,000 for the fiscal year 2003.

(b) CONTINUATION OF ADDITIONAL AUTHORIZATION FOR BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA AND NEIGHBORING COUNTRIES.—Section 701 of Public Law 106–286 (22 U.S.C. 7001) is amended—

(1) in subsection (a) by striking ''2001'' and inserting ''2003''; and

(2) in subsection (b)(1), by striking ''2001 and 2002'' and inserting ''2001, 2002, and 2003''.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), there is authorized to be appropriated $20,000,000 for the fiscal year 2003 for the Middle East Radio Network of Voice of America.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. EMERGENCY EVACUATION SERVICES.

Section 4(b)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(A)) is amended to read as follows:

''(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of—

''(i) United States Government employees and their dependents; and

''(ii) private United States citizens or third-country nationals, on a reimbursable basis to the maximum extent practicable, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended, except that no reimbursement under this clause shall be paid that is greater than the amount the person evacuated would have been charged for a reasonable commercial air fare immediately prior to the events giving rise to the evacuation;''.

SEC. 202. SPECIAL AGENT AUTHORITIES.

(a) GENERAL AUTHORITY.—Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses issued under the authority of the United States;'';

(2) in paragraph (3)(F), by inserting ''or President-elect'' after ''President''; and

(3) by amending paragraph (5) to read as follows:

''(5) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.''.

(b) AGREEMENTS.—Section 37(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking ''(b) AGREEMENT.—'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) AGREEMENTS WITH ATTORNEY GENERAL AND SECRETARY OF THE TREASURY AND FIREARMS REGULATIONS.—

''(1) AGREEMENT WITH ATTORNEY GENERAL.—The authority conferred by paragraphs (1) and (4) of subsection (a) shall be exercised subject to an agreement between the Secretary and the Attorney General.

''(2) AGREEMENT WITH ATTORNEY GENERAL AND SECRETARY OF THE TREASURY.—The authority conferred by paragraphs (2) and (5) of subsection (a) shall be exercised subject to an agreement among the Secretary, the Attorney General, and the Secretary of the Treasury.''.

(c) IMPLEMENTATION OF SEARCH, SEIZURE, SERVICE, AND ARREST AUTHORITY.—(1) The authority conferred by paragraphs (2) and (5) of section 37(a) of the State Department Basic Authorities Act of 1956, as amended by subsection (a), may not be exercised until the date on which the Secretary—

(A) submits the agreement required by subsection (b)(2) of section 37 of such Act to the appropriate congressional committees; and

(B) publishes in the Federal Register a notice that the agreement has been submitted in accordance with the requirements of subparagraph (A).

(2) The authority conferred by paragraphs (2) and (5) of subsection (a) of section 37 of the State Department Basic Authorities Act of 1956, as in effect on the day before the date of the enactment of this Act, may continue to be exercised until the date on which the notice described in paragraph (1)(B) is published in the Federal Register.

SEC. 203. INTERNATIONAL LITIGATION FUND.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsection:

''(e) RETENTION OF FUNDS.—

''(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a proceeding before an international tribunal, or a claim against a foreign government or other foreign entity, the Secretary may retain 1.5 percent of any amount between $100,000 and $5,000,000, and one percent of any amount over $5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

''(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).''.

SEC. 204. STATE DEPARTMENT RECORDS OF OVERSEAS DEATHS OF UNITED STATES CITIZENS FROM NONNATURAL CAUSES.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 57. STATE DEPARTMENT RECORDS OF OVERSEAS DEATHS OF UNITED STATES CITIZENS FROM NONNATURAL CAUSES.

''(a) COLLECTION OF INFORMATION.—The Secretary shall, to the maximum extent practicable, collect, with respect to each foreign country, the following information with respect to each United States citizen who dies in that country from a nonnatural cause on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 2003:

''(1) The date of death.

''(2) The locality where the death occurred (including the state or province and municipality, if available).

''(3) The cause of death, including information on the circumstances of the death, and including, if the death resulted from an act of terrorism, a statement disclosing that information.

''(4) Such other information as the Secretary shall prescribe.

''(b) DATABASE.—The Secretary shall establish and maintain a database containing the information collected under subsection (a).

''(c) PUBLIC AVAILABILITY OF INFORMATION.—Beginning three months after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 2003, the Secretary, shall make available, on a country-by-country basis, on the Internet website of the Department's Bureau of Consular Affairs, the information from the database described in subsection (b) with respect to deaths occurring since the date of enactment of that Act, or occurring during the preceding three calendar years, whichever period is shorter. The information shall be updated at least every six months.''.

SEC. 205. FOREIGN RELATIONS HISTORICAL SERIES.

(a) ANNUAL REPORTS BY THE ADVISORY COMMITTEE.—Section 404(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4354(d)) is amended—

(1) by striking ''REPORTING REQUIREMENT.—'' and inserting ''ANNUAL REPORTS BY THE ADVISORY COMMITTEE.—''; and

(2) by inserting ''and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives'' after ''Secretary of State''.

(b) ANNUAL REPORTS BY THE SECRETARY.—Section 404(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4354(e)) is amended to read as follows:

''(e) ANNUAL REPORTS BY THE SECRETARY.—

''(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the compliance of the Department of State with the provisions of this title, including—

''(A) the volumes published in the previous calendar year;

''(B) the degree to which the Department is not in compliance with the deadline set forth in section 401(c); and

''(C) the factors relevant to the inability of the Department to comply with the provisions of this title, including section 401(c).

''(2) FORM OF REPORTS.—Each report required to be submitted by paragraph (1) shall be submitted in unclassified form, together with a classified annex if necessary.''.

SEC. 206. EXPANSION OF ELIGIBILITY FOR AWARD OF CERTAIN CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Section 11(b)(4)(A) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 302(b)(4)(A)) is amended by inserting ''or at a United States diplomatic or consular establishment abroad'' after ''United States''.

(b) CONFORMING AMENDMENT.—Section 402(c)(2)(D) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(D)) is amended by inserting ''or at a United States diplomatic or consular establishment abroad'' after ''United States''.

SEC. 207. INTERNATIONAL CHANCERY CENTER.

Section 1 of the Act of October 8, 1968 (Public Law 90–553, as amended; commonly known as the ''International Center Act'') is amended—

(1) by redesignating clauses (a) and (b) as clauses (1) and (2), respectively;

(2) by inserting ''(a)'' after ''That''; and

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

''(b) There is established in the Treasury of the United States an account into which may be deposited funds provided as advance payments pursuant to subsection (a).

''(c) The Secretary of State may request the Secretary of the Treasury to invest such portion of the funds deposited in that account as is not, in the judgment of the Secretary of State, required to meet the current needs of the account. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the account, as determined by the Secretary of State, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States of comparable maturity.''.

SEC. 208. TRAVEL TO GREAT LAKES FISHERIES MEETINGS.

Section 4(c) of the Great Lakes Fisheries Act of 1956 (16 U.S.C. 933(c)) is amended—

(1) by striking ''five'' and inserting ''ten''; and

(2) by striking ''each'' and inserting ''the annual''.

SEC. 209. CORRECTION OF FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking ''Secretary of Commerce'' and inserting ''Secretary of State''.

SEC. 210. USE OF FUNDS RECEIVED BY THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 5 of the Act entitled ''An Act providing for a study regarding the equitable use of the waters of the Rio Grande below Fort Quitman, Texas, in cooperation with the United States of Mexico'', approved May 13, 1924 (22 U.S.C. 277d), is amended by inserting '', the North American Development Bank, or the Border Environment Cooperation Commission'' after ''United Mexican States''.

SEC. 211. FEE COLLECTIONS RELATING TO INTERCOUNTRY ADOPTIONS AND AFFIDAVITS OF SUPPORT.

(a) ADOPTION FEES.—Section 403(b) of the Intercountry Adoption Act of 2000 (Public Law 106–279) is amended—

(1) in paragraph (2), by adding at the end the following new sentence: ''Such fees shall remain available for obligation until expended.''; and

(2) by striking paragraph (3).

(b) AFFIDAVIT OF SUPPORT FEES.—Section 232 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–425) is amended—

(1) in subsection (c), by adding at the end the following new sentence: ''Such fees shall remain available for obligation until expended.''; and

(2) by striking subsection (d).

SEC. 212. ANNUAL REPORTS ON COMPLIANCE WITH THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277; 112 Stat. 2681–846) is amended by striking ''during the period ending September 30, 2001''.

SEC. 213. REPEAL OF PROVISION REGARDING HOUSING FOR FOREIGN AGRICULTURAL ATTACHES.

Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–34) is repealed.

SEC. 214. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) CONGRESSIONAL STATEMENT OF POLICY.—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.

SEC. 215. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with approximately 160 countries. Approximately 30 countries do not have any diplomatic relations with Israel.

(3) The State of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After more than 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) Actions taken by the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

SEC. 216. CONTINUATION OF REPORTING REQUIREMENTS.

(a) REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''seventh'' and inserting ''eleventh''.

(b) REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''September 30, 2001,'' and inserting ''September 30, 2003,''.

(c) REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.—Section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470) is amended by striking ''Not later'' and all that follows through ''2001,'' and inserting ''Not later than May 1, 2003, and not later than May 1, 2004,''.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

SEC. 221. FULBRIGHT-HAYS ACT AUTHORITIES.

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(d)) is amended—

(1) by inserting ''(1)'' immediately after ''(d)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), the Bureau may also exercise the authorities of this Act to administer programs authorized by, or funded pursuant to, the FREEDOM Support Act, the Support for East European Democracy Act, the Foreign Assistance Act of 1961, or any other Act authorizing educational or cultural exchanges or activities, to the extent that such programs are consistent with the purposes of this Act.''.

SEC. 222. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.

Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking ''for the fiscal year 2000'' and inserting ''for the fiscal year 2003''.

SEC. 223. PLAN FOR ACHIEVEMENT OF PUBLIC DIPLOMACY OBJECTIVES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department designed to achieve the following objectives:

(1) Full integration of public diplomacy policy into overall policy formulation and implementation.

(2) Closer communication and policy coordination between public diplomacy officers and other officers in the regional bureaus of the Department and at overseas posts.

(3) The creation of channels of direct communication between the public diplomacy officers in regional bureaus of the Department and the Under Secretary of State for Public Diplomacy.

(4) Minimizing any adverse consequences of public diplomacy officers in country posts reporting to the regional bureaus of the Department.

SEC. 224. ADVISORY COMMITTEE ON CULTURAL DIPLOMACY.

(a) ESTABLISHMENT.—There is established an Advisory Committee on Cultural Diplomacy (in

this section referred to as the ''Advisory Committee''), which shall be composed of nine members, as follows:

(1) The Under Secretary of State for Public Diplomacy, who shall serve as Chair.

(2) The Assistant Secretary of State for Educational and Cultural Affairs.

(3) Seven members appointed pursuant to subsection (c).

(b) DUTIES.—The Advisory Committee shall advise the Secretary on programs and policies to advance the use of cultural diplomacy in United States foreign policy. The Advisory Committee shall, in particular, provide advice to the Secretary on—

(1) increasing the presentation abroad of the finest of the creative, visual, and performing arts of the United States; and

(2) strategies for increasing public-private partnerships to sponsor cultural exchange programs that promote the national interests of the United States.

(c) APPOINTMENTS.—The members of the Advisory Committee shall be appointed by the Secretary, not more than four of whom shall be from the same political party, from among distinguished Americans with a demonstrated record of achievement in the creative, visual, and performing arts, or international affairs. No officer or employee of the United States shall be appointed to the Advisory Committee.

(d) VACANCIES.—A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment.

(e) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least twice each year or as frequently as may be necessary to carry out its duties.

(f) ADMINISTRATIVE SUPPORT.—The Secretary is authorized to provide the Advisory Committee with necessary administrative support from among the staff of the Bureau of Educational and Cultural Affairs of the Department.

(g) COMPENSATION.—Members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

(h) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this section are inconsistent with that Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Advisory Committee shall terminate September 30, 2005.

SEC. 225. ALLOCATION OF FUNDS FOR "AMERICAN CORNERS" IN THE RUSSIAN FEDERATION.

(a) FINDING.—Congress finds that joint ventures with host libraries in the Russian Federation known as ''American Corners'' are an effective means—

(1) to provide information about United States history, government, society, and values;

(2) to provide access to computers and the Internet; and

(3) to leverage United States assistance and exchange programs in the Russian Federation.

(b) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated by section 112(1)(B) of this Act for the fiscal year 2003, $500,000 is authorized to be available for ''American Corner'' centers operating in the Russian Federation.

SEC. 226. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled ''An Act to establish a Commission on Security and Cooperation in Europe'' (22 U.S.C. 3005) is amended to read as follows:

''SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is particular concern relating to the implementation of OSCE commitments or where an OSCE presence exists. Such summary shall address the role played by OSCE institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period from January 1 to December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the Internet website of the Department of State.''.

SEC. 227. AMENDMENTS TO THE VIETNAM EDUCATION FOUNDATION ACT OF 2000.

(a) PURPOSES OF THE ACT.—Section 202 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A-255) is amended—

(1) in paragraph (1)(A), by inserting ''in the United States'' after ''technology)''; and

(2) in paragraph (1)(B), by striking ''appropriate Vietnamese institutions'' and inserting ''academic institutions in Vietnam''.

(b) ELECTION OF THE CHAIR.—Section 205(c) of such Act is amended by inserting ''voting members of the'' after ''The''.

(c) DUTIES OF THE BOARD.—Section 205(e) of such Act is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) provide overall supervision and direction of the Foundation;

''(2) establish criteria for the eligibility of applicants, including criteria established by section 206(b), and for the selection of fellowship recipients; and

''(3) select the fellowship recipients.''.

(d) TREATMENT OF PRESIDENTIAL APPOINTEES TO THE BOARD OF DIRECTORS.—Section 205 of such Act is amended—

(1) in subsection (f)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Board shall serve without compensation.''; and

(B) by adding at the end the following new paragraph:

''(3) COMPENSATION OF PRESIDENTIAL APPOINTEES.—The members of the Board appointed under subsection (a)(6) shall be paid at the daily equivalent of the rate of basic pay payable for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a Board member.''; and

(2) by adding at the end the following new subsection:

''(g) TREATMENT OF PRESIDENTIAL APPOINTEES AS SPECIAL GOVERNMENT EMPLOYEES.—The members of the Board appointed under subsection (a)(6) shall be special Government employees, as defined in section 202(a) of title 18, United States Code.''.

(e) TRAVEL REGULATIONS.—Section 205 of such Act, as amended by subsection (d), is further amended by adding at the end the following new subsection:

''(h) TRAVEL REGULATIONS.—Members of the Board shall be subject to the same travel regulations as apply to officers and employees of the Department of State.''.

(f) VACANCIES.—Section 205(b) of such Act is amended by adding at the end the following new paragraph:

''(3)(A) Any member appointed to fill a vacancy prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

''(B) Upon the expiration of his or her term of office, any member may continue to serve until a successor is appointed.''.

(g) ENGLISH PROFICIENCY.—Section 206(a)(2) of such Act is amended to read as follows:

''(2) SCIENTIFIC AND TECHNICAL VOCABULARY IN ENGLISH.—Fellowships awarded to Vietnamese nationals under paragraph (1) may include funding to improve English proficiency in a fellowship recipient's field of study.''.

(h) SELECTION CRITERIA.—Section 206(b) of such Act is amended—

(1) in paragraph (1), by striking ''Vietnamese candidates for fellowships'' and inserting ''Fellowship candidates from Vietnam''; and

(2) in paragraph (2), by striking ''teaching candidates'' and inserting ''candidates for teaching fellowships''.

(i) ANNUAL REPORT.—Such Act is amended—

(1) in section 207(d), by striking ''Board'' and inserting ''Secretary of the Treasury''; and

(2) in section 209(b)—

(A) by striking ''Foundation'' and inserting ''Board''; and

(B) by striking ''its operations under this title'' and inserting ''the operations of the Foundation under this title, including the financial condition of the Foundation''.

(j) COMPENSATION OF EXECUTIVE DIRECTOR.—Section 208(d) of such Act is amended by striking ''level V of the Executive Schedule under section 5316'' and inserting ''level IV of the Executive Schedule under section 5315''.

(k) CLERICAL CORRECTIONS.—Such Act is amended—

(1) in section 206(d)—

(A) in the subsection heading, by striking ''MATCHING'' and inserting ''COST-SHARING''; and

(B) by striking ''matching'' and inserting ''cost-sharing'';

(2) in section 206(e)—

(A) by striking ''proficiency'' and inserting ''progress''; and

(B) by inserting before the period at the end the following: ''and applicable law'';

(3) in section 208(a), by striking ''Secretary'' and inserting ''Director'';

(4) in section 208(d), by striking ''title V'' and inserting ''title 5''; and

(5) in section 209(a)(5), by striking ''District of Columbia'' and inserting ''metropolitan Washington, D.C., area''.

SEC. 228. ETHICAL ISSUES IN INTERNATIONAL HEALTH RESEARCH.

(a) IN GENERAL.—The Secretary shall make available funds for international exchanges to provide opportunities to researchers in developing countries to participate in activities related to ethical issues in human subject research, as described in subsection (c).

(b) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate programs conducted pursuant to this section with similar programs that may be conducted by the United States Agency for International Development and other Federal agencies as part of United States international health programs, particularly with respect to research and treatment of infectious diseases.

(c) ETHICAL ISSUES IN HUMAN SUBJECT RESEARCH.—For purposes of subsection (a), the phrase ''activities related to ethical issues in human subject research'' includes courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

SEC. 229. CONFORMING AMENDMENTS.

Section 112(g) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(g)) is amended—

(1) in paragraph (1), by striking ''United States Information Agency'' and inserting ''Department of State'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''Associate Director for Educational and Cultural Affairs of the United States Information Agency'' and inserting ''Assistant Secretary of State for Educational and Cultural Affairs'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(3) in paragraph (5), by striking ''United States Information Agency'' and inserting ''Department of State'';

(4) in paragraph (6)(G), by striking ''United States Information Agency'' and inserting ''Department of State''; and

(5) in paragraph (7), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State, acting through the Under Secretary of State for Public Diplomacy''.

Subtitle C—Consular Authorities

SEC. 231. REPORT ON VISA ISSUANCE TO INADMISSIBLE ALIENS.

Section 51(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723(a)) is amended—

(1) by inserting ''(1) DENIAL OF VISAS.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) VISA ISSUANCE TO INADMISSIBLE ALIENS.—The Secretary shall, on a semiannual basis, submit to the appropriate committees of the Congress a report describing every instance during the period covered by the report in which a consular post or the Visa Office of the Department of State issued an immigrant or nonimmigrant visa to an alien who is inadmissible to the United States based upon terrorist activity or failed to object to the issuance of an immigrant or nonimmigrant visa to an alien notwithstanding any such ground of inadmissibility. The report shall set forth the name and nationality of the alien, the issuing post, and a brief factual statement of the basis for issuance of the visa or the failure to object. The report may be submitted in classified or unclassified form.''.

SEC. 232. DENIAL OF ENTRY INTO UNITED STATES OF CHINESE AND OTHER NATIONALS ENGAGED IN COERCED ORGAN OR BODILY TISSUE TRANSPLANTATION.

(a) DENIAL OF ENTRY.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary shall direct consular officers not to issue a visa to any person whom the Secretary finds, based on credible and specific information, to have been directly involved with the coercive transplantation of human organs or bodily tissue, unless the Secretary has substantial grounds for believing that the foreign national has discontinued his or her involvement with, and support for, such practices.

(b) EXCEPTION.—The prohibitions in subsection (a) do not apply to an applicant who is a head of state, head of government, or cabinet-level minister.

(c) WAIVER.—The Secretary may waive the prohibitions in subsection (a) with respect to a foreign national if the Secretary—

(1) determines that it is important to the national interest of the United States to do so; and

(2) not later than 30 days after the issuance of a visa, provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 233. PROCESSING OF VISA APPLICATIONS.

(a) IN GENERAL.—It shall be the policy of the Department to process each visa application from an alien classified as an immediate relative or as a K–1 nonimmigrant within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the petitioner is a relative other than an immediate relative, it should be the policy of the Department to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

(b) DEFINITIONS.—In this section:

(1) IMMEDIATE RELATIVE.—The term ''immediate relative'' has the meaning given the term in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).

(2) K–1 NONIMMIGRANT.—The term ''K–1 nonimmigrant'' means a nonimmigrant alien described in section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

SEC. 234. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by adding at the end the following:

''(3) For the fiscal year 2003, any amount that exceeds $460,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.''.

Subtitle D—Migration and Refugees

SEC. 241. PROHIBITION ON FUNDING THE INVOLUNTARY RETURN OF REFUGEES.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by section 204 of this Act, is further amended by adding at the end the following new section:

''SEC. 58. PROHIBITION ON FUNDING THE INVOLUNTARY RETURN OF REFUGEES.

''(a) PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), may be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(2) EXCEPTION.—The prohibition in paragraph (1) does not apply to the return of any person on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate resolution of advice and consent to ratification of the Protocol.

''(b) CONGRESSIONAL NOTIFICATION REQUIRED IN ALL CASES.—None of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), may be available to effect the involuntary return by the United States of any person to any country unless the Secretary first notifies the appropriate congressional committees, except that, in the case of an emergency involving a threat to human life, the Secretary shall notify the appropriate congressional committees as soon as practicable.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting activities of the Department of State that relate to removal proceedings under the Immigration and Nationality Act or extradition.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(2) TO EFFECT THE INVOLUNTARY RETURN.—The term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.''.

SEC. 242. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION FOR MIGRATION.

Section 2(a) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(a)) is amended to read as follows:

''(a)(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

''(2) For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.''.

SEC. 243. REPORT ON OVERSEAS REFUGEE PROCESSING.

(a) REPORT ON OVERSEAS REFUGEE PROCESSING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on overseas processing of refugees for admission to the United States.

(b) CONTENTS.—The report shall include the following detailed information:

(1) United States procedures for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise suggest an urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.

(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of refugees who are of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of citizens or lawful residents of the United States, together with the reasons for any decline in the extent of such provision over the last 10 years and a plan for expansion of such opportunities in the future.

(4) The extent to which opportunities for resettlement in the United States are currently provided to ''urban refugees'' and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement, who are members of refugee groups of special interest to the United States, or who are close family members of United States citizens or lawful residents.

(5) The Department's assessment of the feasibility and desirability of modifying the Department's current list of refugee priorities to create an additional category for refugees whose need

for resettlement is based on a long period of residence in a refugee camp with no immediate prospect of safe and voluntary repatriation to their country of origin or last permanent residence.

(6) The extent to which the Department uses private voluntary agencies to assist in the identification of refugees for admission to the United States, including the Department's assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in the Department's use of voluntary agencies over the last 10 years, and a plan for the expanded use of such agencies.

(7) The extent to which the per capita reception and placement grant to voluntary agencies assisting in resettlement of refugees has increased over the last 10 years commensurate with the cost to such agencies of providing such services.

(8) An estimate of the cost of each change in current practice or procedure discussed in the report, together with an estimate of any increase in the annual refugee admissions ceiling that would be necessary to implement each change.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

SEC. 301. COMPREHENSIVE WORKFORCE PLAN.

(a) WORKFORCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department for the fiscal years 2003 through 2007. The plan shall consider personnel needs in both the Civil Service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth—

(1) the detailed mission of the Department;

(2) the definition of work to be done;

(3) a description of cyclical personnel needs based on expected retirements and attrition; and

(4) a statement of the time required to hire, train, and deploy new personnel.

(b) DOMESTIC STAFFING MODEL.—Not later than one year after the date of the enactment of this Act, the Secretary shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department.

SEC. 302. "RIGHTSIZING" OVERSEAS POSTS.

(a) ''RIGHTSIZING'' AT THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—The Secretary shall establish a task force within the Department on the issue of ''rightsizing'' overseas posts.

(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the task force.

(B) Measures for achieving the objectives under subparagraph (A).

(C) Identification of the official of the Department with primary responsibility for the issue of ''rightsizing''.

(D) The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C., area.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an interagency working group on the issue of ''rightsizing'' the overseas presence of the United States Government.

(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the working group.

(B) Measures for achieving the objectives under subparagraph (A).

(C) Identification of the official of each agency with primary responsibility for the issue of ''rightsizing''.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).

SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—

''(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

''(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

''(3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to international narcotics and law enforcement, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) law enforcement or international narcotics policy.''.

Subtitle B—Personnel Matters

SEC. 311. THOMAS JEFFERSON STAR FOR FOREIGN SERVICE.

Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a) is amended—

*(1) in the section heading, by striking ''**FOREIGN SERVICE STAR**'' and inserting ''**THOMAS JEFFERSON STAR FOR FOREIGN FOREIGN SERVICE**''; and*

(2) by striking ''Foreign Service star'' each place it appears and inserting ''Thomas Jefferson Star for Foreign Service''.

SEC. 312. PRESIDENTIAL RANK AWARDS.

(a) COMPARABLE PAYMENTS.—Section 405(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(3)) is amended by striking the second sentence and inserting ''Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of basic pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the basic pay established under section 4507(e)(2) of such title for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2002.

SEC. 313. FOREIGN SERVICE NATIONAL SAVINGS FUND.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking ''(C)'' and all that follows through ''covered employees.'' and inserting ''(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the Fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.''.

SEC. 314. CLARIFICATION OF SEPARATION FOR CAUSE.

(a) IN GENERAL.—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (1), by inserting ''decide to'' after ''may'';

(2) by striking paragraphs (2), (3), (4), (5), and (6); and

(3) by inserting after paragraph (1) the following:

''(2)(A) Except as provided in subparagraph (B), whenever the Secretary decides under paragraph (1) to separate, on the basis of misconduct, any member of the Service (other than a United States citizen employed under section 311 of the Foreign Service Act of 1980 who is not a family member) who either—

''(i) is serving under a career appointment, or

''(ii) is serving under a limited appointment,

the member may not be separated from the Service until the member receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been established, unless the member waives, in writing, the right to such a hearing, or the member's appointment has expired, whichever is sooner.

''(B) The right to a hearing in subparagraph (A) does not apply in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than one year may be imposed.

''(3) If the Board decides that cause for separation has not been established, the Board may direct the Department to pay reasonable attorneys' fees to the extent and in the manner provided by section 1107(b)(5). The hearing provided under this paragraph shall be conducted in accordance with the hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other Act. Section 1110 shall apply to proceedings under this paragraph.

''(4) Notwithstanding the hearing required by paragraph (2), at the time that the Secretary decides to separate a member of the Service for cause, the member shall be placed on leave without pay. If the member does not waive the right to a hearing, and the Board decides that cause for separation has not been established, the member shall be reinstated with back pay.''.

(b) CONFORMING AMENDMENTS.—Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended—

(1) in the first sentence—

(A) by striking ''the involuntary separation of the grievant,''; and

(B) by striking ''grievant, or'' and inserting ''grievant or''; and

(2) by striking the last sentence.

SEC. 315. DEPENDENTS ON FAMILY VISITATION TRAVEL.

(a) IN GENERAL.—Section 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(8)) is amended by striking ''Service'' and inserting ''Service, and members of his or her family,''.

(b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.

SEC. 316. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS.

Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4084(b)) is amended by striking ''families, and (3)'' and inserting ''families, (3) health education and disease prevention programs for all employees, and (4)''.

SEC. 317. CORRECTION OF TIME LIMITATION FOR GRIEVANCE FILING.

Section 1104(a) of the Foreign Service Act of 1980 (22 U.S.C. 4134(a)) is amended in the first sentence by striking ''but in no case less than two years'' and inserting ''but in no case more than three years''.

SEC. 318. TRAINING AUTHORITIES.

Section 2205 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of Public Law 105–277; 112 Stat. 2681–808) is amended—

(1) in the section heading, by striking ''pilot'';

(2) by striking subsection (a)(3); and

(3) by striking subsection (c).

SEC. 319. UNACCOMPANIED AIR BAGGAGE.

Section 5924(4)(B) of title 5, United States Code, is amended by inserting after the first sentence the following: ''At the election of the employee, in lieu of the transportation of the baggage of a dependent from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee, except that the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.''.

SEC. 320. EMERGENCY MEDICAL ADVANCE PAYMENTS.

Section 5927 of title 5, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows:

''(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

''(A) pursuant to United States Government authorization is located outside the country of employment; and

''(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.''; and

(2) in subsection (b), by striking ''appointed'' and inserting ''hired''.

SEC. 321. RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE PERFORMED ABROAD.

(a) RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE PERFORMED ABROAD.—Subject to subsection (b)(1), credit under chapter 84 of title 5, United States Code, shall be allowed for any service performed by an individual if or to the extent that—

(1) it was performed by such individual—

(A) after December 31, 1988, and before May 24, 1998;

(B) at a United States diplomatic mission, consular post (other than a consular agency), or other Foreign Service post abroad; and

(C) under a temporary appointment pursuant to sections 309 and 311 of the Foreign Service Act of 1980 (22 U.S.C. 3949 and 3951);

(2) at the time of performing such service, such individual would have satisfied all eligibility requirements under regulations of the Department (as in effect on the date of the enactment of this Act) for a family member limited noncareer appointment (within the meaning of such regulations, as in effect on such date of enactment), except that, in applying this paragraph, an individual not employed by the Department while performing such service shall be treated as if then so employed;

(3) such service would have been creditable under section 8411(b)(3) of such title 5 if—

(A) the service had been performed before January 1, 1989; and

(B) the deposit requirements of section 8411(f) of such title 5 had been met with respect to such service;

(4) such service would not otherwise be creditable under the Federal Employees' Retirement System or any other retirement system for employees of the United States Government (disregarding title II of the Social Security Act); and

(5) the total amount of service performed by such individual (satisfying paragraphs (1) through (4)) is not less than 90 days.

(b) REQUIREMENTS.—

(1) REQUIREMENTS OF THE INDIVIDUAL.—In order to receive credit under chapter 84 of title 5, United States Code, for any service described in subsection (a), the individual who performed such service (or, if deceased, any person who is or would be eligible for a survivor annuity under the Federal Employees' Retirement System based on the service of such individual)—

(A) shall file a written application with the Office of Personnel Management not later than 36 months after the effective date of the regulations prescribed to carry out this section (as specified in those regulations); and

(B) shall remit to the Office (for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund) the total amount that, under section 8422 of such title 5, should have been deducted from the basic pay of such individual for such service if such service had then been creditable under such chapter 84.

(2) GOVERNMENT CONTRIBUTIONS.—

(A) IN GENERAL.—In addition to any other payment that it is required to make under chapter 84 of title 5, United States Code, a department, agency, or other instrumentality of the United States shall remit to the Office of Personnel Management (for deposit in the Treasury of the United States to the credit of the Fund) the amount described in subparagraph (B).

(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is, with respect to a remittance under paragraph (1), the total amount of Government contributions that would, under section 8423 of title 5, United States Code, have been required of the instrumentality involved (to the extent that it was the employing entity during the period of service to which such remittance relates) in connection with such service.

(C) SPECIAL RULE.—If an amount cannot be remitted under this paragraph because an instrumentality has ceased to exist, such amount shall instead be treated as part of the supplemental liability referred to in section 8423(b)(1)(A) or (B) of title 5, United States Code (whichever would be appropriate).

(3) RELATED REQUIREMENTS.—Any remittance under paragraph (1) or (2)—

(A) shall be made in such time, form, and manner as the Office of Personnel Management may by regulation require; and

(B) shall be computed with interest (in accordance with section 8334(e) of title 5, United States Code, and such requirements as the Office may by regulation prescribe).

(4) NOTIFICATION AND ASSISTANCE REQUIREMENTS.—

(A) IN GENERAL.—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to have any service credited under this section, or to have any annuity computed or recomputed under this section, of their entitlement to such credit, computation, or recomputation.

(B) ASSISTANCE TO INDIVIDUALS.—The Office shall, on request, assist any individual referred to in subparagraph (A) in obtaining from any department, agency, or other instrumentality of the United States such information in the possession of such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited, or to have any annuity computed or recomputed, pursuant to this section.

(C) ASSISTANCE FROM INSTRUMENTALITIES.—Any department, agency, or other instrumentality of the United States that possesses any information with respect to any service described in subsection (a) shall, at the request of the Office, furnish such information to the Office.

(c) DEFINITIONS.—In this section:

(1) ABROAD.—The term ''abroad'' has the meaning given such term under section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902).

(2) BASIC PAY.—The term ''basic pay'' has the meaning given such term under section 8401 of title 5, United States Code.

(3) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—The term ''Civil Service Retirement and Disability Fund'' or ''Fund'' means the Civil Service Retirement and Disability Fund under section 8348 of title 5, United States Code.

(4) TEMPORARY APPOINTMENT.—The term ''temporary appointment'' means an appointment that is limited by its terms to a period of one year or less.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to permit or require the making of any contributions to the Thrift Savings Fund that would not otherwise have been permitted or required had this section not been enacted.

(e) APPLICABILITY.—

(1) ANNUITIES COMMENCING ON OR AFTER EFFECTIVE DATE OF IMPLEMENTING REGULATIONS.—An annuity or survivor annuity—

(A) which is based on the service of an individual who performed service described in subsection (a), and

(B) which commences on or after the effective date of the regulations prescribed to carry out this section (as determined under subsection (b)(1)(A)),

shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

(2) ANNUITIES WITH COMMENCEMENT DATE PRECEDING EFFECTIVE DATE OF IMPLEMENTING REGULATIONS.—

(A) RECOMPUTATION CASES.—An annuity or survivor annuity—

(i) which is based on the service of an individual who performed service described in subsection (a), and

(ii) which commences before the effective date referred to in paragraph (1)(B),

shall (subject to subsection (b)(1)) be recomputed taking into account all service described in subsection (a) that was performed by such individual.

(B) OTHER CASES.—An annuity or survivor annuity—

(i) which is based on the service of an individual who performed service described in subsection (a),

(ii) the requirements for entitlement which could not be met without taking into account service described in subsection (a), and

(iii) which (if service described in subsection (a) had been taken into account, and an appropriate application been submitted) would have commenced before the effective date referred to in paragraph (1)(B),

shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

(C) RETROACTIVE EFFECT.—Any computation or recomputation of an annuity or survivor annuity pursuant to this paragraph shall—

(i) if pursuant to subparagraph (A), be effective as of the commencement date of the annuity or survivor annuity involved; and

(ii) if pursuant to subparagraph (B), be effective as of the commencement date that would have applied if application for the annuity or survivor annuity involved had been submitted on the earliest date possible in order for it to have been approved.

(D) LUMP-SUM PAYMENT.—Any amounts which by virtue of subparagraph (C) are payable for any months preceding the first month (on or after the effective date referred to in paragraph (1)(B)) as of which annuity or survivor annuity payments become payable fully reflecting the computation or recomputation under subparagraph (A) or (B) (as the case may be) shall be payable in the form of a lump-sum payment.

(E) ORDER OF PRECEDENCE.—Section 8424(d) of title 5, United States Code, shall apply in the case of any payment under subparagraph (D) payable to an individual who has died.

(f) IMPLEMENTATION.—The Office of Personnel Management, in consultation with the Secretary, shall prescribe such regulations and take such action as may be necessary and appropriate to implement this section.

SEC. 322. COMPUTATION OF FOREIGN SERVICE RETIREMENT ANNUITIES AS IF WASHINGTON, D.C., LOCALITY-BASED COMPARABILITY PAYMENTS WERE MADE TO OVERSEAS-STATIONED FOREIGN SERVICE MEMBERS.

(a) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) COMPUTATION OF ANNUITIES.—Section 806(a) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)) is amended by adding at the end the following new paragraph:

''(9) For purposes of any annuity computation under this subsection, the basic salary or basic pay of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary or pay that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.''.

(2) GOVERNMENT CONTRIBUTIONS AND INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.—Section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''7'' and inserting ''7.25''; and

(ii) in the second sentence, by striking ''An equal amount shall be contributed by the Department'' and inserting ''The contribution by the employing agency shall be a percentage of basic salary equal to the percentage in effect under section 7001(d)(1) of the Balanced Budget Act of 1997 (Public Law 105–33; 22 U.S.C. 4045 note), and section 505(h) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–346; 114 Stat. 1356A–54), plus .25 percent of basic salary, and shall be made'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting at the end of the first sentence '', plus an amount equal to .25 percent of basic pay''; and

(ii) in subparagraph (B), by inserting at the end of the first sentence '', plus an amount equal to .25 percent of basic pay'';

(C) in paragraphs (1) and (2), by striking ''Department'' each place it appears and inserting ''employing agency''; and

(D) in paragraph (3), by inserting at the end of the first sentence '', plus .25 percent''.

(b) FOREIGN SERVICE PENSION SYSTEM.—

(1) COMPUTATION OF ANNUITIES.—Section 855(a) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(a)) is amended by adding at the end the following new paragraph:

''(3) For purposes of any annuity computation under this subsection, the average pay (as used in section 8414 of title 5, United States Code) of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.''.

(2) INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking:

''7.5 ..... After December 31, 2000.''

and inserting the following:

''7.5 ..... After December 31, 2000.''

(c) EFFECTIVE DATES.—

(1) COMPUTATION OF ANNUITIES.—The amendments made by subsections (a)(1) and (b)(1) shall apply to service performed on or after the first day of the first pay period beginning on or after the date that is 90 days after the date of enactment of this Act.

(2) GOVERNMENT CONTRIBUTIONS AND INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.—The amendments made by subsections (a)(2) and (b)(2) shall take effect with the first pay period beginning on or after the date that is 90 days after the date of enactment of this Act.

SEC. 323. PLAN FOR IMPROVING RECRUITMENT OF VETERANS INTO THE FOREIGN SERVICE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department to improve the recruitment of veterans for the career Foreign Service. The plan shall—

(1) address personnel issues relevant to such recruitment efforts; and

(2) include proposals for improving coordination between the Department and the Departments of Defense, Transportation, and Veterans Affairs in promoting the recruitment of veterans to the career Foreign Service.

(b) DEFINITION.—In this section, the term ''veterans'' has the meaning given that term in section 101(2) of title 38, United States Code.

SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.

On April 1, 2003, and April 1, 2004, the Secretary shall submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

(B) the numbers and percentages of members of all minority groups successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all minority groups successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all minority groups entering the junior officer class of the Foreign Service;

(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

(F) the numbers and percentages of members of all minority groups promoted to each grade of the Foreign Service.

(2) For the last preceding year for Civil Service employment at the Department for which such information is available—

(A) numbers and percentages of members of all minority groups entering the Civil Service;

(B) the number and percentages of members of all minority groups who are Civil Service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

SEC. 325. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.

(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) may not be used to pay salaries of employees of the Department.

(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary shall expand the recruitment efforts of the Department to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act) in the United States.

(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. Such report shall be included in each of the two reports required under section 324.

SEC. 326. ASSIGNMENTS AND DETAILS OF PERSONNEL TO THE AMERICAN INSTITUTE IN TAIWAN.

Section 503 of the Foreign Service Act of 1980 (22 U.S.C. 3983) is amended—

(1) by adding at the end the following new subsection:

''(d)(1) The Secretary may assign a member of the Service, or otherwise detail an employee of the Department, for duty at the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.

''(2) The head of any other department or agency of the United States may, with the concurrence of the Secretary, detail an employee of that department or agency to the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.

''(3) In this subsection, the term 'employee' does not include—

''(A) a noncareer appointee, limited term appointee, or limited emergency appointee (as such terms are defined in section 3132(a) of title 5, United States Code) in the Senior Executive Service; or

''(B) an employee in a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(4) An assignment or detail under this subsection may be made with or without reimbursement from the American Institute in Taiwan.

''(5) The period of an assignment or detail under this subsection shall not exceed a total of

6 years, except that the Secretary (or any other head of a department or agency of the United States, with the concurrence of the Secretary) may extend the period of an assignment or detail for an additional period of not more than 6 years.''; and

(2) in subsection (c), by striking ''Assignments'' and inserting ''Except as otherwise provided in subsection (d)(5), assignments''.

SEC. 327. ANNUAL REPORTS ON FOREIGN LANGUAGE COMPETENCE.

Section 702(c) of the Foreign Service Act of 1980 (22 U.S.C. 4022(c)) is amended—

(1) by striking ''March 31'' and inserting ''January 31''; and

(2) in paragraph (1), by striking ''calendar year'' and inserting ''fiscal year''.

SEC. 328. TRAVEL OF CHILDREN OF MEMBERS OF THE FOREIGN SERVICE ASSIGNED ABROAD.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended by striking ''port of entry in the contiguous 48 States which is nearest to that post'' and inserting ''residence of the other parent, or between the post to which the member is assigned and the residence of the child if the child does not reside with a parent''.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. PAYMENT OF THIRD INSTALLMENT OF ARREARAGES.

(a) IN GENERAL.—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–475) is amended as follows:

(1) Section 912(b)(3) is amended by striking '', upon the certification described in section 941'' and inserting the following: ''upon a certification described in section 941 with respect to the United Nations or a particular designated specialized agency, and immediately with respect to organizations to which none of the conditions in section 941(b) apply''.

(2) Section 941(a)(2) is amended—

(A) by striking ''also'';

(B) by striking ''in subsection (b)(4)'' both places it appears; and

(C) by striking '', if the other conditions in subsection (b) are satisfied''.

(3) Section 941(a)(3) is amended by striking ''and for any other organization to which none of the conditions in subsection (b) apply''.

(4) Section 941(b)(3) is amended—

(A) in the paragraph heading, by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''has established and'';

(C) by striking ''procedures'' and inserting ''practices''; and

(D) in subparagraphs (A) and (B) by striking ''require'' each place it appears and inserting ''result in''.

(5) Section 941(b)(9) is amended—

(A) in the paragraph heading by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''Each designated specialized agency has established procedures to—'' and inserting ''The practices of each designated specialized agency—''; and

(C) in subparagraphs (A), (B), and (C) by striking ''require'' each place it appears and inserting ''result in''.

(b) CONFORMING AMENDMENT.—The undesignated paragraph under the heading ''ARREARAGE PAYMENTS'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in section 1000 of division B of the Consolidated Appropriations Act, 2000; Public Law 106–113) is amended—

(1) in the first proviso, by striking ''the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and''; and

(2) by inserting after ''respective agencies:'' the following: ''Provided further, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency:''.

(c) TRANSMITTAL OF CERTIFICATIONS TO CONGRESS.—Section 912(c) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–477) is amended to read as follows:

''(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 15 days prior to payment of the funds, in the case of a certification submitted with respect to funds made available for fiscal year 2000.''.

SEC. 402. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS IN CALENDAR YEARS 2001 THROUGH 2004.

(a) IN GENERAL.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended—

(1) by striking ''Funds'' and inserting ''(A) IN GENERAL.—Except as provided in subparagraph (B), funds''; and

(2) by adding at the end the following:

''(B) REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.—Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:

''(i) For assessments made during calendar year 2001, 28.15 percent.

''(ii) For assessments made during calendar year 2002, 27.90 percent.

''(iii) For assessments made during calendar year 2003, 27.40 percent.

''(iv) For assessments made during calendar year 2004, 27.40 percent.''.

(b) CONFORMING AMENDMENTS TO PUBLIC LAW 92–544.—Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (22 U.S.C. 287e note) is amended—

(1) in the next to the last sentence of the undesignated paragraph under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' in Public Law 92–544 (22 U.S.C. 287e note), by striking ''After'' and inserting ''Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), after''; and

(2) in the last sentence of the undesignated paragraph under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' in Public Law 92–544 (22 U.S.C. 287e note)—

(A) by striking ''Appropriations are authorized'' and inserting ''Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), appropriations are authorized''; and

(B) by striking ''(other than United Nations peacekeeping operations) conducted'' and inserting ''conducted by or under the auspices of the United Nations or''.

SEC. 403. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 11. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

''None of the funds available to the Department of State shall be used to pay the United States share of assessed contributions for the regular budget of the United Nations in an amount greater than 22 percent of the total of all assessed contributions for that budget.''.

SEC. 404. PROMOTION OF SOUND FINANCIAL PRACTICES BY THE UNITED NATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In the early 1980s, the United States Government began to pay United States assessments to certain international organizations in the last quarter of the calendar year in which they were due. This practice allowed the United States to pay its annual assessment to the United Nations and other international organizations with the next fiscal year's appropriations, taking advantage of the fact that international organizations operate on calendar years. It also allowed the United States to reduce budgetary outlays, making the United States budget deficit appear smaller.

(2) The United States, which is assessed 22 percent of the United Nations regular budget, now pays its dues at least 10 months late, and often later depending on when the relevant appropriation is enacted.

(3) This practice causes the United Nations to operate throughout much of the year without a significant portion of its operating budget. By midyear, the budget is usually depleted, forcing the United Nations to borrow from its separate peacekeeping budget (the organization is prohibited from external borrowing). As a result, countries that contribute to United Nations peacekeeping missions are not reimbursed on a timely basis.

(4) For years, the United States has been encouraging the United Nations and other international organizations to engage in sound, fiscally responsible budgetary practices. In fact, many of the conditions in United States law for paying nearly $1,000,000,000 in debt to the United Nations and other international organizations are aimed at this goal. But late payment of United States dues forces the United Nations and other international organizations to engage in budgetary practices that are neither sound nor responsible.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should initiate a process to synchronize the payment of its assessments to the United Nations and other international organizations over a multiyear period so that the United States can resume paying its dues to such international organizations at the beginning of each calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for the purpose of payment of the United States assessed contributions to the United Nations and other international organizations, there are authorized to be appropriated such sums as may be necessary to carry out the policy described in subsection (b).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 405. REPORTS TO CONGRESS ON UNITED NATIONS ACTIVITIES.

(a) AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.—Section 4 of the United Nations Participation Act (22 U.S.C. 287b) is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.'';

(3) in subsection (e)(5) by striking subparagraph (B) and inserting the following:

''(B) ANNUAL REPORT.—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.''; and

(4) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.

(2) Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), is amended by striking subsection (d).

SEC. 406. USE OF SECRET BALLOTS WITHIN THE UNITED NATIONS.

Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing a detailed analysis, and a determination based on such analysis, on whether the use of secret ballots within the United Nations and the specialized agencies of the United Nations serves the interests of the United States.

SEC. 407. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.

It is the sense of Congress that the President, having announced that the United States will rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO), should submit a report to the appropriate congressional committees—

(1) describing the merits of renewing the membership and participation of the United States in UNESCO; and

(2) detailing the projected costs of United States membership in UNESCO.

SEC. 408. UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND INTERNATIONAL NARCOTICS CONTROL BOARD.

The United States, in connection with its voice and vote in the United Nations General Assembly and the United Nations Economic and Social Council, shall make every reasonable effort—

(1) to secure a seat for the United States on the United Nations Commission on Human Rights;

(2) to secure a seat for a United States national on the United Nations International Narcotics Control Board; and

(3) to prevent membership on the Human Rights Commission by any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country.

SEC. 409. PLAN FOR ENHANCED DEPARTMENT OF STATE EFFORTS TO PLACE UNITED STATES CITIZENS IN POSITIONS OF EMPLOYMENT IN THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan that provides for—

(1) proposals to reverse the decline in recent years in funding and personnel resources devoted to the placement of United States citizens in positions within the United Nations system;

(2) steps to intensify coordinated, high-level diplomatic efforts to place United States citizens in senior posts in the United Nations Secretariat and the specialized agencies of the United Nations; and

(3) appropriate mechanisms to address the underrepresentation, relative to the United States share of assessed contributions to the United Nations, of United States citizens in junior positions within the United Nations and its specialized agencies.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

SEC. 501. MODIFICATION OF LIMITATION ON GRANT AMOUNTS TO RFE/RL, INCORPORATED.

Section 308(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(c)) is amended to read as follows:

''(c) The total amount of grants made for the operating costs of RFE/RL, Incorporated, may not exceed $85,000,000 in fiscal year 2003.''.

SEC. 502. PAY PARITY FOR SENIOR EXECUTIVES OF RFE/RL, INCORPORATED.

Section 308(h)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is amended—

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

''(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated, to pay up to three employees employed in Washington, D.C., salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.''; and

(2) in subparagraph (A), by striking ''(B),'' and inserting ''(B) or (C),''.

SEC. 503. AUTHORITY TO CONTRACT FOR LOCAL BROADCASTING SERVICES OUTSIDE THE UNITED STATES.

Section 802(b)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)(4)) is amended—

(1) by inserting before the period the following: ''and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States''; and

(2) by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors''.

SEC. 504. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Director of the International Broadcasting Bureau (in this section referred to as the ''Director'') may establish a pilot program (in this section referred to as the ''program'') for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to Civil Service and classification laws, for service in the United States as broadcasters, producers, and writers in the International Broadcasting Bureau to respond to new or emerging broadcast needs or to augment broadcast services.

(b) CONDITIONS.—The Director is authorized to use the authority of subsection (a) subject to the following conditions:

(1) The Director determines that existing personnel resources are insufficient and the need is not of permanent duration.

(2) The Director approves each employment of a personal services contractor.

(3) The contract length, including options, may not exceed 2 years, unless the Director makes a finding that exceptional circumstances justify an extension of up to one additional year.

(4) Not more than a total of 60 United States citizens or aliens are employed at any one time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

SEC. 505. TRAVEL BY VOICE OF AMERICA CORRESPONDENTS.

(a) EXEMPTION FROM RESPONSIBILITIES OF THE SECRETARY.—Section 103(a)(1)(A) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802(a)(1)(A)) is amended in the parenthetical clause by inserting ''Voice of America correspondents on official assignment and'' after ''other than''.

(b) EXEMPTION FROM CHIEF OF MISSION RESPONSIBILITIES.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) in the parenthetical clause in subsection (a)(1), by inserting ''Voice of America correspondents on official assignment and'' after ''except for'';

(2) in the parenthetical clause in subsection (a)(2), by inserting ''Voice of America correspondents on official assignment and'' after ''except for''; and

(3) in the parenthetical clause in subsection (b), by inserting ''Voice of America correspondents on official assignment and'' after ''except for''.

SEC. 506. REPORT ON BROADCASTING PERSONNEL.

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report regarding senior personnel of the United States Broadcasting Board of Governors and efforts to diversify the workforce. The report shall include the following information, reported separately, for the International Broadcasting Bureau, RFE/RL, Incorporated, and Radio Free Asia:

(1) A list of all personnel positions at or above the GS–13 pay level.

(2) The number and percentage of women and members of minority groups in positions under paragraph (1).

(3) The increase or decrease in the representation of women and members of minority groups in positions under paragraph (1) from previous years.

(4) The recruitment budget for each broadcasting entity and the aggregate budget.

(5) Information concerning the recruitment efforts of the Broadcasting Board of Governors relating to women and members of minority groups, including the percentage of the recruitment budget utilized for such efforts.

SEC. 507. CONFORMING AMENDMENTS.

The United States International Broadcasting Act of 1994 (22 U.S.C.6201 et seq.) is amended—

(1) in section 305(a)(4) (22 U.S.C. 6204(a)(4)), by striking ''annually,,'' and inserting ''annually,''; and

(2) in section 313(a) (22 U.S.C. 6212(a)), in the text above paragraph (1), by striking ''the direction and''.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Middle East Peace Commitments Act of 2002

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Middle East Peace Commitments Act of 2002''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) In 1993, the Palestine Liberation Organization (in this subtitle referred to as the ''PLO'') made the following commitments in an exchange of letters with the Prime Minister of Israel:

(A) Recognition of the right of the State of Israel to exist in peace and security.

(B) Acceptance of United Nations Security Council Resolutions 242 and 338.

(C) Resolution of all outstanding issues in the conflict between the two sides through negotiations and exclusively peaceful means.

(D) Renunciation of the use of terrorism and all other acts of violence and responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators.

(2) The Palestinian Authority, the governing body of autonomous Palestinian territories, was

created as a result of agreements between the PLO and the State of Israel that are a direct outgrowth of the commitments made in 1993.

(3) Congress has provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made.

SEC. 603. REPORTS.

(a) IN GENERAL.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report on compliance by the PLO or the Palestinian Authority, as appropriate, with each of the commitments specified in section 602(1). The report shall include, with respect to each such commitment, the determination of the President as to whether or not the PLO or the Palestinian Authority, as appropriate, has complied with that commitment during the period since the submission of the preceding report or, in the case of the initial report, during the preceding six-month period. In the event that the President imposed one or more sanctions under section 604 during the period covered by the report, the report shall include a description of each such sanction imposed.

(b) TRANSMISSION.—The initial report required under subsection (a) shall be transmitted not later than 60 days after the date of enactment of this Act. Each subsequent report shall be submitted on the date on which the President is next required to submit a report under the P.L.O. Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) and may be combined with such report.

SEC. 604. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—If, in any report transmitted pursuant to section 603, the President determines that the PLO or the Palestinian Authority, as appropriate, has not complied with each of the commitments specified in section 602(1), or if the President fails to make a determination with respect to such compliance, the President shall, for a period of time not less than the period described in subsection (b), impose one or more of the following sanctions:

(1) DENIAL OF VISAS TO PLO AND PALESTINIAN AUTHORITY OFFICIALS.—The Secretary shall direct consular officers not to issue a visa to any member of the PLO or any official of the Palestinian Authority.

(2) DOWNGRADE IN STATUS OF PLO OFFICE IN THE UNITED STATES.—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

(3) DESIGNATION AS A FOREIGN TERRORIST ORGANIZATION.—The Secretary shall designate the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17), as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(4) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(b) DURATION OF SANCTIONS.—The period of time referred to in subsection (a) is the period of time commencing on the date that the report pursuant to section 603 was transmitted and ending on the later of—

(1) the date that is 180 days after such date; or

(2) the date that the next report under section 603 is required to be transmitted.

(c) WAIVER AUTHORITY.—The President may waive any sanction imposed under subsection (a) if the President determines that such a waiver is in the national security interest of the United States. The President shall report such a determination to the appropriate congressional committees.

Subtitle B—Tibet Policy

SEC. 611. SHORT TITLE.

This subtitle may be cited as ''Tibetan Policy Act of 2002''.

SEC. 612. STATEMENT OF PURPOSE.

The purpose of this subtitle is to support the aspirations of the Tibetan people to safeguard their distinct identity.

SEC. 613. TIBET NEGOTIATIONS.

(a) POLICY.—

(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet.

(2) COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.

(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report on—

(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1); and

(2) the status of any discussions between the People's Republic of China and the Dalai Lama or his representatives.

SEC. 614. REPORTING ON TIBET.

Whenever a report is transmitted to Congress under section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) or under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), Tibet shall be included in such report as a separate section.

SEC. 615. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA.

Section 302(h) of the U.S.-China Relations Act of 2000 (Public Law 106–286), relating to the Congressional-Executive Commission on the People's Republic of China, is amended—

(1) by striking ''shall include specific information'' and inserting the following: ''shall include—

''(1) specific information'';

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

(3) by adding at the end the following:

''(2) a description of the status of negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives, and measures taken to safeguard Tibet's distinct historical, religious, cultural, and linguistic identity and the protection of human rights.''.

SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

(a) DECLARATIONS OF POLICY.—It is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. In support of this policy, the United States shall use its voice and vote to support projects designed in accordance with the principles contained in subsection (d) that are designed to raise the standard of living for the Tibetan people and assist Tibetans to become self-sufficient.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

(c) EXPORT-IMPORT BANK AND TDA.—The Export-Import Bank of the United States and the Trade and Development Agency should support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

(d) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

(1) be implemented only after conducting a thorough assessment of the needs of the Tibetan people through field visits and interviews;

(2) be preceded by cultural and environmental impact assessments;

(3) foster self-sufficiency and self-reliance of Tibetans;

(4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;

(5) respect Tibetan culture, traditions, and the Tibetan knowledge and wisdom about their landscape and survival techniques;

(6) be subject to on-site monitoring by the development agencies to ensure that the intended target group benefits;

(7) be implemented by development agencies prepared to use Tibetan as the working language of the projects;

(8) neither provide incentive for, nor facilitate the migration and settlement of, non-Tibetans into Tibet; and

(9) neither provide incentive for, nor facilitate the transfer of ownership of, Tibetan land or natural resources to non-Tibetans.

SEC. 617. RELEASE OF PRISONERS AND ACCESS TO PRISONS.

The President and the Secretary, in meetings with representatives of the Government of the People's Republic of China, should—

(1) request the immediate and unconditional release of all those held prisoner for expressing their political or religious views in Tibet;

(2) seek access for international humanitarian organizations to prisoners in Tibet to ensure that prisoners are not being mistreated and are receiving necessary medical care; and

(3) seek the immediate medical parole of Tibetan prisoners known to be in serious ill health.

SEC. 618. ESTABLISHMENT OF A UNITED STATES BRANCH OFFICE IN LHASA, TIBET.

The Secretary should make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.

SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

The Secretary shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to a United States post in the People's Republic of China responsible for monitoring developments in Tibet.

SEC. 620. RELIGIOUS PERSECUTION IN TIBET.

(a) HIGH-LEVEL CONTACTS.—Pursuant to section 105 of the International Religious Freedom Act of 1998 (22 U.S.C. 6414), the United States Ambassador to the People's Republic of China should—

(1) meet with the 11th Panchen Lama, who was taken from his home on May 17, 1995, and otherwise ascertain information concerning his whereabouts and well-being; and

(2) request that the Government of the People's Republic of China release the 11th Panchen Lama and allow him to pursue his religious studies without interference and according to tradition.

(b) PROMOTION OF INCREASED ADVOCACY.—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in

exchanges with officials of the Government of the People's Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People's Republic of China or the Communist Party in the religious affairs of the Tibetan people.

SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department a United States Special Coordinator for Tibetan Issues (in this section referred to as the ''Special Coordinator'').

(b) CONSULTATION.—The Secretary shall consult with the chairmen and ranking minority members of the appropriate congressional committees prior to the designation of the Special Coordinator.

(c) CENTRAL OBJECTIVE.—The central objective of the Special Coordinator is to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives.

(d) DUTIES AND RESPONSIBILITIES.—The Special Coordinator shall—

(1) coordinate United States Government policies, programs, and projects concerning Tibet;

(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal;

(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and

(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.

Subtitle C—East Timor Transition to Independence Act of 2002

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''East Timor Transition to Independence Act of 2002''.

SEC. 632. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor's health care infrastructure, educational programs, and programs strengthening the role of women in society;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor;

(6) support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor; and

(7) promote the development of the rule of law.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section $25,000,000 for the fiscal year 2003.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 633. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 634. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—The President should initiate negotiations with the Government of East Timor to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection $1,000,000 for fiscal year 2003.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to East Timor to the extent such activities are requested and to the extent there is a reasonable assurance of repayment.

SEC. 635. GENERALIZED SYSTEM OF PREFERENCES.

As soon as possible after the enactment of this Act, the United States Trade Representative and the Commissioner of Customs should send an assessment team to East Timor to compile a list of duty-free eligible products so that the Government of East Timor can begin the process of applying for General System of Preference benefits.

SEC. 636. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors should broadcast to East Timor in an appropriate language or languages.

SEC. 637. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) STUDY AND REPORT.—

(1) STUDY.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains the findings of the study conducted under paragraph (1).

(b) AUTHORIZATION OF ASSISTANCE.—

(1) IN GENERAL.—Beginning on the date on which Congress receives the report transmitted under subsection (a)(2), or the date on which Congress receives the certification transmitted under paragraph (2), whichever occurs later, the President is authorized—

(A) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(B) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(2) CERTIFICATION.—A certification described in this paragraph is a certification that—

(A) East Timor has established an independent armed forces; and

(B) the assistance proposed to be provided pursuant to paragraph (1)—

(i) is in the national security interests of the United States; and

(ii) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

SEC. 638. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 12 months thereafter for the next five years, the Secretary shall prepare and transmit to the appropriate congressional committees a report that contains the information described in subsection (b).

(b) INFORMATION.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections which have occurred in East Timor and the refugee reintegration process in East Timor;

(2) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 632, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;

(4) an assessment of the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, or the Trade and Development Agency during the period of time since the previous report;

(5) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and

(6) statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.

Subtitle D—Clean Water for the Americas Partnership

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Clean Water for the Americas Partnership Act of 2002''.

SEC. 642. DEFINITIONS.

In this subtitle:

(1) JOINT PROJECT.—The term ''joint project'' means a project between a United States association or nonprofit entity and a Latin American or Caribbean association or nongovernmental organization.

(2) LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.—The term ''Latin American or Caribbean nongovernmental organization'' includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

(3) REGION.—The term ''region'' refers to the region comprised of the member countries of the Organization of American States (other than the United States and Canada).

(4) UNITED STATES ASSOCIATION.—The term ''United States association'' means a business league described in section 501(c)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(6)), and exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(5) UNITED STATES NONPROFIT ENTITY.—The term ''United States nonprofit entity'' includes any institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the United States.

SEC. 643. ESTABLISHMENT OF PROGRAM.

The President is authorized to establish a program which shall be known as the ''Clean Water for the Americas Partnership''.

SEC. 644. ENVIRONMENTAL ASSESSMENT.

The President is authorized to conduct a comprehensive assessment of the environmental problems in the region to determine—

(1) which environmental problems threaten human health the most, particularly the health of the urban poor;

(2) which environmental problems are most threatening, in the long-term, to the region's natural resources;

(3) which countries have the most pressing environmental problems; and

(4) whether and to what extent there is a market for United States environmental technology, practices, knowledge, and innovations in the region.

SEC. 645. ESTABLISHMENT OF TECHNOLOGY AMERICA CENTERS.

(a) AUTHORITY TO ESTABLISH.—The President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, is authorized to establish Technology America Centers (TEAMs) in the region to serve the entire region and, where appropriate, to establish TEAMs in urban areas of the region to focus on urban environmental problems.

(b) FUNCTIONS.—The TEAMs would link United States private sector environmental technology firms with local partners, both public and private, by providing logistic and information support to United States firms seeking to find local partners and opportunities for environmental projects. TEAMs should emphasize assisting United States small businesses.

(c) LOCATION.—In determining whether to locate a TEAM in a country, the President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, shall take into account the country's need for logistic and informational support and the opportunities presented for United States firms in the country. A TEAM may be located in a country without regard to whether a mission of the United States Agency for International Development is established in that country.

SEC. 646. PROMOTION OF WATER QUALITY, WATER TREATMENT SYSTEMS, AND ENERGY EFFICIENCY.

Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in the region. The grants shall be used to support joint projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

SEC. 647. GRANTS FOR PREFEASIBILITY STUDIES WITHIN A DESIGNATED SUBREGION.

(a) GRANT AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director of the Trade and Development Agency is authorized to make grants for prefeasibility studies for water projects in any country within a single subregion or in a single country designated under paragraph (2).

(2) DESIGNATION OF SUBREGION.—The Director of the Trade and Development Agency shall designate in advance a single subregion or a single country for purposes of paragraph (1).

(b) MATCHING REQUIREMENT.—The Director of the Trade and Development Agency may not make any grant under this section unless there are made available non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant.

(c) LIMITATION PER SINGLE PROJECT.—With respect to any single project, grant funds under this section shall be available only for the prefeasibility portion of that project.

(d) DEFINITIONS.—In this section:

(1) PREFEASIBILITY.—The term ''prefeasibility'' means, with respect to a project, not more than 25 percent of the design phase of the project.

(2) SUBREGION.—The term ''subregion'' means an area within the region and includes areas such as Central America, the Andean region, and the Southern cone.

SEC. 648. CLEAN WATER TECHNICAL SUPPORT COMMITTEE.

(a) IN GENERAL.—The President is authorized to establish a Clean Water Technical Support Committee (in this section referred to as the ''Committee'') to provide technical support and training services for individual water projects.

(b) COMPOSITION.—The Committee shall consist of international investors, lenders, water service providers, suppliers, advisers, and others with a direct interest in accelerating development of water projects in the region.

(c) FUNCTIONS.—Members of the Committee shall act as field advisers and may form specialized working groups to provide in-country training and technical assistance, and shall serve as a source of technical support to resolve barriers to project development.

SEC. 649. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2003, 2004, and 2005 to carry out this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 650. REPORT.

Eighteen months after the establishment of the program pursuant to section 643, the President shall submit a report to the appropriate congressional committees containing—

(1) an assessment of the progress made in carrying out the program established under this subtitle; and

(2) any recommendations for the enactment of legislation to make changes in the program established under this subtitle.

SEC. 651. TERMINATION DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the authorities of this subtitle shall terminate 3 years after the date of establishment of the program described in section 643.

(b) EXCEPTION.—In lieu of the termination date specified in subsection (a), the termination required by that subsection shall take effect five years after the date of establishment of the program described in section 643 if, prior to the termination date specified in subsection (a), the President determines and certifies to the appropriate congressional committees that it would be in the national interest of the United States to continue the program described in such section 643 for an additional 2-year period.

SEC. 652. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of enactment of this Act.

Subtitle E—Freedom Investment Act of 2002

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Freedom Investment Act of 2002''.

SEC. 662. PURPOSES.

The purposes of this subtitle are the following:

(1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.

(2) To establish a goal of devoting one percent of the funds available to the Department under ''Diplomatic and Consular Programs'', other than such funds that will be made available for worldwide security upgrades and information resource management, to enhance the ability of the United States to promote respect for human rights and the protection of human rights defenders.

SEC. 663. HUMAN RIGHTS ACTIVITIES AT THE DEPARTMENT OF STATE.

(a) INCREASING RESOURCES AND IMPORTANCE OF HUMAN RIGHTS.—It is the sense of Congress that—

(1) the budget for the Bureau of Democracy, Human Rights, and Labor for fiscal years 2003 and 2004 should be substantially increased so that beginning in fiscal year 2005, and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department under the heading ''Diplomatic and Consular Programs'', other than amounts made available for worldwide security upgrades and information resource management, should be made available for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor; and

(2) any assignment of an individual to a political officer position at a United States mission abroad that has the primary responsibility for monitoring human rights developments in a foreign country should be made upon the recommendation of the Assistant Secretary of State for Democracy, Human Rights, and Labor in conjunction with the head of the Department's regional bureau having primary responsibility for that country.

(b) PLAN RELATED TO HUMAN RIGHTS ACTIVITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department designed to achieve the following objectives:

(1) Improving the integration of human rights policy into the Department's overall policy formulation and implementation.

(2) Achieving closer communication and policy coordination between the Bureau of Democracy, Human Rights, and Labor and the regional bureaus of the Department, both within the United States and at overseas posts.

(3) Assigning individuals recommended by the Bureau of Democracy, Human Rights, and Labor, in conjunction with the relevant Department regional bureau, to political officer positions at United States missions abroad that have the primary responsibility for monitoring human rights developments in foreign countries.

SEC. 664. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—There is established a Human Rights and Democracy Fund (in this section referred to as the ''Fund'') to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(b) PURPOSES OF FUND.—The purposes of the Fund shall be—

(1) to support defenders of human rights;

(2) to assist the victims of human rights violations;

(3) to respond to human rights emergencies;

(4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in foreign countries; and

(5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) FUNDING.—

(1) IN GENERAL.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2003, $21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b). Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) ALLOCATION OF FUNDS FOR THE DOCUMENTATION CENTER OF CAMBODIA.—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, $1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) FATHER JOHN KAISER MEMORIAL FUND.—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, $500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the ''Father John Kaiser Memorial Fund''.

SEC. 665. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.

(a) SECTION 116 REPORT.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (7), by striking ''and'' at the end and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.''.

(b) SECTION 502B REPORT.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the fourth sentence the following: ''Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.''.

(c) SEPARATE REPORT.—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

Subtitle F—Elimination and Streamlining of Reporting Requirements

SEC. 671. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

The following provisions of law are hereby repealed:

(1) ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711).

(2) ANNUAL REPORTS ON ECONOMIC AND SOCIAL GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (22 U.S.C. 2394 note).

(3) REPORTING REQUIREMENTS REGARDING CERTAIN LEASES OF REAL PROPERTY.—Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g(3); relating to reporting requirements regarding certain leases of real property).

(4) REPORTING REQUIREMENTS REGARDING PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.—Section 324 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 324 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–437).

SEC. 672. BIENNIAL REPORTS ON PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) CONVERSION OF ANNUAL REPORTS TO BIENNIAL REPORTS.—Section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)) is amended—

(1) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''BIENNIAL REPORTS''; and

(2) in paragraph (1)—

(A) in the text above subparagraph (A), by striking ''an annual report'' and inserting ''a biennial report'';

(B) in subparagraph (A), by striking ''prior year'' and inserting ''preceding two-year period''; and

(C) in subparagraph (B), by striking ''prior year'' and inserting ''preceding two-year period''.

(b) TRANSITION.—The first biennial report under section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)), as amended by subsection (a), is required to be submitted not later than two years after the date of submission of the last annual report required under such section 133 (as in effect before the date of enactment of this Act).

Subtitle G—Other Matters

SEC. 681. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.

(a) VIOLATIONS OF RELIGIOUS FREEDOM.—Section 102(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(B)) is amended by inserting ''including policies that discriminate against particular religious groups or members of such groups,'' after ''the existence of government policies violating religious freedom,''.

(b) ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

''(2) ESTABLISHMENT OF STAGGERED TERMS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph.

''(B) PRESIDENTIAL APPOINTMENTS.—Of the three members of the Commission appointed by the President under subsection (b)(1)(B)(i), two shall be appointed to a 1-year term and one shall be appointed to a 2-year term.

''(C) APPOINTMENTS BY THE PRESIDENT PRO TEMPORE OF THE SENATE.—Of the three members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), one of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

''(D) APPOINTMENTS BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.—Of the three members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), one of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

''(E) APPOINTMENTS TO 1-YEAR TERMS.—The term of each member of the Commission appointed to a 1-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a 1-year term shall be filled by the appointment of a successor to a 2-year term.

''(F) APPOINTMENTS TO 2-YEAR TERMS.—Each appointment of a member to a two-year term shall identify the member succeeded thereby, and each such term shall end on May 14 of the year that is at least two years after the expiration of the previous term, regardless of the date of the appointment to the Commission.''.

(c) ELECTION OF CHAIR OF COMMISSION.—Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking ''in each calendar'' and inserting ''after May 30 of each''.

(d) VACANCIES.—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: ''A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.''.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting ''for the fiscal year 2003'' after ''$3,000,000''.

(f) PROCUREMENT OF NONGOVERNMENTAL SERVICES.—The third sentence of section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended to read as follows: ''The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code, except that the Commission may not expend more than $100,000 in any fiscal year to procure such services.''.

(g) REVISED TERMINATION DATE OF COMMISSION.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking ''May 14, 2003'' and inserting ''September 30, 2011''.

SEC. 682. AMENDMENTS TO THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—Section 107(a)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(a)(1)) is amended by adding at the end the following: ''In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

''(A) Support for local in-country nongovernmental organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities.

''(B) Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention.

''(C) Education and training for trafficked women and girls.

''(D) The safe integration or reintegration of trafficked individuals into an appropriate community or family, with full respect for the wishes, dignity, and safety of the trafficked individual.

''(E) Support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a), by striking ''for fiscal year 2002'' and inserting ''for each of the fiscal years 2002 and 2003'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and $10,000,000 for fiscal year 2002'' and inserting '', $10,000,000 for fiscal year 2002, and $15,000,000 for fiscal year 2003''; and

(B) in paragraph (2)—

(i) by striking ''there are authorized to be appropriated to the Secretary of State'' and inserting ''there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001, 2002, and 2003''; and

(ii) by striking ''for fiscal year 2001'' and inserting ''for such fiscal year''; and

(3) in paragraphs (1) and (2) of subsection (e), by striking ''and $10,000,000 for fiscal year 2002'' each place it appears and inserting '', $10,000,000 for fiscal year 2002, and $15,000,000 for fiscal year 2003''.

SEC. 683. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON CHILD SOLDIERS.

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by section 665(a) of this Act, is further amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10)(A) wherever applicable, a description of the nature and extent—

''(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

''(ii) that such individuals take a direct part in hostilities;

''(B) what steps, if any, taken by the government of the country to eliminate such practices; and

''(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary.''.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the sixth sentence the following: ''Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State.''.

SEC. 684. EXTENSION OF AUTHORITY FOR CAUCUS ON INTERNATIONAL NARCOTICS CONTROL.

Section 814(i) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) is amended by striking ''2002'' and inserting ''2005''.

SEC. 685. PARTICIPATION OF SOUTH ASIAN COUNTRIES IN INTERNATIONAL LAW ENFORCEMENT.

The Secretary shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

SEC. 686. PAYMENT OF ANTI-TERRORISM JUDGMENTS.

Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1542)) is amended by striking ''or July 27, 2000'' and inserting ''June 6, 2000, July 27, 2000, or January 16, 2002''.

SEC. 687. REPORTS ON PARTICIPATION BY SMALL BUSINESSES IN PROCUREMENT CONTRACTS OF USAID.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the designated congressional committees a report that contains the following:

(1) For each of the fiscal years 2000, 2001, and 2002:

(A) The total number of the contracts that were awarded by the Agency to—

(i) all small businesses;

(ii) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(iii) small business concerns owned and controlled by women;

(iv) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and

(v) qualified HUBZone small business concerns.

(B) The percentage of all contracts awarded by the Agency that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(C) Of all contracts awarded by the Agency for performance in the United States, the percentage of the contracts that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(D) To the extent available—

(i) the total number of grant and cooperative agreements that were made by the Agency to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A);

(ii) the percentage of all grant and cooperative agreements awarded by the Agency that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts; and

(iii) of all grant and cooperative agreements made by the Agency to entities in the United States, the percentage of the grant and cooperative agreements that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(E) To the extent available—

(i) the total dollar amount of all subcontracts entered into with the small businesses in each category specified in clauses (i) through (v) of subparagraph (A) by the prime contractors for contracts entered into by the Agency; and

(ii) the percentage of all contracts entered into by the Agency that were performed under subcontracts described in clause (i), as computed on the basis of dollar amounts.

(2) An analysis of any specific industries or sectors that are underrepresented by small businesses in the awarding of contracts by the Agency and, to the extent such information is available, such analysis pertaining to the making of grants and cooperative agreements by the Agency.

(3) A specific plan of outreach, including measurable achievement milestones, to increase the total number of contracts that are awarded by the Agency, and the percentage of all contracts awarded by the Agency (computed on the basis of dollar amount) that are awarded, to—

(A) all small businesses;

(B) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(C) small business concerns owned and controlled by women;

(D) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and

(E) qualified HUBZone small business concerns,

in order to meet the statutory and voluntary targets established by the Agency and the Small Business Administration, with a particular focus on the industries or sectors identified in paragraph (2).

(4) Any other information the Administrator determines appropriate.

(b) PLAN TO INCREASE SMALL BUSINESS CONTRACTING.—The plan required for the report under subsection (a)(3) shall include the following matters:

(1) Proposals and milestones that apply to all contracts entered into by or on behalf of the Agency in Washington, D.C., and proposals and milestones that apply to all contracts entered into by or on behalf of the Agency by offices outside Washington, D.C.

(2) Proposals and milestones of the Agency to increase the amount of subcontracting to businesses described in such subsection (a)(3) by the prime contractors of the Agency.

(3) With the milestones described in paragraph (2), a description of how the Administrator plans to use the failure of a prime contractor to meet goals as a ranking factor for evaluating any other submission from the contractor for future contracts by the Agency.

(c) ANNUAL REPORTS.—Not later than January 31, 2004, January 31, 2005, and January 31, 2006, the Administrator shall submit to the designated congressional committees a report for the preceding fiscal year that contains a description of the percentage of total contract and grant and cooperative agreement dollar amounts that were entered into by the Agency, and the total number of contracts and grants and cooperative agreements that were awarded by the Agency, to small businesses in each category specified in clauses (i) through (v) of subsection (a)(1)(A) during such fiscal year. The report for a fiscal year shall include, separately stated for contracts and grant and cooperative agreements entered into by the Agency, the percentage of the contracts and grant and cooperative agreements, respectively, that were awarded to small businesses in each such category, as computed on the basis of dollar amounts. The report shall also include a description of achievements toward measurable milestones for direct contracts of the Agency entered into by offices outside of Washington, D.C., and for subcontracting by prime contractors of the Agency.

(d) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''Agency'' means the United States Agency for International Development.

(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means—

(A) the Committee on International Relations and the Committee on Small Business of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Small Business of the Senate.

SEC. 688. PROGRAM TO IMPROVE BUILDING CONSTRUCTION AND PRACTICES IN LATIN AMERICAN COUNTRIES.

(a) IN GENERAL.—The President, acting through the Administrator of the United States Agency for International Development, is authorized, under such terms and conditions as the President may determine, to carry out a program to improve building construction codes and practices in Ecuador, El Salvador, and other

Latin American countries (in this section referred to as the ''program'').

(b) PROGRAM DESCRIPTION.—

(1) IN GENERAL.—The program shall be in the form of grants to, or contracts with, organizations described in paragraph (2) to support the following activities:

(A) TRAINING.—Training of appropriate professionals in Latin America from both the public and private sectors to enhance their understanding of building and housing codes and standards.

(B) TRANSLATION AND DISTRIBUTION.—Translating and distributing in the region detailed construction manuals, model building codes, and publications from organizations described in paragraph (2), including materials that address zoning, egress, fire and life safety, plumbing, sewage, sanitation, electrical installation, mechanical installation, structural engineering, and seismic design.

(C) OTHER ASSISTANCE.—Offering other relevant assistance as needed, such as helping government officials develop seismic micro-zonation maps or draft pertinent legislation, to implement building codes and practices that will help improve the resistance of buildings and housing in the region to seismic activity and other natural disasters.

(2) COVERED ORGANIZATIONS.—Grants and contracts provided under this section shall be carried out through United States organizations with expertise in the areas described in paragraph (1), including the American Society of Testing Materials, the Underwriters Laboratories, the American Society of Mechanical Engineers, the American Society of Civil Engineers, the American Society of Heating, Refrigeration, and Air Conditioning Engineers, the International Association of Plumbing and Mechanical Officials, the International Code Council, and the National Fire Protection Association.

SEC. 689. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the President should direct the Secretary and the United States Representative to the United Nations to urge the United Nations to adopt an HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.

SEC. 690. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Congress finds the following:

(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.

(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.

(3) The Magen David Adom Society is the national humanitarian society in the State of Israel.

(4) Since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and

(4) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

SEC. 691. SENSE OF CONGRESS REGARDING THE LOCATION OF PEACE CORPS OFFICES ABROAD.

It is the sense of the Congress that, to the degree permitted by security considerations, the Secretary should give favorable consideration to requests by the Director of the Peace Corps that the Secretary exercise his authority under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act in order to permit the Peace Corps to maintain offices in foreign countries at locations separate from the United States embassy.

SEC. 692. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.

It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

SEC. 693. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.

It is the sense of the Congress that the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.

(a) REPORT ON REFORM ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

(2) CONTENTS.—Each such report shall contain the following:

(A) A summary of activities described in paragraph (1) during the previous 12-month period.

(B) An estimated timetable for the conduct of such activities in the subsequent 12-month period.

(C) An explanation of any delay in meeting timetables contained in the previous report submitted in accordance with this subsection.

(D) An assessment of steps to be taken to correct any delays in meeting such timetables.

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in Colombia by United States businesses that have entered into agreements with the Department or the Department of Defense to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements in the previous 12-month period with the Department or the Department of Defense to carry out counternarcotics activities in Colombia.

(3) CONTENTS.—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department and the Department of Defense to each such business for such activities.

(C) A written statement justifying the decision by the Department and the Department of Defense to enter into an agreement with each such business for such activities.

(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) DEFINITION.—In this subsection, the term ''United States business'' means any person (including any corporation, partnership, or other organization) that is subject to the jurisdiction of the United States or organized under the laws of the United States, but does not include any person (including any corporation, partnership, or other organization) that performs contracts involving personal services.

SEC. 695. REPORT ON UNITED STATES-SPONSORED ACTIVITIES IN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Heroin originating from Colombia is beginning to dominate the illicit market of that narcotic in the United States partly because law enforcement has struggled to interdict effectively what is often voluminous importations of small quantities of Colombia's inexpensive and pure heroin.

(2) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis in the United States, according to Federal law enforcement officials.

(3) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern.

(4) As a result of Plan Colombia-related activities, drug traffickers, guerrillas, and paramilitary groups have made incursions from Colombia into Ecuador, increasing the level of violence and delinquency in the border region.

(b) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees which sets forth a statement of policy and comprehensive strategy for United States activities in Colombia related to—

(1) the eradication of all opium cultivation at its source in Colombia; and

(2) the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia.

SEC. 696. REPORT ON EXTRADITION POLICY AND PRACTICE.

Not later than May 1, 2003, the Secretary shall submit a report to the appropriate congressional committees on extradition practice between the United States and governments of foreign countries with which the United States has an extradition relationship. The report shall include—

(1) an aggregate list, by country, of—

(A) the number of extradition requests made by the United States to that country in 2002; and

(B) the number of fugitives extradited by that country to the United States in 2002;

(2) an aggregate list, by country, of—

(A) the number of extradition requests made by that country to the United States in 2002; and

(B) the number of fugitives extradited by the United States to that country in 2002;

(3) any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives (including a discussion of the unwillingness of treaty partners to extradite nationals or where fugitives

may face capital punishment or life imprisonment); and

(4) a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties, and its agenda for such negotiations in 2003.

SEC. 697. SPECIAL COURT FOR SIERRA LEONE.

(a) FINDING.—Congress finds that prompt establishment of a Special Court for Sierra Leone is an important step in restoring a credible system of justice and accountability for the crimes committed in Sierra Leone and would contribute to the process of national reconciliation in that country.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the Truth and Reconciliation Commission in Sierra Leone, including through assistance in the collection of human rights data relevant to the Commission's work.

(c) ALLOCATION OF FUNDS.—Of the amounts made available to the Department of State for fiscal year 2003, there is authorized to be available $5,000,000 to support the Special Court for Sierra Leone.

(d) EXTENSION OF REWARDS PROGRAM.—Section 102 of Public Law 105–323, as amended (22 U.S.C. 2708 note), is further amended—

(1) in subsection (a), by inserting ''the Special Court of Sierra Leone'' after ''by,''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) For the purposes of subsection (a), the Statute of the Special Court for Sierra Leone means the Statute contained in the Annex to the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.''.

SEC. 698. UNITED STATES ENVOY FOR PEACE IN SUDAN.

There should continue to be a United States Envoy for Peace in Sudan until the full implementation of a comprehensive settlement to the conflict in Sudan that is acceptable to the parties to the conflict.

SEC. 699. TRANSFER OF PROSCRIBED WEAPONS TO PERSONS OR ENTITIES IN THE WEST BANK AND GAZA.

(a) DETERMINATION REGARDING TRANSFERS.—If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b), no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 and no sales of defense articles or defense services may be made to the person or entity under section 23 of the Arms Export Control Act.

(b) DURATION OF PROHIBITION.—The period referred to in subsection (a) is the period commencing on the date on which a notification of a determination under subsection (a) is submitted to the appropriate congressional committees and ending on the date that is two years after such date.

(c) REPORT.—In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101–246), the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a).

(d) DEFINITION.—In this section, the term ''proscribed weapons'' means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate.

SEC. 700. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.

(a) FINDINGS.—Congress finds that—

(1) beginning in 1993, naturally occurring inorganic arsenic contamination of water began to be confirmed in Bangladesh in tube-wells installed in the 1970s, when standard water testing did not include arsenic tests;

(2) because health effects of ingesting arsenic-contaminated drinking water appear slowly, preventative measures are critical to preventing future contamination in the Bangladeshi population; and

(3) health effects of exposure to arsenic include skin lesions, skin cancer, and mortality from internal cancers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should—

(1) work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long-term solution to the arsenic-contaminated drinking water problem in Bangladesh, including drawing arsenic out of the existing tube-wells and finding alternate sources of water; and

(2) submit a report to the appropriate congressional committees on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

SEC. 701. POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.

(a) CONGRESSIONAL STATEMENT OF POLICY.—Congress—

(1) supports independent judicial public inquiries into the murders of defense attorneys Patrick Finucane and Rosemary Nelson as a way to instill confidence in the Police Service of Northern Ireland; and

(2) continues to urge the United Kingdom to take appropriate action to protect defense lawyers and human rights defenders in Northern Ireland.

(b) DECOMMISSIONING WEAPONS.—Congress—

(1) calls on the Irish Republican Army to continue and complete the decommissioning of all their arms and explosives; and

(2) calls for—

(A) the decommissioning of all weapons held by paramilitaries on all sides, such as the Provisional Irish Republican Army (PIRA), the Real Irish Republican Army (RIRA), the Continuity Irish Republican Army (CIRA), the Loyalist Volunteer Force (LVF), the Orange Volunteers (OV), the Red Hand Defenders (RHD), the Ulster Defense Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF); and

(B) the immediate cessation of paramilitary punishment attacks and exiling.

(c) SUPPORT FOR GLOBAL WAR ON TERRORISM.—Congress recognizes the United Kingdom's commitment to support the United States in a global war on terrorism.

(d) REPORT ON POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees on the following:

(1) The extent to which the Governments of the United Kingdom and Ireland have implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, including the effectiveness of such procedures, in the new Police Service of Northern Ireland.

(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hammill, including the extent to which progress has been made on recommendations for independent judicial public inquiries into these murders.

(3) All decommissioning acts taken to date by the Irish Republican Army, including the quantity and precise character of what the IRA decommissioned, as reported and verified by the International Commission on Decommissioning.

(4) All acts of decommissioning taken by other paramilitary organizations, including a description of all weapons and explosives decommissioned.

(5) A description of the measures taken to ensure that the programs described under subsection (e) comply with the requirements of that subsection.

(e) COMPLIANCE WITH PRIOR PROVISIONS.—Any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Police Service of Northern Ireland or its members shall—

(1) be necessary to improve the professionalism of policing in Northern Ireland;

(2) be necessary to advance the peace process in Northern Ireland;

(3) include in the curriculum a significant human rights component; and

(4) only be provided to Police Service of Northern Ireland (PSNI) members who have been subject to a vetting procedure established by the Department and the Department of Justice to ensure that such program does not include PSNI members who there are substantial ground for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland.

SEC. 702. ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS.

Not later than December 31 of each year or 60 days after the second United States-Vietnam human rights dialogue meeting held in a calendar year, whichever is earlier, the Secretary shall submit to the appropriate congressional committees a report covering the issues discussed at the previous two meetings and describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP).

(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.

(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.

(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.

(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.

(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

SEC. 703. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN INDONESIA.

It is the sense of Congress that the Government of Indonesia should—

(1) demonstrate substantial progress toward ending human rights violations by the armed forces in Indonesia (TNI);

(2) terminate any TNI support for and cooperation with terrorist organizations, including Laskar Jihad and militias operating in the Malukus, Central Sulawesi, West Papua (Irian Jaya), and elsewhere;

(3) investigate and prosecute those responsible for human rights violations, including TNI officials, members of Laskar Jihad, militias, and other terrorist organizations; and

(4) make concerted and demonstrable efforts to find and prosecute those responsible for the murders of Papuan leader Theys Elvay, Acehnse human rights advocate Jafar Siddiq Hamzah, and United States citizens Edwin L. Burgon and Ricky L. Spier.

SEC. 704. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".

(a) REPORT CONCERNING THE GERMAN FOUNDATION ''REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE''.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until all funds made available to the German Foundation have been disbursed, the Secretary shall report to the appropriate congressional committees on the status of the implementation of the Agreement and, to the extent possible, on whether or not—

(1) during the 180-day period preceding the date of the report, the German Bundestag has authorized the allocation of funds to the Foundation, in accordance with section 17 of the law on the creation of the Foundation, enacted by the Federal Republic of Germany on August 8, 2000;

(2) the entire sum of 10,000,000,000 deutsche marks has been made available to the German Foundation in accordance with Annex B to the Joint Statement of July 17, 2000;

(3) during the 180-day period preceding the date of the report, any company or companies investigating a claim, who are members of ICHEIC, were required to provide to the claimant, within 90 days after receiving the claim, a status report on the claim, or a decision that included—

(A) an explanation of the decision, pursuant to those standards of ICHEIC to be applied in approving claims;

(B) all documents relevant to the claim that were retrieved in the investigation; and

(C) an explanation of the procedures for appeal of the decision;

(4) during the 180-day period preceding the date of the report, any entity that elected to determine claims under Article 1(4) of the Agreement was required to comply with the standards of proof, criteria for publishing policyholder names, valuation standards, auditing requirements, and decisions of the Chairman of ICHEIC;

(5) during the 180-day period preceding the date of the report, an independent process to appeal decisions made by any entity that elected to determine claims under Article 1(4) of the Agreement was available to and accessible by any claimant wishing to appeal such a decision, and the appellate body had the jurisdiction and resources necessary to fully investigate each claim on appeal and provide a timely response;

(6) an independent audit of compliance by every entity that has elected to determine claims under Article 1(4) of the Agreement has been conducted; and

(7) the administrative and operational expenses incurred by the companies that are members of ICHEIC are appropriate for the administration of claims described in paragraph (3).

The Secretary's report shall include the Secretary's justification for each determination under this subsection.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the resolution of slave and forced labor claims is an urgent issue for aging Holocaust survivors, and the German Bundestag should allocate funds for disbursement by the German Foundation to Holocaust survivors as soon as possible; and

(2) ICHEIC should work in consultation with the Secretary in gathering the information required for the report under subsection (a).

(c) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the Foundation ''Remembrance, Responsibility and the Future'', done at Berlin July 17, 2000.

(2) ANNEX B TO THE JOINT STATEMENT OF JULY 17, 2000.—The term ''Annex B to the Joint Statement of July 17, 2000'' means Annex B to the Joint Statement on occasion of the final plenary meeting concluding international talks on the preparation of the Federal Foundation ''Remembrance, Responsibility and the Future'', done at Berlin on July 17, 2000.

(3) GERMAN FOUNDATION.—The term ''German Foundation'' means the Foundation ''Remembrance, Responsibility and the Future'' referred to in the Agreement.

(4) ICHEIC.—The term ''ICHEIC'' means the International Commission on Holocaust Era Insurance Claims referred to in Article 1(4) of the Agreement.

SEC. 705. SENSE OF CONGRESS ON RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.

(a) FINDINGS.—Congress finds that—

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II;

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;

(4) these paintings are currently in the possession of the Auschwitz-Birkenau State Museum;

(5) Dina Babbitt is the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp;

(6) the artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history; and

(7) this continued injustice can be righted through cooperation between agencies of the United States and Poland.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the 7 watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the 7 original paintings to Dina Babbitt as expeditiously as possible.

SEC. 706. INTERNATIONAL DRUG CONTROL CERTIFICATION PROCEDURES.

During any fiscal year, funds that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 may be obligated or expended beginning October 1 of such fiscal year provided that:

(1) REPORT.—Not later than September 15 of the previous fiscal year the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.

(2) DESIGNATION AND JUSTIFICATION.—In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961; and

(B) include a justification for each country so designated.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided to such country in the subsequent fiscal year only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) subsequent to the designation being made under paragraph (2)(A), the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(4) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term ''international counternarcotics agreement'' means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs;

(ii) demand reduction;

(iii) the activities of criminal organizations;

(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence);

(v) the extradition of nationals and individuals involved in drug-related criminal activity;

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity;

(vii) border security;

(viii) money laundering;

(ix) illicit firearms trafficking;

(x) corruption;

(xi) control of precursor chemicals;

(xii) asset forfeiture; and

(xiii) related training and technical assistance,

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) APPLICATION.—(A) Section 490 (a) through (h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)-(h)) shall not apply during any fiscal year with respect to any country identified in the report required by paragraph (1) of this section.

(B) Notwithstanding paragraphs (1) through (5)(A) of this section, the President may apply the procedures set forth in section 490 (a) through (h) of the Foreign Assistance Act of 1961 during any fiscal year with respect to any country determined to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.

(6) STATUTORY CONSTRUCTION.—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Narcotics Control Strategy Report) for the transmittal of a report not later than March 1, each fiscal year under that section.

(7) TRANSITION RULE.—For funds obligated or expended under this section in fiscal year 2003, the date for submission of the report required by paragraph (1) of this section shall be at least 15 days before funds are obligated or expended.

(8) EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act into law and shall remain in effect thereafter unless Congress enacts subsequent legislation repealing such section.

DIVISION B—SECURITY ASSISTANCE ACT OF 2002

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Security Assistance Act of 2002''.

SEC. 1002. DEFINITIONS.

In this division:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794 note).

(2) DEFENSE SERVICE.—The term ''defense service'' has the meaning given the term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) EXCESS DEFENSE ARTICLE.—The term ''excess defense article'' has the meaning given the term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

TITLE XI—VERIFICATION OF ARMS CONTROL AND NONPROLIFERATION AGREEMENTS

SEC. 1101. VERIFICATION AND COMPLIANCE BUREAU PERSONNEL.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 111(a)(1)(A), $14,000,000 is authorized to be available for the Bureau of Verification and Compliance of the Department of State for Bureau-administered activities, including the Key Verification Assets Fund and to upgrade Bureau spaces for certification as a Sensitive Compartmented Information Facility (SCIF).

(b) ADDITIONAL PERSONNEL.—In addition to the amount made available under subsection (a), $1,800,000 is authorized to be available for the fiscal year 2003 from the Department's American Salaries Account, for the purpose of hiring new personnel to carry out the Bureau's responsibilities, as set forth in section 112 of the Arms Export Control and Nonproliferation Act of 1999 (113 Stat. 1501A–486), as enacted into law by section 1000(a)(7) of Public Law 106–113, including the assignment of one full-time person to the Bureau to manage the document control, tracking, and printing requirements of the Bureau's operation in a SCIF.

SEC. 1102. KEY VERIFICATION ASSETS FUND.

Of the total amount made available to the Department for fiscal year 2003, $7,000,000 is authorized to be available within the Verification and Compliance Bureau's account to carry out section 1111 of the Arms Control and Nonproliferation Act of 1999 (113 Stat. 1501A–486), as enacted into law by section 1000(a)(7) of Public Law 106–113.

SEC. 1103. REVISED VERIFICATION AND COMPLIANCE REPORTING REQUIREMENTS.

Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended by striking ''January 31'' and inserting ''April 15''.

TITLE XII—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

SEC. 1201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,107,200,000 for fiscal year 2003.

SEC. 1202. RELATIONSHIP OF FOREIGN MILITARY SALES TO UNITED STATES NONPROLIFERATION INTERESTS.

(a) AUTHORIZED PURPOSES.—The first sentence of section 4 of the Arms Export Control Act (22 U.S.C. 2754) is amended by inserting ''for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons,'' after ''self-defense,''.

(b) DEFINITION OF ''WEAPONS OF MASS DESTRUCTION''.—Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) by striking ''and'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ''; and''; and

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

''(10) 'weapons of mass destruction' has the meaning provided by section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)).''.

SEC. 1203. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)), is amended by striking ''$72,500'' and inserting ''$86,500''.

SEC. 1204. ARMS EXPORT CONTROL ACT PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT HAVE REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.

The second sentence of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) is amended—

(1) by striking ''groups or'' and inserting ''groups,''; and

(2) by inserting before the period the following: '', or willfully aid or abet the efforts of an individual or group to use, develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons''.

SEC. 1205. CONGRESSIONAL NOTIFICATION OF SMALL ARMS AND LIGHT WEAPONS LICENSE APPROVALS; REPORTS.

(a) CONGRESSIONAL NOTIFICATION OF EXPORT LICENSE APPROVALS.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting ''(or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)'' after ''$50,000,000 or more''.

(b) REPORT.—Section 40A(c) of the Arms Export Control Act (22 U.S.C. 2785(c)) is amended by inserting before the period the following: ''and the numbers, range, and findings of end-use monitoring of United States transfers of small arms and light weapons''.

(c) ANNUAL MILITARY ASSISTANCE REPORTS.—Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: '', including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report''.

(d) REPORT ON ARMS BROKERING.—Not later than June 30, 2003, the Secretary shall submit a report to the appropriate congressional committees on activities of registered arms brokers, which shall discuss—

(1) the role of such brokers in the United States and other countries;

(2) United States law, regulations, and policy regarding arms brokers;

(3) violations of the Arms Export Control Act;

(4) United States resources and personnel devoted to the monitoring of arms brokers;

(5) any needed changes in law, regulation, policy, or resources; and

(6) any implications for the regulation of arms brokers in other countries.

SEC. 1206. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES.

Notwithstanding any other provision of law, for purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)).

Subtitle B—International Military Education and Training

SEC. 1211. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President $85,000,000 for fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training).

SEC. 1212. HUMAN RIGHTS VIOLATIONS.

(a) ANNUAL REPORT.—Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

"SEC. 549. HUMAN RIGHTS REPORT.

''(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of State shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian participant in education and training activities under this chapter in a violation of internationally recognized human rights reported under section 116(d) of this Act subsequent to such participation.

''(b) FORM.—The report described in subsection (a) shall be in unclassified form, but may include a classified annex.''.

(b) RECORDS REGARDING FOREIGN PARTICIPANTS.—Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended—

(1) by striking ''In'' and inserting:

''(a) DEVELOPMENT AND MAINTENANCE OF DATABASE.—In''; and

(2) by adding at the end the following new subsections:

''(b) ANNUAL LIST OF FOREIGN PERSONNEL.—For the purposes of preparing the report required pursuant to section 549 of this Act, the Secretary of State may annually request the Secretary of Defense to provide information contained in the database, with respect to a list submitted to the Secretary of Defense by the Secretary of State, that contains the names of foreign personnel or military units. To the extent practicable, the Secretary of Defense shall provide, and the Secretary of State may take into account, the information contained in the database, if any, relating to the Secretary of State's submission.

''(c) UPDATING OF DATABASE.—If the Secretary of State determines and reports to Congress under section 549 of this Act that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of Defense shall ensure that the database is updated to contain such fact and all relevant information.''.

SEC. 1213. PARTICIPATION IN POST-UNDERGRADUATE FLYING TRAINING AND TACTICAL LEADERSHIP PROGRAMS.

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended by adding at the end the following new subsection:

''(c)(1) The President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel in post-undergraduate flying training and tactical leadership programs at training locations in Southwest Asia without charge to participating foreign countries, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act). Such training must satisfy common requirements with the United States for post-undergraduate flying and tactical leadership training.

''(2) Cooperative arrangements under this subsection shall require an equitable contribution of support and services from each participating country. The President may waive the requirement for an equitable contribution of a participating foreign country if he determines that to do so is important to the national security interests of the United States.

''(3) Costs incurred by the United States shall be charged to the current applicable appropriations accounts or funds of the participating United States Government agencies.''.

Subtitle C—Assistance for Select Countries

SEC. 1221. ASSISTANCE FOR ISRAEL AND EGYPT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''2001 and 2002'' and inserting ''2002 and 2003''; and

(ii) by adding at the end the following new sentence: ''Such funds are authorized to be made available on a grant basis as a cash transfer.'';

(B) by adding at the end the following new paragraph:

''(3) ADDITIONAL ESF ASSISTANCE FOR FISCAL YEAR 2003.—Only for fiscal year 2003, in addition to the amount computed under paragraph (2) for that fiscal year, an additional amount of $200,000,000 is authorized to be made available for ESF assistance for Israel, notwithstanding section 531(e) or 660(a) of the Foreign Assistance Act of 1961, for defensive, nonlethal, antiterrorism assistance, which amount shall be considered, for purposes of subsection (d), as an amount appropriated by an Act making supplemental appropriations.'';

(2) in subsection (c)(1), by striking ''2001 and 2002'' and inserting ''2002 and 2003'';

(3) in subsection (c)(3), by striking ''Funds authorized'' and all that follows through ''later'' and inserting: ''Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal years 2002 and 2003 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or October 31 of the respective fiscal year, whichever is later.''; and

(4) in subsection (c)(4)—

(A) by striking ''fiscal year 2001'' and inserting ''fiscal years 2002 and 2003''; and

(B) by striking ''$520,000,000'' and inserting ''$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) by striking ''2001 and 2002'' each place it appears and inserting ''2002 and 2003''; and

(2) in subsection (e), by striking ''Funds estimated'' and all that follows through ''and'' at the end of paragraph (2) and inserting the following: ''Funds estimated to be outlayed for Egypt under subsection (c) during fiscal years 2002 and 2003 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or by October 31 of the respective fiscal year, whichever is later, provided that—

''(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;

''(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program.''.

SEC. 1222. SECURITY ASSISTANCE FOR GREECE AND TURKEY.

(a) IN GENERAL.—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) $1,120,000 for fiscal year 2003 is authorized to be available for Greece; and

(2) $2,800,000 for fiscal year 2003 is authorized to be available for Turkey.

(b) USE FOR PROFESSIONAL MILITARY EDUCATION.—Of the amounts available under paragraphs (1) and (2) of subsection (a) for fiscal year 2003, $500,000 of each such amount should be available for purposes of professional military education.

(c) USE FOR JOINT TRAINING.—It is the sense of Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.

(d) REPEAL.—Effective October 1, 2002, section 512 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856) is repealed.

SEC. 1223. SECURITY ASSISTANCE FOR CERTAIN OTHER COUNTRIES.

(a) FMF FOR CERTAIN OTHER COUNTRIES.—Of the total amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), the following amounts are authorized to be available on a grant basis for the following countries:

(1) THE BALTIC STATES.—For all of the Baltic states of Estonia, Latvia, and Lithuania, $22,000,000.

(2) BULGARIA.—For Bulgaria, $11,000,000.

(3) THE CZECH REPUBLIC.—For the Czech Republic, $11,000,000.

(4) GEORGIA.—For Georgia, $7,000,000.

(5) HUNGARY.—For Hungary, $11,000,000.

(6) JORDAN.—For Jordan, $198,000,000.

(7) MALTA.—For Malta, $1,150,000.

(8) THE PHILIPPINES.—For the Philippines, $25,000,000.

(9) POLAND.—For Poland, $16,000,000.

(10) ROMANIA.—For Romania, $12,000,000.

(11) SLOVAKIA.— For Slovakia, $9,000,000.

(12) SLOVENIA.—For Slovenia, $5,000,000.

(b) IMET.—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), the following amounts are authorized to be available for the following countries:

(1) THE BALTIC STATES.—For all of the Baltic states of Estonia, Latvia, and Lithuania, $3,300,000.

(2) BULGARIA.—For Bulgaria, $1,370,000.

(3) THE CZECH REPUBLIC.—For the Czech Republic, $1,900,000.

(4) GEORGIA.—For Georgia, $1,200,000.

(5) HUNGARY.—For Hungary, $1,900,000.

(6) JORDAN.—For Jordan, $4,000,000.

(7) MALTA.—For Malta, $350,000.

(8) THE PHILIPPINES.—For the Philippines, $2,000,000.

(9) POLAND.—For Poland, $2,000,000.

(10) ROMANIA.—For Romania, $1,500,000.

(11) SLOVAKIA.—For Slovakia, $950,000.

(12) SLOVENIA.—For Slovenia, $950,000.

(c) REPEALS.—Sections 511 (a) and (b) and 515 of the Security Assistance Act of 2000 are repealed.

SEC. 1224. ASSISTANCE TO LEBANON.

(a) PROHIBITION.—Notwithstanding any other provision of law, $10,000,000 of the amounts made available for fiscal year 2003 or any subsequent fiscal year that are allocated for assistance to Lebanon under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund) may not be obligated unless and until the President certifies to the appropriate congressional committees that—

(1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and

(2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.

(b) REQUIREMENT RELATING TO FUNDS WITHHELD.—Notwithstanding any other provision of law, any funds withheld pursuant to subsection (a) may not be programmed in order to be used for a purpose other than for assistance to Lebanon until the last month of the fiscal year in which the authority to obligate such funds lapses.

Subtitle D—Excess Defense Article and Drawdown Authorities

SEC. 1231. EXCESS DEFENSE ARTICLES FOR CERTAIN COUNTRIES.

(a) AUTHORITY.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal year 2003 funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the authority provided under this section should be utilized only for those countries demonstrating a genuine commitment to democracy and human rights.

SEC. 1232. ANNUAL LISTING OF POSSIBLE EXCESS DEFENSE ARTICLES.

Section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)) is amended—

(1) by striking ''and'' at the end of paragraph (12)(B);

(2) by redesignating paragraph (13) as paragraph (14); and

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

''(13) a list of weapons systems that are significant military equipment (as defined in section 47(9) of this Act), and numbers thereof, that are believed likely to become available for transfer as excess defense articles during the next 12 months; and''.

SEC. 1233. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)), is amended—

(1) by striking ''(b) Each lease agreement'' and inserting ''(b)(1) Each lease agreement'';

(2) by striking ''of not to exceed five years'' and inserting ''which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,''; and

(3) by adding at the end the following:

''(2) In this subsection, the term 'major refurbishment work' means work for which the period of performance is 6 months or more.''.

SEC. 1234. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking ''and to major non-NATO allies on such southern and southeastern flank'' and inserting '', to major non-NATO allies on such southern and southeastern flank, and to the Philippines''.

Subtitle E—Other Political-Military Assistance

SEC. 1241. DESTRUCTION OF SURPLUS WEAPONS STOCKPILES.

Of the funds authorized to be appropriated to the President for fiscal year 2003 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), relating to development assistance, up to $10,000,000 is authorized to be made available for the destruction of surplus stockpiles of small arms, light weapons, and other munitions.

Subtitle F—Antiterrorism Assistance

SEC. 1251. AUTHORIZATION OF APPROPRIATIONS.

Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–4(a)) is amended by striking ''and $73,000,000 for fiscal year 2002'' and inserting '', $73,000,000 for fiscal year 2002, and $64,200,000 for fiscal year 2003''.

Subtitle G—Other Matters

SEC. 1261. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

''(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $100,000,000 for fiscal year 2003.

''(B) Of the amount specified in subparagraph (A) for fiscal year 2003, not more than $100,000,000 may be made available for stockpiles in the State of Israel.''

SEC. 1262. REVISED MILITARY ASSISTANCE REPORTING REQUIREMENTS.

(a) EXCEPTION FOR CERTAIN COUNTRIES.—Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)) is amended—

(1) by striking ''(a) ANNUAL REPORT.—Not'' and inserting the following:

''(a) ANNUAL REPORT.—

''(1) IN GENERAL.—Not''; and

(2) by adding at the end the following:

''(2) EXCEPTION FOR CERTAIN COUNTRIES.—Paragraph (1) does not apply to any NATO member, Australia, Japan, or New Zealand, unless one of the appropriate congressional committees has specifically requested, in writing, inclusion of such country in the report. Such request shall be made not later than 90 calendar days prior to the date on which the report is required to be transmitted.''.

(b) ANNUAL MILITARY ASSISTANCE REPORTS.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) QUARTERLY REPORTS ON GOVERNMENT-TO-GOVERNMENT ARMS EXPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

SEC. 1263. CONSULTATION WITH CONGRESS WITH REGARD TO TAIWAN.

Beginning 180 days after the date of enactment of this Act, and every 180 days thereafter, the President shall provide detailed briefings to and consult with the appropriate congressional committees regarding the United States security assistance to Taiwan, including the provision of defense articles and defense services.

TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Subtitle A—General Provisions

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–4) is amended—

(1) in subsection (a), by striking all after ''chapter'' and inserting ''$162,000,000 for fiscal year 2003.''; and

(2) in subsection (c)—

(A) in the subsection heading by striking ''FISCAL YEAR 2001''; and

(B) by striking ''2001'' and inserting ''2002''.

(b) SUBALLOCATIONS.—Of the amount authorized to be appropriated to the President for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb–4)—

(1) $2,000,000 is authorized to be available for such fiscal year for the purpose of carrying out section 584 of the Foreign Assistance Act of 1961, as added by section 1303 of this Act; and

(2) $65,000,000 for fiscal year 2003 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.

(c) CONFORMING AMENDMENT.—Section 302 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 853) is repealed.

(d) FURTHER AUTHORIZATION.—There is authorized to be appropriated under ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'' $382,400,000 for fiscal year 2003.

SEC. 1302. NONPROLIFERATION TECHNOLOGY ACQUISITION PROGRAMS FOR FRIENDLY FOREIGN COUNTRIES.

(a) IN GENERAL.—For the purpose of enhancing the nonproliferation and export control capabilities of friendly countries, of the amount authorized to be appropriated for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.), the Secretary is authorized to make available—

(1) $5,000,000 for the procurement and provision of nuclear, chemical, and biological detection systems, including spectroscopic and pulse echo technologies; and

(2) $10,000,000 for the procurement and provision of x-ray systems capable of imaging seacargo containers.

(b) REPORTS ON TRAINING PROGRAM.—

(1) INITIAL REPORT.—Not later than March 31, 2003, the Secretary shall submit a report to the appropriate congressional committees setting forth his plans and budget for a multiyear training program to train foreign personnel in the utilization of the systems described in subsection (a).

(2) SUBSEQUENT REPORTS.—Not later than March 31, 2004, and annually thereafter for the next three years, the Secretary shall submit a report to the appropriate congressional committees describing the progress, current status, and budget of that training program and of the provision of those systems.

SEC. 1303. INTERNATIONAL NONPROLIFERATION AND EXPORT CONTROL TRAINING.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

''SEC. 584. INTERNATIONAL NONPROLIFERATION EXPORT CONTROL TRAINING.

''(a) GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

''(b) ADMINISTRATION OF COURSES.—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

''(c) PURPOSES.—Education and training activities conducted under this section shall be—

''(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

''(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

''(3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

''(d) PRIORITY TO CERTAIN COUNTRIES.—In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.''.

SEC. 1304. RELOCATION OF SCIENTISTS.

(a) REINSTATEMENT OF CLASSIFICATION AUTHORITY.—Section 4 of the Soviet Scientists Immigration Act of 1992 (Public Law 102–509; 106 Stat. 3316; 8 U.S.C. 1153 note) is amended by striking subsection (d) and inserting the following:

''(d) DURATION OF AUTHORITY.—The authority under subsection (a) shall be in effect during the following periods:

''(1) The period beginning on the date of the enactment of this Act and ending 4 years after such date.

''(2) The period beginning on the date of the enactment of the Security Assistance Act of 2002 and ending 4 years after such date.''.

(b) LIMITATION ON NUMBER OF SCIENTISTS ELIGIBLE FOR VISAS UNDER AUTHORITY.—Section 4(c) of such Act (8 U.S.C. 1153 note) is amended by striking ''750'' and inserting ''950''.

(c) LIMITATION ON ELIGIBILITY.—Section 4(a) of that Act (8 U.S.C. 1153 note) is amended by adding at the end the following new sentence: ''A scientist is not eligible for designation under this subsection if the scientist has previously been granted the status of an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).''.

(d) CONSULTATION REQUIREMENT.—The Attorney General shall consult with the Secretary, the Secretary of Defense, the Secretary of Energy, and the heads of other appropriate agencies of the United States regarding—

(1) previous experience in implementing the Soviet Scientists Immigration Act of 1992; and

(2) any changes that those officials would recommend in the regulations prescribed under that Act.

SEC. 1305. INTERNATIONAL ATOMIC ENERGY AGENCY REGULAR BUDGET ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department has concluded that the International Atomic Energy Agency (in this section referred to as the ''IAEA'') is a critical and effective instrument for verifying compliance with international nuclear nonproliferation agreements, and that it serves as an essential barrier to the spread of nuclear weapons.

(2) The IAEA furthers United States national security objectives by helping to prevent the proliferation of nuclear weapons material, especially through its work on effective verification and safeguards measures.

(3) The IAEA can also perform a critical role in monitoring and verifying aspects of nuclear weapons reduction agreements between nuclear weapons states.

(4) The IAEA has adopted a multifaceted action plan, to be funded by voluntary contributions, to address the threats posed by radioactive sources that could be used in a radiological weapon and will be the leading international agency in this effort.

(5) As the IAEA has negotiated and developed more effective verification and safeguards measures, it has experienced significant real growth in its mission, especially in the vital area of nuclear safeguards inspections.

(6) Nearly two decades of zero budget growth have affected the ability of the IAEA to carry out its mission and to hire and retain the most qualified inspectors and managers, as evidenced in the decreasing proportion of such personnel who hold doctorate degrees.

(7) Increased voluntary contributions by the United States will be needed if the IAEA is to increase its safeguards activities and also to implement its action plan to address the worldwide risks posed by lost or poorly secured radioactive sources.

(8) Although voluntary contributions by the United States lessen the IAEA's budgetary constraints, they cannot readily be used for the long-term capital investments or permanent staff increases necessary to an effective IAEA safeguards regime.

(9) The recent United States decision to accept a 25 percent IAEA regular budget assessment was based upon a correct interpretation of existing law. It was not the intent of Congress that the United States contributions to all United Nations-related organizations and activities be reduced pursuant to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–405 et seq.), which sets 22 percent assessment rates as benchmarks for the general United Nations budget, the Food and Agricultural Organization, the World Health Organization, and the International Labor Organization. Rather, contributions for an important and effective agency such as the IAEA should be maintained at levels commensurate with the criticality of its mission.

(10) The Secretary should negotiate a gradual and sustained increase in the regular budget of the International Atomic Energy Agency, which should begin with the 2004 budget.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated for Nonproliferation, Anti-terrorism, Demining, and Related Programs there is authorized to be appropriated $60,000,000 for fiscal year 2003 for a United States voluntary contribution to the International Atomic Energy Agency, including for the purpose of implementing the Protection Against Nuclear Terrorism program adopted by the International Atomic Energy Agency Board of Governors in March 2002.

SEC. 1306. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 114 Stat. 39; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.''.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.—Section 5(a)(2) of such Act is amended by striking ''systems'' and inserting ''systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of that list''.

SEC. 1307. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.

(a) RESTRICTIONS.—Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–472) is amended by striking ''nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,'' each of the two places it appears and inserting ''specified nuclear item,''.

(b) SPECIFIED NUCLEAR ITEM DEFINED.—Section 823 of the North Korea Threat Reduction Act of 1999 is amended by inserting at the end the following:

''(5) SPECIFIED NUCLEAR ITEM.—The term 'specified nuclear item' includes—

''(A) nuclear material, facilities, components, or other goods, services, or technology the transfer of which to North Korea would be required by the Atomic Energy Act of 1954 to be subject to an agreement for cooperation, as defined in section 11 b. of that Act (42 U.S.C. 2014 b.), between the United States and North Korea; and

''(B) components that are listed on Annex A or Annex B to the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 5/Part 1, or any subsequent revision thereof).''.

SEC. 1308. ANNUAL REPORTS ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL WEAPONS.

(a) REPORT.—Not later than March 1, 2003, and annually thereafter, the President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, chemical or radiological weapons (in this section referred to as ''NBC weapons'') to any country other than a country referred to in subsection (d) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary or the Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(b) MATTERS TO BE INCLUDED.—Each such report shall include—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following with respect to preceding calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(4) A listing of those persons and countries that continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The Secretary shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.—The terms ''missile'', ''MTCR'', and ''MTCR equipment or technology'' have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) PERSON.—The term ''person'' means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) WEAPONIZE; WEAPONIZATION.—The term ''weaponize'' or ''weaponization'' means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104–208; 110 Stat. 3009–171).

(2) CONFORMING AMENDMENTS.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding ''and'' at the end; and

(B) in paragraph (c), by striking ''; and'' and inserting a period.

Subtitle B—Russian Federation Debt Reduction for Nonproliferation

SEC. 1311. SHORT TITLE.

This subtitle may be cited as the ''Russian Federation Debt for Nonproliferation Act of 2002''.

SEC. 1312. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) It is in the vital security interests of the United States to prevent the spread of weapons of mass destruction to additional states or to terrorist organizations, and to ensure that other nations' obligations to modify their stockpiles of such arms in accordance with treaties, executive agreements, or political commitments are fulfilled.

(2) In particular, it is in the vital national security interests of the United States to ensure that—

(A) all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for;

(B) stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced;

(C) any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed;

(D) the Russian Federation's nuclear weapons complex is reduced to a size appropriate to its post-Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment;

(E) the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and

(F) these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

(3) United States programs should be designed to accomplish these vital objectives in the Russian Federation as rapidly as possible, and the President should develop and present to Congress a plan for doing so.

(4) Substantial progress has been made in United States-Russian Federation cooperative programs to achieve these objectives, but much more remains to be done to reduce the urgent risks to United States national security posed by the current state of the Russian Federation's weapons of mass destruction stockpiles and complexes.

(5) The threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent. Incidents in years immediately preceding 2001, which have been cited by the Russia Task Force of the Secretary of Energy Advisory Board, include—

(A) a conspiracy at one of the Russian Federation's largest nuclear weapons facilities to steal nearly enough highly enriched uranium for a nuclear bomb;

(B) an attempt by an employee of the Russian Federation's premier nuclear weapons facility to sell nuclear weapons designs to agents of Iraq and Afghanistan; and

(C) the theft of radioactive material from a Russian Federation submarine base.

(6) Addressing these threats to United States and world security will ultimately consume billions of dollars, a burden that will have to be shared by the Russian Federation, the United States, and other governments, if these threats are to be neutralized.

(7) The creation of new funding streams could accelerate progress in reducing these threats to United States security and help the government of the Russian Federation to fulfill its responsibility for secure management of its weapons stockpiles and complexes as United States assistance phases out.

(8) The Russian Federation has a significant foreign debt, a substantial proportion of which it inherited from the Soviet Union.

(9) Past debt-for-environment exchanges, in which a portion of a country's foreign debt is canceled in return for certain environmental commitments or payments by that country, suggest that a debt-for-nonproliferation exchange with the Russian Federation could be designed to provide additional funding for nonproliferation and arms reduction initiatives.

(10) Most of the Russian Federation's official bilateral debt is held by United States allies that are advanced industrial democracies. Since the issues described pose threats to United States allies as well, United States leadership that results in a larger contribution from United States allies to cooperative threat reduction activities will be needed.

(11) At the June 2002 meeting of the G–8 countries, agreement was achieved on a G–8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, under which the advanced industrial democracies committed to contribute $20,000,000,000 to nonproliferation programs in the Russian Federation during a 10-year period, with each contributing country having the option to fund some or all of its contribution through reduction in the Russian Federation's official debt to that country.

(12) The Russian Federation's Soviet-era official debt to the United States is estimated to be $480,000,000 in Lend-Lease debt and $2,250,000,000 in debt as a result of credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

(b) PURPOSES.—The purposes of this subtitle are—

(1) to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, thus allowing the use of additional resources for these purposes; and

(2) to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of the United States objectives described in the findings set forth in subsection (a).

SEC. 1313. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) COST.—The term ''cost'' has the meaning given that term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

(3) RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT OR AGREEMENT.—The term ''Russian Federation Nonproliferation Investment Agreement'' or ''Agreement'' means the agreement between the United States and the Russian Federation entered into under section 1315(a).

(4) SOVIET-ERA DEBT.—The term ''Soviet-era debt'' means debt owed as a result of loans or credits provided by the United States (or any agency of the United States) to the Union of Soviet Socialist Republics under the Lend Lease Act of 1941 or the Commodity Credit Corporation Charter Act.

(5) STATE SPONSOR OF INTERNATIONAL TERRORISM.—The term ''state sponsor of international terrorism'' means those countries that have been determined by the Secretary of State, for the purposes of section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or section 6(j) of the Export Administration Act of 1979, to have repeatedly provided support for acts of international terrorism.

SEC. 1314. AUTHORITY TO REDUCE THE RUSSIAN FEDERATION'S SOVIET-ERA DEBT OBLIGATIONS TO THE UNITED STATES.

(a) AUTHORITY TO REDUCE DEBT.—

(1) IN GENERAL.—Upon the entry into force of a Russian Federation Nonproliferation Investment Agreement, the President may reduce amounts of Soviet-era debt owed by the Russian Federation to the United States (or any agency or instrumentality of the United States) that are outstanding as of the last day of the fiscal year preceding the fiscal year for which appropriations are available for the reduction of debt, in accordance with this subtitle.

(2) LIMITATION.—The authority provided by paragraph (1) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of reducing any debt pursuant to such subsection are made in advance.

(3) SUPERSEDES EXISTING LAW.—The authority provided by paragraph (1) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975.

(b) IMPLEMENTATION.—

(1) DELEGATION OF AUTHORITY.—The President may delegate any authority conferred upon the President in this subtitle to the Secretary of State.

(2) ESTABLISHMENT OF TERMS AND CONDITIONS.—Consistent with this subtitle, the President shall establish the terms and conditions under which loans and credits may be reduced pursuant to subsection (a).

(3) IMPLEMENTATION.—In exercising the authority of subsection (a), the President—

(A) shall notify—

(i) the Department of State, with respect to obligations of the former Soviet Union under the Lend Lease Act of 1941; and

(ii) the Commodity Credit Corporation, with respect to obligations of the former Soviet Union under the Commodity Credit Corporation Act;

(B) shall direct the cancellation of old obligations and the substitution of new obligations consistent with the Russian Federation Nonproliferation Investment Agreement; and

(C) shall direct the appropriate agency to make an adjustment in the relevant accounts to reflect the new debt treatment.

(4) DEPOSIT OF REPAYMENTS.—All repayments of outstanding loan amounts under subsection (a) that are not designated under a Russian Federation Nonproliferation Investment Agreement shall be deposited in the United States Government accounts established for repayments of the original obligations.

(5) NOT TREATED AS FOREIGN ASSISTANCE.—Any reduction of Soviet-era debt pursuant to this subtitle shall not be considered assistance for the purposes of any provision of law limiting assistance to a country.

(c) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of modifying any Soviet-era debt obligation pursuant to subsection (a), there are authorized to be appropriated to the President such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1315. RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT.

(a) IN GENERAL.—

(1) IN GENERAL.—The President is authorized to enter into an agreement with the Russian Federation under which an amount equal to the value of the debt reduced pursuant to section 1314 will be used to promote the nonproliferation of weapons of mass destruction and the means of delivering such weapons. An agreement entered into under this section may be referred to as the ''Russian Federation Nonproliferation Investment Agreement''.

(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees at least 15 days in advance of the United States entering into a Russian Federation Nonproliferation Investment Agreement.

(b) CONTENT OF THE AGREEMENT.—The Russian Federation Nonproliferation Investment Agreement shall ensure that—

(1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available by the Russian Federation for agreed nonproliferation programs and projects;

(2) each program or project funded pursuant to the Agreement will be approved by the President;

(3) the administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs;

(4) each program or project funded pursuant to the Agreement will be subject to monitoring and audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks;

(5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes;

(6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation;

(7) all matters relating to the intellectual property rights and legal liabilities of United States firms in any project will be agreed upon before the expenditure of funds would be authorized for that project; and

(8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

(c) USE OF EXISTING MECHANISMS.—It is the sense of Congress that, to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement.

(d) JOINT AUDITING.—It is the sense of Congress that the United States and the Russian Federation should consider commissioning the United States General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement.

(e) STRUCTURE OF THE AGREEMENT.—It is the sense of Congress that the Agreement should provide for significant penalties—

(1) if funds obligated for approved programs or projects are determined to have been misappropriated; and

(2) if the President is unable to make the certification required by section 1317(a) for two consecutive years.

SEC. 1316. INDEPENDENT MEDIA AND THE RULE OF LAW.

Notwithstanding section 1315 (a)(1) and (b)(1), up to 10 percent of the amount equal to the value of the debt reduced pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation through an endowment to support the establishment of a ''Center for an Independent Press and the Rule of Law'' in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for management of the endowment, its funds, and the Center's programs.

SEC. 1317. RESTRICTION ON DEBT REDUCTION AUTHORITY.

(a) PROLIFERATION TO STATE SPONSORS OF TERRORISM.—Subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until the President certifies to the appropriate congressional committees that the Russian Federation has made material progress in stemming the flow of sensitive goods, technologies, material, and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism.

(b) ANNUAL DETERMINATION.—If, in any annual report to Congress submitted pursuant to section 1321, the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then, subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until such certification is made to the appropriate congressional committees.

(c) PRESIDENTIAL WAIVER.—The President may waive the requirements of subsection (a) or (b) for a fiscal year if the President—

(1) determines that application of the subsection for a fiscal year would be counter to the national interest of the United States; and

(2) so reports to the appropriate congressional committees.

SEC. 1318. DISCUSSION OF RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION WITH OTHER CREDITOR STATES.

It is the sense of Congress that the President and such other appropriate officials as the President may designate should pursue discussions with other creditor states with the objectives of—

(1) ensuring that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G–8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G–8 Leaders on June 27, 2002; and

(2) reaching agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

SEC. 1319. IMPLEMENTATION OF UNITED STATES POLICY.

It is the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act.

SEC. 1320. CONSULTATIONS WITH CONGRESS.

The President shall consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.

SEC. 1321. ANNUAL REPORTS TO CONGRESS.

Not later than December 31, 2003, and not later than December 31 of each year thereafter, the President shall prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report on a fiscal year shall include—

(1) a description of the activities undertaken pursuant to this subtitle during the fiscal year;

(2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year;

(3) a description of any agreement entered into under this subtitle;

(4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle;

(5) a summary of the results of relevant audits performed in the fiscal year; and

(6) a certification, if appropriate, that the Russian Federation continued to meet the condition required by section 1317(a), and an explanation of why the certification was or was not made.

Subtitle C—Nonproliferation Assistance Coordination

SEC. 1331. SHORT TITLE.

This subtitle may be cited as the ''Nonproliferation Assistance Coordination Act of 2002''.

SEC. 1332. FINDINGS.

Congress finds that—

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states;

(2) although these efforts are in the United States national security interest, the effectiveness of these efforts has suffered from a lack of coordination within and among United States Government agencies;

(3) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian Federation weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states; and

(4) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union make advisable the establishment of a coordinating body to ensure that United

States public and private efforts are not in conflict, and to ensure that public spending on efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

SEC. 1333. DEFINITIONS.

(a) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—In this subtitle, the term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this subtitle, the term ''the appropriate committees of Congress'' means the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.

SEC. 1334. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE.

(a) IN GENERAL.—The President shall establish a mechanism to coordinate, with the maximum possible effectiveness and efficiency, the efforts of United States Government departments and agencies engaged in formulating policy and carrying out programs for achieving nonproliferation and threat reduction.

(b) MEMBERSHIP.—The coordination mechanism established pursuant to subsection (a) shall include—

(1) representatives designated by—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Energy;

(D) the Secretary of Commerce;

(E) the Attorney General; and

(F) the Director of the Office of Homeland Security, or the head of a successor department or agency; and

(2) such other executive branch officials as the President may select.

(c) LEVEL OF REPRESENTATION.—To the maximum extent possible, each department or agency's representative designated pursuant to subsection (b)(1) shall be an official of that department or agency who has been appointed by the President with the advice and consent of the Senate.

(d) CHAIR.—The President shall designate an official to direct the coordination mechanism established pursuant to subsection (a). The official so designated may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

SEC. 1335. PURPOSES AND AUTHORITY.

(a) PURPOSES.—

(1) IN GENERAL.—The primary purpose of the coordination mechanism established pursuant to section 1334 of this Act should be—

(A) to exercise continuing responsibility for coordinating worldwide United States nonproliferation and threat reduction efforts to ensure that they effectively implement United States policy; and

(B) to enhance the ability of participating departments and agencies to anticipate growing nonproliferation areas of concern.

(2) PROGRAM MONITORING AND COORDINATION.—The coordination mechanism established pursuant to section 1334 of this Act should have primary continuing responsibility within the executive branch of the Government for—

(A) United States nonproliferation and threat reduction efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(B) coordinating the implementation of United States policy with respect to such efforts.

(b) AUTHORITY.—In carrying out the responsibilities described in subsection (a), the coordination mechanism established pursuant to section 1334 of this Act should have, at a minimum, the authority to—

(1) establish such subcommittees and working groups as it deems necessary;

(2) direct the preparation of analyses on issues and problems relating to coordination within and among United States departments and agencies on nonproliferation and threat reduction efforts;

(3) direct the preparation of analyses on issues and problems relating to coordination between the United States public and private sectors on nonproliferation and threat reduction efforts, including coordination between public and private spending on nonproliferation and threat reduction programs and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(4) provide guidance on arrangements that will coordinate, deconflict, and maximize the utility of United States public spending on nonproliferation and threat reduction programs, and particularly such efforts in the independent states of the former Soviet Union;

(5) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union or other countries of concern to voluntarily report these efforts to it;

(6) direct the preparation of analyses on issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(7) consider, and make recommendations to the President with respect to, proposals for such new legislation or regulations relating to United States nonproliferation efforts as may be necessary.

SEC. 1336. ADMINISTRATIVE SUPPORT.

All United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism established pursuant to section 1334 of this Act, in carrying out its functions and activities under this subtitle.

SEC. 1337. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to or received by the coordination mechanism established pursuant to section 1334 of this Act in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by it only for the purpose of carrying out the functions set forth in this subtitle.

SEC. 1338. STATUTORY CONSTRUCTION.

Nothing in this subtitle—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing United States department or agency over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the coordination mechanism established pursuant to section 1334 of this Act shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 1339. REPORTING AND CONSULTATION.

(a) PRESIDENTIAL REPORT.—Not later than 120 days after each inauguration of a President, the President shall submit a report to the Congress on his general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 1334 of this Act, to achieve those objectives.

(b) CONSULTATION.—The President should consult with and brief, from time to time, the appropriate committees of Congress regarding the efficacy of the coordination mechanism established pursuant to section 1334 of this Act in achieving its stated objectives.

Subtitle D—Iran Nuclear Proliferation Prevention Act of 2002

SEC. 1341. SHORT TITLE.

This subtitle may be cited as the ''Iran Nuclear Proliferation Prevention Act of 2002''.

SEC. 1342. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

''(d)(1) Notwithstanding subsection (c), if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003).

''(2) A determination made by the Secretary of State under paragraph (1) shall be effective for the 1-year period beginning on the date of the determination.''.

SEC. 1343. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF THE AGENCY.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than one year after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary shall submit to Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

SEC. 1344. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that contains—

(1) a description of the total amount of annual assistance to Iran from the International Atomic Energy Agency;

(2) a list of Iranian officials in leadership positions at the Agency;

(3) the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant;

(4) a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year that could assist in the development of Iran's nuclear weapons program; and

(5) a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in those countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 1345. SENSE OF CONGRESS.

It is the sense of Congress that the President should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS

SEC. 1401. LICENSE OFFICER STAFFING.

(a) FUNDING.—Of the amount authorized to be appropriated by section 111(a)(1)(A), $10,000,000 is authorized to be available for salaries and expenses of the Office of Defense Trade Controls of the Department.

(b) ASSIGNMENT OF LICENSE REVIEW OFFICERS.—Effective January 1, 2003, the Secretary shall assign to the Office of Defense Trade Controls of the Department a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not routinely exceed 40.

(c) DETAILEES.—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

SEC. 1402. FUNDING FOR DATABASE AUTOMATION.

Of the amount authorized to be appropriated by section 111(a)(2), $4,000,000 is authorized to be available for the Office of Defense Trade Controls of the Department for the modernization of information management systems.

SEC. 1403. INFORMATION MANAGEMENT PRIORITIES.

(a) OBJECTIVE.—The Secretary shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.

(b) ESTABLISHMENT OF AN ELECTRONIC SYSTEM.—Of the amount made available pursuant to section 1402 of this Act, $3,000,000 is authorized to be available to fully automate the Defense Trade Application System, and to ensure that the system—

(1) is a secure, electronic system for the filing and review of Munitions List license applications;

(2) is accessible by United States companies through the Internet for the purpose of filing and tracking their Munitions List license applications; and

(3) is capable of exchanging data with—

(A) the Export Control Automated Support System of the Department of Commerce;

(B) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;

(C) the Export Control System of the Central Intelligence Agency; and

(D) the Proliferation Information Network System of the Department of Energy.

(c) MUNITIONS LIST DEFINED.—In this section, the term ''Munitions List'' means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

SEC. 1404. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.

(a) CONTRIBUTION TO THE AUTOMATED EXPORT SYSTEM.—Of the amount provided under section 1402 of this Act, $250,000 is authorized to be available for the purpose of—

(1) providing the Department with full access to the Automated Export System;

(2) ensuring that the system is modified to meet the needs of the Department, if such modifications are consistent with the needs of other United States Government agencies; and

(3) providing operational support.

(b) MANDATORY FILING.—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, that all persons who are required to file export information under chapter 9 of title 13, United States Code, file such information through the Automated Export System.

(c) REQUIREMENT FOR INFORMATION SHARING.—The Secretary shall conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau—

(1) to allow the Department to access information on controlled exports made through the United States Postal Service; and

(2) to adjust the Automated Export System to parallel information currently collected by the Department.

(d) SECRETARY OF TREASURY FUNCTIONS.—Section 303 of title 13, United States Code, is amended by striking '', other than by mail,''.

(e) FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''the penal sum of $1,000'' and inserting ''a penal sum of $10,000''; and

(B) in the third sentence, by striking ''a penalty not to exceed $100 for each day's delinquency beyond the prescribed period, but not more than $1,000,'' and inserting ''a penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation.''.

(f) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

''SEC. 305. PENALTIES FOR UNLAWFUL EXPORT INFORMATION ACTIVITIES.

''(a) CRIMINAL PENALTIES.—

''(1) FAILURE TO FILE; SUBMISSION OF FALSE OR MISLEADING INFORMATION.—Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(2) FURTHERANCE OF ILLEGAL ACTIVITIES.—Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(3) FORFEITURE PENALTIES.—Any person who is convicted under this subsection shall, in addition to any other penalty, be subject to forfeiting to the United States—

''(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

''(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

''(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

''(b) CIVIL PENALTIES.—The Secretary (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed $10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

''(c) CIVIL PENALTY PROCEDURE.—

''(1) IN GENERAL.—Whenever a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

''(2) COMMENCEMENT OF CIVIL ACTIONS.—If any person fails to pay a civil penalty imposed under this chapter, the Secretary may request the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the date the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

''(3) REMISSION OR MITIGATION OF PENALTIES.—The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in the Secretary's opinion—

''(A) the penalties were incurred without willful negligence or fraud; or

''(B) other circumstances exist that justify a remission or mitigation.

''(4) APPLICABLE LAW FOR DELEGATED FUNCTIONS.—If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

''(5) DEPOSIT OF PAYMENTS IN GENERAL FUND OF THE TREASURY.—Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

''(d) ENFORCEMENT.—

''(1) BY THE SECRETARY OF COMMERCE.—The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

''(2) BY THE COMMISSIONER OF CUSTOMS.—The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

''(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

''(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the

item relating to section 305 and inserting the following:

''305. Penalties for unlawful export information activities.''.

SEC. 1405. ADJUSTMENT OF THRESHOLD AMOUNTS FOR CONGRESSIONAL REVIEW PURPOSES.

(a) IN GENERAL.—The Arms Export Control Act is amended—

(1) in section 3(d) (22 U.S.C. 2753(d))—

(A) in paragraphs (1) and (3)(A), by striking ''The President may not'' and inserting ''Subject to paragraph (5), the President may not''; and

(B) by adding at the end of the following new paragraph:

''(5) In the case of a transfer to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on consent of the President set forth in paragraphs (1) and (3)(A) shall apply only if the transfer is—

''(A) a transfer of major defense equipment valued (in terms of its original acquisition cost) at $25,000,000 or more; or

''(B) a transfer of defense articles or defense services valued (in terms of its original acquisition cost) at $100,000,000 or more).'';

(2) in section 36 (22 U.S.C. 2776)—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''(1) In the case of'' and inserting ''(1) Subject to paragraph (6), in the case of'';

(ii) in paragraph (5)(C), by striking ''(C) If'' and inserting ''(C) Subject to paragraph (6), if''; and

(iii) by adding at the end of the following new paragraph:

''(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries only if the letter of offer involves—

''(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, $25,000,000 or more, as the case may be; and

''(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, $100,000,000 or more, as the case may be; or

''(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, $300,000,000 or more, as the case may be.''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''(1) In the case of'' and inserting ''(1) Subject to paragraph (5), in the case of''; and

(ii) by adding at the end the following new paragraph:

''(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

''(A) major defense equipment sold under a contract in the amount of $25,000,000 or more; or

''(B) defense articles or defense services sold under a contract in the amount of $100,000,000 or more.'';

(3) in section 63(a) (22 U.S.C. 2796b(a))—

(A) by striking ''In the case of'' and inserting ''(1) Subject to paragraph (2), in the case of''; and

(B) by adding at the end the following new paragraph:

''(2) In the case of an agreement described in paragraph (1) that is entered into with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, the limitations in paragraph (1) shall apply only if the agreement involves a lease or loan of—

''(A) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at $25,000,000 or more; or

''(B) defense articles valued (in terms of their replacement cost less any depreciation in their value) at $100,000,000 or more.''; and

(4) in section 47 (22 U.S.C. 2794), as amended by section 1202(b) of this Act—

(A) by striking ''and'' at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(11) 'Sales territory' means a country or group of countries to which a defense article or defense service is authorized to be reexported.''.

(b) LICENSES FOR EXPORTS TO INDIA AND PAKISTAN.—Section 9001(e) of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) is amended by adding at the end the following: ''The application of these requirements shall be subject to the dollar amount thresholds specified in that section.''.

SEC. 1406. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: ''The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.''.

TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY

SEC. 1501. BRIEFING ON THE STRATEGY.

Not later than March 31, 2003, officials of the Department and the Department of Defense shall brief the appropriate congressional committees regarding their plans and progress in formulating and implementing a national security assistance strategy. This briefing shall include—

(1) a description of how, and to what extent, the elements of the strategy recommended in section 501(b) of the Security Assistance Act of 2000 (22 U.S.C. 2305(b)) have been or will be incorporated in security assistance plans and decisions;

(2) the number of out-years considered in the strategy;

(3) a description of the actions taken to include the programs listed in section 501(c) of the Security Assistance Act of 2000 (22 U.S.C. 2305(c)), as well as similar programs of military training or other assistance to the military or security forces of a foreign country;

(4) a description of how a national security assistance strategy is being implemented regarding specific countries;

(5) a description of any programmatic changes adopted or expected as a result of adopting a strategic approach to security assistance policymaking;

(6) a description of any obstacles encountered in formulating or implementing a national security assistance strategy; and

(7) a description of any resource or legislative needs highlighted by this process.

SEC. 1502. SECURITY ASSISTANCE SURVEYS.

(a) UTILIZATION.—The Secretary should utilize security assistance surveys in preparation of a national security assistance strategy pursuant to section 501 of the Security Assistance Act of 2000 (22 U.S.C. 2305).

(b) FUNDING.—Of the amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $2,000,000 is authorized to be available to the Secretary to conduct security assistance surveys, or to request such surveys, on a reimbursable basis, by the Department of Defense or other United States Government agencies. Such surveys shall be conducted consistent with the requirements of section 26 of the Arms Export Control Act (22 U.S.C. 2766).

TITLE XVI—MISCELLANEOUS PROVISIONS

SEC. 1601. NUCLEAR AND MISSILE NON-PROLIFERATION IN SOUTH ASIA.

(a) UNITED STATES POLICY.—It shall be the policy of the United States, consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483), to encourage and work with the governments of India and Pakistan to achieve the following objectives by September 30, 2003:

(1) Continuation of a nuclear testing moratorium.

(2) Commitment not to deploy nuclear weapons.

(3) Commitment not to deploy ballistic missiles that can carry nuclear weapons and to restrain the ranges and types of missiles developed or deployed.

(4) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Nuclear Suppliers Group.

(5) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Zangger Committee.

(6) Agreement by both governments to bring their export controls in accord with the guidelines, requirements, and annexes of the Missile Technology Control Regime.

(7) Establishment of a modern, effective system to control the export of sensitive dual-use items, technology, technical information, and materiel that can be used in the design, development, or production of weapons of mass destruction and ballistic missiles.

(8) Conduct of bilateral meetings between Indian and Pakistani senior officials to discuss security issues and establish confidence-building measures with respect to nuclear policies and programs.

(b) FURTHER UNITED STATES POLICY.—It shall also be the policy of the United States, consistent with its obligations under the Treaty on the Nonproliferation of Nuclear Weapons (21 U.S.T. 483), to encourage, and, where appropriate, to work with, the Governments of India and Pakistan to achieve not later than September 30, 2003, the establishment by those governments of modern, effective systems to protect and secure their nuclear devices and materiel from unauthorized use, accidental employment, or theft. Any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any recognition to India or Pakistan, as appropriate, as a nuclear weapon state (as defined in the Treaty on the Non-Proliferation of Nuclear Weapons).

(c) REPORT.—Not later than March 1, 2003, the President shall submit to the appropriate congressional committees a report describing United States efforts to achieve the objectives listed in subsections (a) and (b), the progress made toward the achievement of those objectives, and the likelihood that each objective will be achieved by September 30, 2003.

SEC. 1602. REAL-TIME PUBLIC AVAILABILITY OF RAW SEISMOLOGICAL DATA.

The head of the Air Force Technical Applications Center shall make available to the public, immediately upon receipt or as soon after receipt as is practicable, all raw seismological data provided to the United States Government by any international monitoring organization that is directly responsible for seismological monitoring.

SEC. 1603. DETAILING UNITED STATES GOVERNMENTAL PERSONNEL TO INTERNATIONAL ARMS CONTROL AND NONPROLIFERATION ORGANIZATIONS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretaries of Defense and Energy and the heads of other relevant United States departments and agencies, as appropriate, should develop measures to improve the process by which United States Government personnel may be detailed to international arms control and nonproliferation organizations without adversely affecting the pay or career advancement of such personnel.

(b) REPORT REQUIRED.—Not later than May 1, 2003, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives setting forth the measures taken under subsection (a).

SEC. 1604. DIPLOMATIC PRESENCE OVERSEAS.

(a) PURPOSE.—The purpose of this section is to—

(1) elevate the stature given United States diplomatic initiatives relating to nonproliferation and political-military issues; and

(2) develop a group of highly specialized, technical experts with country expertise capable of administering the nonproliferation and political-military affairs functions of the Department.

(b) AUTHORITY.—To carry out the purposes of subsection (a), the Secretary is authorized to establish the position of Counselor for Nonproliferation and Political Military Affairs in United States diplomatic missions overseas, to be filled by individuals who are career Civil Service officers or Foreign Service officers committed to follow-on assignments in the Nonproliferation Bureau or the Political Military Affairs Bureau of the Department.

(c) TRAINING.—After being selected to serve as Counselor, any person so selected shall spend not less than 10 months in language training courses at the Foreign Service Institute, or in technical courses administered by the Department of Defense, the Department of Energy, or other appropriate departments and agencies of the United States, except that such requirement for training may be waived by the Secretary.

SEC. 1605. COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—Congress makes the following findings:

(1) On April 24, 1997, the Senate provided its advice and consent to ratification of the Chemical Weapons Convention subject to the condition, among others, that the President certify that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(2) Congress enacted the same condition into law as section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)).

(3) Part II, paragraph 57, of the Verification Annex of the Convention requires that all samples requiring off-site analysis under the Convention shall be analyzed by at least two laboratories that have been designated as capable of conducting such testing by the OPCW.

(4) The only United States laboratory currently designated by the OPCW is the United States Army Edgewood Forensic Science Laboratory.

(5) In order to comply with the Chemical Weapons Convention, the certification submitted pursuant to condition (18) of the resolution of ratification of the Chemical Weapons Convention, and the requirements of section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)), the United States must possess, at a minimum, a second OPCW-designated laboratory.

(6) The possession of a second OPCW-designated laboratory is necessary in view of the potential for a challenge inspection to be initiated against the United States by a foreign nation.

(7) The possession of a third OPCW-designated laboratory would enable the OPCW to implement its normal sample analysis procedures, which randomly assign real and manufactured samples so that no laboratory knows the origin of a given sample.

(8) To qualify as a designated laboratory, a laboratory must be certified under ISO Guide 25 or a higher standard and complete three proficiency tests. The laboratory must have the full capability to handle substances listed on Schedule 1 of the Annex on Schedules of Chemicals of the Chemical Weapons Convention. In order to handle such substances in the United States, a laboratory also must operate under a bailment agreement with the United States Army.

(9) Several existing United States commercial laboratories have approved quality control systems, already possess bailment agreements with the United States Army, and have the capabilities necessary to obtain OPCW designation.

(10) In order to bolster the legitimacy of United States analysis of samples taken on its national territory, it is preferable that one designated laboratory not be a United States Government facility.

(b) ESTABLISHMENT OF NON-GOVERNMENTAL DESIGNATED LABORATORY.—

(1) REPORT.—Not later than March 1, 2003, the United States National Authority, as designated under section 101 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711) (referred to in this section as the ''National Authority''), shall submit to the appropriate congressional committees a report detailing a plan for securing OPCW designation of a nongovernmental United States laboratory by December 1, 2004.

(2) DIRECTIVE.—Not later than June 1, 2003, the National Authority shall select, through competitive procedures, a nongovernmental laboratory within the United States to pursue designation by the OPCW.

(3) DELEGATION.—The National Authority may delegate the authority and administrative responsibility for carrying out paragraph (2) to one or more of the heads of the agencies described in section 101(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711(b)(2)).

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION OR CONVENTION.—The term ''Chemical Weapons Convention'' or ''Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature and Signed by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding:

(A) The Annex on Chemicals.

(B) The Annex on Implementation and Verification.

(C) The Annex on the Protection of Confidential Information.

(D) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(E) The Text on the Establishment of a Preparatory Commission.

(2) OPCW.—The term ''OPCW'' means the Organization for the Prohibition of Chemical Weapons established under the Convention.

TITLE XVII—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 1701. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) POLAND.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) TURKEY.—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) MEXICO.—To the Government of Mexico, the NEWPORT class tank landing ship FREDERICK (LST 1184).

(2) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(3) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(e) WAIVER AUTHORITY.—For a vessel transferred on a grant basis pursuant to authority provided by subsection (a)(2), the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

And the Senate agree to the same.

Amend the title so as to read: ''An Act to authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.''.

And the Senate agree to the same.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
CHRISTOPHER H. SMITH,
TOM LANTOS,
HOWARD L. BERMAN,
ILEANA ROS-LEHTINEN,

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
JOHN CONYERS, Jr.,
Managers on the Part of the House.

JOE BIDEN,
PAUL S. SARBANES,
CHRIS DODD,
JOHN F. KERRY,
JESSE HELMS,
DICK LUGAR,
CHUCK HAGEL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, submit the following joint statement in the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEAR 2003

Title I—Authorization of Appropriations

Sec. 111. Administration of Foreign Affairs

This section authorizes appropriations under the heading ''Administration of Foreign Affairs'' for fiscal year 2003. This section authorizes a total of $4,970,890,000 for fiscal year 2003.

Sec. 111(a)(1) Diplomatic and Consular Programs. This section authorizes $4,030,023,000 for fiscal year 2003. Of the amounts authorized by this section $564,000,000 is for worldwide security upgrades; $20,000,000 is for the Bureau of Democracy, Human Rights and Labor; and $2,000,000 is for recruitment of minority groups.

Sec. 111(a)(2) authorizes $200,000,000 for fiscal year 2003 for the Capital Investment Fund.

Sec. 111(a)(3) authorizes $555,000,000 for fiscal year 2003 for Embassy Security, Construction and Maintenance. These funds are in addition to funds authorized to be appropriated for this purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act FY 2000 and 2001.

Sec. 111(a)(4) authorizes $9,000,000 for fiscal year 2003 for Representation Allowances.

Sec. 111(a)(5) authorizes $11,000,000 for fiscal year 2003 for Protection of Foreign Missions and Officials.

Sec. 111(a)(6) authorizes $15,000,000 for fiscal year 2003 for Emergencies in the Diplomatic and Consular Service.

Sec. 111(a)(7) authorizes $1,250,000 in fiscal year 2003 for Repatriation Loans.

Sec. 111(a)(8) authorizes $18,817,000 for fiscal year 2003 for Payment to the American Institute in Taiwan.

Sec. 111(a)(9) authorizes $30,800,000 for fiscal year 2003 for the Office of the Inspector General.

Subsection (b) provides that funds authorized by subsection (a)(5) are authorized to remain available until September 30, 2004.

Sec. 112. United States educational, cultural, and public diplomacy programs

This section authorizes appropriations totaling $260,000,000 for fiscal year 2003 for Fulbright and other educational and cultural exchange programs.

Sec. 112(1)(A) authorizes $135,000,000 for Fulbright Academic Exchange Programs. Of the amounts authorized, $5,000,000 is authorized for the Vietnam Fulbright Academic Exchange Program. Also of the amounts authorized, $1,000,000 is for the New Century Scholars Initiative—HIV/AIDS.

Sec. 112(1)(B) authorizes $125,000,000 for fiscal year 2003 for other educational and cultural exchange programs. Of the amounts authorized, $500,000 is for Tibetan Exchanges, $500,000 is for East Timorese Scholarships, $500,000 is for Montenegro Parliamentary Development, $750,000 is for South Pacific Exchanges, $750,000 is for the Israel-Arab Peace Partners Program and, $500,000 is for Sudanese scholarships.

Sec. 112(2) National Endowment for Democracy

Authorizes $42,000,000 for fiscal year 2003 for the National Endowment for Democracy. Of the amounts authorized, $1,000,000 is available for Reagan-Fascell Democracy Fellows.

Sec. 112(3) East-West Center

Authorizes $15,000,000 for fiscal year 2003 for the East-West Center.

Sec. 112(4) North-South Center

Authorizes $2,500,000 for fiscal year 2003 for the North-South Center.

Sec. 113. Contributions to international organizations

Sec. 113(a) authorizes $891,378,000 for fiscal year 2003 for assessed contributions to international organizations.

Sec. 113(b) authorizes $725,981,000 for fiscal year 2003 for assessed contributions to international peacekeeping.

Sec. 113(c), (d), (e). These sections include restrictions or limits on UN funding for framework treaties, technical provisions regarding foreign currency exchange rates, and refunds of excess contributions to international organizations which have been carried in previous Acts.

Sec. 114. International commissions

Authorizes $66,385,000 for fiscal year 2003 for U.S. contributions to the International Boundary and Water Commission, United States and Mexico; the International Boundary Commission, United States and Canada; the International Joint Commission; and the International Fisheries Commission. These funds enable the United States to meet its obligations as a participant in international commissions including those dealing with American boundaries and related matters with Canada and Mexico and international fisheries commissions.

Sec. 115. Migration and Refugee Assistance

Authorizes $820,000,000 for fiscal year 2003 for Migration and Refugee Assistance. This section enables the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, and through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

This section also includes subauthorizations for Tibetan refugees in India and Nepal, refugees resettling in Israel, and humanitarian assistance for displaced Burmese.

Sec. 116. Grants to the Asia Foundation

Authorizes $15,000,000 for fiscal year 2003 for grants to the Asia Foundation.

Mobile library. The Managers take note of the actions taken by the U.S. Interests Section in Havana, Cuba to use a portion of the funds allocated for outreach to independent organizations inside the island and expansion of independent libraries, to establish a mobile library that will ensure broader distribution of approved materials to pro-democracy forces throughout the island.

SUBTITLE B—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 121. Authorization of appropriations

Sec. 121(a)(1) authorizes $485,823,000 for fiscal year 2003 for international broadcasting operations. Of the amounts authorized, $35,000,000 is authorized for Radio Free Asia.

Sec. 121(2) authorizes $13,740,000 for fiscal year 2003 for Broadcasting Capital Improvements.

Sec. 121(3) authorizes $25,923,000 for fiscal year 2003 for Broadcasting to Cuba.

Sec. 121(b) continues authorization for broadcasting to the PRC and neighboring countries.

Sec. 121(c) authorizes an additional $20,000,000 for fiscal year 2003 for the Middle East Radio Network of Voice of America.

Mobile library. The Managers take note of the actions taken by the U.S. Interests Section in Havana, Cuba to use a portion of the funds allocated for outreach to independent organizations inside the island and expansion of independent libraries, to establish a mobile library that will ensure broader distribution of approved materials to pro-democracy forces throughout the island.

Title II—Department of State Authorities and Activities

Sec. 201. Emergency evacuation services

Under current law, the State Department has authority to use appropriated funds to evacuate private U.S. citizens (and accompanying dependents or guardians), as well as third-country nationals, when their lives are endangered by war, civil unrest, or natural disaster. This section clarifies the Department's authority to retain reimbursements for emergency evacuation services from private U.S. citizens and third-country nationals.

Sec. 202. Special agent authorities

This section makes three changes to the authorities of Diplomatic Security (DS) Agents. First, paragraph (1) gives such agents authority to obtain and execute search and arrest warrants as well as obtain and serve subpoenas and summonses issued under the authority of the United States. Under current law, agents may exercise these authorities only for offenses involving passport and visa cases. This limitation may handicap agents, for example, who are carrying out their protective functions in a situation in which an individual wanted on a federal warrant poses a threat to the protected person. The broader authority provided in this section is similar to authority possessed by numerous law enforcement agents throughout the federal government. Paragraph (2) makes a technical correction to section 37(a) of the State Department Basic Authorities Act to make clear that a Secretary of State named by a ''President-elect'' is entitled to protection by Diplomatic Security agents. Paragraph (3) gives DS agents the authority to make arrests without warrant for any federal offense committed in their presence, or for any felony cognizable under the law of the United States if the agents have reasonable grounds to believe that the person has committed or is committing such felony. Under current law, agents may exercise this authority in limited circumstances. As with paragraph (1), this provision gives DS agents the same authority granted to numerous other federal law enforcement agents.

Subsection (b) provides that the exercise of certain authorities contained in section 37(a) of the State Department Basic Authorities Act shall be subject to an agreement with the Attorney General, the Secretary of State, and the Secretary of the Treasury.

Subsection (c) provides that the authorities in paragraph 2 and 5 of such subsection may not be exercised until the Secretary of State submits the agreement described above to the appropriate committees and publishes a notice in the Federal Register.

Sec. 203. International Litigation Fund

This section allows the State Department to be reimbursed for costs associated with

representing American citizens or companies in international claims. The section would allow the Department to deduct and retain 1.5% of payments of at least $100,000 up to $5 million, and 1% of payments above $5 million received by the Department from foreign governments or foreign entities as a result of the Department's pursuit of claims on behalf of U.S. citizens or others. The funds so retained would be placed into the International Litigation Fund, which was established by Congress in 1994 to provide a dependable and flexible source of funds for expenses relating to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity. The Fund has no dedicated source of money; rather, it is dependent on voluntary contributions, transfers from other agencies, or reprogrammings. Similar deductions are taken from Iran-U.S. Claims Tribunal awards of the Foreign Claims Settlement Commission.

Sec. 204. State Department records of overseas deaths of U.S. citizens from unnatural causes

This section requires the Secretary of State to collect certain information regarding the deaths of U.S. citizens when those deaths result from non-natural causes. This information will be maintained in a data base on a country-by-country basis and will be available to the public.

This section is intended to provide specific information to potential travelers about deaths of American citizens overseas when those deaths result from non-natural causes. The current Consular Information Sheets tend to warn of generalized dangers, such as ''Several tourists have been killed or injured in jet-ski accidents, particularly when participating in group tours.'' The information provided must be specific enough to alert the U.S. public to potential dangers to enable the reader to make an informed decision. The Managers intend that this section will be applied in a manner consistent with the Privacy Act. The section requires that the information be gathered to the ''maximum extent practicable.'' This should be read as a rule of reason. Consular officials should gather information from reports presented directly to them, from media reports, and from other sources. They are not required, for the purposes of this section, to engage in exhaustive investigations.

Sec. 205. Foreign relations historical series

This provision makes two amendments to increase reporting to Congress on the implementation of Title IV of the State Department Basic Authorities Act, relating to the Foreign Relations of the United States Historical Series. In 1991, Congress enacted Title IV out of concern for the timeliness and historical accuracy of the series, and mandated that it be a ''thorough, accurate and reliable documentary record of major U.S. foreign policy decisions and significant U.S. diplomatic activity.'' Title IV requires, among other things, that the Secretary ensure that volumes in the series be published not more than 30 years after the events recorded. A decade after the law was enacted, the Department remains out of compliance with this provision. These reporting requirements will facilitate oversight by Congress of implementation of Title IV.

Sec. 206. Expansion of eligibility for award of certain construction contracts

This section would amend eligibility limitations for award of certain contracts for construction, alteration, or repair of State Department buildings and grounds abroad. Currently, bidder qualifications are determined on the basis of nationality of ownership, evidence that the bidder has performed similar construction work in the United States, and other criteria. The amendment would modify the ''similar construction work'' criterion to include work performed at a U.S. diplomatic or consular establishment abroad, thus enlarging the pool of potentially qualified bidders.

Sec. 207. International Chancery Center

This section amends section 1 of the International Center Act to establish an account in the Treasury into which advances from foreign governments and international organizations may be deposited and whose proceeds may be invested in public debt obligations. Currently, such advances are held in a public bank account.

Sec. 208. Travel to Great Lakes fisheries meetings

This section makes a change to the Great Lakes Fishery Act of 1956 to increase from 5 to 10 the number of government officials permitted to travel to the annual meeting. This section is needed to reflect a change in the meeting structure for the Great Lakes Fisheries Commission (GLFC), which promotes environmental protection and economic development among the Great Lakes member states and Canada. When section 4 of the Great Lakes Fisheries Act of 1956 was originally enacted, the GLFC held two annual meetings per year with five members of the Great Lakes Fisheries Advisory Committee attending each meeting. The GLFC now holds only one annual meeting. This provision will permit the State Department to fund the travel of up to 10 members of the advisory committee to the one annual meeting.

Sec. 209. Correction of Fishermen's Protective Act of 1967

This section makes a technical correction to section 7 of the Fishermen's Protective Act of 1967 (P.L. 83–680), which was enacted to deter foreign governments from seizing U.S. commercial fishing vessels based on claims to a fisheries jurisdiction not recognized by the United States. One of the State Department's primary responsibilities under the Act is to administer funds from which reimbursement could be sought by U.S. vessel owners. Recent amendments erroneously transferred certain responsibilities from the Secretary of the Interior to the Secretary of Commerce, rather than to the Secretary of State.

Sec. 210. Use of funds received by International Boundary and Water Commission

This provision permits the U.S. Section of the International Boundary and Water Commission to receive reimbursements from the North American Development Bank and the Border Environment Cooperation Committee.

Sec. 211. Fee collections relating to intercountry adoptions and affidavits of support

This section amends Section 403 of the Intercountry Adoption Act of 2000 and Section 232 of the Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. These amendments permit the expenditure of funds collected by the Department under those statutory provisions.

Sec. 212. Annual reports on compliance with the Hague Convention on the civil aspects of international child abduction

This section makes permanent the reporting requirement enacted in Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 pertaining to compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

The Managers are alarmed by the State Department's continuing lack of success in serious child abduction cases involving Germany, Sweden and many other countries. Success should be determined by whether the reunion of left-behind parent and abducted child has occurred. Establishment of child abduction commissions, study groups and other bodies are no substitute for reunions.

The State Department's performance in assisting Americans whose children have been wrongfully taken or retained abroad is hampered by the lack of involvement and personal diplomacy by chiefs of mission. It is also hampered by relegation of consular issues to a second tier of importance by Department and embassy Managers. This must change.

The Managers expect that the annual report will address the primary issue as to whether a parent-child reunion occurred as a separate and distinct matter from the issue of whether the case has been resolved. The Managers also expect that the State Department's child abduction report will be made available on the State Department's web page. The report should also be disseminated to all state and local governments, to ensure that child abduction issues are taken into account by these authorities as appropriate.

The Managers considered amending the child abduction reporting requirement in order to address concerns raised regarding previous reports. However, the Managers decided to simply extend the requirement for a report indefinitely, with the expectation that the State Department will respond to the concerns stated above.

Sec. 213. Repeal of provision regarding housing for foreign agricultural attache

This section repeals Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (P.L. 106–387) limiting the authority of the State Department to sell overseas property.

Sec. 214. United States policy with respect to Jerusalem as the capital of Israel

This section contains four provisions related to the recognition of Jerusalem as Israel's capital. It urges the President to immediately begin the process of relocating the U.S. Embassy in Israel to Jerusalem. It bars the use of funds for the operation of the U.S. consulate in Jerusalem unless the consulate is under the supervision of the U.S. Ambassador to Israel. It denies funds for the publication of official U.S. government documents listing capital cities unless they identify Jerusalem as the capital of Israel. Finally, it allows U.S. citizens born in Jerusalem to have Israel listed, upon request, as their place of birth on passports.

Sec. 215. Report concerning efforts to promote Israel's diplomatic relations with other countries

This section requires the Secretary of State to submit a report concerning United States efforts to promote Israel's diplomatic relations with other countries. The report is required not later than 60 days after the date of the enactment of this Act.

Sec. 216. Continuation of reporting requirements

This section continues reports initially enacted in 1998 relating to Saudi claims, the implementation of the LIBERTAD Act, and deaths of Americans by terrorist activities.

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY AUTHORITIES

Sec. 221. Fulbright-Hays authorities

This provision amends subsection 112(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (''Fulbright-Hays Act''), to clarify that the Bureau of Educational and Cultural Affairs may administer programs authorized by several other Acts to the extent such programs are consistent with the purposes of the Fulbright-Hays Act.

Sec. 222. Extension of requirement for scholarships for Tibetans and Burmese

This section extends the authorization for the exchange and scholarship programs for Tibetan and Burmese exiles (contained in Public Law 104–319) through fiscal year 2003.

Sec. 223. Plan related to public diplomacy activities

This section requires the Secretary of State to submit a plan for integrating public diplomacy policy into overall policy formulation and implementation, for improving coordination and communication between public diplomacy officers and the State Department's regional bureaus, and between public diplomacy officers and the Under Secretary of State for Public Diplomacy. At present, public diplomacy considerations are not always adequately addressed in the formulation and implementation of policy, policy coordination is minimal, and public diplomacy officers lack direct channels of communication to the Assistant Secretaries in the regional bureaus or to the Under Secretary for Public Diplomacy.

Sec. 224. Advisory Committee on Cultural Diplomacy

This section establishes, on a temporary basis, an advisory committee on cultural diplomacy to assist the Undersecretary for Public Diplomacy and the Assistant Secretary for Educational and Cultural Affairs in devising initiatives to expand such programming and increase the use of public-private partnerships to fund such programming. The conference committee believes that expansion of cultural diplomacy—the presentation of creative, visual and performing arts abroad—could have significant benefits to U.S. diplomacy. Unfortunately, direct funding for such programs has declined considerably in recent years. Under Section 105(f) of the Fulbright-Hays Act, the Department has authority to accept funds from the private sector for such activities. The Managers urge the Department and the Advisory Committee to explore ways of increasing private sector support for such programming. The Managers urge the Secretary to consider candidates nominated by organizations such as the National Assembly of State Art Agencies, the Association of Performing Arts Presenters, and Americans for the Arts.

Sec. 225. Allocation of funds for ''American Corners'' in the Russian Federation

This section authorizes $500,000 for fiscal year 2003 for ''American Corners'' centers in host libraries in the Russian Federation. A number of such centers already exist. The Managers believe that the inclusion of information about United States history, government, culture and values in Russian libraries and access to computers and the Internet in these centers will enhance U.S. programs of assistance and increase Russian citizens' awareness about the United States.

Sec. 226. Report relating to Commission on Security and Cooperation in Europe

This section rewrites and updates a current reporting requirement of the Department of State to the Commission on Security and Cooperation in Europe, a joint Executive-Congressional commission.

Sec. 227. Amendments to the Vietnam Education Foundation Act of 2000

This section makes technical amendments to the Vietnam Education Foundation Act of 2000, including clarification of the duties of the Foundation's Board of Directors and the status and tenure of its members.

Sec. 228. Ethical issues in international health

This section requires the Secretary to fund exchanges to provide opportunities to researchers in developing countries to participate in activities related to ethical issues in human subject research, as described in subsection (c). Subsection (b) requires the Secretary to coordinate such programs that may be conducted by USAID and other federal agencies. The Managers intend that these exchanges will help develop expertise in countries where pharmaceutical companies conduct human and other trials so that the developing country has the ability to evaluate the design of such trials.

Sec. 229. Conforming amendments

This section contains several technical and conforming amendments which were overlooked in recent Foreign Relations Authorization Acts.

SUBTITLE C—CONSULAR AUTHORITIES

231. Report on visa issuance to inadmissable aliens

Under current law, the Department of State reports to Congress periodically about non-immigrant visa applications which are refused because the applicant is ineligible under section 212(a)(3) of the Immigration and Nationality Act, relating to security and other grounds. This section adds a requirement that the Department report twice a year on visas issued pursuant to waivers of ineligibility under Section 212(a)(3), including so-called ''silent'' waivers. As with the current report under Section 51(a) of the Basic Authorities Act, this report may be submitted in classified form.

Sec. 232. Denial of entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation

This section prohibits the issuance of a U.S. visa and the entry into the United States to any person who has been directly involved with the coercive transplantation of human organs or bodily tissue unless there are substantial grounds for believing that this individual has discontinued his or her involvement with, and support for, such practices. The visa denial must be based upon ''credible and specific information.'' The prohibition does not apply to a head of state, head of government, or cabinet-level minister. The provision may be waived by the Secretary of State when it is in the national interest to do so. The Managers are concerned about continued reports of involuntary organ harvesting in nations such as the People's Republic of China. A recent study by the Laogai Research Foundation suggests that a number of Chinese doctors who have received specialized medical training in the United States may have been involved in the practice of harvesting organs from executed prisoners without permission from the potential donors or their families.

Sec. 233. Processing of visa applications

This section states that (1) it shall be the policy of the State Department to process visa applications of immediate relatives and fiances of U.S. citizens within 30 days of receiving all necessary documents; and (2) it should be the policy of the Department to process applications sponsored by someone other than an immediate relative within 60 days.

Sec. 234. Machine readable visas

This section provides a cap on the use of funds collected by the State Department for machine readable visas for fiscal year 2003. Funds exceeding $460 million may only be used subject to reprogramming.

SUBTITLE D—MIGRATION AND REFUGEES

Sec. 241. Prohibition on funding the involuntary return of refugees

Subsection 241(a) makes permanent a provision of current law contained in previous Foreign Relations Authorization Acts prohibiting the use of funds appropriated to the State Department for the involuntary return of refugees to countries in which they have a well-founded fear of persecution, except on grounds recognized as precluding refugee protection under the 1951 Convention and 1967 Protocol. The provision does not prohibit funding for the return of persons who had been found to be non-refugees by a process genuinely calculated to identify and protect refugees.

Subsection 241(b) requires that notice be given to the appropriate congressional committees prior to use of funds appropriated to the State Department for the involuntary return of any person. The subsection provides a limited exception in cases where prior notice is impracticable due to an emergency involving a threat to human life. The notice provision provides an opportunity for congressional oversight to ensure that the prohibition on funding the return of refugees is strictly observed. The managers recognize that activities described in this section may require expedition and that the notice required by this section may therefore be provided in whatever way is most appropriate under the circumstances. The notice required by this section may be written or oral, may be provided whether or not Congress is in session, and in appropriate cases may be provided in classified form. The notice provision does not require the Department to delay any return pending congressional approval or review.

Subsection(c) makes clear that the provisions of this section do not apply to the return of persons pursuant to removal proceedings under the Immigration and Nationality Act or to extradition proceedings, because the law governing these activities provides adequate protections for persons subject to these proceedings, including an opportunity to be heard on any claim that he or she would face persecution upon return.

Subsection (d) defines ''effect the involuntary return'' as requiring by means of physical force or circumstances amounting to a threat thereof a person to return to a country against his or her will, regardless of whether the person is present in the U.S. and regardless of whether the U.S. acts directly or through an agent. The language ''regardless of whether the United States acts directly or through an agent'' applies to situations in which the United States contracts with, makes arrangements with, or funds another government or an organization to carry out a project or activity on its behalf. The Managers do not intend it to apply to situations in which the United States contributes funds to another government or an organization as part of a general or special appeal or program and in which United States funds will be commingled with those of other contributors.

This provision applies only to funds appropriated to the Department including the Diplomatic and Consular Programs account and the International Narcotics Control and Law Enforcement account. It does not apply to any funds transferred to the Department from other federal agencies. However, the Managers expect that the Department will notify the appropriate congressional committees as soon as practicable of any case in which the Department uses transferred funds to effect involuntary returns, so that the committees may decide whether further legislation is necessary.

Sec. 242. U.S. membership in the International Organization for Migration

This section provides Congressional approval of certain amendments to the constitution of the International Organization for Migration (IOM). These amendments were adopted in 1998 by the IOM governing body, of which the United States is a member. The proposed amendments to the IOM

constitution concern four issues of internal IOM governance.

Sec. 243. Report on overseas refugee processing

This section requires a report on overseas processing of refugees for admission to the United States. In particular, the report should assess the needs of refugees who do not currently have access to U.S. resettlement programs, despite the dramatic decline in U.S. refugee admissions over the last decade. With respect to refugee groups and profiles that should be carefully considered in connection with the preparation of this report, the Managers adopt by reference the explanatory material for section 252 in the House International Relations Committee report (107–57) on H.R. 1646.

Title III—Organization and Personnel of the Department of State

SUBTITLE A—ORGANIZATIONAL MATTERS

Sec. 301. Comprehensive workforce plan

This section requires the State Department to submit to Congress a comprehensive workforce plan within 6 months of the date of enactment. It also requires that the Department develop within 1 year of the date of enactment a domestic staffing model to assist in determining workforce needs in future years. The Managers are concerned that the Department has failed to devote sufficient attention to workforce planning. In particular, the Managers are dismayed at the Department's apparent inability to match staffing requirements to meet the policy needs of overseas posts and stateside offices. This requires dramatically improved coordination between the post mission plans, the regional bureaus policy priorities, and the Bureau of Personnel.

Sec. 302. ''Rightsizing'' overseas posts

This section requires the Department to establish both an internal and an interagency task force to review issues of overseas staffing presence. This follows through on numerous reports, including that of the Overseas Presence Advisory Panel, that details the need to ''right size'' overseas posts—i.e., staffing the post to the mission. Reports on the progress of each of these task forces are required.

Sec. 303. Qualifications of certain officers of the Department of State

This section amends Section 1 of the State Department Basic Authorities Act of 1956 to require the officer with primary responsibility for international narcotics and law enforcement, or that officer's principal deputy, to have substantial professional qualifications in the fields of management and Federal law enforcement or international narcotics policy.

SUBTITLE B—PERSONNEL MATTERS

Sec. 311. Thomas Jefferson Star for Foreign Service

In 1999, Congress created the ''Foreign Service Star'' to honor U.S. government employees killed or wounded in the line of duty overseas. This provision amends the name of the award to ''Thomas Jefferson Star for Foreign Service.'' The change was requested by the State Department. The award is authorized for all personnel serving at overseas missions.

Sec. 312. Presidential Rank Awards

This provision amends the Foreign Service Act of 1980 in order to restore parity between Senior Foreign Service and Senior Executive Service Presidential Awards. This parity was lost upon enactment of a provision in the FY 1999 Treasury and General Government Appropriations Act which altered the system for awards to senior executives in the civil service, but neglected to make a similar change for Senior Foreign Service Officers.

Sec. 313. Foreign Service National Savings Fund

This section amends Section 408 of the Foreign Service Act to explicitly authorize the Department of the Treasury to hold foreign national retirement funds and accumulated interest. Section 408 provides that the employees hired by the Department and other agencies overseas are compensated based on prevailing wage rates and compensation practices to the extent consistent with public interest. In particular, section 408 explicitly provides the authority for such agencies and their locally engaged staff to make payments to a trust or other fund in a financial institution in order to finance future benefits for such staff. The Department believes that having the Department of Treasury act as a financial institution to hold the funds contributed by the agencies and their locally engaged staff (i.e., the funds contributed based on prevailing practice or the funds voluntarily contributed by the locally engaged staff) would provide a safe and secure means of ensuring the overseas staff's retirement needs are adequately met.

Sec. 314. Clarification of separation for cause

This section revises section 610 of the Foreign Service Act of 1980, related to separation from the Service for cause, to make the provision more comprehensible. Several recent amendments to Section 610 have necessitated this change. This section is not intended to make substantive changes to Section 610.

Sec. 315. Dependents on family visitation travel

This section provides Foreign Service families who are separated because of an assignment to an unaccompanied post greater flexibility in arranging authorized family visits. Currently only the Foreign Service Officer may travel to visit family within a certain dollar limitation. This provision would allow for other family members to be authorized to travel in order to meet on authorized family visits at locations other than their home leave addresses.

Sec. 316. Health education and disease prevention programs

This section amends Section 904(b) of the Foreign Service Act of 1980 in order that the Department may better allow its medical professionals to provide counseling and educational materials to foreign national employees of U.S. missions concerning diseases to which they are exposed but that may not be attributable to the workplace. The Office of Medical Services currently provides on-the-job illness and injury services for locally-engaged staff. This provision permits the Department to provide health information and counseling. This is not intended to include any activities contrary to U.S. government policy on family planning.

Sec. 317. Correction of time limitations for grievance filing

This section amends section 1104(a) of the Foreign Service Act of 1980 to correct a drafting error made in the most recent Foreign Relations Authorization Act (P.L. 106–113). This is a technical correction. The literal requirement of the 1999 amendment—that a grievance involving a supervisor be filed ''in no case less than two years after the occurrence giving rise to the grievance''—imposes a waiting period, contrary to the intent of Congress.

Sec. 318. Training authorities

This section would make permanent a pilot program authorized in 1998 at the Foreign Service Institute (FSI) which permitted the FSI to provide, on a reimbursable or advance-of-funds basis, appropriate training and related services to employees of U.S. companies which do business abroad, and to family members of such employees, when such training is in the national interest. The pilot program also authorized training, on a reimbursable basis, to Members of Congress or the Judiciary and employees of the legislative and judicial branches. This section requires a report every other year, so Congress can monitor the situation and ensure that such training is not interfering with the primary mission of the FSI.

Sec. 319. Unaccompanied air baggage

This section relates to unaccompanied air baggage of dependent personnel. Under current law, dependent children (of government personnel) on educational travel are allowed to ship up to 250 pounds of baggage between the United States and the employee's post. The law, however, does not cover any storage of effects. Thus, students often spend much of the summer without their baggage because it is in transit either to or from the post. The provision would allow dependent children who attend school in the United States the option of either leaving their belongings in short-term commercial storage in the United States, if there is no additional cost, instead of shipping their baggage to post. Local storage is a common-sense alternative.

Sec. 320. Emergency medical advance payments

In 1999, Congress provided agencies the authority to advance up to three months' pay to an employee assigned or located outside of the United States on government authorization (i.e., on temporary duty), when the employee or family member must undergo certain medical treatments abroad. Such authority is extended to foreign national employees and non-family member United States citizen employees hired abroad when such individuals need medical care while they are located outside their country of employment on U.S. Government authorization.

Sec. 321. Retirement credit for certain government service preformed abroad

Because of changes made in 1986 to federal retirement law, individuals who worked for the Department of State in U.S. missions abroad under part-time, intermittent or temporary (''PIT'') appointments after January 1, 1989, were not eligible to pay into a federal retirement system for that service, or receive credit for that service, in order to improve their future retirement situations. The Department of State amended its regulations in 1998 to cover PIT appointees. The amendment created an inequity for PIT appointees who were employed between 1989 and 1998, since that employment time could not be ''purchased'' or credited toward any federal retirement system. This section is intended to remedy this inequity by permitting individuals with creditable service as PIT appointees between 1989 and 1998 to receive credit and make a deposit into the Federal Employees Retirement System for all or part of that period. It also recognizes the value added by PIT appointees, who are generally the dependents of Foreign Service or U.S. Armed Forces members, to official operations abroad. The Managers believe that this remedy addresses a basic inequity, however unintended, created by various changes to federal retirement law.

Sec. 322. Computation of Foreign Service retirement annuities as if locality pay were made to overseas stationed Foreign Service members

This section addresses a retirement and pay issued identified by the State Department. At present, ''locality pay''—which is provided to employees serving in the United States—is included in the calculation of Foreign Service retirement. Foreign Service Officers serving overseas do not receive locality pay. Thus, as they near retirement, they have a significant financial incentive to seek

assignment to Washington, D.C. This often deprives overseas posts of the more experienced officers. Under this section, an officer, while serving overseas, will have his or her annuity calculated as if he or she were actually receiving locality pay.

Sec. 323. Plan for improving recruitment of veterans into the Foreign Service

This section requires the Secretary of State to submit a plan to improve the recruitment of veterans to serve as candidates for the Foreign Service. The Managers believe that the United States armed forces provide a largely untapped recruitment pool of qualified individuals with international experience, as well as writing, reporting and analytical skills.

Sec. 324. Report concerning minority employment

This section requires a report on the status of minority recruitment and promotion efforts in the Department of State for both the Civil and Foreign Service. It is similar to a provision adopted in the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, and adds a requirement for information regarding recruitment and promotion of the Civil Service to the preexisting provision.

Sec. 325. Use of funds authorized for minority recruitment

This section requires the Department to provide additional information on minority recruitment efforts at the Department. Subsection (a) provides that amounts specifically authorized for minority recruitment under section 111 shall be used only for activities directly related to minority recruitment. Salaries of employees involved in recruitment efforts are not to be counted toward that amount. Subsection (b) provides that the State Department must expand its recruitment efforts to 25 percent of Historically Black Colleges and Universities and 25 percent of Hispanic-serving institutions, as defined by law. Subsection (c) requires the Secretary to establish a database relating to efforts to recruit members of minority groups into the Foreign and Civil Service and to report on the evaluation of efforts to recruit such individuals. The Managers are concerned that the Department has not made enough progress in recruiting and promoting members of minority groups to serve in the Foreign and Civil Service. The Managers incorporate by reference the description of the provision in the House passed version of H.R. 1646, section 343, in House Report 107–57.

Sec. 326. Assignments and details of personnel to the American Institute in Taiwan

This section authorizes the detail of U.S. government employees to the American Institute in Taiwan (AIT) if the Secretary determines it is in the national interest to do so. Former federal employees who work at AIT have sometimes been disadvantaged by comparison to employees who remain in federal service without a break in service. The grievance rights of separated Foreign Service Officers who work at AIT are far more restricted; former Civil Service employees at AIT cannot apply for ''State only'' vacancies upon their return; and eligible family members working at AIT cannot earn credit toward retirement. This section corrects that situation.

Sec. 327. Annual reports on foreign language competence

This section changes the date related to a report on foreign language competence. This change converts the report from a calender year to a fiscal year basis and alters the required date of submission of the report.

Sec. 328. Travel of children of members of the Foreign Service assigned abroad

This section amends Section 901 of the Foreign Service Act to provide a child under 21 with the additional flexibility regarding authorized travel when the child is separated from his or her parents.

Title IV—International Organizations

Sec. 401. Payment of the third installment of arrearages

This section amends several conditions that must be certified pursuant to section 941 in the United Nations Reform Act of 1999 to pay the third and last installment of arrearages to the UN and other international organizations under that Act. This section would ''de-link'' all UN agencies allowing arrearage payments to each international organization upon certification of the conditions established for that particular agency, without linking such payments to the certification of conditions for other organizations. This section would also facilitate certification of other ''year three'' conditions.

Sec. 402. Limitation on the U.S. share of assessments for UN peacekeeping operations in calendar years 2001 through 2004

This section amends section 404(b)(2) of the Foreign Relations Authorization Act, FY94 and FY95, which places a cap of 25 percent on the rate of payment by the U.S. of UN assessments for peacekeeping. This would allow full payment for those assessments in calendar years 2001 through 2004 at the following rates: 28.15 percent for calender year 2001; 27.90 percent for calender year 2002 and; 27.40 for calender year 2003 and 2004. This cap of 25 percent would be restored after 2004.

Sec. 403. Limitation on the U.S. share of assessments for UN regular budget

This provision codifies the 22 percent cap on the U.S. assessment rate for the UN regular budget—as negotiated by the then-UN Ambassador Holbrooke in December of 2000. It is consistent with a condition enacted in the United Nations Reform Act of 1999.

Sec. 404. Promotion of sound financial practices by the UN

This provision notes that the U.S. pays its dues to the UN regular budget at least ten months late every year and that other countries have begun to adopt a similar practice. This late payment of U.S. dues results in the UN engaging in unsound budgetary practices. It states the sense of the Congress that the U.S. should initiate a process to synchronize the payment of its assessment to the UN, its affiliated agencies and other international organizations over a multiyear period so the U.S. can resume paying its dues at the beginning of each calendar year. It authorizes such sums as may be necessary to carry out this policy.

Sec. 405. Reports to Congress on UN activities

This section amends the UN Participation Act by eliminating the requirement to submit quarterly reports on U.S. participation in UN peacekeeping operations. It preserves the requirement for an annual report and consolidates requirements for two annual reports on U.S. financial contributions to international organizations.

Sec. 406. Use of secret ballots within the UN

This section requires a report regarding the use of secret ballots within the UN and its specialized agencies. This report shall also include a determination whether the use of these ballots serves the interests of the U.S.

Sec. 407. Sense of Congress relating to Membership of the U.S. in UNESCO

This section expresses the sense of Congress that the President should, in light of his announcement that the U.S. will rejoin the United Nations Educational, Scientific, and Cultural Organization, submit a report describing the merits of renewing U.S. membership in this organization and projecting the costs of such membership.

Sec. 408 U.S. membership on the UN Commission on Human Rights and International Narcotics Control Board

This section urges the U.S. to make every reasonable effort at the UN to secure a seat for the U.S. on the U.N. Commission on Human Rights, and for a U.S. national on the UN International Narcotics Control Board and to prevent membership on the Commission by any member state that, in the judgment of the Secretary, consistently violates internationally recognized human rights or has engaged in severe violations of religious freedom in that country.

Sec. 409. Plan for enhanced Department of State efforts to place U.S. nationals in positions of employment in the UN and its specialized agencies

This section calls for the Secretary of State to submit a report containing a plan describing the steps the Department will take to increase American representation in the UN and its specialized agencies.

Title V—U.S. International Broadcasting Activities

Sec. 501. Modification of limitation on grant amounts to RFE/RL, Inc

This section amends a current limit on grants to RFE/RL, Inc., raising it from $75 million per year to $85 million in fiscal year 2003.

Sec. 502. Pay parity for senior executives of RFE/RL, Inc

Under current law, RFE/RL grant funds may not be used to pay any salary or compensation in excess of the rate level IV of the Executive Schedule. The Broadcasting Board of Governors has interpreted this provision as placing a cap on the salaries of senior Managers of RFE/RL at the rate of pay for Executive Level IV, exclusive of locality pay. RFE/RL senior executives are not federal employees and do not receive locality pay under the Federal Employee Pay Comparability Act of 1990 (which provides for locality adjustments in certain high-cost areas). In order to provide pay parity for these senior employees, this provision would permit up to three senior RFE/RL Managers based in Washington to receive a salary benefit equivalent to the comparable Senior Executive Service salary with locality pay.

Sec. 503. Authority to contract for local broadcasting services outside the United States

This section amends current law relating to authority to enter into contracts for certain capabilities. Under current law, the Broadcasting Board of Governors may enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs. This section provides authority to enter into contracts for up to 10 years in order to acquire local broadcasting services outside the United States.

Sec. 504. Personal services contracting pilot program

This section provides the International Broadcasting Bureau (IBB) with the authority to implement a pilot program to utilize personal services contracts in the United States. The authority is capped at 60 employees at any one time.

Sec. 505. Travel by Voice of America correspondents

This section exempts Voice of America (VOA) correspondents from the security responsibilities of the Secretary of State under Section 103 of the Diplomatic Security Act

and from the Chief of Mission responsibilities in Section 207 of the Foreign Service Act of 1980. Although VOA correspondents are on the federal payroll, they are unique in that they are working journalists. Accordingly, their independent decisions on when and where to cover the news should not be governed by other considerations. The Managers expects that the VOA Director will take appropriate steps to ensure that VOA correspondents do not take undue risks that threaten their personal security.

Sec. 506. Reports on broadcasting personnel

This section requires the Broadcasting Board of Governors to submit a report on its efforts to diversify the workforce at the International Broadcasting Agency.

Sec. 507. Conforming amendments

This section makes technical and conforming amendments to the U.S. International Broadcasting Act to correct technical errors made in previous Foreign Relations Authorization Acts.

Title VI—Miscellaneous Provisions

SUBTITLE A—MIDDLE EAST PEACE COMMITMENTS ACT OF 2002

Sec. 601. Short title

This subtitle is the ''Middle East Peace Commitments Act of 2002.''

Sec. 602. Findings

This section describes the most basic commitments made by Palestine Liberation Organization (PLO) in an exchange of letters between the late Prime Minister Yitzhak Rabin and Chairman Yasser Arafat on September 13, 1993. These commitments include resolving outstanding issues through peaceful means, renouncing terrorism and violence, and assuming responsibility over all PLO personnel.

Sec. 603. Reports

This section requires the President to make a determination and to report every six months (initially 60 days after enactment of the legislation) on whether the PLO and/or the Palestinian Authority (PA) are abiding by their commitments as specified in Section 602.

Sec. 604. Imposition of sanctions

This section provides that, if it is determined (in the Section 603 report) that the PLO and/or the PA are not in compliance with the commitments specified in Section 602, then the President is required to impose at least one of four sanctions for a period of at least six months. The possible sanctions are: deny U.S. visas to PLO and PA officials, downgrade the status of the PLO office in Washington to an information office as existed before the Oslo accords, designate the PLO or its constituent groups as terrorist organizations, and cut off non-humanitarian U.S. assistance to the West Bank and Gaza. The President is allowed to waive the sanctions requirement upon making a determination that such a waiver is in the national security interest of the United States.

SUBTITLE B—TIBET POLICY

This subtitle lays out a comprehensive approach for American policy toward Tibet. The Committee believes that this statement of policy is warranted due to the failure of the Government of the People's Republic of China to preserve the distinct ethnic, cultural and religious identity of the Tibetan people and to enter into a dialog with the Dalai Lama or his representatives to reach a negotiated agreement on Tibet.

Sec. 611. Short title

This section entitles this subtitle as the ''Tibetan Policy Act of 2002.''

Sec. 612. Statement of purpose

This section states the purpose of this subtitle: to support the aspirations of the Tibetan people to safeguard their distinct identity.

Sec. 613. Tibet negotiations

This section urges the President and Secretary of State to encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet, and to provide an annual report to the Congress on steps taken to encourage this dialogue and the status of discussions between the Government of China and the Dalai Lama. The Managers note that the Dalai Lama's special representative held talks with Chinese officials in Beijing and in Lhasa, Tibet, in September 2002, and hope that these talks will lead to a meaningful dialogue.

Sec. 614. Reporting on Tibet

This section mandates that a separate section on Tibet be included in the annual human rights report and the annual religious freedom report submitted by the Department of State to the Congress.

Sec. 615. Congressional Executive Commission on the People's Republic of China

This section amends the U.S.-China Relations Act of 2000 to include as issues to be considered by the Congressional-Executive Commission on the People's Republic of China (1) a description of the status of negotiations between the Government of the PRC and the Dalai Lama; and (2) measures taken to safeguard Tibet's distinct identity.

Sec. 616. Economic development on the Tibetan plateau

Subsection (a) of this section states that it is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. The Managers note that in 1980 Chinese Party Secretary Hu Yaobang formulated the Six Point Program for Tibet, which stated that the ''Tibetan people's habits, customs, history and culture must be respected,'' that ''all ideas that ignore and weaken Tibetan culture are wrong,'' and that ''Tibet should lay down laws, rules and regulations according to its special characteristics to protect the right of national autonomy and its special national interests.'' Recognizing that the Dalai Lama is not seeking independence for Tibet, that in 1979 Deng Xiaoping offered to negotiate on all issues other than independence, and that President Jiang Zemin has stated that the door to negotiations is open if the Dalai Lama accepts that Tibet is an inseparable part of China, the Conference believes that the adoption by the current Chinese government of the principles formulated by Hu Yaobang would improve the potential for meaningful negotiations with the Dalai Lama and have a positive impact on United States-China relations. Subsection (b) mandates that the United States use its voice and vote in international financial institutions to support projects in Tibet designed in accordance with a set of principles, enumerated in subsection (d), that are designed to raise the standard of living for the Tibetan people and to make them self-sufficient. Subsection (c) states that Export-Import Bank and the Trade and Development Agency should support projects following these principles. Subsection (d) enumerates the principles which are to serve as guidelines for the projects that international financial institutions, non-governmental organizations and the U.S. government should support in Tibet.

Sec. 617. Release of prisoners and access to prisons

This section states that the President and Secretary of State should request the Government of the PRC to immediately release all Tibetan political prisoners including those known to be seriously ill and seek access for international humanitarian organizations to Tibetan prisoners.

Sec. 618. Establishment of a U.S. branch office in Lhasa, Tibet

This section urges the Secretary of State to make best efforts to establish an office in Lhasa, Tibet, to monitor developments in Tibet.

Sec. 619. Requirement for Tibetan language training

This section mandates that Tibetan language training be available to Foreign Service Officers and to make every effort to assign a Tibetan-speaking officer to the U.S. consulate in the PRC that monitors developments in Tibet.

Sec. 620. Religious persecution in Tibet

This section states that the U.S. Ambassador to China should seek to meet with the 11th Panchen Lama and request his release by the Government of the PRC.

Sec. 621. United States Special Coordinator for Tibetan Issues

This section mandates the establishment within the Department of State of a United States Special Coordinator for Tibetan Issues and outlines the central objective and duties of the Special Coordinator.

SUBTITLE C—EAST TIMOR TRANSITION TO INDEPENDENCE ACT OF 2002

This subtitle specifies steps to be taken by the U.S. government to facilitate the transition of East Timor to independence. The Managers believe that it is in the interests of the United States to help the people of East Timor, who voted overwhelmingly for independence from Indonesia in August 1999, to realize their aspirations for a stable, prosperous democratic nation.

Sec. 631. Short title

This section entitles this subtitle as the ''East Timor Transition to Independence Act of 2002.''

Sec. 632. Bilateral assistance

This section authorizes $25 million for fiscal year 2003 for programs in East Timor.

Sec. 633. Multilateral assistance

This section mandates that the United States use its voice, vote and influence at each of the international financial institutions of which it is a member to support economic and democratic development in East Timor.

Sec. 634. Trade and investment assistance

Subsection (a) of this section urges the President of the Overseas Private Investment Corporation (OPIC) to initiate negotiations with the Government of East Timor to enter into a new agreement authorizing OPIC to carry out programs with respect to East Timor. Subsection (b) authorizes $1 million to the Trade and Development Agency to carry out programs in East Timor. Subsection (c) encourages the U.S. Export-Import Bank to expand its activities with respect to East Timor.

Sec. 635. Generalized System of Preferences

This section urges the U.S. Trade Representative and the Customs Commissioner to send an assessment team to East Timor to determine what products from East Timor would be eligible for benefits under the Generalized System of Preferences.

Sec. 636. Authority for radio broadcasting

This section provides that the Broadcasting Board of Governors should broadcast to East Timor in an appropriate language or languages.

Sec. 637. Security assistance for East Timor

Subsection (a) of this section requires the President to conduct a study and report to

the appropriate Congressional committees on the extent to which East Timor's security needs can be met through provision of excess defense articles and on the extent to which international military education and training (IMET) assistance will enhance the professionalism of the armed forces of East Timor. Subsection (b) authorizes the provision of excess defense articles and IMET pending a certification that East Timor has established independent armed forces and that assisting those forces will promote U.S. national interests and human rights and professionalization of the armed services in East Timor.

Sec. 638. Reporting requirement

This section requires the Secretary of State to transmit a report within 180 days of enactment, and annually thereafter for five years, on various developments with respect to East Timor including the specific steps taken by U.S. agencies to assist East Timor.

SUBTITLE D—CLEAN WATER FOR THE AMERICAS PARTNERSHIP OF 2002

Sec. 641. Short title

This section entitles the subtitle as the ''Clean Water for the Americas Partnership Act of 2002.''

Sec. 642. Definitions

This section defines terms used in the subtitle.

Sec. 643. Establishment of program

This section authorizes the President to establish a Clean Water for the Americas Partnership.

Sec. 644. Environmental assessment

This section authorizes the President to conduct a comprehensive environmental assessment in the region to determine the most severe environmental problems threatening human health, which countries have them, and whether there is a market for the U.S. environmental industry in the region.

Sec. 645. Establishment of American technology centers

This section authorizes the President to establish Technology America Centers (TEAMs) in the region to link the U.S. environmental technology industry with local partners by providing logistic and information support to U.S. firms seeking opportunities for environmental projects.

Sec. 646. Promotion of water quality, water treatment systems, and energy efficiency

This section authorizes the President to provide matching grants to U.S. associations and non-profits for the purpose of promoting water quality, water treatment and energy efficiency in the region. These grants shall be used to support professional exchanges, academic fellowships, training programs, development of local chapters of associations or non-profits, and online exchanges.

Sec. 647. Grants for feasibility studies within a designated subregion

This section authorizes 75/25 matching grants, through the Trade and Development Agency, for ''pre-feasibility studies'' for water projects within a subregion or an individual country of the Latin America/Caribbean region. These grants would provide potential investors in environmental projects, primarily water projects such as water treatment plants, a ''jump-start'' in getting these projects off the ground.

Sec. 648. Clean Water Technical Support Committee

This section authorizes the President to establish a Clean Water Technical Support Committee to provide technical support for water projects in the region.

Sec. 649. Authorization of appropriations

This section authorizes $10 million for each of the fiscal years 2003 through 2005.

Sec. 650. Report

This section mandates a report to within two years of establishment of the program under Sec. 643 containing an assessment of the progress made in this program and any recommendations for legislative changes.

Sec. 651. Termination date

This section terminates the authorities provided by this subtitle three years after the establishment of the program, unless the President certifies that it would be in the national interest to maintain the program for an additional two-year period.

Sec. 652. Effective date

This section sets the effective date of this subtitle as 90 days after the date of enactment.

SUBTITLE E—FREEDOM INVESTMENT ACT OF 2002

Section 661. Short Title

This section entitles this subtitle as the Freedom Investment Act of 2002.

Sec. 662. Purposes

This section states that the purposes of this subtitle are to: underscore that promoting and protecting human rights is in the national interest of the United States; is consistent with American values and beliefs; and to establish a goal of devoting one percent of the State Department's operating budget to enhancing the ability of the United States to promote respect for human rights and the protection of human rights defenders.

Sec. 663. Human rights activities at the Department of State

This section expresses the sense of Congress that the budget for the Bureau of Democracy, Human Rights and Labor (DRL) should be substantially increased so that beginning in fiscal year 2005, one percent of the State Department's operating budget should be available for such bureau. It also expresses the sense of Congress that any assignment of an individual to a political officer position at a United States Mission abroad that has the primary responsibility for monitoring human rights developments in a foreign country should be made upon the recommendation of the Assistant Secretary for Democracy, Human Rights and Labor in conjunction with the head of the Department's regional bureau having primary responsibility for that country. This section also requires the Secretary to submit a plan for the Department to (1) improve integration of human rights policy into the Department's overall policy formulation and implementation, (2) achieve closer communication and policy coordination between DRL and the regional bureau, including between DRL and personnel at overseas posts, and (3) to assign persons in the manner described above.

With respect to funding, the Managers intend that the Department take seriously the goals established by this section. For the last few years the Department has been pressed to substantially increase the resources devoted to human rights in general and the DRL bureau in particular. The Managers believe this trend must continue so as to meet the goal defined above.

The Managers also believe that the Department needs to ensure that human rights concerns are considered at every level of decision making within the Department, from the country desk to the Secretary of State. While there has been some movement towards achieving this goal since the mid–1990's, the Managers intend that the Department think creatively in finding new ways to ensure that human rights is an integral component of U.S. foreign policy. In particular, the Managers believe that there needs to be more communication between DRL and the regional bureaus, which often have day-to-day operational responsibilities with respect to human rights matters, and most importantly, more direct communication between DRL and officers in the field. At a minimum the DRL Bureau needs to concur in any recommendation to assign a person to the particular position overseas. By giving such a role to the DRL Bureau, the Managers believe that Foreign Service Officers will be more likely to seek positions in DRL, since the Bureau will be able to further their career development. The Managers expect that in countries that have significant human rights problems, DRL would have a role in the assignment of senior positions responsible for such issues.

Section 664. Human Rights and Democracy Fund

This section authorizes $21,500,000 for the Human Rights and Democracy Fund from funds appropriated under the ''Economic Support Fund'' account. The Managers expect that this fund shall continue to be administered by the DRL bureau, as is the case today. The provision also contains a specific authorization for the Documentation Center of Cambodia and a Father John Kaiser Memorial Fund.

Section 665. Reports on actions taken by the United States to encourage respect for human rights

Subsection (a) of this section amends sections 116 and 502B of the Foreign Assistance Act to require that the report mandated by such sections include additional information with respect to each country for which the report indicates that extra-judicial killings, torture, or other serious violations of human rights have occurred. For each such country, the Department is required to report the extent to which the United States has taken or will take action to encourage an end to such practices. Subsection (b) of this section provides that reports on such matters may be submitted in a separate report.

The Mangers intend that the reporting required by the amendments in this section be a serious and substantial report outlining a specifically tailored strategy for each country where there is substantial evidence indicating that the human rights abuses described in the section have occurred.

SUBTITLE F—ELIMINATION AND STREAMLINING OF REPORTING REQUIREMENTS

Sec. 671. Elimination of certain reporting requirements

This section eliminates several reporting requirements.

Sec. 672. Biennial reports on programs to encourage good governance

This section changes the annual report required to a biennial report.

SUBTITLE G—OTHER MATTERS

Sec. 681. Amendments to the International Religious Freedom Act of 1998

This section makes revisions to the International Religious Freedom Act of 1998 related to the Commission on International Religious Freedom created by the Act.

Subsection (a) amends the reporting requirement in the International Religious Freedom Act of 1998 to include information on discrimination against particular religious groups or members of such groups. In particular, the Managers are concerned about the use of ''sect filters'' as a violation of religious freedom as indicated in senate report 107–60, page 33.

Subsection (b) provides for staggered terms for Commission members.

Subsection (c) alters the date of the election of the Chair of the Commission.

Subsection (d) relates to vacancies.

Subsection (e) authorizes $3,000,000 in fiscal year 2003.

Subsection (f) provides limited authority to procure non-governmental services.

Subsection (g) extends the Commission to 2011.

Sec. 682. Amendments to the Victims of Trafficking and Violence Protection Act of 2000

This section amends the Trafficking Victims Protection Act (Title I of the Victims of Trafficking and Violence Protection Act of 2000) to make clear that programs of assistance to foreign victims shall include, to the maximum extent practical, support to non-governmental organizations in foreign countries that provide protection and assistance to trafficking victims; for education and training of trafficking victims; for safe and voluntary integration or reintegration, as appropriate, of victims into families and/or communities; and for programs that assist families in locating their family members who are trafficking victims and in helping them to return to their homes, to integrate into the communities in which they are living, or to resettle in safe third countries, according to the wishes of the victim. This section also authorizes funding for fiscal year 2003 for programs and activities under the Trafficking Victims Protection Act.

Sec. 683. Annual Human Rights Country Reports on Child Soldiers

This section amends sections 116(d) and 502B of the Foreign Assistance Act of 1961 to require that the State Department's Country Reports on Human Rights Practices includes information related to each country's compliance with the standards set forth in the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Sec. 684. Extension of authority for Caucus on International Narcotics Control

This section extends the authorization of the Senate Caucus on International Narcotics Control through September 30, 2005.

Sec. 685. Participation of South Asia countries in international law enforcement

This section provides that the Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academies located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

Sec. 686. Payment of anti-terrorism judgments

This section modifies section 2002 of the Victims of Trafficking and Violence Protection Act, which facilitates collection of damage awards imposed by certain judgments of United States courts against state sponsors of terrorism by amending (a)(2)(A)(ii) of that section to make additions to the persons covered by that section.

Sec. 687. Reports on participation by small businesses in procurement contracts of USAID

Concerns have been expressed regarding the amount of procurement by USAID from small business and small businesses owned and controlled by women and socially and economically disadvantaged individuals, among others. This section is intended to obtain additional information beyond the information that USAID has filed with the Small Business Administration regarding these matters.

Sec. 688. Program to improve building construction and practices in Latin American countries

To limit the economic and social cost of future natural disasters in the region, this section authorizes the President to carry out a program to improve building codes and practices in Latin America by: training appropriate professionals from the region in building codes, practices, and standards; translating American building and life safety codes into Spanish; and providing other relevant assistance as needed, including helping local government officials develop seismic micro-zonation maps.

While El Salvador and Ecuador are initial candidates for the activities authorized in this section, the Managers encourage the Administration to extend this program to other Latin American countries, as needed. The Managers also expect that the Administrator of the United States Agency for International Development will consider implementing the program through organizations which are not-for-profits standards development organizations, as defined in OMB Circular A119, to the maximum extent practicable, and possess the relevant experience with the Spanish language.

Sec. 689. Sense of Congress relating to HIV/AIDS and UN peacekeeping operations

This section expresses the sense of Congress that the President should direct the Secretary of State and the U.S. Representative to the U.N. to urge the UN to adopt an HIV/AIDS mitigation strategy as a component of UN peacekeeping operations. The Managers acknowledge the dangers associated with the use of peacekeeping forces that contain personnel infected with HIV/AIDS, especially when peacekeeping forces are usually deployed to areas already suffering from the disruption of social, economic, and civil order. This section urges the President to focus special diplomatic emphasis on the establishment of an HIV/AIDS mitigation strategy to be a component of standard UN peacekeeping procedures in order to minimize and, if possible eliminate, these additional dangers. The Managers believe that such a strategy could include specialized training for local officials in particularly hard-hit regions, such as East and Southern Africa, by USAID and similar organizations.

Sec. 690. Sense of Congress relating to Magen David Adom Society

This section recognizes that the Magen David Adom Society is the national humanitarian society in the State of Israel and that it follows all the principles of the International Red Cross and Red Crescent Movement. Since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David as its symbol. The section states that it is the sense of Congress that (1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society; (2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member; (3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and (4) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

Sec. 691. Sense of Congress regarding the location of Peace Corps offices abroad

This section expresses the sense of Congress that the Secretary of State should give favorable consideration to requests by the Director of the Peace Corps to allow the Peace Corps to maintain offices in locations separate from the United States embassy to the degree consistent with security considerations.

Sec. 692. Sense of Congress relating to resolution of Taiwan Strait issue

This section expresses the sense of Congress that Taiwan is a democracy and it is the policy of the U.S. that a resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

Sec. 693. Sense of Congress relating to display of the American flag at the American Institute in Taiwan

This section expresses the sense of the Congress that the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same as manner as it is displayed at United States embassies, consulates, and official residences throughout the world.

Sec. 694. Reports on activities in Colombia

This section requires the Secretary of State to submit two separate reports to Congress on U.S.-funded activities in Colombia. The first report will summarize U.S. efforts to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. The report also will establish timetables for these activities, justify delays in meeting previous timetables, and identify corrective measures to prevent future delays.

The second report relates to the activities of U.S. businesses that have entered into agreements with the Departments of State and Defense to administer counter-narcotics programs in Colombia. Given the crucial role of U.S. businesses in carrying out the counter-narcotics objectives of Plan Colombia and its successor programs, the Managers hope that this report will encourage the Administration to be more forthcoming as to the specifics of its partnership with U.S. businesses in Plan Colombia-related activities and the Administration's plans to transfer operational control of same to the appropriate Colombian authorities.

Sec. 695. Report on United States-sponsored activities in Colombia

This section requires the Secretary of State to provide the Congress with a report outlining a comprehensive strategy to eradicate all opium cultivation in Colombia and the impact of Plan Colombia on neighboring countries.

Sec. 696. Report on extradition policy and practice

This section requires a report on extradition practices. The Managers attache great importance to international law enforcement assistance, in particular as the war on terrorism proceeds. The Managers take note of important steps forward achieved recently by the Departments of State and Justice in the field of extradition. In particular, the Managers are aware that these Departments have concluded extradition agreements with several South American countries that require the extradition of nationals. This substantial achievement represents a major departure from the normal practice of civil law countries. These agreements eliminate a major bilateral law enforcement irritant where they are in force, and the Managers hope that this practice will be emulated by treaty partners in Europe and elsewhere.

Sec. 697. Special Court for Sierra Leone.

This section authorizes appropriations of $5 million in fiscal year 2003 to support the Special Court for Sierra Leone. This section also authorizes rewards for information that leads to the arrest of persons indicted by the Special Court.

Sec. 698. United States Envoy for Peace in Sudan

This section states that there should continue to be a United States Envoy for Peace

in Sudan until there is a comprehensive settlement to the conflict in Sudan.

Sec. 699. Transfer of proscribed weapons to persons or entities in the West Bank and Gaza

This section authorizes certain sanctions against foreign persons or entities which knowingly transfer certain weapons to Palestinian entities in the West Bank or Gaza.

Sec. 700. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh

This section expresses the sense of Congress that the Secretary of State should work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long-term solution to the arsenic-contaminated drinking water problem in Bangladesh. It also requests a report on proposals to bring arsenic-free drinking water and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

Sec. 701. Policing reform and human rights in Northern Ireland

This section reiterates the commitment of the Congress to promote respect for human rights by all parties in Northern Ireland. It calls for independent judicial public inquiries into the killings of defense lawyers Rosemary Nelson and Patrick Finucane and for the government of the United Kingdom to take appropriate measures to protect defense lawyers and human rights defenders, as well as for the decommissioning of weapons by the Irish Republican Army all other paramilitary groups and an end to punishment attacks and exiling by such groups. The section also requires the President to submit a report on the extent to which the governments of the United Kingdom and the Republic of Ireland have implemented the recommendations of the Patten Commission with respect to policing reform, on the status of investigations into the deaths of Rosemary Nelson, Patrick Finucane, and Robert Hammill, and on the status of decommissioning of weapons by the Irish Republican Army and other paramilitary organizations. Finally, the section sets forth conditions on training or exchanges conducted by United States law enforcement agencies for the Police Service of Northern Ireland (PSNI) or its members to ensure that such programs promote the peace process and the professionalism of policing and does not include PSNI members who there are substantial grounds for believing have committed or condoned human rights violations.

Sec. 702. Annual report on United States-Vietnam human rights dialogue meetings

This section requires an annual report on the issues discussed at meetings of the United States-Vietnam human rights dialogues, and to what extent the Vietnamese government has made progress on certain human rights issues, including the following: improving commercial and criminal codes, releasing those imprisoned or detained on political or religious grounds, ending official restrictions on religious activity, promoting freedom of the press, improving prison conditions, respecting the rights of indigenous minority groups and of workers, and cooperating with U.S. requests to obtain access to those seeking to come to the United States as refugees or emigrants. The Managers believe that the bilateral dialogue can be an effective means of bringing about improvements in Vietnam's human rights policies if U.S. officials make concerted efforts to place specific issues and cases on the table and encourage the government of Vietnam to respond with concrete steps.

Sec. 703. Sense of Congress regarding human rights violations in Indonesia

This section expresses a sense of Congress that the Government of Indonesia should demonstrate progress toward ending human rights violations by the armed forces and make efforts to find and prosecute those responsible for the murders of Papuan leader Theys Eluay and Acehnese human rights advocate Jafar Siddiq Hamzah, and U.S. citizens Edwin L. Burgon and Ricky L. Spier.

Sec. 704. Report concerning the German Foundation ''Remembrance, Responsibility, and the Future''

This section directs the Secretary of State to report on the status of the agreement between the government of the United States and the Federal Republic of Germany concerning the Foundation that was established to distribute Holocaust era insurance claims and payments to Holocaust survivors who were forced into labor or slave labor. This report shall be submitted to appropriate congressional committees, either in writing or orally, within 180 days after the enactment of this Act, and every 180 days thereafter.

Sec. 705. Sense of Congress on return of portraits of Holocaust victims to the artist Dina Babbitt

This section expresses the sense of the Congress that the President and Secretary of State should make all efforts necessary to retrieve the original seven watercolor portraits painted by Dina Babbitt that are held by the Auschwitz-Birkenau State Museum.

Sec. 706. International drug control certification procedures

This section provides an alternative mechanism to Section 490 of Chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to annual drug certification procedures). That mechanism requires the submission of a report to Congress by September 15 of the previous fiscal year setting forth the names of countries determined by the President to be major drug-transit or major illicit drug producers as defined in section 481(e) of the Foreign Assistance Act of 1961. In such reports the President must identify which, if any countries, included in the report have ''demonstrably failed'' to adhere to obligations under international counter narcotics agreements or have failed to take the counter narcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961 and give a rationale for such determinations.

The section also prohibits any country so identified from receiving U.S. assistance in the subsequent fiscal year unless the President determines that the continuation of assistance is vital to U.S. national interests, or after the initial determination on September 15 of the previous fiscal year, the President subsequently determines that such country is in fact adhering to its international obligations with respect to counter narcotics matters. Once the requirements of this section are fulfilled, funds that would be otherwise withheld pursuant to section 490 are available for obligation or expenditure on or after October 1 of the next fiscal year. If a report is filed pursuant to this section, section 490 (a) through (h) of the Foreign Assistance Act of 1961 will no longer apply in the new fiscal year for countries otherwise covered by that section which have been included in the report required under paragraph (1).

The section also contains a transition rule for fiscal year 2003 setting the date for the transmission of the report required under paragraph 1 of this section at not less than 15 days prior to the obligation or expenditure of any funds that would otherwise be withheld pursuant to Section 490 of the Foreign Assistance Act of 1961. Section 490 (a) through (h) would not apply in FY 2003 for any country included in this report.

Notwithstanding the above, this section would also allow the President to apply Section 490 (a)–(h) of the Foreign Assistance Act of 1961 to any country determined to be a major drug transit or illicit drug producing country as defined in section 481(e) of that Act, at his discretion. The Managers believe that under either alternative, if a major drug producer or major transit country fails to qualify for assistance, and the President does not determine that the provision of assistance is nonetheless vital to U.S. national interests, then the President must also direct that United States Executive Directors to each multilateral bank to vote against loans or other utilization of funds to such country from such institutions as described in Sec. 490(a)(2) of the Foreign Assistance Act of 1961.

The Managers believe that the addition of this alternative approach gives the President more flexibility to implement a successful U.S. counter-narcotics policy.

DIVISION B—SECURITY ASSISTANCE ACT OF 2002

Title X—General Provisions

Sec. 1001. Short Title

This section designates the short title of Division B.

Sec. 1002. Definitions

This section provides definitions for purposes of Division B.

Title XI—Verification of Arms Control and Nonproliferation Agreement

Sec. 1101. Verification and Compliance Bureau personnel

This section authorizes $14,000,000 for fiscal year 2003 for the Bureau of Verification and Compliance. In addition, this section authorizes an additional $1,800,000 in fiscal year 2003 for the purpose of hiring new personnel to carry out the Bureau's responsibilities including the assignment of one full-time person in the Bureau to manage the document control, tracking, and printing requirements of the Bureau's operation in a Sensitive Compartmented Information Facility (SCIF).

The Bureau of Verification and Compliance in the Department of State has been unable, with its current personnel and its wide responsibilities (which include some services of common concern for other bureaus), to fully support compliance analysis and enforcement, as well as U.S. negotiations in which verification is an important issue. The Managers therefore authorize a larger budget than requested for this Bureau, including $1.8 million for additional personnel, which should remedy the problem.

The Managers applaud the Department of State for the improvement in the content of its congressionally-mandated nonproliferation reports; further improvement, however, is still needed. For example, the Managers expect the Verification and Compliance Bureau to address countries' compliance with their legal and political nonproliferation commitments, consistent with that Bureau's original statutory mandate. The intent of section 2(a)(1)(B) of the Iran Nonproliferation Act of 2000 (P.L. 106–178) was to cover items that would contribute to the nuclear, chemical, and biological weapons capabilities, and the ballistic missile capabilities, of Iran. The reference in that Act to the Missile Technology Control Regime (MTCR) Annexes was not meant to imply that the report under that Act should cover only the transfer of components meeting every Annex criterion. Rather, items of the general type listed in the Annexes, which could also be

used in MTCR-class missiles, should also be covered, consistent with section 2(a)(2) of the Act.

Sec. 1102. Key Verification Assets Fund

This section authorizes $7,000,000 in fiscal year 2003 for the purposes of funding the Key Verification Assets Fund.

The Key Verification Assets Fund has had limited funding since it was created pursuant to section 1111 of the Arms Control and Nonproliferation Act of 1999, but has demonstrated an ability to leverage the work of other departments and agencies in technical aspects of arms control verification. Too often, Department of State funds are required to keep other departments' or agencies' verification assets functioning. While this is a valid and vital use of the Key Verification Assets Fund, the Managers hope that much of the increased funding authorized in this section can be used to promote improved verification, rather than merely to prevent significant degradation of U.S. verification capabilities.

Sec. 1103. Revised verification and compliance reporting requirements

This section modifies the date by which a report on arms control, nonproliferation and disarmament, and compliance is due. Under current law, the report is due on January 31st of each year. This objective has rarely been achieved, if ever. The Managers expect the deadline of April 15th set by this section to be a more realistic date and urge the executive branch to honor this revised requirement.

Title XII—Military and Related Assistance

SUBTITLE A—FOREIGN MILITARY SALES AND FINANCING AUTHORITIES

Sec. 1201. Authorization of appropriations

This section authorizes $4,107,200,000 for fiscal year 2003 for Foreign Military Financing (FMF), which is the executive branch's requested amount.

Sec. 1202. Relationship of foreign military sales to the U.S. nonproliferation interests

This section amends section 4 of the Arms Export Control Act (AECA) to expand the purposes for which foreign military sales may be provided. This section also amends the AECA to provide a statutory definition of the term, ''weapons of mass destruction.''

Section 4 of the Arms Export Control Act permits U.S. arms sales or leases ''solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less-developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.'' The Managers' amendment to that section makes clear that such sales or leases are also permitted for preventing or hindering the proliferation of weapons of mass destruction and the means for delivering such weapons. The urgent and significant nature of these threats to U.S. national security makes it necessary to marshal all available programs, including arms transfers, as appropriate, to halt proliferation.

Sec. 1203. Official reception and representation expenses

This section amends section 43(c) of the Arms Export Control Act (22 U.S.C. 2792) to increase the annual limit on the amount of funds that may be expended for official reception and representation expenses under the Arms Export Control Act from $72,500 to $86,500. Reception and representational expenses are an important part of the successful conduct of the Security Cooperation Program. Since 1993, the amount authorized for these expenses has remained at the same ceiling of $72,500.

An additional increase for representational and entertainment expenses was sought by the Department of Defense through the fiscal year 2002 budget request for the Foreign Military Financing (FMF) Program, which is included in the Foreign Operations Appropriation. That FMF request, combined with section 1203, results in the total representational fund budget used by the Security Cooperation Organizations, to include the Security Assistance Offices (SAOs). Since 1993, an additional 33 SAOs have been opened. These additional 33 SAOs require new representational funding that is comparable to what SAOs in other countries receive, which is $2,000 per office. The Department of Defense has indicated that section 1203 will result in no additional costs to that Department.

Sec. 1204. Arms Export Control Act prohibition on transactions with countries that have repeatedly provided support for acts of international terrorism

This section modifies section 40 of the Arms Export Control Act (AECA), which prohibits transactions with countries that have repeatedly provided support for acts of international terrorism.

Section 40 of the AECA (22 U.S.C. 2780) prohibits various arms transactions with certain countries, and subsection (d) of that section applies those limits to any country that the Secretary of State determines has repeatedly provided support for acts of international terrorism. Such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material.

The Managers believe that willfully aiding or abetting the proliferation of chemical, biological, or radiological agents to individuals or groups is an activity equally deserving of sanction under section 40 of AECA. Inclusion of the term, ''radiological agents,'' is not meant to bar legitimate and legal transfers of radiological material, such as nuclear reactor fuel or medical or industrial isotopes, for purely peaceful purposes. The Managers do intend, however, that if a country contributes to the proliferation of such materials to be used as or in radiological weapons, or with the knowledge or reason to believe that they would be so used, then section 40 of AECA should be applied.

Sec. 1205. Congressional notification of small arms and light weapons license approval; reports

This section amends section 36(c) of the Arms Export Control Act (AECA) to require that arms transfers consisting of defense articles that are firearms controlled under category I of the United States Munitions List be notified to the Congress, if such proposed transfers are valued at $1,000,000 or more.

This section also includes three reporting requirements. First, this section amends section 40 of the AECA to require the executive branch to report on the numbers, range, and findings of end-use monitoring of U.S. transfers of small and light weapons. Second, this section amends section 655 of the Foreign Assistance Act to require additional information on small arms and light weapons including the aggregate dollar value and quantity of semiautomatic assault weapons or spare parts for such weapons that were licensed for export during the period covered by the report required by section 655. And third, this section requires a one-time report on activities of registered arms brokers.

Sec. 1206. Treatment of Taiwan relating to transfers of defense articles and defense services

This section requires that Taiwan shall be treated as though it were designated a major non-NATO ally for the purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act, the Foreign Assistance Act or any other provision of law.

SUBTITLE B—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 1211. Authorization of appropriations

This section authorizes $85,000,000 for fiscal year 2003 for the International Military Education and Training (IMET) program. This level of funding is an increase of $5,000,000 over the executive branch's request for fiscal year 2003, which reflects the Managers' strong support for the IMET program.

Sec. 1212. Human rights violations

This section requires additional reporting to the Congress regarding human rights violations by participants in the International Military Education and Training (IMET) program.

Current U.S. law requires that prospective IMET participants be screened to ensure that they do not have records of human rights violations. There is no requirement, however, to monitor their human rights records after receiving U.S. training. Last year, Congress mandated a new Department of Defense database on IMET participants after December 31, 2000, which does not require new collection of information but should help the Defense Department to keep track of the training it provides, and where its former students go as their careers progress. One justification for the IMET program is that it provides human rights training and a consciousness about respecting human rights in its participants, who presumably will be more respectful of human rights concerns in their own countries. This provision will allow the executive branch and the Congress to better assess the impact of IMET human rights training.

The Managers believe that if a former IMET participant is found to have been involved in a human rights violation, reported in the Department of State's annual human rights report, that person's previous IMET training should be reported to the Congress. To assist the Secretary of State in determining whether there was any such involvement, section 1212 authorizes the Secretary to obtain from the Secretary of Defense, annually, any IMET participant database information with respect to a list containing the names of foreign personnel or military units. If it should be determined, as a result, that a former IMET participant was involved in a human rights violation, the Department of Defense shall update its IMET participant database to reflect that information. This process will give policymakers—and especially the Department of Defense itself—new information with which to evaluate and improve the effectiveness of IMET courses.

Sec. 1213. Participation in post-undergraduate flying training and tactical leadership programs

This section amends chapter 5 of the Foreign Assistance Act to provide the authority for the President to enter into bilateral or multilateral agreements with friendly foreign countries for the cooperative furnishing of post-undergraduate flying and tactical leadership training on a non-reimbursable basis at facilities in Southwest Asia.

The Managers believe that providing this authority to the President will allow the

United States to better utilize the Gulf Air Warfare Center located in the United Arab Emirates. Access to this center will allow the United States to maintain influence with counterparts in the region, and will provide U.S. forces with access to an unparalleled training and range facility.

The Managers expect that the executive branch will work to ensure that the agreements between the U.S. and certain countries in Southwest Asia will be based on the equitable provision of support and services. The Managers intend that the language provided which allows a waiver for the requirement of equitable support and services should be used sparingly, if at all.

SUBTITLE C—SECURITY ASSISTANCE FOR SELECT COUNTRIES

Sec. 1221. Security assistance for Israel and Egypt

This section modifies provisions in current law to authorize Foreign Military Financing (FMF) and Economic Support Funds (ESF) at funding levels and under terms and conditions consistent with the executive branch's request for such programs for fiscal year 2003.

Beginning in fiscal year 2001, the United States began to reduce Economic Support Funds (ESF) assistance to the countries of Israel and Egypt and to replace 50 percent of the reductions in ESF for Israel with an increase in the Foreign Military Financing (FMF) funds for that country. Section 1221 continues that process.

The Managers also note that this section authorizes $200,000,000 in ESF for Israel for fiscal year 2003 for defensive, nonlethal antiterrorism assistance.

Sec. 1222. Security assistance for Greece and Turkey

This section authorizes assistance under the International Military Education and Training (IMET) program for fiscal year 2003 for Greece and Turkey.

This section continues policies established previously, notably in section 512 of the Security Assistance Act of 2000 (P.L. 106–280).

Sec. 1223. Security assistance for certain other countries

This section authorizes assistance for Foreign Military Financing (FMF) and International Military Education and Training (IMET) for fiscal year 2003 for selected countries.

The Managers believe that it is important to specify security assistance amounts for a number of countries of particular concern. In this year's bill, FMF and IMET amounts are specified for the Baltic states, Bulgaria, the Czech Republic, Georgia, Hungary, Jordan, Malta, the Philippines, Poland, Romania, Slovakia and Slovenia. Funding levels for these countries are at or slightly above the executive branch's request for fiscal year 2003.

Sec. 1224. Assistance to Lebanon

This section addresses U.S. assistance for Lebanon. Under this section, $10,000,000 of the Economic Support Funds (ESF) allocated to Lebanon must be withheld for fiscal year 2003 and for all subsequent fiscal years unless and until the President certifies to the appropriate congressional committees for each fiscal year that (1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and (2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed. The withheld funds may not be reprogrammed for any other purpose until the last month of the fiscal year in which the authority to obligate such funds lapses.

This provision is intended to persuade the Government of Lebanon to meet its obligation under UN Security Council Resolution 425, which calls for restoration of the Government of Lebanon's ''effective authority'' in Southern Lebanon, in the wake of Israel's May 2000 withdrawal from Southern Lebanon. The Israeli withdrawal and compliance with UNSCR 425 was certified by the UN Secretary-General and the UN Security Council President. The Government of Lebanon's failure to comply with UNSCR 425 has resulted in significant control of the border by Hizballah, which has initiated numerous attacks on Israeli soldiers and soil, resulting in several deaths and casualties. Allowing an organization designated as a foreign terrorist organization to operate on the Lebanese border during the war on terrorism is highly destabilizing in this volatile region.

SUBTITLE D—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES

Sec. 1231. Excess defense articles for certain countries

This section authorizes funds of the Department of Defense to be expended for packing and shipping of excess defense articles (EDA) under section 516 of the Foreign Assistance Act.

The EDA program enables the United States to meet foreign policy objectives while simultaneously supporting U.S. friends and allies by improving their defense capabilities and enhancing interoperability, and to reduce U.S. stocks of excess equipment. Most Central and Southern European and Newly Independent States countries urgently seek U.S. EDA to replace former Soviet equipment as both a political statement and a way to enhance interoperability with NATO. In addition, certain countries, such as Estonia, Latvia and Lithuania, continue to require EDA as they build their defense forces from zero. Unfortunately, most of these countries cannot afford the packing, crating, handling and transportation (PCH&T) costs associated with EDA as they convert to market economies. Without extended authority to assume those costs, the EDA program becomes virtually unavailable to these countries.

In the Fiscal Year 2000 and 2001 Foreign Relations Authorization Act, Title XII—Security Assistance, sections 1211 and 1212, contained in the Fiscal Year 2001 Appropriations Act, P.L. 106–113, such authority was granted for fiscal year 2000 and fiscal year 2001 for EDA provided to Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Slovakia, Ukraine, and Uzbekistan. The same authority was provided for Mongolia for fiscal year 2001 and fiscal year 2002 in the Security Assistance Act of 2000, Section 707, P.L. 106–80.

Section 1231 extends these current authorities to fiscal year 2003 for certain specified Central and Southern European and certain other countries. Newly included countries include India, Pakistan, Tajikistan and Turkmenistan, all of which have offered assistance in the war on international terrorism.

Sec. 1232. Annual listing of possible excess defense articles

This section amends section 25 of the Arms Export Control Act (AECA) to require that the annual ''Javits report'' of possible arms transfers for the coming year include a list and amount of weapons systems that are significant military equipment that the executive branch believes are likely to become available for transfer as excess defense articles (EDA) during the next 12 months.

The Managers realize that often it is difficult to determine in advance what defense articles will become available for transfer as EDA and do not expect perfection in an annual listing of such articles. As new significant military equipment is deployed by the United States armed forces, however, the systems it replaces can become available at a predictable rate. Given the increasing strategic role that the transfer of EDA plays in U.S. relations with other countries, the Managers believe that such transfers should be the product of interagency strategic thinking and planning. In order to encourage such a process, section 1232 mandates this new reporting requirement.

Sec. 1233. Leases of defense articles for foreign countries and international organizations

This section modifies section 61 of the Arms Export Control Act (AECA) to provide authority to the President to enter into leases for defense articles from the stocks of the Department of Defense for fixed periods of time longer than five years in instances where the defense articles require major refurbishment work prior to delivery to the lessor foreign country or international organization.

Section 2796(b) of title 22, U.S.C., currently provides that the President may lease defense articles from the stocks of the Department of Defense to eligible foreign countries and international organizations for a fixed duration of not more than five years. Some defense articles require major refurbishment work prior to delivery to the eligible foreign country or international organization. By including the time needed to complete this required refurbishment work in the five-year limit on the overall lease, the actual amount of time the eligible party has the beneficial use of the leased defense article is often significantly reduced. Section 1233 provides authority to the President to enter into such leases for fixed periods of time longer than five years, with the period of time for which a particular lease may exceed five years being defined by the time required to perform the required refurbishment work. The recipient of the leased defense article will pay for the actual cost of the refurbishment work.

In recent years, as an economical and expeditious way to acquire modern defense capabilities to meet their defense requirements in the near term, several NATO allies have sought leases of nonexcess U.S. military fighter aircraft, ships, and tanks that needed major refurbishment. As a result, these allies have committed millions of dollars for the refurbishment work, as well as for the actual lease payments for the defense articles. In addition, they agree to return the refurbished defense articles in as good a condition as when they received them, while taking into consideration normal wear and tear. These major refurbishments may take 18 months or even more, such as with military fighter aircraft. Including the refurbishment time in the five-year lease limit can and often does seriously impact the actual beneficial time of use by the recipient.

In addition, adding a definition of ''major refurbishment work'' clearly identifies the specific activity that is acceptable outside the five-year lease limit and articulates the minimum period of time for such activity. The specific activity must be ''major refurbishment work,'' and the minimum period of time for such activity is established at six months. The time required to complete the major refurbishment work, rather than the costs associated with this activity, must be the defining point, because it is the delay in delivery and the subsequent reduced amount of time of beneficial use by the recipient that is the major concern.

Sec. 1234. Priority with respect to transfer of excess defense articles

This section amends section 516 of the Foreign Assistance Act to require that the Philippines, along with other eligible countries pursuant to that section, receive priority with respect to the delivery of excess defense articles.

SUBTITLE E—OTHER POLITICAL-MILITARY ASSISTANCE

Sec. 1241. Destruction of surplus weapons stockpiles

This section authorizes that of the assistance made available in fiscal year 2003 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act (relating to development assistance), up to $10,000,000 is authorized to be made available for the destruction of surplus stockpiles of small arms, light weapons, and other munitions.

From time to time, the United States has supported programs in developing countries to buy back and/or destroy small arms, light weapons, and other munitions that might otherwise be used in criminal activities or ethnic conflicts. Such programs can be especially useful in a country that is emerging from a period of civil war, as was the case in the country of Mali a few years ago when a U.S.-assisted gun buy-back program succeeded in removing from circulation a large number of weapons.

The Managers believe that carefully chosen programs of this sort should be encouraged. Since such programs may be vital to giving a country the stability that is needed for social and economic development, the Managers believe also that the judicious use of development assistance funds for this purpose is warranted. The small arms destruction program is expected to receive $2,000,000 in fiscal year 2003 from the funds allotted to ''Nonproliferation, Anti-terrorism, Demining, and Related Programs.'' Section 1241 does not require that additional funds be made available to this program, but does give the Secretary that option. The Managers believe that these funds should not detract from existing or planned developmental or assistance projects using funds under this chapter of the Foreign Assistance Act.

SUBTITLE F—ANTITERRORISM ASSISTANCE

Sec. 1251. Authorization of appropriations

This section authorizes $73,000,000 for fiscal year 2002 and $64,200,000 for fiscal year 2003 for antiterrorism assistance, which reflect the executive branch's request.

The Managers express their strong continued support for the Department of State's antiterrorism assistance programs, which play an important role in improving other countries' ability to protect U.S. diplomatic and military personnel overseas.

Sec. 1261. Additions to United States war reserves stockpiles for allies

This section amends section 514 of the Foreign Assistance Act to provide authority to transfer excess munitions items in the value of $100,000,000 to the war reserve stockpile (WRSA) in Israel.

The Managers note that providing authority to enhance the WRSA in Israel supports the European Command's (USEUCOM) strategy of forward engagement and assists the defense of Israel.

Sec. 1262. Revised military assistance reporting requirements

This section amends section 656 of the Foreign Assistance Act (FAA) to make clear that the annual foreign military training report does not apply to any NATO ally, Australia, Japan or New Zealand, unless one of the appropriate committees of Congress has specifically requested in writing the inclusion of such country in the report. As a matter of practice, each committee will file such written request regarding a country if either the chairman or the ranking minority member of that committee determines that such a request is advisable.

In addition, this section eliminates two reporting requirements. First, this section amends section 655 of the FAA to delete that portion of the annual military assistance report which requires information relating to military imports. And second, this section amends section 36 of the Arms Export Control Act to delete a portion of a report which requires estimates of U.S. military personnel, U.S. Government civilian personnel and U.S. civilian contract personnel in foreign countries assisting in the implementation of security assistance programs.

Sec. 1263. Consultation with Congress with regard to Taiwan

This section requires the President to provide biannual detailed briefings and consult with the Congress regarding U.S. security assistance to Taiwan, including the provision of defense articles and defense services.

The purpose of this provision is to embed in permanent law the briefing and consultation process with regard to arms transfers to Taiwan that has been required in annual appropriations laws and that reflects the current practice adopted by the executive branch.

Title XIII—Nonproliferation and Export Control Assistance

SUBTITLE A—GENERAL PROVISIONS

Sec. 1301. Authorization of appropriations

This section authorizes $162,000,000 for fiscal year 2003 for Nonproliferation and Export Control Assistance. Of this amount, $2,000,000 is authorized for section 584 of the Foreign Assistance Act of 1961, as added by section 1303 of this Act, and $65,000,000 for fiscal year 2003 for science and technology centers in the independent states of the former Soviet Union. Finally, $382,400,000 is authorized for fiscal year 2003 for ''Nonproliferation, Antiterrorism, Demining, and Related Programs.''

Sec. 1302. Nonproliferation technology acquisition programs for friendly foreign countries

The Managers have consistently supported programs to improve the border security and export control services of friendly foreign countries. Providing reasonably sophisticated detection equipment to those countries can help stem the flow of materials usable in weapons of mass destruction, whether they are radioactive materials or equipment for the manufacture of chemical weapons. To this end, section 1302 authorizes the Department of State to spend up to $5 million annually to buy nuclear, chemical, and biological detection systems for other countries' export control services, as well as $10 million a year for x-ray systems to image sea-cargo containers. The Managers do not intend for these programs to take away from any existing programs or authorities. Rather, these are intended to be two very specific additions to the nonproliferation and export control tool kit.

To make effective use of these funds, however, the Secretary should develop and budget for a multiyear training plan to assist foreign personnel in the utilization of these detection systems. Although multiyear training will not be required in every case, it will in some; and follow-up training to ensure proper use and maintenance of the equipment will guard against the provision of equipment that is never used or that falls quickly into disrepair. The provision requires the Secretary to submit annual reports for four years to the Senate Foreign Relations and House International Relations Committees describing the systems provided and the progress, status, and budget for a multiyear training program to operate those systems.

Sec. 1303. International nonproliferation and export control training

The Department of State, working with other U.S. Government agencies and with governments and non-governmental organizations in friendly countries, has done much to improve export control law, regulations, procedures, and equipment around the world—and most notably in the independent states of the former Soviet Union. The Managers have supported these programs and worked to expand them. The Managers believe that such training, and especially training conducted in the United States where participants can observe a sophisticated export control system firsthand, deserves specific attention in the law. Section 1303 therefore adds nonproliferation export control training to the activities specifically authorized by Chapter 9 of Part II of the Foreign Assistance Act.

Education and training conducted under this section shall be of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation. The Managers see education and training in export control law, regulation, organization, and procedures as fully compliant with this requirement, although we must also train foreign personnel in detection and investigative techniques. The Managers also intend that this section not interfere with education and training programs that take place overseas. Rather, it reflects the Managers' belief that one important element in export control training consists of exposing participants to how our own export control system combines effectiveness with adherence to democratic principles and the rule of law.

Sec. 1304. Relocation of scientists

From 1992 through its expiration in 1996, the Soviet Scientists Immigration Act (P.L. 102–509) allowed a total of up to 750 highly skilled scientists and their families to be admitted to the United States without meeting the normal requirement that an alien's services in the sciences, arts, or business be sought by an employer in the United States. Section 1304 revives this law for another 4 years and increases to 950 the total number of such scientists who, over the two 4–year periods, having met criteria set by the Attorney General, may be so admitted. The Attorney General is directed to consult with other departments and agencies to determine whether any changes are needed in the regulations governing this program, and use of this provision is denied to a scientist who has previously been granted the status of an alien lawfully admitted for permanent residence.

Sec. 1305. International Atomic Energy Agency regular budget assessments

The International Atomic Energy Agency (IAEA) is a particularly important international organization. It furthers U.S. national security objectives by helping to prevent the proliferation of nuclear weapons material, especially through its work on effective verification and safeguards measures. The Department of State has concluded that the IAEA ''is a critical and effective instrument for verifying compliance with international nuclear nonproliferation agreements, and serves as an essential barrier to the spread of nuclear weapons.'' The organization is poised to become even more active and important, moreover, as more countries sign the new model safeguards protocol that grants the IAEA the right to inspect undeclared facilities, and as the nuclear

weapons states seek its help in verifying warhead or fissile material storage or destruction agreements. In addition, in March 2002, the IAEA established an important new program to reduce the risks of nuclear or radiological terrorism.

Nearly two decades of ''zero budget growth'' have impaired the ability of the IAEA to carry out its mission and to hire and retain the most qualified inspectors and Managers. The proportion of safeguards inspectors who hold doctorate degrees has fallen from 32 percent in 1985 to 19 percent in 2000. In June 2001, IAEA Director General Dr. Mohamed El Baradei told his Board of Governors that zero real growth had left the safeguards mission underfunded by $20 million in the regular budget, which ''led to a situation where . . . we are in a position to carry out only adequate safeguards, not optimum safeguards, owing to our inability to modernize equipment and make full use of available new technologies.'' Voluntary contributions by the United States lessen the IAEA's budgetary constraints, but they cannot readily be used for the long-term capital investments or permanent staff increases necessary for an effective IAEA safeguards regime.

In light of these real problems in an agency upon which the United States depends to enforce the Nuclear Nonproliferation Treaty, the Managers believe that a gradual and sustained increase in the IAEA's regular budget is needed. The Managers also believe that more of that budget should be devoted to nuclear nonproliferation activities, but this cannot be achieved unless the total increases as well.

The IAEA's 2003 regular budget has already been fixed, so no increase in that budget can be achieved before 2004. Given the urgency of attending to materials that pose a risk of being used in nuclear or radiological terrorism, notably research reactor fuels that use fissile material and ''orphaned'' radioactive sources, this section authorizes a $10,000,000 increase in the United States voluntary contribution to the IAEA for 2003.

The Managers have been informed of the Administration's decision no longer to insist that its approximate share of the IAEA budget be reduced from 25 percent to 22 percent, in keeping with reductions that are required by law in our contributions to most United Nations organizations. Section 308 makes clear that it was not the intent of Congress that the United States' contributions to all United Nations-related organizations and activities be reduced pursuant to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (contained in Appendix G of P.L. 106–113), which sets 22 percent assessment rates as benchmarks for the general United Nations budget, the Food and Agricultural Organization, the World Health Organization, and the International Labor Organization. Rather, contributions for an important and effective agency like the IAEA should be maintained at levels commensurate with the criticality of their missions.

Sec. 1306. Amendments to the Iran Nonproliferation Act of 2000

This section specifies in greater detail the content of the reports to the Congress that are required pursuant to the Iran Nonproliferation Act of 2000. It also makes clear that if a person only transfers to Iran advanced conventional weapons covered by section 2(a)(1)(E) of the Act, that person is not automatically exempt from sanctions. This amendment to section 5(a)(2) of the Act is in keeping with the original intent of Congress.

Sec. 1307. Amendments to the North Korea Threat Reduction Act of 1999

This section amends Section 822(a) of the North Korea Threat Reduction Act of 1999 (Subtitle B of title VIII of division A of HR 3427, as enacted into law by section 1000(a)(7)) by substituting for the existing listing of facilities, components, goods and so forth, the term ''specified nuclear item,'' which is further defined as such material, facilities, components, goods, services or technology which would be subject to an Agreement for Cooperation if exported to North Korea; and components that are listed in Annex A or B to the Nuclear Suppliers Group Guidelines.

Sec. 1308. Annual report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons

This section consolidates four existing reporting requirements into one annual report on the proliferation of missiles and nuclear, biological and chemical weapons.

SUBTITLE B—RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION

Sec. 1311. Short title

This section states the short title as ''Russian Federation Debt for Nonproliferation Act of 2002.''

Sec. 1312. Findings and purposes

This section sets forth findings regarding the United States' security interest in preventing the spread of weapons of mass destruction and reducing world stockpiles of such weapons, especially in the Russian Federation. Among the findings are that existing nonproliferation assistance programs have made substantial progress, but that the threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent, especially the threat that weapons of mass destruction materials or technology will be sold or stolen and diverted to rogue states or terrorists.

New funding streams are needed for programs to stem these threats, and the burden will have to be shared by the Russian Federation, the United States, and other governments. The Russian Federation assumed the Soviet Union's debts and owes roughly $2.7 billion to the United States and perhaps ten times that amount to other advanced industrialized countries. Debt reduction could be designed to provide additional funding for nonproliferation and arms reduction initiatives, and this funding could be especially large if U.S. friends and allies were to follow the U.S. lead in this regard. The bold June 2002 decision of the G–8 at its Kananaskis meeting to provide the Russian Federation ''10 plus 10 over 10''—$10,000,000,000 in U.S. nonproliferation assistance and $10,000,000,000 in assistance from the other members over 10 years—includes the possibility of member states using debt reduction as a means of financing this assistance.

This section also states that it is in the vital national security interests of the United States that: all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for; stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced; any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed; the Russian Federation's nuclear weapons complex is reduced to a size appropriate to its post-Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment; the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

Subsection (b) states that the purposes of this subtitle are to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, and to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of these objectives. This subsection also states that the intent is to allow the use of additional resources for these purposes. Specifically, the Managers do not intend that debt reduction be used as a substitute for current direct assistance to nonproliferation programs in the Russian Federation.

Sec. 1313. Definitions

Section 1313 defines five terms of art. In particular, in this subtitle, the term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Sec. 1314. Authority to reduce the Russian Federation's Soviet-era debt obligations to the United States

The Russian Federation has assumed the debts owed by the former Soviet Union, including roughly $480,000,000 in Lend-Lease debt dating back to U.S. assistance during World War II and $2,240,000,000 in debt owed to the United States as a result of credits extended under Title I of the Agricultural Trade Development and Assistance Act of 1954. Section 1314 authorizes the President to reduce this debt after notifying the appropriate congressional committees of his intention at least 15 days in advance of any formal determination to do so, and allocates such sums as may be necessary in fiscal year 2003 for the cost of reduction in this debt. Debt reduction may be implemented upon entry into force of a ''Russian Federation Nonproliferation Investment Agreement'' authorized under section 1315. The authority provided by this section shall be available only to the extent, however, that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of reducing any debt pursuant to this section are made in advance.

The Managers understand that any debt reduction agreement reached pursuant to this subtitle is likely to involve the full value of the Russian Federation's Soviet-era official debt to the United States. The purpose of the debt reduction will be to provide new funds for nonproliferation programs in the Russian Federation, rather than to provide debt relief to a country that is, after all, meeting its international financial obligations. The Managers hope, therefore, that any debt reduction agreement will encompass not only the face value of the debt, but also the interest or other debt servicing charges that would otherwise be owed.

Sec. 1315. Russian Federation nonproliferation investment agreement

This section authorizes the President, in consultation with other appropriate officials of the Federal Government, to enter into a ''Russian Federation Nonproliferation Investment Agreement'' with the Russian Federation concerning the use of the funds saved by that country as a result of any debt reduction provided pursuant to this subtitle. The Managers intend that such an agreement govern any debt reduction provided pursuant to sections 1314.

The Managers are especially cognizant of the need to ensure that funds provided through Russian Federation debt reduction be invested in nonproliferation programs or projects in an efficient and transparent manner. The Russian Federation Nonproliferation Investment Agreement shall therefore ensure that: (1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available for agreed nonproliferation programs and projects; (2) each such program or project will be approved by the President; (3) administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs; (4) each program or project funded pursuant to the Agreement will be subject to audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks; (5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes; (6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation; (7) all matters relating to the intellectual property rights and legal liabilities of United States firms in a given project will be agreed upon before the expenditure of funds would be authorized for that project; and (8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

Further, this subsection expresses the sense of Congress that: to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement; the United States and the Russian Federation should consider commissioning the General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement; and the Agreement should provide for significant penalties if agreed funds are misappropriated, or if the President is unable to certify for two consecutive years that Russia has made material progress in stemming the flow of sensitive goods, technologies, material and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism, as required in section 1317.

Sec. 1316. Independent media and the rule of law

The United States has an important interest in encouraging the development of an independent media sector and the rule of law in the Russian Federation. Such developments would help develop Russian involvement in and cooperation with Western political and economic institutions, thereby increasing Russia's economic well-being and its likelihood of maintaining nonproliferation programs on its own (through increased transparency and a decreased incentive to profit from illicit technology sales). They would also make it less likely that a rogue operation to engage in proliferation could ever go undetected or unexposed.

Section 1316 therefore provides that up to 10 percent of the funds saved by the Russian Federation as a result of any debt relief provided pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation. The mechanism for this would be an endowment to support the establishment of a ''Center for an Independent Press and the Rule of Law'' in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for the management of the endowment, its funds, and the Center's programs. While the President is not obligated to use the authority provided by this section, given events in Russia over the past year, in which independent media outlets have been closed or placed under government control, the Managers strongly urge the executive branch to explore exercising this authority.

Sec. 1317. Restrictions on debt reduction authority

The overarching framework for debt-for-nonproliferation under this subtitle is that benefits to the Russian Federation that flow from debt reduction and devoting the funds saved to nonproliferation programs are greater than any similar benefits gained from the proliferation of sensitive items and technologies to state sponsors of terrorism. As such, the first condition of any debt reduction is the need for the Russian Federation to stem the flow of sensitive goods, technologies, material, and know-how related to the research, design, development, and production of weapons of mass destruction and the means to deliver them to countries that have been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism. In particular, the Managers are most concerned regarding the proliferation of dual-use nuclear and missile goods, technologies, materials, and know-how to Iran. Section 1317 therefore conditions section 1314 concerning the authority to grant debt reduction by requiring the President to certify to the appropriate committees of Congress that the Russian Federation has made and continues to make ''material progress'' toward that end before any debt reduction can be provided. For this purpose, 'material progress' is defined as significant, measurable, and demonstrable reductions in Russian proliferation as measured on an annual basis. Until that certification can be made, no debt reduction can be provided, unless the President waives this requirement pursuant to the provisions of subsection (c).

This section also states in subsection (b) that if in any subsequent annual report to Congress submitted pursuant to section 1317 the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then the authorities granted under this subtitle may not be exercised and funds may not be expended, unless and until such certification is made to the appropriate congressional committees. Under subsection (c), the President may waive the requirements of subsections (a) and (b) for a given fiscal year if the President determines that the imposition of those requirements in that fiscal year would be detrimental to the national interest of the United States and so reports to the appropriate committees of Congress.

Sec. 1318. Discussion of Russian Federation debt reduction for nonproliferation with other creditor states

Western countries, other than the United States, hold roughly 90 percent of the Russian Federation's Soviet-era official bilateral debt. Were these countries to join with the United States in allowing this debt to be used for nonproliferation programs in the Russian Federation, the funds available for such purposes would be greatly enhanced. Section 1318 expresses the sense of Congress that the President and other appropriate officials designated by the President should pursue discussions with other creditor states to: ensure that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G–8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G–8 Leaders on June 27, 2002; and reach agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

Sec. 1319. Implementation of United States policy

This section expresses the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act. This interagency committee is intended to coordinate all U.S. Government nonproliferation programs in the former Soviet Union and will be best situated to provide efficient and effective oversight and management of both existing nonproliferation programs and programs or projects resulting from any debt reduction.

Sec. 1320. Consultations with Congress

This section requires the President to consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.

Sec. 1321. Annual reports to Congress

This section requires the President, no later than December 31, 2003, and annually by December 31 of each subsequent year, to prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report shall include (1) a description of the activities undertaken pursuant to this subtitle during the fiscal year; (2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year; (3) a description of any agreement entered into under this subtitle; (4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle; (5) a summary of the results of relevant audits performed in the fiscal year; and (6) a certification, if appropriate, that the Russian Federation continues to meet the condition required by section 1317(a) and an explanation as to why such certification was or was not made.

SUBTITLE C—NONPROLIFERATION ASSISTANCE COORDINATION

Sec. 1331. Short title

This section states that this subtitle may be cited as the ''Nonproliferation Assistance Coordination Act of 2002.''

Sec. 1332. Findings

This section states the findings of Congress. United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in keeping weapons of mass destruction and related material, technology and knowledge out of the hands of terrorists and rogue states. The many U.S. programs are managed by several departments, however, and repeated studies have cited a lack of effective coordination. For example, the Russia Task Force of the Secretary of Energy Advisory Board, chaired by former Senator (and now Ambassador) Howard Baker and former

White House counsel Lloyd Cutler, said of these programs: ''Coordination within and among U.S. Government agencies is insufficient and must be improved.'' (Cited in Howard Baker and Lloyd Cutler, Co-Chairs, Russia Task Force, Secretary of Energy Advisory Board, A Report Card on the Department of Energy's Nonproliferation Programs with Russia, January 10, 2001, p. 23.)

The Administration formed an interagency mechanism for its review of these programs, and the Managers believe that a similar approach is needed for continuing high-level coordination among programs. Private sector spending and foreign investment are increasingly important sources of employment for ex-weapons scientists in the former Soviet Union. Some of these efforts are channeled through U.S. Government or U.S.-supported institutions like the Department of Energy's Initiatives for Proliferation Prevention program, the State Department's International Science and Technology Centers program and the Cooperative Research and Development Foundation. The Managers also believe that nongovernmental efforts, like those of Ted Turner's Nuclear Threat Initiative, will also play an important role, however, and the U.S. Government should coordinate its efforts with those of the private sector.

Sec. 1333. Definitions

This section defines terms used in this subtitle. It defines the term ''independent states of the former Soviet Union'' to have the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801). ''Appropriate committees of Congress'' is defined to mean the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.

Sec. 1334. Establishment of committee on nonproliferation assistance

This section directs the President to establish a mechanism to coordinate U.S. efforts in formulating and carrying out programs for achieving nonproliferation and threat reduction. This mechanism shall include: representatives designated, respectively, by the Secretaries of State, Defense, Energy, and Commerce, the Attorney General, and the Director of the Office of Homeland Security or such successor department or agency; and any other executive branch official the President selects. Each department or agency representative should, to the maximum extent possible, have been appointed by the President with the advice and consent of the Senate. The President shall designate the chair of the coordination mechanism, and the chair may invite the head of any other department or agency to send a representative to participate from time to time in the activities of the coordinating committee.

Sec. 1335. Purposes and authority

This section directs that the interagency coordination mechanism should have the authority to commission analyses on issues relating to coordination of nonproliferation assistance programs within the U.S. Government, between the U.S. public and private sectors, and between the United States and other countries. Within the U.S. Government, the coordination mechanism should provide guidance to coordinate, de-conflict and maximize the utility of nonproliferation assistance programs. It should also consider and make recommendations, as necessary, to the President and Congress regarding proposals for new legislation or regulations relating to U.S. nonproliferation efforts in the independent states of the former Soviet Union. Given the large number of departments and congressional committees with a role in this effort, it will be especially useful for the Administration to bring agencies together and make coherent recommendations regarding the increased nonproliferation efforts that are clearly required today. As the aforementioned Baker-Cutler task force stated in its report to the Secretary of Energy, ''[t]he most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation-states and used against American troops abroad or citizens at home.'' (P. iii)

Sec. 1336. Administrative support

This section directs that all United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism in carrying out its functions and activities established pursuant to section 1334.

Sec. 1337. Confidentiality of information

This section assures that information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the coordination mechanism only for the purpose of carrying out the functions and activities set forth in this subtitle. This section does not, in and of itself, exempt such information from the Freedom of Information Act. It is intended, rather, to underscore the need for departmental representatives to discuss candidly the successes and shortfalls of their nonproliferation assistance programs and to enable committee members to ''think outside the box'' in formulating guidance for executive branch programs and recommendations to the President and Congress.

Sec. 1338. Statutory construction

Section 1338 makes clear that the Nonproliferation Assistance Coordination Act of 2002 does not remove the existing authority of any U.S. department or agency over nonproliferation efforts in the independent states of the former Soviet Union. The interagency coordination mechanism is not to be an operational agency. This subtitle does not give it the budgetary authority vested in the executive branch departments or in the Office of Management and Budget. Neither does this subtitle apply to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

Sec. 1339. Reporting and consultation

Section 1339 stipulates that not later than 120 days after each inauguration of a President of the United States of America, the President shall submit a report to the Congress on his or her general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 1334 of this Act, to achieve those objectives.

SUBTITLE D—IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 2002

Sec. 1341. Short title

This section states that this subtitle may be cited as the ''Iran Nuclear Proliferation Act of 2002.''

Sec. 1342. Withholding of voluntary contributions to the IAEA for programs and projects in Iran

This section amends Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) by adding at the end the following: ''(d) (1) Notwithstanding subsection (c), if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003.)''

Sec. 1343. Annual review by Secretary of State of programs and projects of the IAEA; U.S. opposition to certain programs and projects of the agency

This section directs the Secretary to undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals. The Secretary shall also, not later than one year after the date of enactment of this Act, and on an annual basis thereafter for five years, submit to Congress a report containing the results of this review.

This section also directs the Secretary to direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

Sec. 1344. Reporting requirements

This section requires that, not later than 180 days after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that contains (1) a description of the total amount of annual assistance to Iran from the International Atomic Energy Agency; (2) a list of Iranian officials in leadership positions at the Agency; (3) the expected time frame for the completion of the nuclear power reactors at the Bushehr nuclear power plant; (4) a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year that could assist in the development of Iran's nuclear weapons program; and (5) a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in those countries. The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

Sec. 1345. Sense of Congress

This section states the sense of Congress that the President should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms. Pursuant to section 307 of the Foreign Assistance Act, the Managers note the continued restrictions in that provision regarding Cuba which include limitations on U.S. funding for IAEA technical cooperation activities in that country.

Title XIV—Expediting the Munitions Licensing Process

Sec. 1401. License officer staffing

This section authorizes $10,000,000 for fiscal year 2003 to be appropriated for ''Diplomatic and Consular Programs'' for salaries and expenses of the Office of Defense Trade Controls of the Department. This section also requires that, effective January 1, 2003, the Secretary shall assign to the Office of Defense Trade Controls of the Department a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not routinely exceed 40. It is important to note that, given the qualitative differences between individual cases (e.g., in their technical complexity), the caseload for some license review officers might appropriately be significantly fewer than 40 cases per week.

Finally, given the priority placed on expedited license reviews in recent years by the Department of Defense, this section states that the Secretary of Defense should ensure that military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

Sec. 1402. Funding for database automation

This section directs that of the amount authorized to be appropriated under the appropriations account of the Department entitled ''Capital Investment Fund'' for fiscal year 2003, $4,000,000 is authorized to be available for the Office of Defense Trade Controls of the Department for the modernization of information management.

Sec. 1403. Information management priorities

Sec. 1403 requires the Secretary to establish a secure, Internet-based system for the filing and review of applications for export of United States Munitions List items. Of the amount made available pursuant to section 1402, $3,000,000 is authorized to be available to fully automate the Defense Trade Application System, and to ensure that the system: (1) is a secure, electronic system for the filing and review of Munitions List license applications; (2) is accessible by United States companies through the Internet for the purpose of filing and tracking their Munitions List license applications; and (3) is capable of exchanging data with the Export Control Automated Support System of the Department of Commerce, the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense, the Export Control System of the Central Intelligence Agency, and the Proliferation Information Network System of the Department of Energy.

Sec. 1404. Improvements to the automated export system

Section 1404 mandates that the Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of the Treasury, publish regulations in the Federal Register to require, upon the effective date of those regulations, filing through the Automated Export System for the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (113 Stat. 1501A at 1536, as enacted into law by section 1000(a)(7) of Public Law 106–113; 13 U.S.C. 301 note).

This section also requires the Secretary of State to conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau to adjust the Automated Export System to parallel information currently collected by the Department of State.

This section also significantly increases the penalties for failure to file export declarations through the Automated Export System and for knowingly failing to file or filing misleading export information through the Shippers Export Declaration (or any successor document) or the Automated Export System. It sets forth procedures for civil penalty imposition by the Department of Commerce, but permits other agencies to use their own procedures if the Secretary of Commerce delegates enforcement functions to them. It also authorizes the Secretary of Commerce to designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to chapter 9 of title 13 of the U.S. Code (on the census). In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General. The Commissioner of Customs is given similar authority to designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter. Finally, this section authorizes the Secretary of Commerce to promulgate regulations for the implementation and enforcement of this section. The criminal fines provided for in this section are exempted from the provisions of section 3571 of title 18, United States Code. A clerical amendment to the table of sections at the beginning of chapter 9 of title 13, United States Code, strikes the item relating to section 305 and inserts, ''305. Penalties for unlawful export information activities.''

Sec. 1405. Adjustment of threshold amounts for congressional review purposes

Pursuant to section 36 of the Arms Export Control Act, the Senate Committee on Foreign Relations and the House International Relations Committee receive prior notice of hundreds of arms sales each year. As inflation and improved technology have raised the cost of weapons systems, the old dollar thresholds in the law have forced the reporting of more and more export licenses that are of no substantive interest to either committee, but that necessarily subject U.S. companies to additional delays due to the requirement for congressional consideration.

This section sets new prior notice thresholds of $25,000,000 for major defense equipment and $100,000,000 for other items, and $300,000,000 for design and construction services, which will apply to most sales to NATO members, Australia, Japan or New Zealand. The one exception will be sales to one or more of those countries that incorporate a new or increased sales territory that includes a country outside of that group. The Managers believe that approval of such a sales territory is tantamount to approving future sales to the listed countries, and sometimes such third-country sales pose security or policy concerns. The Managers note that discussions on the issue of notification thresholds with the Department of State and the Department of Defense will continue in the coming year.

Sec. 1406. Congressional notification of removal of items from the munitions list

This section requires the President to provide 30 days' notice to the Congress in accordance with the procedures applicable to reprogramming justifications under section 634A(a) of the Foreign Assistance Act of 1961 of any items proposed to be removed from the Munitions List. The Defense Trade Security Initiative calls for a review of the Munitions List every 4 years. The Managers understand that the Administration is currently reviewing a portion of the list to determine if items warrant removal from the list. While the recent completion of the review of one-quarter of the Munitions List did not remove any items to the detriment of U.S. national security, the Managers believe that the oversight responsibilities of Congress with regard to the sale of lethal military arms would be prudently exercised by the opportunity to review under these procedures any proposed deletions to the Munitions List. The Managers trust that continued consultation with the Department of State over the ongoing review of and changes to the Munitions List will allow any alterations to the Munitions List to occur without undue delay, controversy, or diminution of U.S. national security.

Title XV—National Security Assistance Strategy

Sec. 1501. Briefing on the strategy

Foreign Military Financing (FMF), transfers of excess defense articles (EDA), and International Military Education and Training (IMET) are justified not simply in military terms, but as contributions to the overall national security of the United States. The fact that they are authorized in the Foreign Assistance Act of 1961 and the Arms Export Control Act reflects a recognition that they are intended primarily to serve foreign policy objectives.

It can be most difficult, however, to keep foreign policy objectives in the forefront when the details of program implementation involve detailed issues of military efficiency at home and abroad. The Managers believe that the State Department must develop a national security assistance strategy that integrates the FMF, EDA and IMET programs, on a country-by-country basis, into the National Security Strategy of the United States. This will bring greater coherence to those programs and ensure that they achieve maximum benefits for U.S. foreign policy. The Managers appreciate the fact that relevant officials are trying to impose greater strategic and policy discipline on these programs, and they expect to see tangible results in this regard.

This section directs that, no later that March 31, 2003, officials of the Department of State and the Department of Defense shall brief the appropriate congressional committees regarding their plans and progress in formulating and implementing a national security assistance strategy. This briefing shall include: (a) how, and to what extent, the elements of the strategy recommended in section 501(b) of the Security Assistance Act of 2000 (22 U.S.C. 2305(b)) have been or will be incorporated in security assistance plans and decisions; (b) the number of outyears considered in the strategy; (c) actions taken to include the programs listed in section 501(c) of the Security Assistance Act of 2000 (22 U.S.C. 2305(c)), as well as similar programs of military training or other assistance to the military or security forces of a foreign country; (d) how a national security assistance strategy is being implemented regarding specific countries; (e) any programmatic changes adopted or expected as a result of adopting a strategic approach to security assistance policymaking; (f) any obstacles encountered in formulating or implementing a national security assistance strategy; and (g) any resources or legislative needs highlighted by this process. It is especially important to include similar programs other than FMF, EDA, and IMET, so that uniform policy and standards are maintained over all such programs.

Sec. 1502. Security assistance surveys

This section encourages the Secretary of State to use security assistance surveys in the preparation of a national security assistance strategy. This section also authorizes $2,000,000 to be available to the Secretary to

conduct security assistance surveys, or request such surveys by the Department of Defense or other U.S. agencies on a reimbursable basis.

Title XVI—Miscellaneous Provisions

Sec. 1601. Nuclear and missile nonproliferation in south Asia

The war against terrorism has made South Asia a military theater of operations and has produced new, cooperative relations between the United States and both India and Pakistan. It has not reduced, however, the risk that this region will contribute to the proliferation, or even the use, of nuclear weapons. Indeed, concern over the security of special nuclear material in South Asia has been heightened by the increased tension in the area. In promulgating a statement of United States policy on nonproliferation objectives in South Asia, the Managers intend that the executive branch maintain and demonstrate a high priority for these concerns. Osama bin Laden's efforts to acquire weapons of mass destruction make clear that nonproliferation is now part and parcel of the war on terrorism, and not a subsidiary issue. The Committee also intends that all U.S. policy and actions on nuclear issues in South Asia be consistent with United States obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483) and with past U.S. policy on these matters.

To this end, subsection (a) states that it shall be the policy of the United States, consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, to encourage and work with the governments of India and Pakistan to achieve nonproliferation objectives by September 30, 2003, including: the continuation of a nuclear testing moratorium; a commitment not to deploy nuclear weapons or ballistic missiles that can carry nuclear weapons and to restrain the ranges and types of missiles developed or deployed; agreement by both governments to bring their export controls in accord with the guidelines established by the major international nonproliferation regimes; establishment of a modern, effective system to control the export of sensitive dual-use items, technology, technical information, and materiel that can be used in the design, development, or production of weapons of mass destruction and ballistic missiles; and bilateral meetings between senior Indian and Pakistani officials to discuss security issues and establish confidence-building measures with respect to nuclear policies and programs.

Subsection (b) states that it shall be the policy of the United States, consistent with its obligations under the Treaty on the Nonproliferation of Nuclear Weapons, to encourage and, where appropriate, to work with the Governments of India and Pakistan to achieve not later than September 30, 2003, the establishment by those governments of modern, effective systems to protect and secure their nuclear devices and materiel from unauthorized use, accidental employment, or theft. Any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any recognition to India or Pakistan, as appropriate, as a nuclear weapon state (as defined in the Treaty on the Non-Proliferation of Nuclear Weapons).

Finally, this section requires the President to submit, not later than March 1, 2003, to the appropriate congressional committees a report describing United States efforts to achieve the objectives listed in subsections (a) and (b), the progress made toward the achievement of those objectives, and the likelihood that each objective will be achieved by September 30, 2003.

Sec. 1602. Real-time public availability of raw seismological data

One area in which policy and science both benefit from close collaboration is seismology—the study of disturbances in the earth's crust. Scientists measure seismic waves primarily to study earthquakes and to differentiate them from rock falls and man-made explosions. Public benefits from this work have included a better understanding of earthquakes, improved ability to warn of possible tsunamis so that people can move to higher ground, monitoring of volcanos for public safety purposes, improved techniques to locate oil reserves, and the detection and characterization of nuclear weapons tests. Data gathered for national security reasons can in turn be of great use to science. Pursuant to the Comprehensive Nuclear Test-Ban Treaty, an International Monitoring System (IMS) is being put in place that will link 170 seismic monitoring stations, including some that are new or in locations to which outside observers have not previously had access. The United States participates in the development of the IMS and receives near-real time data from the seismic and other sensors in that system.

These data, if made available to scientists in a timely fashion, would improve worldwide earthquake monitoring capabilities. Combining IMS data with seismological data from sites outside the IMS will, in turn, enable scientists to assist governments—including our own—in determining whether an unusual seismic event was a nuclear weapons test. The United States has pressed for near-real time release of IMS data to the public, but has not achieved international consensus in favor of that.

The Managers believe that more must be done to bring about the timely release of these data. The case for letting all the world's experts obtain these data in a timely fashion is one that every country should understand: more complete data and competitive analysis decrease the risk that an event will be misinterpreted. And if, as appears to be the case, nearly all countries accept this argument, then they ought to act upon that, either through appropriate international organizations or through separate bilateral or multilateral agreements regarding each country's data.

Section 1602 directs the head of the Air Force Technical Applications Center (AFTAC) to make available to the public, as soon as possible after receipt, all raw seismological data provided to the United States Government by any international monitoring organization that is directly responsible for seismological monitoring. AFTAC is the U.S. Government agency that gathers these data, so its director is an appropriate official to release them.

Sec. 1603. Detailing U.S. governmental personnel to international arms control and nonproliferation organizations

United States Government personnel have performed important work for international organizations over the years. One well-known example was UNSCOM, the United Nations Special Commission in Iraq, which conducted inspections in that country in an effort to locate and destroy weapons of mass destruction capabilities. Such details of U.S. personnel serve both our own national interest and the world's need for technical and logistical expertise in these crucial organizations. Too often, however, the personnel detailed to international organizations find that their careers suffer because they have spent months or years away from their home offices and outside normal personnel career paths. This section directs the Secretary of State to develop measures whereby U.S. personnel may be detailed to international arms control and nonproliferation organizations without having their careers suffer, and to report to the appropriate committees no later than May 1, 2003, on measures taken.

Sec. 1604. Diplomatic presence overseas

As the events since September 11, 2001, have made all too clear, antiterrorism and nonproliferation are increasingly important elements of American foreign and national security policy. These are not issues that America can handle alone. Rather, we must enlist other nations to do their part as well, both at home and in international fora. To meet the challenges of the 21st century, U.S. missions overseas must have high-level personnel who have both language training and substantive expertise in nonproliferation and political military affairs.

This section authorizes the Secretary of State to create the position of Counselor for Nonproliferation and Political Military Affairs at U.S. missions overseas, to be filled by career Civil Service officers or Foreign Service officers who will receive, as a rule, 10 months of special substantive or language training before assuming their posts.

Sec. 1605. Compliance with the Chemical Weapons Convention

On April 24, 1997, the Senate provided its advice and consent to ratification of the Chemical Weapons Convention subject to the condition, among others, that the President certify that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States. Congress enacted the same condition into law as section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)). Part II, paragraph 57, of the Verification Annex of the Convention requires that all samples requiring off-site analysis under the Convention shall be analyzed by at least two laboratories that have been designated as capable of conducting such testing by the Organization for the Prevention of Chemical Weapons (OPCW). The only United States laboratory currently designated by the OPCW is the United States Army Edgewood Forensic Science Laboratory.

In order to comply with the Chemical Weapons Convention, the certification submitted pursuant to condition (18) of the resolution of ratification of the Chemical Weapons Convention, and section 304 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724), the United States must possess, at a minimum, a second OPCW-designated laboratory. The possession of a second laboratory is especially necessary in view of the potential for a challenge inspection to be initiated against the United States by a foreign nation. To qualify as a designated laboratory, a laboratory must be certified under ISO Guide 25 or a higher standard, and complete three proficiency tests. The laboratory must have the full capability to handle substances listed on Schedule 1 of the Annex on Schedules of Chemicals of the Convention. In order to handle such substances in the United States, a laboratory also must operate under a bailment agreement with the United States Army.

Several existing United States commercial laboratories have approved quality control systems, already possess bailment agreements with the United States Army, and have the capabilities necessary to obtain OPCW designation. The Managers believe that, in order to safeguard samples taken on U.S. territory and bolster the legitimacy of the analysis of those samples, thereby protecting the proprietary and business interests of U.S. firms, and to promote similar transparency and confidence when inspections are conducted abroad, one of the

United States designated laboratories should not be a U.S. Government facility.

This section therefore requires that the United States National Authority, by June 1, 2003, select a nongovernmental laboratory to pursue designation by the OPCW. A report is required by March 1, 2003, detailing a plan for securing OPCW designation of a third United States laboratory by December 1, 2004. With three designated U.S. laboratories, the OPCW could randomly send a real sample to two laboratories and a false sample to the third, so that a laboratory would never be sure what sample it was analyzing. This approach, which is in keeping with OPCW intent worldwide, would reduce significantly the value of any espionage information that a country or company might hope to gain by infiltrating a laboratory.

Title XVII—Authority to Transfer Naval Vessels

Sec. 1701. Authority to transfer naval vessels to certain foreign countries

This section authorizes the President to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) Poland.—To the Government of Poland, the Oliver Hazard Perry class guided missile frigate Wadsworth (FFG 9);

(2) Turkey.—To the Government of Turkey, the Knox class frigates Capodanno (FF 1093), Thomas C. Hart (FF 1092), Donald B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bowen (FF 1079).

This section also authorizes the President to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) Mexico.—To the Government of Mexico, the Newport class tank landing ship Frederick (LST 1184);

(2) Taiwan.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995), and Chandler (DDG 996);

(3) Turkey.—To the Government of Turkey, the Oliver Hazard Perry class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morison (FFG 13).

This section also states that the value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

This section states further that any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis.

This section also directs that, for a vessel transferred on a grant basis to Turkey, the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.

This section also directs that, to the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, be performed at a shipyard located in the United States, including a United States Navy shipyard.

Finally, the authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
CHRISTOPHER H. SMITH,
TOM LANTOS,
HOWARD L. BERMAN,
ILEANA ROS-LEHTINEN,

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,
JOHN CONYERS, Jr.,
Managers on the Part of the House.

JOE BIDEN,
PAUL S. SARBANES,
CHRIS DODD,
JOHN F. KERRY,
JESSE HELMS,
DICK LUGAR,
CHUCK HAGEL,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 20, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3880. To provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

H.R. 4687. To provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that . . . .

H.R. 5157. To amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit. . . etc.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 24, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

9262. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — AQI User Fees: Extension of Current Fees Beyond Fiscal Year 2002 [Docket No. 02-085-1] received September 17, 2002, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Agriculture.

9263. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [OPP-2002-0238; FRL-7198-9] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9264. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances [OPP-2002-0224; FRL-7200-4] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9265. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances for Emergency Exemption [OPP-2002-0253; FRL-7273-7] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9266. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr 1-methylheptyl ester; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0234; FRL-7198-3] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9267. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerance [OPP-2002-0243; FRL-7200-8] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9268. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerance for Emergency Exemption [OPP-2002-0256; FRL-7274-9] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9269. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance [OPP-2002-0219; FRL-7198-5] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9270. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tolylfluanid; Pesticide Tolerance [OPP-2002-0216; FRL-7200-5] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9271. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triclopyr; Pesticide Tolerance [OPP-2002-0190; FRL-7196-7] received

September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9272. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Reporting and Disclosure Requirements for State Member Banks With Securities Registered Under the Securities Exchange Act of 1934 [Regulation H; Docket No. R-1129] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9273. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7791] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9274. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7614] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9275. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7429] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9276. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Records and Reports Concerning Experience With Approved New Animal Drugs; Delay of Effective Date [Docket No. 88N-0038] (RIN: 0910-AA02) received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9277. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Metropolitan Provo; State of Utah, and Approval of Revisions to the OxygenatedGasoline Program [UT-001-0045a, UT-001-0046a; FRL-7377-9] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9278. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update [FRL-7379-6] (RIN: 2040-AD59) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9279. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 078-0036; FRL-7380-9] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9280. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Eligibility Requirements in Part 78 Regarding 12 GHz Cable Television Relay [CS Docket No. 99-250, RM-9257] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9281. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to Title VIII of Public Law 101-246 Foreign Relations Authorization Act for Fiscal Year 1990-91, as amended; to the Committee on International Relations.

9282. A letter from the Chairman, Federal Accounting Standards Advisory Board, transmitting the Board's report entitled, ''Eliminating the Category National Defense Property, Plant and Equipment''; to the Committee on Government Reform.

9283. A letter from the Director, Office of PersonnelManagement, transmitting the Office's final rule — Excepted Service-Schedule A Authority For Nontemporary Part-Time or Intermittent Positions (RIN: 3206-AJ06) received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9284. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 083002A] received September 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9285. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period [Docket No. I.D. 073002A] received September 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9286. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 073002B] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; James River, Jamestown to Scotland, Virginia [CGD05-02-064] (RIN: 2115-AE46) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9288. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment Class D Airspace; White Plains, NY [Airspace Docket No. 02-AEA-04] received September 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9289. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Amendment to the Definitions of Revenue and Nonrevenue passengers [Docket No. OST-00-7735] (RIN: 2139-AA07) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9290. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Miscellaneous Revisions to Registration Requirements [Docket No. RSPA-02-13328 (HM-208E)] (RIN: 2137-AD74) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9291. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-154-AD; Amendment 39-12871; AD 2002-17-05] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9292. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Ballonbau Worner GmbH Model K-630/1-Stu Manned Free Gas Balloons [Docket No. 2000-CE-35-AD; Amendment 39-12869; AD 2002-17-04] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9293. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Models HK 36 R ''Super Dimona,'' HK36 TC, HK 36 TS, HK 36 TTC, HK 36 TTC-ECO, HK 36 TTC-ECO (Restricted Category), and HK 36 TTS Sailplanes [Docket No. 2002-CE-11-AD; Amendment 39-12870; AD 2002-15-01 R1] (RIN: 2120-AA64) received September 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9294. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. 2002-NM-195-AD; Amendment 39-12872; AD 2002-17-06] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9295. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. HC-A3V, HC-B3M, HC-B3T, HC-B4M, HC-B4T, and HC-B4M Series Propellers; Correction [Docket No. 95-ANE-30-AD; Amendment 39-9738; AD 96-18-14] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9296. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2001-NM-344-AD; Amendment 39-12874; AD 2002-18-02] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9297. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, a Division of Textron Canada, Model 407 Helicopters [Docket No. 2002-SW-03-AD; Amendment 39-12868; AD 2002-17-03] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9298. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes [Docket No. 2001-NM-256-AD; Amendment 39-12873; AD 2002-18-01] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9299. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments

[Docket No. 30327; Amdt. No. 437] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9300. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30324; Amdt. No. 3018] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9301. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30323; Amdt. No. 3017] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9302. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30322; Amdt. No. 3016] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9303. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30321; Amdt. No. 3015] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9304. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Savannah River, Georgia [CGD07-01-037] (RIN: 2115-AE84) received August 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9305. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30326; Amdt. No. 3020] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9306. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30325; Amdt. No. 3019] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9307. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Poplarville, MS [Airspace Docket No. 02-ASO-8] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9308. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amend Class E Airspace; Seneca Falls, NY [Airspace Docket No. 02-AEA-07] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9309. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amend Class E Airspace: Mount Pocono, PA [Airspace Docket No. 02-AEA-09] received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9310. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 98-ANE-48-AD; Amendment 39-12867; AD 2002-17-02] (RIN: 2120-AA64) received September 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9311. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Tank Level or Pressure Monitoring Devices [USCG-2001-9046] (RIN: 2115-AG10) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9312. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Naval Base Coronado, San Diego Bay, CA [COTP San Diego 02-018] (RIN: 2155-AA97) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9313. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Passaic River, NJ [CGD01-02-108] (RIN: 2115-AE47) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9314. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Standards for Infectious Substances; Correction [Docket No. RSPA-98-3971 (HM-226)] (RIN: 2137-AD13) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9315. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to the Effluent Limitations Guidelines and Standards for the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Point Source Category: Final Rule; OMB Approvals Under the Paperwork Reduction Act: Technical Amendment [FRL-7379-4] (RIN: 2040-AD23) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9316. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Accounts, Records and Reports — Technical Amendments [STB Ex Parte No. 636] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9317. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological Material from Mali [T.D. 02-55] (RIN: 1515-AD16) received September 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9318. A letter from the Chief, Regulations Unit, Internal Revenue service, transmitting the Service's final rule — Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code [TD 9015] (RIN: 1545-BA98) received September 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9319. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exemption from Tax on Corporations, Certain Trusts (Rev. Rul. 2002-55) received September 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9320. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence for Taxpayers Affected by the September 11, 2001, Terrorist Attacks [Notice 2002-60] received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9321. A letter from the Secretary, Environmental Protection Agency, transmitting the Agency's FY 2000 report entitled, ''Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act''; jointly to the Committees on Armed Services and Energy and Commerce.

9322. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress FY 2001''; jointly to the Committees on Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 5180. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah; with an amendment (Rept. 107–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 491. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project (Rept. 107–666). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 941. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; with an amendment (Rept. 107–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes (Rept. 107–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 1240. An act to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes (Rept. 107–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail (Rept. 107–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee of Conference. Conference report on H.R. 1646. A bill to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for

other purposes (Rept. 107–671). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. DEFAZIO):

H.R. 5428. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia:

H.R. 5429. A bill to provide an exemption from local taxation for direct-to-subscriber satellite service providers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.J. Res. 110. A joint resolution authorizing the use of United States Armed Forces against Iraq; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 612: Mr. RODRIGUEZ.
H.R. 1987: Mr. ROGERS of Michigan.
H.R. 4672: Mr. BAKER and Mr. PLATTS.
H.R. 4754: Mr. EDWARDS.
H.R. 5089: Ms. BERKLEY and Ms. WATSON.
H.R. 5214: Mr. SHUSTER.
H.R. 5250: Mr. HEFLEY, Mr. LARSON of Connecticut, and Mr. MICA.
H.R. 5285: Mr. HINCHEY, Mr. SABO, Mr. PRICE of North Carolina, and Mr. GOODE.
H.R. 5340: Ms. WATERS.
H. Con. Res. 116: Mr. BECERRA.
H. Con. Res. 177: Mr. BLUMENAUER, Mr. SHERMAN, and Mr. ANDREWS.
H. Res. 50: Mr. CONYERS.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Liberating Lord of all, we begin the work of this week remembering what took place 140 years ago yesterday on September 22, 1862. President Abraham Lincoln, a humble instrument in Your mighty hands, issued the life changing, values-reorienting, culture-reforming Emancipation Proclamation. The right to life, freedom, and citizenship was assured for all persons regardless of race, origin, or circumstance. This courageous position of valuing all human life by freeing the slaves was the direct result of biblical truth which could no longer be denied.

Now, 140 years later, we ask for Your strength to continue to overcome any vestiges or prejudice in our hearts. We still need Your emancipation from customs that constrict, practices that patronize, superiority that scrutinizes, and attitudes that anger. Keep us in the battle for equality in education, job opportunities, and social advancement for all Americans. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

SCHEDULE

Mr. REID. The Chair will announce shortly that there will be a period for morning business until 3:30 p.m. today, with the first half under the control of the Republican leader. I see Senator THOMAS is here to lead the Senate in discussion this afternoon. The second half of the time is under the control of the majority leader or his designee.

At 3:30 p.m., the Senate will resume consideration of the Interior Appropriations Act, with 60 minutes of debate in relation to the Dodd amendment regarding recognition of Indian tribes. Following this debate, there will be 60 minutes of debate in relation to cloture on the Byrd amendment regarding the fire service and agricultural disaster funding.

At 5:30 p.m., there will be two rollcall votes, first in relation to the Dodd amendment and second on cloture on the Byrd firefighting repayment amendment.

Following these votes, the Senate will resume consideration of the Homeland Security Act under the management of Senator LIEBERMAN and Senator THOMPSON.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time will be under the control of the Republican leader or his designee.

The distinguished Senator from Wyoming.

CHOOSING PRIORITIES

Mr. THOMAS. I thank the Chair.

Mr. President, I wish to take a few minutes to talk about where the Senate is and where the Senate is going. Obviously, we are coming to the end of the session. I presume the maximum we will be here is 2 weeks after this week, a total of 3 weeks, unless circumstances change.

We have, of course, as usual, a lot of legislation that could be done. There are a lot of issues about which we have talked this year that need to be finalized. All those issues rise to the top at the end of a session.

More importantly, we are faced with the fact that there is limited time, and the process takes a good deal of time. Therefore, it is necessary, it seems to me, for us to choose priorities and decide what we must complete before we go into recess for the election and after and, of course, do whatever we can but that those need to be our priorities.

I am one who believes strongly in the fact that one has to make priorities, in any group, although this group is not an easy one to manage. Decisions need to be made with respect to what we need to do and, frankly, finding some limits on how long we can spend on different issues.

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

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We only have time for a relatively few items to be completed, in my opinion. Some of them are more fairly obvious and some are quite important. Obviously, we have to complete homeland security. We have been on that bill now, I believe, 3 weeks. Hopefully, we will finish it very soon. Because of the time, it needs to be completed soon.

Quite frankly, we find ourselves in a delay, a stalling arrangement here that is not where we need to be. Are there differences of views? Of course, and they need to be resolved, but that is what the system is about, and we need to go on.

We are going to be faced very soon with a resolution with respect to Iraq. In fact, we are working on it now. It is an issue that needs to be addressed and addressed quickly. Again, it will take a certain amount of time, but we do need to address it, and we need to address it on the basis that it is a priority with which we need to deal, however one feels about it.

Defense appropriations: We are going to find ourselves not having dealt with more than half the appropriations bills by the time we go into recess, but many of them can probably be tided over for several months with a continuing resolution, funding the agencies at the level they have been in the past year. It is not an unusual occurrence. But Defense appropriations, in this instance, is quite different because of the circumstances relating to terrorism.

Defense appropriations need to be completed. More resources obviously need to be available to our military so when we ask our military to do whatever we ask them to do, they have the best support we can possibly give to them.

The CR needs to be dealt with so we do not have the Government being stopped because of no financing. Remember, we did that a number of years ago. We cannot let that happen, of course.

There are lots of issues people will talk about that indeed are important, and if we had our way, they could all be done. Unfortunately, a lot of those issues have not been brought out of committee and to the floor so we can move them forward. I believe 8 out of 13 appropriations bills have not been dealt with yet.

We are going to soon have to deal with a payback for Medicare. I find at home—and I am sure everyone else does, too—more physicians are not treating Medicare patients because the reimbursement has gone down, and it is scheduled to go down more the first of next month. Frankly, this would be a relatively easy issue to fix. We know what the percentages are, and we could do something about that.

An issue that I have talked a great deal about and that is more difficult—and I do not think we will accomplish but many of us would like to—is pharmaceuticals. We need to find a way to make pharmaceuticals more available to the elderly particularly. We have worked on that a great deal and have not come to a conclusion and will not, in my opinion, by the time this session is over.

We have spent a good deal of time on energy. Certainly, energy is an issue that affects not only the economy but it affects terrorism and the upheaval in the Middle East where we have let ourselves become 60 percent dependent on imported energy. We need to change that. We need to have a policy. We have not had a policy for some time. We are now in the process of developing that policy in a conference committee, and we need to get that finished.

We talked about drought relief. It is on the table. We can do that.

Unfortunately, we will probably not be able to deal with terrorism insurance, which is too bad. It is a good issue because it has to do with the economy. It has to do with the resistance to constructing buildings, for example, when you cannot have insurance for them.

There are lots of other issues, such as tort reform and health care costs. I think we have to move on those issues. We have to move ahead with the budget resolution, which we have not had for the first time in a number of years.

One may say, what is the difference? The difference is not only does it help us deal with what we are going to spend, but it has an operational aspect to it that says if you spend over what you have agreed to for the budget, there have to be 60 votes to pass it, which is the kind of resistance we need when we are spending too much money.

We have already talked about prescription drugs. That is an issue we really need to deal with. There are a number of ideas, and we need to consider them.

The permanent tax cut, of course, again, has to do with stimulating the economy, and we have talked about that a great deal as something we need to do.

There are also the issues of homeland security and welfare reform. Welfare reform is pretty much ready to go in the committee. We are going to have to have a temporary passage to keep that in place because it expires shortly. These are the things we need to deal with, as well as the appropriations bills.

I urge that we set some priorities, decide what it is we are going to do over this time, and set some time goals so we can work at it. Then I think we really have to enforce it.

Today, for example, it will be 5 o'clock on a Monday before we get around to voting, and I suspect we will be out again next Friday. The time has come when we really need to take the time that is available to do what we have to do. That is our challenge, and certainly it is not easy.

It is difficult because we all have different ideas about what issues are most important. We have some compelling issues that clearly need to be moved on because of the shortage of time. I urge we move that way and complete the work that is necessary for it to be done before we leave in October.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

THINNING THE FORESTS

Mr. KYL. Mr. President, in the time I have this afternoon, I want to address three subjects. The first relates to an issue we are going to be taking up tonight, which is the cloture motion on an amendment relating to the Interior appropriations bill. The Domenici-Craig amendment dealing with forest health will go down if cloture is invoked. Therefore, I urge my colleagues not to vote to invoke cloture.

I also acknowledge that the efforts to try to reach a compromise on how to protect our forests from disease, infestation, poor health, and fire have not borne fruit, and it is unlikely there will be an agreement reached in a bipartisan way sufficient to allow us to pass something that will provide relief to those, particularly in the West, who have forests that need this kind of treatment. That being the case, we are going to have to find another way to deal with the issue.

The administration is committed to forest health. The President has laid out a plan, and I think administratively the Departments of the Interior and Agriculture will do the very best they can to work within the existing law to manage our forests to bring them back to health and to prevent fires.

The reality is that this failure to reach an agreement will have disastrous consequences, not just in terms of fire but the health of our forests, particularly in the West, and that is not a situation we should be very proud of in this body.

We tried very hard, particularly those of us who represent the Western States, to educate some of our colleagues about what we mean by forest management. There is not much debate in the scientific community about what ought to be done to our forests, maybe 75 million acres of trees. They need to be treated, and by that we mean there needs to be a process whereby the dead, dying, and diseased timber, as well as the very small diameter timber, is removed so the forest can sustain the larger trees we want to preserve and return forests to the healthy conditions they were in maybe about 100 years ago. This means opening up the canopies and providing more opportunity for grass. The trees that would be thinned would not only remove a source of competition to the larger trees in terms of soaking up the moisture and nutrients from the soil, but also providing fuel for forest fires which, instead of just creeping along the ground as they did 100 years or so ago, are now using these small trees to basically climb a ladder up to the crowns of the big trees.

What we see on television, when we see the pictures of these enormous forest fires, is the canopies of the big trees literally superheating and then exploding into flame, and this is what spreads the fire for miles and miles.

If the dead and dying fuel on the forest floor is removed, the down fuel as well as those small-diameter trees that are literally choking the forests to death right now, it is not only opened up for the trees and other flora and fauna that we want to grow properly but it also removes a significant fire danger. That is what the scientific community understands needs to be done.

The problem is that there are radical environmentalists who do not want to see this done. Ironically, our goal is the same: To protect those beautiful big trees and to create a healthy environment for all of the other flora and fauna. But they are so afraid that a timber industry will be either preserved or regenerated, and that that timber industry will soon set its sights on cutting the big trees as well, that they are really willing to cut off their nose to spite their face; that is to say, to risk the health of the entire forest in order that a timber industry is not encouraged to take hold.

In my State of Arizona, there is not any more timber industry, so we are not interested in bringing an industry back. It is gone. There are a couple of small mills that can take small-diameter timber and make 2 by 4's and fiberboard. The White Mountain Apache Indian Tribe has two small mills that can handle larger diameter timber which they cut on their reservation.

But this is not about creating a timber industry in Arizona. It is not about logging. We are not going to have logging as we used to know it. It is about companies being permitted to do the Government's work of cleaning out the forests and making a little bit of profit. They are not going to do it for free. We do not have enough money in the budget to pay the cost of doing that. They have to be willing to do it for the small amount of money they can make on the products they are now permitted to sell.

That is what this debate has been all about, and I am very discouraged that the radical environmental movement has such a stranglehold on some politicians that even though they will privately tell us they understand the scientists are right, that we do need to go in and manage our forests, they are not willing to confront these people in an open forum. It has been an interesting one-sided debate we have had in the Senate. No one has defended the other position. The reason is because it is indefensible. It boils down to a political issue. That is too bad for the forests.

I understand what happens when we are not able to reach agreement. We are not going to be able to get 60 votes to carry the day. As a result, we have to find another way to do this. Therefore, depending upon what the assistant majority leader and others decide to do at the end of the day, that issue may well be behind us as of tonight as something we will deal with in the Senate. That is too bad. We should have been able to deal with that.

I add a postscript before I turn to the next subject. Some on my side of the aisle have criticized the majority leader because he was able to secure in an appropriations bill special relief for his home State of South Dakota and the Black Hills by doing exactly what we are talking about, thinning those forests. He did that by, in effect, waiving all environmental considerations. In other words, the legislation provided the sufficiency for environmental achievement and nothing further was required to clean up these forests.

There was criticism. I suppose one could criticize the use of the process in the way that he did but frankly, I cannot criticize what he was attempting to achieve and what will be achieved as a result of his actions. The Black Hills are some of my favorite forests in this country. I used to vacation there as a young boy. I love the Black Hills. I am glad the majority leader saw fit to save the Black Hills. I wish we could apply something close to that same management technique for the rest of the country's forests. I find it ironic people would permit it to be done in this one area, which I support, but nowhere else.

I hope we can find a way to address this in the future, put the politics behind us, and get back to a scientific resolution of the issue.

IRAQ

Mr. KYL. Mr. President, the second subject I address is a resolution the White House has sent Congress for consideration of Presidential authority to deal with the problem of Iraq. There have been questions raised this weekend about the language of the resolution and the need, in some people's minds, to define it and provide greater definition.

My own view is the President and his administration did a very good job at crafting a resolution which will give the President the authority he needs to do the things we understand have to be done. I am a little worried about trying to be too cute in drafting language that will constrain the President in a variety of ways, not because we do not want to know what the President has in mind, but because we do not want to come back to the Congress every time the President needs some additional component of authority in fighting this war on terror.

The immediate need is to grant the authority to follow up on the resolutions that were violated by Saddam Hussein, and that if the United Nations is not going to take action, and it is not, then for the United States to be able to do that. We will pass that resolution by a fairly wide margin both in the House of Representatives and in the Senate. I am hoping Members of this body will not view it necessary to draft the language in such a way that it puts the interests of the United States behind the authority of the United Nations.

The U.S. Government and those who represent the people of America will act on behalf of the security interests of the American people. That ought to be our first objective, not to try to resurrect the good reputation of the United Nations, not to put the U.S. position in a subservient role to the Security Council of the United Nations, and not to subject our decisionmaking or the President's authority to act to approval first of a body in the United Nations.

I therefore urge my colleagues not to succumb to the temptation of inserting language which would submit first to the United Nations and then the U.S. Congress.

It was my understanding—perhaps I should have asked unanimous consent before I began to speak—that I would be allotted 20 minutes, 10 minutes beyond the usual time.

Mr. REID. We have a limited amount of time. We have Democrats that need to speak.

I am sorry, but I have to object.

Mr. KYL. Might I then have 30 seconds to explain that I had been told that I would have 20 minutes, and I have calibrated my remarks to reflect that? I regret I will not be able to finish these remarks.

Mr. REID. Mr. President, I apologize to the Senator. We on this side have speakers who wish to speak. If the entire allotted time is not used—I think it will be; we have our time allotted—perhaps the Senator wants to wait around to see if Democrats show up when they are supposed to.

The ACTING PRESIDENT pro tempore. The Chair observes that the minority controls 8 minute 16 seconds.

Mr. DOMENICI. I ask that the Senator from New Mexico be allocated the 8 minutes.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE ECONOMY

Mr. DOMENICI. Mr. President, fellow Senators, I will not get a chance today to accomplish what I intend to accomplish. I assure those who are listening they will not have to wait long to get the rest of it because as we get time this week, we will start talking a little bit.

The majority side, led by the majority leader and the chairman of the Budget Committee, last week took to the floor one or two times with lengthy discussions about the American economy, with comments by each of them about who was to blame for the economic shortcomings that exist today.

I start with the economic downturn. Many Members and a few Americans remember the name Joseph Stiglitz. He was chairman of President Clinton's

Council of Economic Advisers. He is quoted in the Atlantic Monthly, October 2002, page 77. He was known as an erudite and academically brilliant economist. He summarized when asked: When did the downturn start?

He said:

The economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier.

In this article he is explaining the American economy, which had been so buoyant for almost 10 years. We spoke of it from both sides of the aisle, with great admiration and fantastic respect for who did what, who did not do what, and why did this American economy grow.

He is suggesting the beginnings of the downward trends, in response to a question:

The economy was slipping into recession even before Bush took office . . .

Not when he sent us a budget; not when he sent us a tax bill; not when he recommended we have tax cuts to perk this economy up; not when he recommended we spend more money to continue perking it up. Before those events occurred, the American economy was slipping into recession.

It is all right by this Senator that we come to the floor and state what we think. It is all right with me if we state them in political tones. It is all right with me if we state them with overtones that are patently political. It is someone's responsibility, when they think that is the case, to at least try to respond.

I will not be able, in the next 5 or 6 minutes, to respond to what probably was more than an hour last week by two or three on the other side, led by their leader, the majority leader, and the chairman of the Budget Committee, and what they had to say when they blamed the President of the United States for almost everything that is going wrong with the economy, in spite of many of them knowing that this is the fact, that this is the salient fact—that it all began long before that. We may be even fortunate that the economy, in its downward pressures, did not get worse. Perhaps it did not get worse because we did some things right under the leadership of the President and with Congress. Although it was difficult, hard work, we did follow most of his suggestions to try to get out from the slippage.

In less than a week we will enter the new fiscal year, the year of 2003. Let me repeat, in less than 1 week we will be entering the new Federal fiscal year, fiscal year 2003. As this new fiscal year approaches without us having enacted even one appropriations bill for next year, I have been struck by some of the statements being made on the floor—principally on that side of the aisle, and principally by leaders of the majority party.

Recently, the majority leader and the chairman of the Senate Budget Committee have taken to the floor to criticize the President's handling of the economy. I would like to be as honest as I can about this, so let's try to be honest as to what this is all about. This is politics, in my humble opinion, at its worst. Unwilling or afraid to face up to their own responsibilities, unable to defend their own record for failing to enact a budget in the Senate for the first time in the history of the Budget Act, they are now trying to confuse the public and somehow blame the President or the House of Representatives—which happens to be Republican by a few votes—for their failure. So now the time has come to play the blame game and to run away from whatever you have done and pin it on somebody else. That is this time of year.

This is important, and I would like the record to be clear. Back in May, the majority leader blamed the lack of a budget on an evenly divided membership in the Senate. Earlier this month, the chairman of the Democratic National Committee, Mr. McAuliffe, appearing on a Sunday morning show—I think it was ''Face The Nation''—said: Don't blame us: . . . we need 60 votes for a budget.

Finally, last week the chairman of the Senate Budget Committee, referring to an amendment that was voted in the Senate on June 20, clearly implying that it was a Senate budget, literally said here on the floor:

. . . we got 59 votes for that proposal on a bipartisan basis. We needed a supermajority, which is 60.

Let me be as clear as I possibly can. We have not voted on a budget resolution in the Senate this year. We have not voted on a budget this year in the Senate. This will be the first time in the Budget Act's nearly 27-year history that the Senate has not adopted a budget blueprint. Say what you want about what it is or what it is not, we have always seen fit to adopt one. As tough as it was, as many hard votes as it took in the hours allotted under law, we always got one. We got one out of the committee when we were practically tied, for all intents and purposes. But no budget resolution has been brought to the floor of the Senate to be debated and voted on this year.

The chairman of the Budget Committee knows this. The majority leader knows this. To even hint that we have considered a budget is an absolute insult to those of us who worked to make this process a functional part of fiscal decisionmaking here in the Senate.

If my time is up, I yield the floor.

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Nevada, the assistant majority leader.

THE ECONOMY

Mr. REID. Mr. President, my friend, the senior Senator from New Mexico, has a chart. He talks about when the downtown started. The fact is, it is here. To try to divert attention from the problems of this country by trying to talk about when this problem started really doesn't do the trick. Presidents are blamed or given credit for what happens during their 4 years of office. That is the way it is, and that is the way it should be. The fact is, during this administration the economy has gone downhill every month the President has been in office.

To talk about when a problem started, we had problems during the 8 years that Clinton was President, but he was able to respond to make sure the country went on an upward path after that. The fact is, President Bush, no matter what he received when he was President, has done nothing to alleviate the problem. He has made it worse.

I would say to my friend from New Mexico, if he read the rest of Stiglitz's article, I find Stiglitz blames much, if not all, of the problems of this economy directly on the President, President Bush's economic policies. We just had Stiglitz appear before the Democratic Senatorial Campaign Committee and he spent all afternoon telling us what was wrong with the Bush economic policies. Joseph Stiglitz has won a Nobel Prize in economics. He is one of the most renowned economists in the world. He places the blame at the foot of the President of the United States, President Bush, for the economy we now have.

There may have been some corporate problems that started many years ago. But, remember, this White House wanted to bring corporate America to the White House—and they did. There is no better example of that than the fact that when the Chairman of the Securities and Exchange Commission was having his confirmation hearings, he said he wanted to bring a kinder more gentle SEC to America. That is what we have had at this White House. They simply have been kinder and gentler. They brought corporate America to the White House. The American people do not want that.

My friend also mentions in passing the United States of Representatives, which is controlled by the Republicans by just a few votes. Those of us who have served in the House of Representatives know the party that controls the House of Representatives controls the agenda over there. That is the way it works. It has always worked that way. One reason we have gotten nothing done in the Congress is because the Republican majority in the House of Representatives decided a long time ago they were not going to have anything happen this year. That is why we have every conference report stuck in a dark hole in the House of Representatives. They won't let us do anything on bankruptcy. They won't let us do anything on terrorism insurance. They won't let us do anything on election reform. They won't let us do anything on the Patients' Bill of Rights. They won't let us do anything on our generic drug bill, and on and on.

Whether it is 1 or 100 vote, it doesn't matter in the House of Representatives. It works like the parliamentary

system. The party in power controls the agenda, and the House leadership has stated publicly that they are going to have nothing happen. They don't want their members to take tough votes, just like on the bankruptcy bill.

For the former chairman of the Budget Committee to come here and blame the problems on the budget—we don't have a budget because they won't let us have a budget—the fact is, the Appropriations Committee, under the leadership of Senator BYRD and Senator STEVENS, made sure that all appropriations bills were under the budget numbers, even though we didn't have budget numbers. The budget numbers are good numbers. They will not let us do the budget bills because of the same reason—the same reason. The House of Representatives has not moved appropriations bills.

You see, the Senate passed out of committee every appropriations bill. It has been done long since. But the House refuses to move on the bills. Therefore, we cannot do them. We are going to have a cloture vote on the Interior bill, which the Presiding Officer has worked on, not for hours, not days, but weeks, trying to come up with a compromise to meet the needs of the American public in the western part of the United States on firefighting but has been unable to work anything else. But that Interior appropriations bill is extremely important. It is not as if there is no money going to firefighting. There is 800 million extra dollars in this Interior bill to fight fires.

But they only want them to be fought—in the minds of the Republicans—the way they want to fight them. Do you know how they want to fight them? Take all environmental standards and go out and start chopping and burning anything in the forest that a lot of lumber companies want.

I say to my friend—he is my friend—the distinguished Senator from New Mexico that this won't sell. To come and say the problem started before President Bush became President is to blame it on somebody else. The President of the United States is stuck with an economic standard in this—his—administration, and for 2 years this economy has been going downhill, downhill, downhill. You can't blame it on September 11. The Afghanistan war caused about 25 percent of the problem. But all economists indicate that the other problem is right at the foot of this administration—whether it is tax policy or their other economic policies—which is responsible for 75 percent of our downturn.

We have all been affected. People in Nevada—in fact, people in every State in the Union—have been affected by the downturn in the economy. Many Nevadans, and people who live in all 50 States, have seen their retirement savings disappear in the wake of corporate crime, accounting abuses, and stock market declines.

The Las Vegas Review-Journal, the largest newspaper in Nevada, which has a circulation of a quarter million—to say it is conservative is a gross understatement; it is really conservative. It really focuses on government a lot. However, as conservative as that newspaper is, they wrote an editorial one day last week—in fact, the day after Senator DASCHLE gave a speech on the floor with the charts that he had—under the headline ''Daschle is right.'' I thought they made a misprint when I picked up that newspaper. But they had not. They believe TOM DASCHLE is right.

This newspaper with a conservative bias, and which seldom has kind words for Democrats or the majority leader, said in this editorial that America needs a new economic direction and President Bush's policies have failed.

The Las Vegas Review-Journal said:

> The economy is showing an anemic 1 percent rate of growth, the majority leader charged. Under the Bush administration the Nation has lost 2 million jobs and $4.5 trillion in stock market value—much of it melting out of individual Americans' retirement acts. Foreclosures are up, and the government is once again spending Social Security surpluses to pay for other programs . . . it would be a mistake to dismiss the statistics he cites. They are real, as are the economic doldrums they describe.

They go on to say:

> President Bush has indeed failed to do all that he could and should have done to put America back on the path to vibrant economic growth, opportunity and prosperity.

That is about as direct as you can get.

It doesn't stop there. Robert Novak—I have great respect for Robert Novak. I consider him a friend. But I have to tell you that he has rarely said anything nice about me, and rarely has anything nice to say about Democrats. He is a very conservative political pundit, and he is a good one. I have appeared on his show on a number of occasions. He is hard, but he is fair. You always know where he is coming from. But rarely does he join with us in criticizing Republicans and what they are doing. But he did yesterday. I think it was yesterday. I read about it in the paper. It may have been Saturday. He said something very similar to what the Las Vegas Review-Journal said. But his column is printed all over America, and in the Washington Post, of course.

In this piece, under the headline ''Avoidance Agenda''—and in other newspapers the same column had a different headline: ''Winning Without a Vision''—in this piece, Novak takes Republicans to task for offering no domestic alternative to the ''kitchen table'' issues which Democrats are discussing and working on: Prescription drugs and other health benefits, corporate accountability, pension protection, Social Security.

According to Novak:

> Midsummer Democratic exuberance has vanished, and Republican anxiety has faded—thanks to Iraq's eclipsing economic issues six weeks before midterm elections. Yet, beneath the surface, thoughtful Republicans ask: What will it mean for the party to sneak by on November 5 without a vision and, indeed, without an agenda?
>
> George W. Bush is committed to being a war President, unwilling to use the bully pulpit to press domestic programs, especially without support from Congress.

He continues:

> The crowding out of corporate corruption by war against Iraq unquestionably has brightened Republican prospects for winning both houses of Congress, saving President Bush from electoral disasters frequently visited on new presidents at midterm. However, apart from the war on terrorism, the Republican Party flinches from standing for much of anything in the 2002 election.
>
> The problem is that Republicans—including Bush himself—do not pursue a domestic alternative.
>
> This is a matter of concern for the future and perhaps even for this election among a variety of wise old heads in the GOP. One early GWB-for-president backer voiced displeasure with Bush's handling of an economy in which corporate profits are low, investor confidence has been shattered and consumer confidence is in jeopardy. ''He does not seem worried enough about the economy, does not express himself forcefully enough.'' The president does not share his father's boredom with domestic affairs, but there is no doubt he sees his destiny as winning the war against terrorism and not as reformer of the tax system.
>
> There are officials inside the administration who signal their concern by suggesting it is necessary to come up with new domestic initiatives.
>
> Bush and the Republican Party actually risk a lot tying themselves to the limited goal of maintaining a House majority. By accepting the caution urged on him by Capitol Hill, the president abdicates a vital responsibility of the president as a party leader. Any new initiatives await passage of an Iraq resolution or perhaps even congressional adjournment, leaving a Republican voice that is muted on everything but Iraq.

I started saying a couple of weeks ago, as others have said, that this country is a big country; we can have a big political agenda. We can focus on Iraq, as we should, but we can focus on other things. The administration is focusing only on Iraq. Let us talk about the other issues. Let us talk about the stumbling, faltering economy, which we must address.

If you were planning on retiring, Mr. President, this year, you would have to wait, on average, 7 years before you could retire. You would have to work an extra 7 years because you have lost that much—mostly in the stock market. People who were going to retire can't retire. If you started out with $100 in savings, you now have about $65 in savings. That is it. You multiply that, and you will see what it does to somebody who is building for retirement.

The Las Vegas Review-Journal has not changed its political philosophy; they have had the same political philosophy for decades. Also, I would say that Robert Novak hasn't changed; he has had the same political philosophy for 30 or 40 years.

The Republicans' proposed solution to economic woes plaguing Nevada and

the entire country are far different from those favored not only by Senate Democrats. I also not only speak for Senate Democrats but I speak for mainstream Nevadans and Americans.

I have no doubt that Republicans will continue to criticize and even mislead readers about our policies, and that is too bad. To come here today and to say the problems of this country are the result of something that started a long time ago is ridiculous. I have no doubt we must continue to address the problems that face this country, and we must continue to address them focusing on more than Iraq. This country has more ability to do that.

I am very disappointed that my friend, the distinguished Senator from New Mexico, would come here and cite Joseph Stiglitz as supporting the policy of this country going back to the last administration when, in fact, if you read anything that Stiglitz writes, he talks about the economy being bad as a result of what happened with this administration's economic policy.

TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, Greg Maddux.

Greg Maddux is a baseball player. That is a tremendous understatement. He is one of best pitchers in professional baseball today and considered among the best to ever play the game.

Yesterday Greg won this 15th game of the season for the 15th year in a row, tying a record set by Cy Young.

For those who do not follow baseball or are not aware of the significance of this accomplishment, let me explain that Cy Young was one of baseball's first superstars. He pitched about a hundred years ago, starting in 1890 and finishing his career in 1911. Cy Young set many records that last to this day and will likely never be broken. He became the standard by which all pitchers who followed, even now about a century after him, are judged. In fact, the honor bestowed each year on the best pitcher in each league is known as the Cy Young award.

Greg Maddux became the first player to ever win four consecutive Cy Young awards with his dominant performances in the early to mid 1990s. His latest achievement testifies to his continued excellence, his endurance and consistency and his continued hard work.

Greg was born on April 14, 1966, the youngest of three children born to parents Dave and Linda Maddux. Dave was in the Air Force so the family including Greg's brother Mike and sister Terri moved around a lot but eventually settled in Las Vegas.

At Valley High in Las Vegas, Greg Maddux earned All-State honors in baseball his junior and senior years. He was selected by the Chicago Cubs in the second round of the free agent draft while he was still in high school, and following his graduation in 1984, he joined their minor league system. He made quick progress in the minors, earing a call up to the big leagues in 1986 at age 20, becoming the youngest Cub in the majors since 1967. He won his first start on September 7 of that year with a complete game victory against the Cincinnati Reds, who were his favorite team as a youth. And later that month he won his second game when he beat his brother Mike, himself a successful professional player who pitched for 15 years in the major leagues. In fact, Mike pitched for 10 major league teams over 15 years. But for his brother, Greg, he would be Las Vegas's most famous major league pitcher.

You can imagine how proud the Maddux family must have been to see these 2 brothers competing against each other as they had years earlier when they played whiffle ball games in the backyard, and the satisfaction Gregg took in overcoming his big brother.

Greg started playing catch with his dad when he was just 2 years old and made enough progress that several years later he skipped tee ball and started playing peewee ball against boys much older and bigger than him.

Although he was the smallest and youngest kid on the team, Greg became the starting pitcher and the best player on the team, and his father—who coached the team—already saw signs that Greg was destined to be a star.

The Maddux family had a passion for sports, and the children learned the key to success was effort.

''I think our household was like every other American household,'' says Greg's mother, Linda. ''It was routine. They had school, homework, baseball practice, and chores around the house.''

One of the values that David and Linda Maddux tried to instill in Greg and his two siblings was a ''good work ethic.''

''Each one had his jobs around the house,'' she says, ''and they did them without question.''

That hard work clearly has paid off throughout Greg Maddux's career, helping make him the winningest pitcher of the 1990s.

He is not physically imposing—he stands less than 6 feet tall and weighs perhaps 175 pounds. He doesn't overpower but baffles batters with his pinpoint control and mastery. A maxim normally applied to real estate could also describe the keys to Greg Maddux's successful pitching: location, location, location.

He works efficiently, using economy of pitches. In yesterday's record-setting victory 61 of his 76 pitches were strikes. And last year he averaged only 1 walk per 9 innings.

As different as it is to draw a walk from him Greg is also stingy in giving up runs.

He concluded the 1990s with a 2.54 ERA over the decade, the third lowest ERA for any decade since 1910, behind only Hoyt Wilhelm (2.16) and Sandy Koufax (2.36) in the 1960s. In 1995, he became the first pitcher to log back to back seasons with an ERA under 1.80.

His main pitches include a fastball in the mid-80s, a curve ball, slider and changeup. But whatever he throws, he regards his favorite pitch as strike three.

Teammate John Smoltz, also a Cy Young winning pitcher says of Greg, ''Every pitch has a purpose. Sometimes he knows what he's going to throw two pitches ahead. I swear, he makes it look like guys are swinging foam bats against him.''

And an opposing team's scout remarks, ''Maddux is so good, we all should be wearing tuxedos when he pitches.''

Greg Maddux has been described as a scientist who dissects opposing teams, an artist who paints the corners of home plate and a magician who can perform wonders with a baseball and make a talented batter disappear.

Sports Illustrated hailed him as the ''best pitcher you'll ever see.''

When he takes the mound, he presents a clinic, masterfully working the plate and using his arsenal of pitches. With guile, cunning and a poker face, he outsmarts opponents and keeps them guessing. It has been said that he can throw any pitch anywhere he wants on any count. As a result, batters are seldom able to hit the ball solidly and are often off balance, resulting in a harmless grounder or fly ball.

Not only is Greg Maddux an outstanding pitcher, but an all around baseball player, as he can field, hit and run the bases very well. He holds numerous records for putouts, assists and double plays, and is considered one of the best-fielding pitchers of all time. He has won 12 consecutive Gold Glove Awards for his fielding and is likely on his way to yet another.

As I said he works hard on his batting, normally not something pitchers are known for. In 1999, he hit 2 home runs and averaged .264.

Clearly, Greg Maddux is willing to give his all to help his team win though he manages to keep his cool regardless of the circumstances.

His calm demeanor and humility mask a fierce determination and competitive spirit that have earned him the nickname ''Mad Dog.''

Greg has been one of the major reasons the Atlanta Braves have been able to win their division an unprecedented 12 years in a row and again this year have the best record in the league.

He wears number 31, but since joining the Braves as a free agent in 1993, he has been the number 1 pitcher on a team that includes 2 other Cy Young winners, Smoltz and Glavine.

Yet Greg is a modest man who downplays his achievement.

''I never really thought about it,'' Maddux said of the record he set yesterday. ''It feels good to be healthy enough to get it.'' He praises his teammates for much of his success and cites winning the World Series with the

Braves in 1995, not any individual achievement, as his greatest and proudest moment in sports.

Watching Greg Maddux on the mound, Braves pitching coach Leo Mazzone says he is well aware that he is seeing a future Hall of Famer. For winning the Cy Young, his glove and spikes are already in the Hall, and Greg Maddux certainly will be voted in as soon as he is eligible, five years after he retires.

As much of a success and a role model as Greg Maddux is on the baseball field, he is also a success and role model in life.

He is a devoted family man, married to a wonderful wife Kathy. They have a daughter, Amanda Paige and a son Chase Alan.

Greg can afford to live anywhere. I know that we are happy that he and his family have chosen to live in Las Vegas and to contribute generously to others in the community, whether signing autographs for fans or giving his time and money towards charitable causes.

Greg states that he has no use for the glamorous life which his money could buy and describes himself as ''your average Joe.''

Kathy and Greg lead the Maddux Foundation, which is involved in several charitable activities in Las Vegas and Atlanta. The Foundation supports children's homes, domestic crisis shelters, and boys' and girls' clubs.

''Our foundation is low key,'' Maddux said. ''We've never really solicited anyone outside before.''

''The goal is to give more money to charity. It's about 'How much can we give?' instead of 'How much can we profit?' ''

In recent years, the Madduxes have expanded their philanthropic efforts, and brother Mike also has a foundation that helps children. Greg participates in golf tournaments whose proceeds go to the Southern Nevada chapter of the Candlelighters, which works with families whose children are battling cancer, and Safe Nest, which helps victims of domestic violence.

To my friend, Greg Maddux, a great baseball player and great American I want to thank you for all you have done for Las Vegas and for Nevada, as a role model for all America. You are a breath of fresh air in a troubled world.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

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

IRAQ AND THE ECONOMY

Mr. DURBIN. Mr. President, I spent the weekend in my home State of Illinois, from the southern part of the State, the metro east, St. Clair County, Madison County, and the city of Chicago, going from one place to another, and it is interesting to me that people will stop and ask me about our going to war in Iraq.

I have not found a single person who makes any excuses for Saddam Hussein. I will not. He is a man who certainly distinguished himself—if that is the word—in the history of this world: for his aggression, his militarism, his inhumane treatment of his own people and his neighbors.

He is someone who cannot be trusted but must be watched carefully and closely. He is someone who must be monitored at all times for fear he could go too far in his development of weapons and his development of military strategies as a threat to the world. Everyone concedes this. I certainly concede it.

We found what he was all about when he invaded Kuwait. We have watched him closely ever since. The United Nations put restrictions on what he can do in defense of his own nation, limitations on his own military power. One of those limitations prohibits weapons of mass destruction: chemical weapons, biological weapons, and nuclear weapons.

The United Nations started inspecting for those weapons after the Persian Gulf war. Saddam Hussein threw every obstacle he could find in their path. He discouraged them when he could, and ultimately the inspections were withdrawn 4 or 5 years ago. We still do a flyover with our planes to watch everything that happens in his country, not to mention all the other sources of intelligence. We worry about him, as we should.

Having said all those things, and the fact that almost everyone acknowledges them to be true, it is still interesting, as I go around my State—a State which is fairly diverse in terms of its economy, in terms of its culture, in terms of its politics—there is no ground swell for America to invade Iraq and to displace Saddam Hussein from power.

The idea of a land invasion, for what the President calls a ''regime change'' has not brought the people out cheering, as they cheered after September 11 when we said we were going after Osama bin Laden and al-Qaida. Instead, what I hear from the people I speak to in Illinois is that certainly we have to keep an eye on this man, but why should we do it alone? Shouldn't the United States have standing with it a coalition of countries around the world? Why would we do this by ourselves? Isn't it better to invite other nations to be part of it because there is strength in numbers, more clarity of purpose, a sharing of the burden not only of the war but of controlling Iraq after it is defeated?

I can tell you that Thomas Friedman, the foreign Times correspondent for the New York Times, said it best. He said: Our situation in Iraq, if we go it alone, is much the same as the person who walks into the store and sees a sign which says, ''If you break it, you own it.''

If we displace Saddam Hussein from power in Iraq, then, frankly, as those who displaced him, we will have a burden to bring some stability and security to that country. Is it not better for us, in that circumstance, to have other Western civilized democratic nations standing behind us, not only behind the muzzle of the gun pointed at him but standing in league with us to make sure Iraq is peaceful and safe for a long time?

Let me add one other element that comes up time and again. This is a different world since September 11 of last year. We have to measure our foreign policy against its impact on terrorism. There is not a country in the world which would knowingly attack the United States. We have the best military in the world, the best men and women in uniform, the best technology, but we know we are vulnerable, we are vulnerable to terrorism.

If we make that decision to go it alone in Iraq, to do it by ourselves, and say to the rest of the world, we don't care what the opinion of the United Nations is or any other country is, we will go it alone, would that not invite a backlash from parts of the world that are preaching extremism and fundamentalism? Wouldn't that, unfortunately, sow the seeds of terrorism?

Isn't it far better for us to have a coalition with Arab States, as President Bush's father did in the Persian Gulf, a grand coalition of countries that say Saddam Hussein has to be watched carefully?

When I saw the resolution that President Bush sent us last week, that is not his intension, that is not his design. If you think that trip to the United Nations was an appeal to that body to move forward and do things, it might have been, but, frankly, his resolution he sent to us basically says: Ignore my speech; ignore my visit to the United Nations; ignore the United Nations; give me the authority to do it by myself.

I have no doubt we could win that war, that we could displace Saddam Hussein, but isn't there a better and more cautious and more prudent and more successful strategy we should consider—bringing in the United Nations for real inspections, unconditional inspections, enforced with military force, if they must be, including some troops from the United States, to make sure the inspectors get into the places they need to; and failing that, if Saddam Hussein stops the inspectors, that we issue an ultimatum to him through the United Nations, that if you do not allow unconditional inspections, you can expect there will be a forceful effort by the countries of the world to enforce United Nations resolutions already in place? Isn't that a far better approach than to say, we have a battle plan; we are going to attack; we will send you a note, United Nations, and let you know what happens?

The United Nations should not dictate American policy, but President Bush's father was right. When you can involve a coalition of nations around

the world in your effort to bring peace to a region, you have a far greater chance of success, world acceptance, sharing the burden; and, ultimately, the American people would not stand by themselves but stand in concert with those of like mind and like values.

As I return to Illinois, people tell me over and over again: Senator, when you go back, please go to the floor of the Senate and express our feelings that we do need a coalition of force, not just for the principle and value of it but for the military significance of it, not just so we are not standing alone but so we are validated in the eyes of the world that what we are standing for is not just a narrow interest of the United States but in the best interest of a free and peaceful world.

That is what makes sense. That is what we ought to move forward with.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. Yes, I am happy to yield.

Mr. REID. I ask my friend from Illinois, is it true, when you returned to Illinois, people were asking about things other than Iraq?

Mr. DURBIN. Exactly true.

Mr. REID. Are people concerned about the stumbling, staggering, faltering economy?

Mr. DURBIN. I say to the Senator from Nevada, that is where I was headed next.

This chart, which I have brought to the floor, talks about the lost private sector jobs in the last 50 years. Look at what has occurred under President Eisenhower through George W. Bush. Look at the only period that shows red ink, the net loss of jobs; and it turns out to be under President Bush.

The people of Illinois talk about Iraq because it is in the headlines. That is all the media talks about. But when it comes to the issues they worry about, this is what they are concerned about. There are not enough jobs, not enough good-paying jobs.

Unfortunately, under this administration, the economy is not even a major issue. They are ignoring it. I asked last week—and I will renew my request to the President—can you give us 1 hour a week on America's economy, 1 hour to talk about income and job security? That is a valid issue.

Take a look at long-term unemployment. It has more than doubled under President Bush. In January 2001, when he came to office, there were 648,000 under long-term unemployment, people unemployed for half a year. That number has more than doubled in this period of time. The President may rally America to stand behind him, as he should, on the war on terrorism and foreign policy. But he ought to rally America to work, give people opportunities so they can be employed, so they have some opportunity to enjoy the benefits of this country.

We are facing now the weakest economic growth in 50 years. This chart shows economic growth, the average rate of growth over the last 2 years. Under President George W. Bush, it has been 1.0 percent. The next worst President, since Eisenhower, was his father. Then you have to go back to Gerald Ford to find another bad period of time.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized for 10 additional minutes.

Mr. REID. Mr. President, reserving the right to object, I don't see anyone here wishing to speak. It is my understanding morning business has, under the previous order, ended.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The next period of time is for debate on the cloture motion; is that right?

The PRESIDING OFFICER. Under the previous order, the Senate is to resume consideration of H.R. 5093.

Mr. REID. So is it now time to debate the Dodd amendment?

The PRESIDING OFFICER. Yes, to discuss the Dodd amendment.

Mr. REID. I don't see anyone here, so I ask unanimous consent that the Senator from Illinois be recognized for 10 minutes and that the Republicans be given an extra 10 minutes also.

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

Mr. DURBIN. Mr. President, I will yield at least a portion of my time to my friend from North Dakota.

Look at the rate of growth under the Bush Presidency. Is it any wonder the President does not want to talk about the economy?

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. REID. I should have included that this time comes from the debate on the Dodd amendment, that that number be lessened by 20 minutes.

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

Mr. DURBIN. If you have the weakest economic growth in 50 years, there is no reason for you to talk about it. Certainly this Bush White House will not. They won't bring this issue to the American people because they don't have much to tell us.

The news we have seen on the economy is well known. Take a look at what has happened in terms of the market value of those who own stocks, the New York Stock Exchange and Nasdaq, $4.5 trillion of lost stock market wealth between January 2001, when President Bush came to office, and August 2002. That, of course, represents not just a loss in stock market wealth, it is a loss of savings. It is a loss of college savings accounts for kids. It is a loss of pension plans, 401(k)s, and people making new plans with their lives because of the bottom falling out of the stock market.

Of course, last week we saw the Dow Jones crashing even further. The people in the Bush administration do not want to discuss this. They don't want to talk about turning this economy around. They want to talk about rallying troops.

Let's rally the American people to get the economy back on its feet. Let the President give us 1 hour a week talking about what we can do to try to get this economy moving forward again.

This stock market decline is a new record. If you look at the sharpest percentage decline in the Standard & Poor's 500, only Herbert Hoover has a worse record than President George W. Bush. Herbert Hoover in the Great Depression saw the stock market decline by 30 percent. So far, under President George W. Bush we have seen a decline of 21 percent—historic declines. It is no wonder the President does not want to discuss this.

Look as well at what workers are facing who still are on the job. The cost of health insurance has inflated dramatically since the President came to office: family coverage, 16 percent; individual coverage, 27 percent.

The biggest single complaint I have heard from businesses, labor unions, and individuals in the State of Illinois: the cost of health insurance. Senator, what are you going to do about it? The honest answer is that this Congress has done nothing about it, nor has the President proposed anything significant.

When we consider the issues we should be about, national security is No. 1, I agree, but it is not the only issue facing America. We need to discuss issues of pension security and income security and health care security and the future of Social Security. Those are issues American families worry about every single day. We in the Senate should worry about them as well.

I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the Senator from Illinois. He is right. Iraq is not an irrelevant issue. It is a very important issue. The President will find, as we finish all of these discussions, that we will have a pretty unified voice on what we do around the world, but we need to do that through the United Nations, with other partner countries, as part of a coalition. At the end of the day, this country will have led the way towards that result.

It is also the case, when most people sit down around the supper table and talk about their lives, they are talking about subjects that are much different from Iraq. They are discussing issues such as: Do we have a good job; does it pay well; do we have job security; do we send our kids to good schools; do grandpa and grandma have decent health care; do we live in a safe neighborhood? All of those issues exist as well.

There are some who don't want to talk about any of those issues. They

say: These issues somehow are irrelevant.

They are not irrelevant to people out of work, who are concerned about their jobs, concerned about opportunities for themselves and their children, concerned about the ability to buy health care, to pay for health insurance, to afford their prescription medicine. The Senator is absolutely correct. There are a lot of other issues we must resolve.

This Senate is at parade rest; I am guessing because there are some people here who don't want us to do anything on these issues, whether it is health care, the economy, or corporate scandals. And incidentally, I won't have time to talk much about that, but we have not finished on that issue, the issue of corporate scandals. We are talking about hundreds of millions and billions of dollars frittered away by CEOs and others who have run corporations into the ground.

A recent study by the Financial Times says that of the 25 largest bankruptcies in America, prior to bankruptcy 208, executives took $3.3 billion out of the companies prior to running them into the ground. Should we do something about that? We should. That issue isn't over, despite the fact there are some in this Chamber and downtown who resist every step of the way.

We have a lot to do. There is a lot on the agenda, a lot on our plate. Frankly, there are some people who are sitting here with their feet on the brakes. They don't want anything to happen on issues that matter a great deal to the average American family.

I have listened attentively to the presentation. I was going to come over and make a presentation myself. I will do that tomorrow.

The answer is, yes, let's be very concerned about Iraq, about foreign policy, about the war on terrorism. Let's be concerned about it, do it seriously. But let's also understand it is not the only subject. There are other important considerations impacting on the lives of American families with which we need to be dealing.

Mr. DURBIN. I thank the Senator from North Dakota. Average families have to worry about a lot of issues: the health of their children, whether they can make the mortgage payment. If families can face more than one responsibility, our Government certainly can.

It is not enough to say we are just going to focus on the Middle East and what might happen there in the years to come; let's talk about what is happening in the middle west and the East and the South and the North, all across the United States. What are we doing to make sure this economy turns around and gives people a chance?

I spoke to a friend of mine in the plumbers union in Chicago who told me that the cost of prescription drugs for retirees last year went up 300 percent in his one local. He said: I don't know if we can meet our obligation to our seniors that we promised over the years.

As for corporate greed and scandals, the Senator from North Dakota talks about the bankruptcies and the money squandered before bankruptcy. There is a company called Tyco where the CEO, Mr. Kozlowki, has been written up in the Wall Street Journal. Their company didn't go into bankruptcy. It is still in business. But what he did to it was to bleed it of a lot of money, hundreds of millions of dollars in the years leading up to his resignation.

All of these things have discredited American business. They have discredited the good, honest businesspeople who lead our Nation effectively. Frankly, they have put a damper on America's feelings about buying stock. The President needs to address this.

We passed the Sarbanes bill. It was a good bill. I was glad to vote for it. There is more to do: the bankruptcy code, that corporate bankruptcy will take into account when people have squandered the money of corporations so that it comes back into the corporation and away from these corporate executives; that they be charged with crimes when they are guilty. All of these issues need to be taken up. It is an agenda which we should face because it is an agenda the American people face every single day. And unless and until we do that, we are not meeting our obligation.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see the Senator from Colorado here. Under the order entered, it is my understanding that Senators CAMPBELL and INOUYE have equal time with Senator DODD. Is that the understanding?

Mr. CAMPBELL. Yes.

Mr. REID. The order said Senator CAMPBELL had 20 minutes, Senator DODD had 20, and Senator INOUYE had 20. Is that all right with the Senator from Colorado?

Mr. CAMPBELL. That is my understanding.

Mr. REID. When we started this debate, we gave 10 minutes to the Democrats and 10 minutes to the Republicans, leaving 20 minutes on each side. Senator INOUYE said that would be OK with him. If we need more time—

Mr. CAMPBELL. I think 10 will be enough. Perhaps I can ask unanimous consent if it is not; that is, 10 minutes for Senator INOUYE and 10 for me?

Mr. REID. Yes. Why don't we do this. There is no one here to use the Republicans' morning business time. Why don't we give you back, so you have enough time, 25 minutes, and let's make sure Senator DODD has that. So I think that will extend the vote 10 minutes.

Mr. CAMPBELL. That is fine. Has Senator DODD spoken yet?

Mr. REID. No, he has not. The vote would take place at 5:40, and Senator DODD will have 25 minutes and Senators CAMPBELL and INOUYE would have 25 minutes.

Mr. CAMPBELL. I ask the leader, has Senator INOUYE been here yet?

Mr. REID. Yes.

Mr. DODD. This debate would end at 4:30; is that right?

Mr. REID. Yes. But the Republicans are entitled to 10 minutes in morning business. They may use that.

Mr. DODD. Does this require a unanimous consent request?

Mr. REID. Yes, Mr. President. I ask unanimous consent for that.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. Under the previous order, there will now be debate on the Dodd amendment No. 4522 until 4:40, equally divided between Senators DODD, INOUYE, and CAMPBELL, or their designees.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, the amendment is offered on behalf of myself and Senator LIEBERMAN. I presume he will be coming to the floor at some point. He has a strong interest in the amendment. I want to be notified by the Chair when I have consumed 10 minutes, so I can leave time for Senator LIEBERMAN.

I begin by thanking my colleagues from Hawaii and Colorado. They were very generous—they are all the time, but particularly last week—in conducting a hearing on the subject matter that is the subject of this amendment. They graciously listened to a series of witnesses from the administration, from Connecticut, mayors from towns in Connecticut, along with other interested parties on the subject matter generally of the recognition process at the Bureau of Indian Affairs. So any discussion of the matter before us

should begin with an expression of gratitude to both of these distinguished Members of the Senate for their willingness to listen to the case we presented.

Again, I express my gratitude to them. They are friends of mine, and this is one of those awkward moments that can happen when good friends find themselves on opposite sides of an issue.

Secondly, I had a good meeting last week with some of the national representatives of the Native American community from Indian country here in the Senate. I did state to them, which I will state here as well, that I take great pride in the relationship I have with my Indian constituents in Connecticut, as I have had around the country—on numerous occasions, whether appearing in Window Rock, AZ, or with the Gila River tribes, and others; with my good friend from Alaska, and others; I take a great deal of pride in my strong support for the Native American community.

What brings us here, and what Senator LIEBERMAN and I are raising, is the concern that we have over the present recognition process. It is a concern that was not generated by my State alone. It was, in fact, generated by a study done by the Government Accounting Office, backed by representatives of the Bureau of Indian Affairs. In 2000, the Assistant Secretary for Indian Affairs stated before the U.S. Congress that the system was terribly broken and in need of repair. I don't know of anyone who disagrees with that.

Now, there are suggestions on how best to repair this. The problem is that while we are waiting for the repairs to occur, recognitions are going forward. In many cases, of course, they will be proven to be absolutely well-deserved, but others may not be. My concern is when that happens, it not only does damage to the communities and others who may be adversely affected by those decisions, but I argue just as strongly that an adverse impact occurs as well on existing tribal nations that have long sought recognition, and suspicions are raised about the validity and credibility of the process. Those who have received recognition I think are devalued as well. There are now pending 222 recognition petitions before the Bureau of Indian Affairs.

I have put up a chart showing where they are in the country. Many States, of course, have none; 37 States have at least 1 pending. In my State there are 12. Understand the size of my State. It is about 110 miles by 50 miles. There are national parks in this country that are larger geographically than my State. Some counties in various States are larger than Connecticut. So when you start talking about 12 petitions pending, you can begin to understand what the impact can be, particularly if there are concerns about the validity of some of the petitions pending. Massachusetts has 6, Rhode Island has 5, California has 53, North Carolina has 16, South Carolina has 11, Michigan has 10, Louisiana has 10, Missouri has 9, and so forth.

My colleagues are more than welcome to look at the list I have. There is a particular poignancy in Connecticut because of the number. Every single petition may be entirely meritorious. I would not, for one, suggest that they should not be approved if, in fact, that is the case. But, if you will, what provoked this particular concern to raise this amendment was a decision reached only a few weeks ago where two petitioning parties in Connecticut recognition were each denied separate recognition. But the Bureau of Indian Affairs, contrary to the recommendation of the technical staff, recognized, in effect, a third tribe, and said both of these tribes are not two separate tribes, but one.

That may be a very legitimate conclusion, but you can understand the concern when all of a sudden, without any hearings, they arrived at a third conclusion, and the Assistant Secretary found that to be the result. So that raises concerns, obviously, in the minds of many people. Imagine two people seeking grant applications, both applications are rejected, and the Secretary of some agency construed a third grant application. It seems to me that goes beyond any parameters that Congress has extended to the Bureau of Indian Affairs in this kind of a process.

As I mentioned earlier, we have already seen statements from the Assistant Secretary of the Bureau of Indian Affairs. I quote him:

> I am troubled by the money backing certain petitions, and I do think it is time that Congress should consider an alternative to the existing process. Otherwise, we are more likely to recognize someone that might not deserve it.
>
> The more contentious and nasty things become, the less we feel we are able to do it. I know it is unusual for an agency to give up a responsibility like this, but this one has outgrown us. It needs more expertise and resources than we have available.

Mr. President, we could not agree more. I am not suggesting with this amendment, by the way, that any of the applications should be rejected. This bill would involve a 1-year moratorium to put the brakes on in order to put in place a recognition process that is predictable, credible, that would allow people to have an opportunity to respond, if you will.

I don't believe a year is asking too much. I know there are tribes that have been waiting decades, in some cases, for recognition. I feel as strongly about what has happened to them as I do in areas where recognition may be extended where it may not be warranted. The process is broken if you have to wait 25 years to be heard. That itself makes the case. That argues for the amendment and not against it.

So we feel strongly this amendment is not an egregious reach of authority.

Many people all the time ask us for support on various matters. I have certainly cast many votes where parts of the country have been affected by drought or other natural disasters. This is not a natural disaster. It is not even a disaster. It does not rise to that level, but my colleagues ought to understand when we have this kind of pressure occurring in a relatively small piece of geography where concerns are being raised despite recommendations of a technical staff and other recommendations, one can understand the urgency. I think any Senator representing his or her State faced with this kind of issue would take a similar position.

It is with a sense of regret that we have moved forward. I wish we had more time to wait and that another year or two would be adequate. But in the next year or two, we are going to find a lot of these recognition petitions to have been ruled upon. They may be ruled invalid.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DODD. Mr. President, I will let my colleagues proceed and share a few thoughts. The General Accounting Office is the last point I will make. In their study released last November, they were highly critical of the BLM. They did not just speak about Connecticut. They talked about the country. They said the Assistant Secretary has rejected several recent recommendations made by the technical staff, all resulting in either proposed or final decisions to recognize tribes when staff recommended against recognition.

I am not suggesting staff is always right in these matters or suggesting they are right and the Assistant Secretary is wrong. However, it seems to me it ought to be a source of some trouble when we have that kind of conflict of opinions occurring. Especially with 222 petitions pending, with criteria being used selectively, I think it is dangerous and could provoke a lot of hostility which we ought to avoid.

I urge the amendment be adopted, and I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, first, I thank Senator DODD and Senator LIEBERMAN. I know, probably better than most in this Chamber, the exemplary voting record they have had and the strong voice they have been in supporting American Indians nationwide, people who very often are left out and do not have a very strong voice in the Congress. They do not have all the lobbyists that many groups have. They do not have the input that many other groups have. I know both these Senators have done a great job for them.

In this particular case, my friend and colleague, Senator INOUYE, the chairman of the Indian Affairs Committee, is going to move to table the amendment offered by Senators DODD and LIEBERMAN. I reluctantly say it is the right thing to do for our colleagues to vote to table.

During the time we have been considering the fiscal year 2003 Interior appropriations bill and Senator DODD's amendment, the Committee on Indian Affairs has held a hearing on two bills to address the Federal acknowledgment process introduced by both of these great Senators.

I know of no one who has said the Bureau of Indian Affairs is doing everything right, and we constantly review the actions of the Bureau in our committee.

I believe the process that governs how the United States recognizes Indian tribes should be transparent, timely, and afford due process to petitioners. I also believe fundamental fairness requires that truly affected communities be given an opportunity to be heard because, particularly with the advent of gaming, there are many things that happen when the tribes get the opportunity to game that sometimes local communities believe they are left out in the hearing process.

Of all affected communities, I believe the United States owes a moral debt to the Native American communities to ensure they receive every measure of fairness we can provide. That, in fact, is the core tenet of trust responsibility as set up originally in our Federal Government.

The hearing our committee held on September 17 has been very helpful in understanding the effects of this amendment since it contains several of the primary features of Senator DODD's bill, S. 1392. Very important, in my view, was a statement by the administration before our committee that it was opposed to S. 1392 and opposed to this amendment, too.

Primary among the administration's objections is that the legislation and the amendment would:

One, authorize ''interested parties'' to request that the Secretary conduct formal hearings on a petition, in addition to the formal on-the-record administrative factfinding proceeding, and the extensive administrative hearings and appeals that are currently available. They are already available. ''Interested parties'' is somewhat vague.

Two, alter the standard of proof from a ''reasonable likelihood'' standard to a ''more likely than not'' standard.

And, three, create conflict and confusion with the regulatory process by statutorily duplicating some regulations but not others, thereby inserting uncertainty as to which regulatory provisions are applicable.

Additionally, the administration informed the committee that it cannot support a moratorium on an already lengthy, burdensome, and slow process. Senator DODD spoke to that. In fact, they did testify that if either the Dodd bill or the Dodd amendment passed, it would take over a year to promulgate new rules to implement either one, the bill or the rule.

I believe the imposition of such a moratorium would be particularly onerous on those petitioning groups that have gone through nearly the entire process and are now in the stage known as the final determination phase.

Just as important, in my mind, as the opposition of the administration is the position of already-recognized Indian tribes that already have a government-to-government relationship with the U.S. Government. We have received dozens of letters and calls from across the country.

I ask unanimous consent to print in the RECORD the tribes nationwide and four national associations in opposition to the Dodd amendment.

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

TRIBAL OPPOSITION TO DODD AMENDMENT

(1) Tribes opposing amendment: 21;

(2) Tribal association opposing amendment: 5;

(3) Tribes or tribal associations supporting amendment: 0.

TRIBES OPPOSING AMENDMENT

Oneida Indian Nation
Ft. McDowell
Agua Caliente Band of Cahuilla Indians
Passamaquoddy Tribe
Nooksack Indian Tribe
Lower Elwha Klallam Tribe
Sycuan Band of the Kumeyaay Nation
Choctaw Nation of Oklahoma
Hoopa Valley Tribe
Jamestown S. Klallam Tribe
Squaxim Island Tribe
Lummi Indian Tribe
Gun Lake Tribe
Cabazon Band of Mission Indians
Cahto Tribe
Susanville Indian Rancheria
Prairie Island Indian Community
Golden Hill Paugussett Indian Tribe
Wyandotte Nation
Saint Regis Mohawk Tribe
Winnebago Tribe of Nebraska

TRIBAL ASSOCIATIONS OPPOSING AMENDMENT

National Congress of American Indians
United South and Eastern Tribes
Midwest Alliance of Sovereign Tribes
Northwest Indian Fisheries Commission
California Nations Indian Gaming Association

Mr. CAMPBELL. Mr. President, these tribes and organizations from across the United States, from Indian country, have declared their universal opposition. Indeed, they are dismayed that we would be considering making such a sea change on Federal Indian policy through the appropriations process. Since tribes have been playing by the rules and some, indeed, have waited for years for recognition, it seems to me a bit unfair to put this in an appropriations bill.

The Committee on Indian Affairs has held many hearings on the issue of recognition and recognition reform over the past several years. We also heard from several Native groups that the process has taken generations and people have actually died waiting for recognition.

I find it somewhat ironic that descendants of Native people who have lived on this continent for thousands of years have to document who they are to a government set up by primarily post-Columbian immigrants.

One thing that has become crystal clear from our hearings—and this has been documented by the GAO and inspector general reports—is that this agency, the Branch Acknowledgment Research, BAR, is not able to provide information in a timely manner to either the Native American petitioners or to outside interested groups. That is where we should be putting our emphasis and providing more money for that process.

A substantial contributing factor is the flood of requests under the Freedom of Information Act. These FOIAs, as they are called, are keeping the BAR in a state of constant churning of documents, preventing them from performing their core tasks.

Those asking for reforms must recognize the process in place is made worse by the avalanche of lawsuits filed by local communities, State attorneys general, and some suits by already-recognized tribes. I fail to see how providing even more opportunities for lawyers to inject themselves into the process, and generate more lawsuits, is an improvement over the process. If we are going to reform the acknowledgment process, we should make sure we are providing reforms—true reforms—that provide benefits not just for States, the attorneys general, and the lawyers, but also for the petitioning groups themselves.

Finally, I cannot support an appropriations rider that would so substantially impact a regulatory process that has been in place for 25 years and through which so many participants are still working their way.

Placing a moratorium on the process and altering the evidentiary standard is a dramatic change in policy and should not be made without very careful consideration. I could only support such drastic actions if I were presented with credible proof of actual fraud or something equally bad.

I must add that I do support one provision of my colleague's amendment and legislation; that is, as I mentioned, to substantially increase the funds that the BAR receives to conduct its research. In fact, I encourage both my colleagues, Senator DODD and Senator LIEBERMAN, and would join with them in efforts in obtaining the $10 million authorized in this legislation rather than a smaller amount that is in his amendment.

Providing greater resources to the BAR would enable experienced and capable people, whether genealogists, anthropologists, or archeologists, to do their work and provide an answer in a timely manner.

In conclusion, I ask my colleagues to support the motion of the Senator from Hawaii, our chairman, Mr. INOUYE, to table.

I yield back my time.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

Mr. INOUYE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, first, may I say I am most grateful to my colleague from Connecticut for his gracious remarks. He knows very well it is a very difficult chore to be speaking against his amendment. When one thinks of the friendship that started since the time of his father, this is not easy, but I believe most respectfully that the amendment my colleague from Connecticut presents is not proper.

He says he is for reform. We are all for reform. As my colleague from Connecticut pointed out, there are tribes that have been waiting not a year, not 5 years, but decades to even be recognized for consideration by the administration. This will further prolong it.

Those of us who serve on the Indian Affairs Committee have had reason to pay special attention to the State of Connecticut for quite a few years now—in no small part because of the tensions that we read about in the media reports that appear to be arising out of the fact that the two Federally-recognized tribes in southeastern Connecticut—the Mashantucket Pequot Tribe and the Mohegan Tribe—are conducting gaming activities on their lands under the authority of the Indian Gaming Regulatory Act—as is their right to do under that Federal law.

Because we have been monitoring the public dialogue in the State of Connecticut rather closely, and because the hearing the Committee on Indian Affairs held last week on Senator DODD'S authorization bill, from which the elements of his amendment to the Interior appropriations bill are drawn, I would like to take a few moments to acquaint my colleagues with the dynamics that are at play in the State of Connecticut as I understand them.

Pursuant to the compacts each of those two tribes entered into with the State of Connecticut, in exchange for the exclusive authorization to operate certain forms of class III gaming, as defined in the Federal law, the two tribes have been making payments to the State of Connecticut from the revenues derived from the operation of slot machines.

Those funds are intended, as I understand it, to defray the costs of any impacts that the tribes' conduct of gaming activities may have on the surrounding towns and communities.

Unfortunately, despite the fact that together, over the past nine years, the two tribes have thus far paid the State of Connecticut $2.2 billion, the towns most directly affected by an increase in traffic and business, have not received funding from the State of Connecticut that they feel is adequate to address their needs.

This is what one of the councilmen from one of the towns nearest the Mashantucket Pequot indicated in his testimony before the Committee on Indian Affairs last week. I have no doubt that his perceptions are sincerely-held, nor that they are shared by others in his town.

It is not my place to question the decisions of the State of Connecticut in allocating the funds the State has received from the tribes, but it seems to me that we might well not be here today, were those towns in close proximity to the Foxwoods and Mohegan Sun gaming facilities and hotels not experiencing impacts that were intended to be addressed by the substantial payments—and I think $2.2 billion is substantial by any measure—that both tribes have made to the State of Connecticut thus far.

I raise these issues that are seemingly unrelated to the matter we address today, because the local Connecticut town officials have repeatedly suggested that there is a direct relationship between the process by which the United States Government recognizes the inherent sovereignty of tribal groups and the impacts of gaming activities from which they seek financial relief from the Federal Government.

I have no doubt that the citizens of Connecticut would acknowledge that there are Indian tribes and Native people who are also citizens of Connecticut, because as early as the 1600's, long before this nation was formed, Connecticut established five reservations to serve as homelands for the Indian people of Connecticut.

Thus, for over 400 years, Connecticut has, by its own action, recognized that there are Indian tribes who have historically and traditionally, made their homes in Connecticut—and indeed, that Indian tribes occupied the area that is now the State of Connecticut, long before Connecticut established Indian reservation.

So the arguments that give rise to my friend's amendment cannot be that the State of Connecticut does not recognize the Indian tribes of Connecticut.

No, the argument advanced by the non-Indian citizens of Connecticut and some officials of the State of Connecticut seems to be that the United States should not recognize the Indian tribes that have historically occupied the area that is now the State of Connecticut.

And so, unusual activities are being initiated by State and local officials, to prevent the United States from recognizing these Connecticut tribes.

These activities include litigation, of course, but they also include the hiring of genealogists and anthropologists and historians, and even former employees of the Bureau of Indian Affairs' Branch of Acknowledgment, in an effort to develop information that could serve to prove that the Indian tribes that are recognized by the State of Connecticut either are not Indian tribes, or at least, that they are not Indian tribes which should be recognized by the United States.

I don't suppose that I am the only one to whom this position appears fundamentally and inherently contradictory.

In any event, it is clear that there are citizens and local governments in Connecticut and even the State of Connecticut who are expending substantial sums and considerable energy to oppose the Federal acknowledgment of Connecticut tribes, and that they believe the United States should subsidize their expenditures.

Indeed, Senator DODD has a bill pending in the Committee on Indian Affairs that would provide grants to State and local governments so that they could be better able to carry on their fight.

That is one set of issues.

Another set of issues has to do with the erroneous perception—and sadly I think perhaps this inaccurate portrait is drawn somewhat deliberately—that acknowledgment by the United States that a tribal group is an Indian tribe, leads directly and automatically to the conduct of gaming.

In fact, the vast majority of Federally-recognized tribes in the United States are not engaged in the conduct of gaming activities under the authority of Federal law, and many, like the great Navajo Nation—the largest land-based Indian tribe in the United States—have consistently rejected gaming as a means of economic development.

The acknowledgment of an Indian tribe by the Secretary of the Interior does not even entail the establishment of a land base that could serve as the homeland for tribal members.

No, instead, there is a separate process to determine whether land should be taken into trust for an Indian tribe—a process which provides for significant involvement of State Governors, as well as State legislatures and local governments.

That process is not an easy one—there are tribes across the country who will verify that it takes years—as much as 10 to 20 years—to have land taken into trust.

And that is only step one.

Should a tribe want to pursue gaming as a means of economic development, there is a separate process with even higher burdens to meet—for the taking of land into trust for gaming purposes.

In this process, for land that is to be taken into trust for purposes of gaming after October 17, 1988, there is not only a prohibition in Federal law that has only limited exceptions, but a far greater role for the Governor of each State in whether land is taken into trust for gaming. Some commentators have even suggested that this role that each Governor is afforded under Federal law constitutes an absolute veto power.

So to conclude, it is abundantly clear to anyone who cares to conduct even the most superficial survey of Federal Indian law, that the acknowledgment of an Indian tribe by the United State is a process that is separate and decidedly distinct from the issue of gaming.

Though some may see it as being to their advantage to lump these different processes together and make it appear that they are all one—as one who has

served on the Committee on Indian Affairs for 24 years now, I can assure my colleagues that it simply is not so.

As the Chairman of the Republican National Committee, Marc Racicot, recently was quoted as responding to the notion that people are mixing Federal recognition with Indian gaming, ''Is the question really about the Federal recognition process or is it about gambling? Frankly, I think people should address those questions honestly.''

As my colleagues know, Marc Racicot is the former Governor and former attorney general for many years of the State of Montana.

In that same interview that was published ten days ago, Governor Racicot indicated that his experience with Federal recognition has not been mired in ''irregularities and improprieties'' as alleged by Connecticut officials. Instead, Governor Racicot stated ''the process is clear, plain and steeped in integrity''.

If Governor Racicot's observations were the exception to a perception widely-held across the country, we might have a different set of circumstances to address.

But the problems that are cited by the citizens of Connecticut are clearly different from those that have been identified by administration officials, both past and present, by petitioning groups, by the General Accounting Office, and by those who have testified before the Committee on Indian Affairs.

Of course, like any new venture that bring more people, more traffic, and more revenues into a State, there have been concerns expressed about the impacts of gaming—in our history as a country we saw them first in New Jersey and Nevada.

Today gaming, whether it is Government-sponsored or privately—owned gaming, whether it is tribally-operated or commercially-conducted—from State lotteries to horse tracks to river boats, gaming has given rise to controversy.

As we consider the amendment of my friend from Connecticut, let those of us who know the difference, keep gaming issues separate, and focus on the Federal acknowledgment process.

Cound the Federal acknowledgment process benefit from reform?

I don't think there is any question that it could.

The committees of Congress—the Indian Affairs Committee in the Senate—would not have held so many hearings over the years and would not have considered so many proposals to reform the process, were it not in need of refinement.

The problem is that we do not have agreement on the nature of the problem and even less agreement on the appropriate resolution.

If you asked tribal groups that have been through the acknowledgment process or that have petitions now pending before the Branch of Acknowledgment, I believe you would find unanimity in their view that the process takes too long.

In testimony on Senator DODD's authorizing bill that was presented to the Indian Affairs Committee last week, the chairperson of the Eastern Pequot Tribe—a tribe recognized by the State of Connecticut since the 1600's—testified that the tribe's petition has been pending in the Bureau of Indian Affairs, BIA, for 24 years.

The BIA's records clearly document that the experience of the Eastern Pequot is not atypical.

Each of the Assistant Secretaries for Indian Affairs within the Department of Interior over the past several Administrations—both Republican and Democrat—have stated their views that the process is too long, too cumbersome, and too expensive for the petitioning tribal groups.

The last Assistant Secretary implemented reforms to streamline the process. The current Assistant Secretary is taking further steps to address the backlog in petitions, because by most calculations, it will take the Branch of Acknowledgment another 200 years to complete work on the petitions that are now pending before the Department.

Senator DODD's amendment does not address the seriously-problematic length of the acknowledgment process nor does it seek to reduce the burden on petitioning groups, and so Indian tribes across the country have contacted the Committee to indicate that they do not see this amendment as effecting the kind of reform that has long been seen as necessary.

Unfortunately, Senator DODD's amendment will lengthen the process for those tribal groups who are subject to the proposed moratorium by yet another year, at a minimum, given that we cannot know how much time will be entailed in the promulgation of the rules and regulations required by the amendment.

Experience would instruct us that this moratorium will last for much longer than a year.

The General Accounting Office examined the acknowledgment process in its November 2001 report to the Congress, and found that the seven mandatory criteria which each petitioning group must satisfy, were not being applied in a consistent manner. The conclusions of the GAO report corroborated another long-held view in Indian country.

The amendment before us does not address this issue either.

What the amendment does propose is something that, in the view of many of us who have struggled with these issues for years, requires a much more thorough vetting before it is made part of the permanent body of Federal law.

That is the fundamental question of whether the acknowledgment of a tribal group by the United States should be an adversarial process in which other governments should participate.

Although the current process provides for the involvement of ''interested parties'' in formal meetings and in the process of appeals, and State and local governments have made very effective use of the Freedom of Information Act requests to further bring the snail's pace of the acknowledgment process to a grinding halt, there has been no national discussion and no nationwide consultation within Indian country on this fundamental issue.

Yet, the amendment before us proposes to inject a process of adversarial hearings—at the request of any and all interested parties—throughout the acknowledgment process, and it would appear, before a petition is even ready for consideration.

Another change that the amendment imposes is a change in the burden of proof that a petitioner must meet in satisfying the seven mandatory criteria.

The impact of such a change has not been assessed—it would effect a change in existing law—and there can be no doubt that tribal groups who have been through the process and have not succeeded will now come to the Government seeking reconsideration under the new standard.

Even more likely is the prospect that interested parties will contest the Secretary's findings in favor of acknowledgment on the grounds that those groups that have been acknowledged may not have satisfied the new standard.

Reopening every past action of acknowledgment by the Secretary to assess whether the new standard would have changed the outcome in each case is clearly going to require years and years of effort and litigation.

I think we would all agree that generating new lawsuits against the government is not a direction that reform should take.

Last but certainly not least problematic from the vantage point of Indian country, petitioning groups, from the administration, the authorizing committees of the Congress, and from the Indian Affairs Committee is the moratorium that Senator DODD's amendment would impose on the acknowledgment process.

This moratorium affects not only the groups that have been in the process for twenty years or more, and not only the groups whose petitions are the subject of Federal district court orders, but also groups that are already through the acknowledgment process and currently in the appeals phase.

Particularly in the case of this last group, there has been no rationale advanced as to why a moratorium should be imposed on their petitions in order to reform a process of which they are no longer a part.

Like many of us, I read the newspapers and media accounts from other States. Over the years, I have even spent a little work time in Connecticut trying to be of assistance to the citizens of Connecticut. So I think I have a sense of what pressures are brought to bear on the Members of Congress who serve that State.

Working together, I think we can address the concerns that were expressed at the Indian Affairs Committee hearing last week, but I have to say, as chairman of the authorizing committee, that proposed changes in substantive law and regulations require and deserve careful consideration.

If the provisions of Senator DODD's authorizing measure are to become law, they should be considered in their entirety—not in piecemeal fashion in an appropriations bill—and they should be considered in the context of what reform is needed—as defined by a much larger base of our national citizenry than the citizens of one State.

And so I call upon my colleague from Connecticut to work with us to effect comprehensive reform, and in the interim, to allow the administration to take the steps it has proposed to improve upon the current process with funds appropriated for that purpose.

All of the tribal groups that would be immediately affected by the proposed moratorium filed their petitions well before the advent of Federally-authorized Indian gaming.

They couldn't have been motivated by the prospects of something that did not exist when they filed their petitions and should not be penalized for what has since come to pass.

Let us keep these matters separate, addressing the impact of gaming as they arise, and addressing reform of the Federal acknowledgment process with the deliberative discussion that it deserves.

With these considerations in mind, I urge my colleagues to oppose Senator DODD's amendment.

I will share footnotes in history that we may have forgotten over the years. Our Founding Fathers felt so strongly about the importance of Indian nations that in the Constitution of the United States they have set forth, in good language, that Indians should be recognized as sovereign countries and as sovereign nations. We have entered into 800 treaties with Indian countries, as we do with the British, the Germans, the French, the Japanese, and the Chinese.

Indians are sovereign. I realize it is very difficult for fellow Americans to look upon the Indians as sovereign people, but they are. They were here before we arrived. This was their land.

Sadly, I must report that the Senate—of the 800 treaties we have had signed by the President of the United States and by the ruling monarchy of the nation, 430 were ratified by our predecessors and 370 are still in the files. They are in the files because we found oil, gold, and precious material and suddenly we felt, no, we cannot give that away.

Of the 430 we ratified, we violated provisions in every single one of them. That is our record. I am not proud of it. I think the Indians have waited a long time for justice, and I am sorry to say to my dearest friend of all that this does not bring justice to them.

When the first European landed here, he found a sophisticated and organized group of people. They had elected leaders. They had a judiciary. In fact, if one reads the writings of Jefferson and Benjamin Franklin, they will note reference to the Iroquois Confederacy, a confederacy made up of six tribes, six nations. Each tribe elected their representatives, the judiciary, their leader. They sent a delegation of representatives to the central office, and the clan mothers voted to select the supreme chief. In those days, long before we came on the scene, the women took part in the electoral process. They were a few years ahead of us. That was democracy as our forefathers conceived.

Laws were passed to further strengthen the basis of sovereignty. At the time they were recognized as sovereign nations, these Indian nations had jurisdiction, authority, and control over 550 million acres of land. Since then we have had the Indian wars, and let us call it what it was, Indian extermination laws. We had what is known as an allotment. Let's open it up. From 550 million acres, today there are 50 million left.

One of the provisions in this amendment speaks of lands where they historically resided. Most of the Indians of this land do not live in places where they historically resided. The Cherokees now live in Oklahoma. After the Indian wars, they were rounded up from the Carolinas, and before they landed in Oklahoma, the dumping ground, 80 percent were dead.

So where is the historic place of residence? One can say that of just about every Indian tribe. This is what we are dealing with.

In the State of Connecticut, there are two very successful Indian casinos, Mohegan Sun and Foxwoods. In the last 9 years, they have provided income to the State of $2.2 billion because that is part of the agreement with the State of Connecticut. That is a lot of money.

We cannot intrude ourselves into the affairs of the State and say you should give that money to the town next to Foxwood or next to Mohegan because the impact is greater. That is the State's decision. I would think the moneys these Indians have provided for the government of Connecticut should be sufficient, but that is not within our responsibility.

Another footnote in history: One would get the impression after listening to this debate that most of these Indians who are seeking recognition and who are seeking land are seeking such land for gambling purposes. Far from the truth, sir. Most of them do not want gambling. In fact, the largest Indian tribe in our Nation is the Navajos. They will not permit gaming within their lands. No, they do not want any gambling in their lands.

Of those treaties that were not ratified by the Congress—still in the files around here—there are several that affected the Indian nations of California. Because the treaties were not considered, in a sense they are men and women without nations, without land. We decided to put them in a little enclave and say: You live here or you live there because you look alike.

My first chore as chairman of this committee was to break up a tribe because we had put in Pequots and Hoopa-Huroks, historic fighters.

Just in case one gets the impression the Indians are ''give me, give me, give me, all the time,'' they have given more than any one of us can expect. As one who values the service of men and women in uniform, may I simply say that of all the ethnic groups in the United States, of all the racial groups in the United States, on the basis of per capita participation, the Indians have sent more sons and daughters in uniform to face harm's way than any other ethnic group—more than the Germans, the Irish, the British, or what have you. Indians have fought in every war in the last century, and every one now, in greater numbers. They have given their lives in greater numbers, per capita. They are not asking for a handout. They are asking for what the Constitution calls for and what the laws of this land call for.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield to the Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from Connecticut.

In a little over an hour the Senate will vote on the amendment Senator DODD and I have introduced which we believe will reform and strengthen the Federal tribal recognition process to the benefit of the Native American community and everyone else concerned. It will make that process more fair and give it more credibility and hopefully will provide the resources to have the decisions on tribal recognition made by the BIA and the BAR in a much more timely fashion.

Some tribes have been waiting years and years and years for a decision from this recognition process that is, regrettably, broken. Of course, in part it is broken because of the gambling associated with Native American tribal recognition and the surge of applications, the dramatic interest in recognition. Often, recognition leads to the presence of gambling in a locality and the inability of these regulatory authorities to keep up with that extraordinary increase in demands on them.

In Connecticut—a relatively small State, yet we have three federally recognized tribes—one recently recognized tribe is being appealed and nine more recognition petitions from our small State are in the pipeline of the Bureau of Indian Affairs. We have in two of the federally recognized tribes the two largest casinos in North America, I believe in the world. So there is an impact that these decisions have.

That is why, last year, my colleague from Connecticut and I introduced S. 1392 and S. 1393, which were designed to

reform and improve the process by which the Federal Government recognizes the sovereign status of American Indian tribes and their tribal governments. We certainly did not view this as antirecognition because there is a historic, a moral right to recognition by tribes that can meet the requirements of this process. Nor was it, as we conceived of it, inherently antigambling. It was to say that the decisions have taken on extraordinary importance and they ought to be reached by a process that is not only fair in itself and gives all participants—the tribes claiming recognition, the neighbors of the tribal grounds, towns, et cetera—the belief that they have been through a process that is fair and therefore that the results of the process, the decisions made, are credible.

We have introduced this amendment reluctantly because the problems with the tribal recognition process have not gotten better, notwithstanding concerns expressed by many, as has been indicated here.

As my colleague from Connecticut has said, this happens to be a problem that has impacted Connecticut, a relatively small State, but this is really a national problem affecting Native Americans seeking tribal recognition in the States in which they are now located.

Let me quote from the GAO report, which has been cited, which found that ''the basis for BIA's tribal recognition decisions is not always clear.''

It went on to state:

> While there are set criteria that petitioners must meet to be granted recognition, there is no clear guidance that explains how to interpret key aspects of the criteria. For example, it is not always clear what level of evidence is sufficient to demonstrate a tribe's continuous existence over a period of time—one of the key aspects of the criteria. As a result, there is less regulatory certainty about the basis for recognition decisions.

That is from a critical report by the GAO on this recognition process. That GAO critique has been seconded by the Interior Department's inspector general and, as has been noted in this debate, even by the past Assistant Secretary for Indian Affairs.

Despite these critiques, there have been no real changes in the recognition process to fix the problems. Instead, the status quo has continued at the BIA, with applicants experiencing long delays and parties in various cases dealing with decisions that they believe have been unfairly arrived at. The amendment we will vote on at 5:30 this afternoon is our attempt to improve this situation. Rather than letting the process continue in the current manner, we ask for it to provide adequate procedures to ensure its legitimacy—something that would benefit both the tribes and the communities and parties that surround them.

I want to stress that this amendment does nothing to affect already recognized Federal tribes or to hinder their economic development plans; nor does it change existing Federal tribal recognition laws. It is our hope, in fact, and has been our hope, that the Native American tribes might support these procedural reforms that we are recommending so as to buttress the legitimacy of the ultimate recognition rulings.

While, as my friends and colleagues from Colorado and Hawaii have indicated, that is not the case and, in fact, a large number of Native American tribes have opposed this amendment, I continue to hope the fact that we have brought it before the Senate may encourage them, under the wise and fair leadership of the Senator from Hawaii, Mr. INOUYE, and the Senator from Colorado, Mr. CAMPBELL, to see if we can't find common ground.

It seems to me no matter what side you are on in a particular proceeding before the BAR or BIA, you have an interest in due process and you have an interest in the result of the process being as broadly credible as possible.

What our amendments would do consistent with recognition laws is to ensure that recognition criteria are satisfied and that all affected parties, including affected neighboring towns, have a chance to fairly participate in the decision process. Our amendment ensures a system of notice to affected parties. It assures that relevant evidence from petitioners and interested parties, including neighboring towns, is properly considered; that a formal hearing may be requested with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show the petitioner meets the seven mandatory criteria of Federal regulations; and that a complete and detailed explanation of the final decisions and findings of fact are published in the Federal Register. There is nothing very radical here. It is basic due process procedural rights, all consistent with the established recognition criteria. We have not changed the recognition criteria in the amendment that we proposed.

Under the amendment, funding available under the Interior appropriations bill to the Bureau of Indian Affairs for the recognition process becomes available when these fundamental due process procedures are implemented by the Secretary of the Interior. So insofar as this is considered a moratorium, it is a moratorium, as I know Senator DODD has indicated, that could end in a week if these due process changes were put into effect. Our amendment dictates no outcomes in any particular cases. It aims to ensure a fair process.

So I hope my colleagues will take a look at the amendment. In some sense the impact of the currently broken process at the BIA has been felt with a particular intensity in Connecticut. But this is a national problem.

We may not adopt this amendment today. I hope we will, but if we do not, this is a problem that is not going to go away. It is going to be felt more and more around the country. Again, I say our aspiration is to find common ground. I thank the Chairman, Senator INOUYE, and Senator CAMPBELL for their characteristic courtesy and respect and thoughtfulness. We disagree on this one. It is a disagreement in good faith on both sides. I continue to express the hope that under their leadership, those who are concerned about the fairness of the recognition process, those who are concerned about the lack of speed in the process—the terrible delays—will be able to come together and agree on a series of reforms, and then the funding for additional staff at the BAR and BIA to make the promise of due process here real for all concerned.

I yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining. The Senator from Colorado has 3 minutes 53 seconds remaining.

Mr. DODD. Mr. President, I see the majority whip. I ask unanimous consent we extend the debate an additional 10 minutes, equally divided, so we can make some concluding remarks.

Mr. REID. Mr. President, I think that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

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

Mr. CAMPBELL. Mr. President, I have made most of my comments already. I don't know who else will be here on the floor to speak against the Dodd-Lieberman amendment, but I would like to respond to just two small points that were made by our friend, Senator LIEBERMAN.

First, though, let me thank Senator INOUYE for a very eloquent statement. He really does speak from the heart. When you hear him talk about basic fairness and justice that American Indians deserve and need, I think Senator INOUYE's own experience and background as a Japanese-American and what his people went through in World War II gives him a very special insight, and certainly a very special feeling for what Indian people face.

Let me make two very short comments on Senator LIEBERMAN's remarks. He made reference that this would not affect existing tribes. He is right, I guess, in some respects. But I think we need to look at that in historical context.

First of all, when the original recognition process was done—clear back in the early 1800s—it was done so that the Federal Government could provide rations, blankets, and so on, to the Indian tribes that were deprived at that time of their hunting rights and restricted to certain areas. That is why it was originally set up. They had to find out who qualified to get some benefits, and that is what trust authority is about.

It will not surprise anyone in this Chamber to know that there were some people even at that time who did not want recognition. Certainly some of them hid out in the hills of the Carolinas because of the Trail of Tears, when their cousins and brothers and fathers were rounded up and driven at gunpoint clear across the Nation to Oklahoma. The ones who hid out in the Southeast States—would you want to tell some government bent on killing your people you want to be recognized? Not likely; that would be a pretty dumb thing to do.

There have been Indian people in some parts of this country all along who were not ''recognized'' by the U.S. Government. It didn't mean they were not Indian. It didn't mean anything of the sort. They knew very well what would happen to them if they were so-called recognized.

The second point I want to make is during the 1950s, during what was called the Termination Act, the Federal Government, in its infinite wisdom, decided many Indian tribes were no longer tribes. I guess that meant they were no longer Indians, at least not of a group of Indians. That has always rather confused me because I have always likened it to maybe telling African Americans that they were no longer Black. I mean, you are what God made you. That's it.

But through the Termination Act of the 1950s—I don't remember the exact number, and I don't have it in my notes—as I just offhand remember, there were over a hundred, if not several hundred, tribes who were told by the Federal Government: You are no longer Indian tribes.

Many of them are still trying to be rerecognized. The ones that were terminated in the 1950s, they have to get recognized through a different process. They have to do it through legislation.

But the point is the fact that many of them that historically had ancestors on this continent maybe for 10,000 years were being told by a government set up by new immigrants that they were no longer Indian tribes still confuses me.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Connecticut, Mr. LIEBERMAN, for a very eloquent statement. Let me also thank my colleague from Hawaii for a very eloquent statement he has made. I would not take issue with any comment he made about the relationship between the history of the U.S. Government and its treatment of Native American tribes going back to the founding days of this Republic.

It is a sorry history in many instances and circumstances.

The Senator very graciously mentioned my father. Let me mention my mother. My mother used to tell me all the time that two wrongs do not make a right.

That we have done a terrible injustice to Native American people over the years does not justify, in my view, continuing a process that would allow recognition to occur where it may not be warranted. In America, where recognition should be extended and granted, the process must be fair. As for the recognition process—its history—my friend from Colorado makes a very strong statement. It is something of a historic anomaly in many ways; that's why recognition must even occur. The fact is that the current process is the law of the land.

I can speak very directly about my own State. It is a difficult process, which is still ongoing for that matter. There are those in my State and others who would like to undo the recognition extended to the Mashantucket Pequots. Books have been written about it. Popular books have been written. That garnered national attention in questioning the recognition of that tribe. I have disagreed with them.

I also know the process that the Mohican Tribe went through in my State. It was a very long and elaborate process, working very closely with the community leaders in the towns in which they are located—State, as well as the National Government.

Our point here is not about the history, as much as concern about the history is justified. It is not about the past, as legitimate as those arguments are. It is about today and the future.

Let me quote, if I can, a letter I received from the National Congress of American Indians.

By the way, the amendment that is part of the bill was considered for over a year and isn't written out of whole cloth. I showed this amendment to Native Americans around the country and asked them what they thought of the amendment.

This letter I received from Tex Hall is dated September 12 of this year. He opposes the amendment. Let me be very clear. The National Congress of American Indians opposes the Dodd-Lieberman amendment, but listen to what he says in the letter. I am reading from the second paragraph.

And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, September 12, 2002.

Re Opportunity to Meet and Discuss Federal Recognition Process.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the more than 250 member Tribal Nations of the National Congress of American Indians, I write to request an opportunity to meet with you and a group of tribal leaders to discuss proposals to change the process for petitioning the federal government for recognition as a federally-recognized Indian tribe.

Both the federal government and the NCAI have a longstanding position that legitimate Indian tribes whose status has been historically omitted should have the right to petition for formal recognition by the federal government. And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

The current process is plagued by an enormous backlog, and some petitioners have been waiting over two decades since they submitted their initial petitions. NCAI believes that the federal government should make the resources available so that petitions can be processed in a timely way.

As you know, we do not agree with your pending amendment. We believe it would create an indefinite moratorium on the recognition process. Because there is no incentive for the Secretary to actually create the new process, the petitioning tribes would be put in limbo for additional years, adding to the unjustness of the already interminable federal delays.

In addition, by attempting to create a moratorium on federal tribal recognition through the introduction of an amendment to the Interior Appropriation bill, this amendment attempts to circumvent the Congress' procedures for dealing with complex Indian issues like federal recognition. Such a drastic change in federal Indian policy should be referred to the authorizing committees for development of the record and an opportunity for broader participation and deliberation. While we greatly appreciate the contacts from your office, two days notice is not nearly enough time to engage tribal leaders in a meaningful discussion.

As I mentioned above, I would very much like to meet with you to discuss these matters in greater detail and would be willing to put together a small group of tribal leaders to participate in the discussion. I believe that we should also include Senators Inouye and Campbell in the discussion, so that this issue can be prepared for review by the Senate Committee on Indian Affairs.

Thank you for your consideration of this request.

Sincerely,

TEX G. HALL,
President.

Mr. DODD. Mr. President, my colleagues ought to know that in the concluding paragraphs of the letter he disagrees with this amendment.

But his conclusion about a process that needs repair is one that is embraced almost by all.

My good friend from Colorado has legislation pending that would move the present recognition process from the BIA to a new commission. I agree with him on that approach. I believe it will take time to get that done. I presume there will be regulations and the like appended to it.

It is not a question of debate about whether or not the process is in need of repair. It appears that everybody agrees with them because of what has happened and the various circumstances. We are talking about 222

petitions, and maybe more—all of which may be legitimate. But shouldn't we know in the end that there has been a process followed fairly by all and that there will be at the end of the day a conclusion that is just and reasonable and will withstand the test of time? That is all we are suggesting.

The poignancy, I suppose, is because it impacts my State. I am aware of it because of what's going on in my State. If I had no petitions pending in my State, I wouldn't be standing here. I wouldn't be aware of the issue. But we are aware of it.

I am worried about the future for the very same reasons that history suggests—that we will find out again that there is unnecessary division, hostility, and resentment growing. That should not be the case.

I strongly urge that this amendment not be defeated—I suspect that it may be—and that we do something soon to repair a process that looks too cavalier. If there is just going to be recognition of all petitions coming forward, why don't we just say so straight out? If there is going to be a process to demonstrate satisfaction of some particular criteria, let us make sure it works. As it is now, it is catch as catch can. Sometimes the rules apply. Sometimes they don't. Of the seven criteria, some we follow rigorously, and some we don't at all. Some are applied in some cases and not in others. Some petitioners are granted, some are denied, and some are brought together. There are third choices inexplicably made.

This isn't working right. It needs to be repaired. We can do that in a very short order because we recommend no new criteria. We just say codify the existing criteria, put it in shape, and let everybody know what the process is working so they can go through it in a reasonable way. It is outrageous that they should have to wait two or three decades for recognition.

The fact is that we have supported additional resources here to the agency to try to provide the technical staff so decisions can be made within a reasonable amount of time. With these resources, people can be heard and the agency can reach final conclusions that I believe all Americans can support.

That is what this amendment tries to do—nothing more than that and nothing less than that, but nothing more than that.

Again, I suspect the amendment will be defeated, but I hope the end result is that we can get a better system. My State may regrettably find itself with some petitions granted that do not deserve to be, but maybe that is the price you pay for doing something about broader reform.

I regret that there had to be a disagreement between people who support Native Americans. I admire them immensely. But as I look down the road here, I worry that if we don't straighten this situation out that we could find the situation getting worse. I don't want to see that happen. For those reasons, I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. Five minutes seventeen seconds.

Mr. INOUYE. Mr. President, if the Senate should rule that the votes against the amendment prevail, may I assure my colleagues that the committee stands ready to consider any and all suggestions on how to reform this process. It is a scandal at this time. We realize that. It should be changed.

I move to table the amendment.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion entered to reconsider the vote whereby cloture was not invoked on amendment No. 4480 is agreed to and the motion to reconsider is agreed to.

There will now be 60 minutes for debate with respect to that cloture motion, with the time equally divided and controlled by the two leaders or their designees.

Mr. REID. Mr. President, the Republicans have still 10 minutes as if in morning business. The time is yielded on this Dodd amendment, but there are still 10 minutes of morning business to which Republicans are entitled. Do they intend to use that?

Of course, we will have time later this evening, as we always do. I ask unanimous consent that we move forward, as the Chair announced, and that the time allocated be disposed of.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, point of information: What time will the vote on the Dodd amendment take place?

The PRESIDING OFFICER. At approximately 5:37.

Mr. CAMPBELL. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding that we are on H.R. 5093. Is that right?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The Chair lays before the Senate cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Byrd amendment No. 4480, as amended, to H.R. 5093, the Department of Interior Appropriations bill, 2003.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Bingaman, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I understand that between now and 5:30 we have been allotted time to debate the Craig-Domenici amendment as it relates to the cloture motion on the Byrd amendment on the Interior bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Thank you.

Mr. President, I will allot myself 10 minutes to debate this issue.

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

Mr. CRAIG. Mr. President, for several weeks now, the Senate has been considering the Interior appropriations bill, of which the Byrd amendment to that bill would put critical fire money back into our Forest Service budgets that have been badly depleted by the season that we are hopefully beginning to leave, which is known as the fire season, especially in the Great Basin West. That money is critical.

But it was because of our concern about fires and the wildfires that have swept through the West this summer that I and Senator DOMENICI and a good many other western colleagues joined in working with the administration, and for a good long while in a very bipartisan way, to see if there was not some middle ground to create some flexibility to go into those worst fuel-laden lands and to develop a thinning and cleaning process that would be environmentally sensitive and at the

same time effectively reduce the fuel loading that has gone on there that has precipitated in some of these very dramatic wildfires that have occurred out West this summer.

I recite, again, for the record, we have burned well over 6.5 million acres to date of wildlife habitat and watershed, possibly several million acres of old-growth forests. We have lost about 3,000 homes, private homes of our citizens. Over 25 people, I believe—26 or 27 at least—have been killed in relation to these fires. It is without question a national emergency, a national crisis. I almost have the sense that we have fiddled a bit over the last couple of weeks while our forests have burned.

There are still fires burning in California. As we speak, acreage burning in a national forest outside of Los Angeles over the weekend has consumed over 12,000 acres and has threatened numerous homes. Yet because of some special interests here and phenomenal allegations or statements made in the media over the last several weeks, you would think I and others were trying to precipitate a whole new logging program for the forests and that somehow was evil, instead of the very limited, targeted thinning and cleaning that we think could and should be utilized to reduce the fuel loading on these forests that has created these firestorms.

I have here a variety of editorials and news comments from major papers across the Nation. I am fascinated by words such as ''nose under the tent,'' ''intent to allow logging companies to be turned loose once again in our national forests.'' My reaction is, can those who write the news read the news?

Can they not read the Craig-Domenici amendment and understand that it is phenomenally limited, that it would require very specific language by the U.S. Forest Service, that there would be the right to go to Federal court and block any of these actions, that we have tied no one's hands other than to say that on these limited, targeted acres, we will not allow appeals, nor will we allow a temporary court injunction that has locked up tens of thousands of acres already, many of them that burned this summer, from the ability to get in and thin and clean them?

No. Those who write the news can read the news. But oftentimes those who write the news choose a bias that they think is popular, and in the end our forests burn. Thousands of homes are lost, lives endangered, and we struggle here at the Federal level to attempt to make some slight adjustments in public policy to return a state of health to our national forests.

Last week, our colleague from New Mexico, Senator BINGAMAN, came to the floor and offered an alternative amendment. He did not introduce it. He laid it before us as something that could be viewed as an alternative. I began to study it to try to see if it was a reasonable alternative or whether in fact it would deny any activity, if it was simply a Trojan horse in the reality of, would it do something similar to what the other Senator from New Mexico, Mr. DOMENICI, and I had proposed.

After thorough examination of that, I must tell you I believe the Bingaman amendment to be just that, a Trojan horse. Not only does it limit dramatically what you could be able to do, it creates some categorical exemptions. And then it does something else that is very important in the language of the law or the policy we are debating as to whether it frees the hands of the forest managers within these limited areas to do what is necessary to limit this fuel loading.

It is a term called extraordinary circumstance; in other words, there won't be any appeals based on the standards of the National Environmental Policy Act, or any temporary court injunctions, unless there is an extraordinary circumstance.

That is a provision in administrative regulations that governs the management activities of forests that is really quite clear. Let me count the number of ways an extraordinary circumstance could occur. It is literally in the eye of the beholder, in the eye of the person who wants to file the appeal. It probably broadens the effective opportunity to bring an appeal to any of these actions on our public lands when, on the other hand, the Senator from New Mexico would suggest he was creating greater flexibility.

Organizations such as the NRDC or the Earth Justice Defense League, the Sierra Club, the Wilderness Society, and the Southwest Center for Biodiversity clearly could use this as the opportunity for which they have already used the law, to lock up any effort or nearly all efforts in attempting to deal with what we would hope would be an effective way of thinning and cleaning.

You have heard me speak in the last days about the total amount of acreage out there that is in crisis at this moment. We have about 74.5 million acres that are at high risk, and while we have that many, Senator DOMENICI and I, and many of the colleagues who have joined with us—I now see the Senator from Arizona in the Chamber, who is a cosponsor, and the Senator from Montana—have asked that we only be able to deal with about 10,000,000 acres, not opening the forest wide open but a limited number, for a very real reason.

I believe it is fundamentally important that we show the American people that when we stand on the floor of the Senate and talk about not entering roadless areas and protecting old growth and merely thinning and cleaning and bringing down the fuel loads and moving them out of the forest, we want to prove it, we do want the American people to see that what we say is, in fact, what we mean, and that the U.S. Forest Service will go forward in a limited way to do just exactly that.

Do I want to prove the editorial writers of some of America's press wrong? You bet I do. Because they are wrong, and they flat know it. In fact, it reminds me of that news reporter from NPR who e-mailed some of our environmental groups and said: Get me the worst case scenario so I can disprove the logic or the arguments of the Senator from Idaho. And the environmental group writes back and says: We can't give you any worst case scenarios because we have them all on appeal and we have it shut down so they don't exist.

So in other words, when we are concerned that the appeals route would be used in these limited cases, the environmental groups have responded that they are already using them, that they are not tolerating the activities of thinning and cleaning.

So it is obvious why we would want to step forward and say, let us use this limited opportunity to thin and clean and then show the American people that there is a better way of conducting forest health and allowing our forests to once again rejuvenate themselves for watershed, for wildlife habitat.

My colleagues are here in the Chamber to speak. Let me conclude.

Even if the public policy of our country allowed it, 8 to 10 million acres to be thinned on a 1.5- to 2-year basis, and average that out over the next 20 years, we would still—because of the health of our forests today and the fuel loading that exists and the bug kill and the dead and dying—lose anywhere from 5 to 6 to 7 million acres a year to wildfire. That is the reality of the environment in which we live, the reality of the environment we are now trying to change so slightly to return forest health.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BURNS. I yield myself 5 minutes. I know there are other Senators on the floor wanting to speak. I will just speak common sense.

Legalese is not my expertise. I leave it to those trained in the discipline, as most of my expertise was on the farm.

This is a very troubling issue for one simple reason: What if anybody were allowed to put in a garden and at the same time were prohibited from doing any weeding or watering or doing anything to make it produce—prevented from fundamental attention?

I am wondering if they would enjoy the fruits of their labor when harvest time comes. They say history is the greatest blueprint to the future. Throughout history, all creation on this earth, in order to ensure its internal survival, it must have some kind of economic worth.

Now, that sounds hard and cold, doesn't it? But it happens to be a very true fact. There are those who somehow choose to look at our natural resources, or a natural landscape, and put it over into the column called ''spiritual''—not logical, not economic.

Our forests cannot survive the ages with that approach. Under that philosophy, what will survive longer than the forests is the pine bark beetle. Fires will continue to exist—hotter—taking from the soil what cannot be replaced by anything but old growth.

So as we approach this problem, I ask for common sense. What we are trying to do here is a commonsense approach to settle our disagreements on how we manage the forests. We hire the U.S. Forest Service to do that. When their management practices are questioned, the burden of proof falls on them to prove why that management practice will work, but I see no proof offered by those making the appeal that the Forest Service plan doesn't work. That is what we are trying to do—get it to an impartial environment to settle those differences. That is all we are asking. We are not changing any law, no environmental law, not the Environmental Protection Act, not the Clean Water Act, not the Clean Air Act, not the Forest Management Act. We are not changing any law. We are not denying anybody's right to appeal or to have their day either on an administrative appeal or a judicial appeal. We are not changing that.

That was changed, however, with regard to South Dakota. So we are not going that far. What we are saying is we are going to put the ball on the 50-yard line, which requires the burden of proof both from the land managers and by those who would disagree with them. That is all we are asking. And then the third thing we are asking is that we get a vote, a commonsense vote.

The American people, every night this summer, watched their forests burn—every night. Such a waste. There was not only the loss of the resource, but the loss of the wildlife and the habitat and the water quality because the rains will come and the snows will come and the mud will slide. Now, I don't know any other way to put that other than it has been my experience in my years of working and living in an environment of sun, water, and soil, and what it produces. So I am sorry that we have to educate and remind people that what we see outside in our natural environment does change.

Mr. President, I yield the floor to my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I first ask unanimous consent to have printed in the RECORD an editorial of the Arizona Republic this morning entitled ''Forest Plan Has Merits.''

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

FOREST PLAN HAS MERITS

Interior Secretary Gale Norton may be correct about the desperate conditions of America's western forests. And she may be right, too, in her pitch that President Bush's Healthy Forests initiative is a reasonable plan for bringing them back to health.

But the Interior secretary—indeed, the entire Bush administration—is over-optimistic in the extreme if they truly believe environmentalists are going to leap on board with it.

In Phoenix last week for a Native American economic development summit, Norton detailed for the Editorial Board elements of the initiative, which would treat about 10 million forested acres deemed in critical shape.

Much of the plan is inspired by the work of such Arizona forest scientists as Wally Covington of Northern Arizona University and Stephen Campbell of the University of Arizona, both of whom have conducted or contributed to landmark forest management studies.

Covington has proposed thinning Arizona forests to 19th century conditions; Campbell's Blue Ridge Demonstration Project envisions the way to do it: By authorizing private-sector ''stewards'' who would perform commercial bio-mass extraction. That is, private firms that would do mostly small-tree logging, cleaning the forest of fuels and putting the wood they chop to innovative uses. In Phoenix, Norton passed around some intriguing examples of wood products produced from small-diameter trees.

Already, though, critics are labeling the proposal as a tree grab on behalf of the timber industry.

At the heart of their objections is the vast territory targeted by Bush for treatment and the means he proposes to accomplish it: Providing 10-year contracts to the ''stewards'' and placing restrictions on the burdensome review process that so many thinning projects over the years have had to endure.

Among the many Forest Service thinning projects reviewed and appealed to death was the 7,000-acre Baca Ecosystem Management Area in northeastern Arizona. After two years of appeals and lawsuits, only 300 acres of the Baca project were treated by the time the ''Rodeo-Chediski'' holocaust roared through. Today, 90 percent of the Baca area is a wasteland of dead, blackened stumps and sterilized soils.

Healthy Forests is on the right road.

Democrats in Congress are coalescing around a far more limited plan that accepts many of Bush's premises but restricts the bio-mass extraction to forests near communities. That doesn't address the plague of deep-forest destruction, and not just by fire. Federal wildlife officials have identified 46 species of fish and birds that are declining in population because of the thicketlike density of the deep forests.

The president's ''stewardship'' proposal deserves consideration. It seems tailor-made for Arizona, which today has no logging industry at all. Just thick, tinder-dry forests waiting to be consumed.

The forest need good stewards. Healthy Forests might become a way to find them.

Mr. KYL. Mr. President, this editorial points out the plan that President Bush has proposed, as largely reflected in the proposal Senator BURNS and Senator CRAIG and others have been talking about, is the way to scientifically manage our forests. We are bragging a little bit in Arizona because one of the scientists who pioneered this technique is Dr. Wally Covington of Northern Arizona University at Flagstaff. He and Stephen Campbell of the University of Arizona conducted these landmark management studies and demonstrated that by returning our forests to the conditions in which they existed 100 years ago, we can save them from disease, insect infestation, and catastrophic wildfire.

What that entails is going in and mechanically thinning and removing—thinning the small-diameter trees that clog the forests and removing that and the other debris from the forest—cleaning up the forests, in effect; then when that debris has largely been removed, introducing fire through a prescribed burn in the wet, cooler months of October or November so the fire doesn't get out of control. There is not nearly as much fuel to burn and it is cooler. Then, at that point, basically we let nature take its course. Say the next summer a lightening strikes a tree and starts a fire. What is going to happen after this debris has been cleaned out and the fuel has been removed? It will move along the grass and it may burn the grass and a few pieces of dry limbs and debris on the floor; but since most of it has been cleaned up, it is not going to create a crown fire, which causes all the damage.

Since most of the small-diameter trees have been removed, it is not going to have that ladder of trees to climb up to the canopy of the big trees.

What you have seen on television is the preheating of these big ponderosa pines from the forest fire. Then when the fire goes through the smaller trees, it climbs up the ladder of the forest into the canopy of the big trees and explodes into those giant fireballs we have all seen and have been sickened by. That is what happened in Arizona this year, when fires devastated an area the size of the State of Rhode Island. That is how much burned in Arizona. When you look at the moonscape-type of environment that now exists, you are sickened by the reality that much of this could have been prevented.

It turns out there was a project that had been proposed by the Forest Service in this area about 3 years ago, and there were about 2 years of lawsuits and appeals by environmental groups to stop this so-called Baca ecosystem management area. Well, the fire came through and only about 300 acres had been permitted to be treated by the time the fire came through because of the appeals that had been filed by these environmental groups, as a result of which about 90 percent of the Baca area has been burned. It is now nothing but sterilized soil and blackened tree trunks with no branches or pine needles on them whatsoever.

So the filing of the appeal by these environmental groups resulted in about 90 percent of this area burning rather than being treated. Some of the environmental groups will say they want to protect endangered species or old-growth trees. Well, they protected neither in this case. The fire came through and wiped them all out. Why? Because we haven't been able to thin and do prescribed burning. We could not cut out that dog hair thicket that exists in the forests because they have not been treated before. It is called dog

hair thicket because they say a dog cannot run through it without leaving half of its hair behind in the snarly little trees that are growing in the area of the forest that needs to be treated.

What happens when the area is treated? You have cut out a lot of the small-diameter material and taken out the debris, and you open up the forest to the sunlight. You create an opportunity for grasses to grow, and you reintroduce butterflies, birds, insects, and small and large animals to the area.

All of a sudden, instead of a dead and dying ecosystem, you have created a very vibrant and healthy natural ecosystem.

What is our goal with respect to the trees? Our goal is to try to preserve as many of the old-growth and large-diameter trees as possible. That is what is done when we thin the forests the way we are talking about doing.

So why haven't we been able to come to some compromise on the legislation we are talking about to enable us to do this? The reason is there are radical environmental groups that, frankly, have control of some of the politics of this issue with some of our colleagues and have persuaded them that we are going to open it up to unfettered logging, we are going to log the old-growth forests, we are going to clearcut the western forests, we are going to take away any opportunity for people to have input as to what is done, we are going to destroy all the environment for endangered species, and so on.

All of that is simply wrong. It is not true. We are talking about legislation that has very significant limits. These thinning projects have to be approved by all of the different groups, the so-called stakeholders, the environmental process, the NEPA process where the forest plan has to have been followed.

The whole point of the stewardship projects, as they are called, is to enable us to go in and clean out the forests, leaving the large trees. That is the whole point.

Under our legislation citizens would be permitted to file a lawsuit in court and appeal the plan if they want to. Nothing stops them from doing that. All they have to do is point out to the judge: Look, the object here was to save these big trees and cut out the underbrush. Well, they are not doing that in this case, if there ever were such a plan proposed.

I do not think they want to have to face up to the reality of what we have proposed, which is a very reasonable way to manage our forests. In many respects, they would rather cut off their nose to spite their face. That is a phrase I used earlier today, and one of my young staff said: What does that mean? It is a phrase my grandmother used to say. It means you are basically so selfish about what you want to do that you are not willing to look at the larger picture, which would enable you to save yourself if you would apply management techniques.

We could apply this management technique to thin the forests and do prescribed burning and, thus, prevent the kind of disease or forest fires that in the past have ravaged these forests and absolutely wiped out the habitats. Some people would rather have the fires exist to catastrophically burn the entire area and ruin the habitat for the endangered species and all other species because at least that did not permit the loggers to log big trees. That is right, it did not permit the cutting of any kind of trees.

What was the result? It burned the entire forest. So the entire ecosystem is now dead, and it will take literally hundreds of years to come back and produce those big, beautiful trees we all want to save.

It is a sorry state of affairs that we have not been able to achieve a result on this issue. I hoped we would have been able to do so. I hope my colleagues will not vote for cloture when that vote comes in the next 10 or 15 minutes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Mr. President, I see no one else in the Chamber to yield time, so I ask unanimous consent to speak an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for an additional 5 minutes.

Mr. KYL. Mr. President, I will go on to explore this a little bit more.

One of the techniques of the opponents of what we propose is to say—we all agree with the management. I have not heard anybody say they disagree with this thinning and prescribed burning management technique, but they want it done in an area called the urban/wildland interface; that is to say, where the forest meets communities—summer homes, small towns, so on. We will thin an area a quarter of a mile, maybe half a mile, around these communities and structures and, therefore, save them from catastrophic wildfire; that ought to do the trick.

That will not do the trick. In the first place, it is a nice sentiment to try to save small communities and buildings, but that is only part of what we are about here. We are literally about saving the forests themselves, the entire ecosystem, the place where all the flora and fauna live and survive, where the endangered species live. Most of the endanger species do not live right on the edge of the communities.

Why would we not want to create a healthy environment for the endangered species and for the other flora and fauna in the forests? Why would we not want to treat in the middle of the forest rather than just along the roads, by the homes or small communities?

Of course, we want to save them from catastrophic wildfires, but the best way to do that is to treat the entire forest so the fires do not get a big momentum to roll into the communities.

We had the unfortunate experience with the Rodeo-Chediski fire this last summer where the fire was so large and burning so rapidly with such intense heat that it was skipping right over areas that had been treated. While it did not burn those areas, fortunately, because they had been treated, it went on to burn other parts of the forest.

It is no salvation necessarily that we treat a small perimeter around buildings or communities. That is not necessarily going to save them from fire. Even if it does, as I said, we still have not treated the rest of the forest, which is the whole object of returning health to the forest. That is why you cannot just limit this thinning project to the areas immediately surrounding communities. We will have done nothing to save the rest of the forest from insects, disease, mistletoe, and catastrophic wildfire that will destroy the trees and the habitat for the mammals, birds, insects, and the fish that live in the area we want to preserve. That is why it is no answer to say: Let's do treatment in the urban interface area.

There were also attempts to put limits on how many board feet of trees could be removed from these areas—250,000 board feet in an area, for example; I think up to 1 million board feet in an area that had burned. The board feet of timber calculated to exist in the Rodeo-Chediski burned area is 100 million board feet. What was offered was literally a drop in the bucket.

If we are going to salvage the timber that was burned, as the White Mountain Apache Tribe is permitted to do on its part of the forest that was burned, then we are going to have to have special relief because there is no time to do all the studies that are necessary if anybody files an appeal. If they do not file an appeal, then we can salvage that timber, just as the White Mountain Apache Tribe is doing. If someone files an appeal, there is no way to get to the timber before the insects get to it. That is the choice we have. That is why we were so anxious to get something done now instead of waiting.

As I said, it does not appear we have reached a consensus to do that, and that is too bad because as the editorial I just put in the RECORD points out, we do not have time to waste. We have to treat these forests now or they will be subject to burning next year, and, in any event, we will not be able to save them from the diseases that have infected many of the forests today.

If there are others to speak, I will be happy to relinquish the floor to them. In that regard, I suggest the absence of a quorum, but if no one appears thereafter for a minute or two, then I will reclaim the floor and speak some more.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I have checked with the Senator from West Virginia, who has indicated he does not wish to speak at this time, and therefore I will go ahead until one of our colleagues comes.

I want to tell a couple of stories about what I have personally observed in our forests, and it might be of interest to others who perhaps do not have these same kinds of trees in their States.

The country's largest ponderosa pine forest extends through the belt of Arizona that runs literally from the Grand Canyon all the way to New Mexico and then goes on into New Mexico. These trees look a little like the giant sequoias in California. They are not quite as big, but when they reach 300 or 400 years of maturity, they are very large, over 30 inches in diameter. They have a yellow bark with beautiful big canopies, much like the sequoias in California. These are the trees we are all trying to preserve.

I went to an area that was BLM land north of the Grand Canyon after Secretary Bruce Babbitt, then-Secretary of Interior, had authorized a thinning project for that area in the neighborhood of Mount Trumble. Secretary Babbitt was able to do this because, as Secretary of the Interior, he had control over the BLM land, and he basically ordered that it be done, which was a good thing, too, because this is an area with which he was familiar. He had gone hiking throughout the area many times. He knew how desperately the area was in need of this treatment.

So I went up there to see the work that was being done, and the BLM officer said: I have to show you this. Come look. And we drove to an area where it was just as thick as could be, with tiny trees about this size. There must have been thousands per acre. You could hardly wind your way through the forest. None of them was more than 15 or 20 feet high, if that. They were not very pretty. They precluded any grass from growing. There were no animals, obviously, that could wind their way through it. It was a pretty sterile environment, and they were obviously crowding out other kinds of trees that one would have preferred to see grow there.

We came to this huge ponderosa pine, one of the biggest trees I had ever seen other than a redwood or a sequoia. The boughs literally came all the way down to the ground. All around this tree was this brush, these little scrub trees—maybe as tall as I am, maybe a little bit higher—with trunks 3 or 4 inches around. It was literally a tinder box.

This BLM agent said: We have to clear this stuff away immediately. Any spark anywhere near here is going to set off a fire that is going to come all the way through. It is going to run right up the boughs of this tree and destroy this beautiful old tree.

He told me there were many more in this same area, and that is why we had to hurry up and get this area treated.

That is what we are trying to do. We are not going to cut that tree or any other trees that even approximate that size. The object is to clear out all the other stuff so these big beautiful trees can continue to grow in a healthy state, they will not have the competition for air and water and nutrients from all of these little trees, and there will then be grasses reintroduced, the animals can come up, as well as the birds and the butterflies.

All of the studies by Dr. Covington that I mentioned earlier have demonstrated that the species come back within a year. The pitch content of the trees is enhanced significantly, so they are impervious to the bark beetles. The protein content of the grass is increased by an order of magnitude, so the elk and the deer come back. When all of the little mammals come back, then the hawks and the eagles come back, the butterflies begin to pollinate, and all of a sudden there are hundreds of more species of flowers and weeds and grasses than there were before, and there is a park-like condition where there are far fewer trees per acre but it is to the carrying capacity of the land.

So there may only be 150 or 250 trees per acre at that point, but they are all beautiful trees that are going to be healthy and in an environment where the rest of the forests can survive as opposed to the kind of thing about which I was talking.

Now why would people object to doing that? I had a group of environmentalists come into my office, and I asked them: Don't you agree that this is the right science? And they finally said: Yes.

I then said: Why won't you do it?

They said: Well, you do have to have commercial companies come in and do this thinning; right?

I said: Yes, of course.

And they do have to make a profit; right?

And I said: Yes.

And they are not going to work for free. They have to make some money.

I said: You don't object to that, do you?

They said: No, but what we are worried about is that 25, 30, or 40 years after all of this is done and you have treated all of the forests that need to be treated this way, then they will turn their chain saws on the big trees because they will want to save their jobs and save their mills and stay in business, and that is what we are concerned about.

I was dumbfounded at the suggestion that that would actually happen. If all of us who want to save the forests are as concerned in 40 years as we are now—and there is no reason to believe we will not—none of that would ever be permitted to happen. This again falls into the ''cut off your nose to spite your face'' category. In order to achieve something good, we are going to have the potential of something bad occurring 40 years down the road, a potential that is so small that it is just unthinkable it would ever happen? But because of that little potential in their minds, they are going to prevent us from treating the patient now?

It seems very illogical. It is like saying we are not going to treat the patient's cancer now because the patient will live but eventually the patient is going to die; therefore, there is no point in treating the patient now.

It does not make sense to me, and that is why I think it is a shame we have not been able to reach some kind of agreement on the kind of plan we were talking about that would have limited the amount of acreage that would be treated. It would have limited it to those areas that are so-called class 3 areas, which are the ones most in need of treatment where the danger of catastrophic wildfire is the greatest. We are not even talking about the class 2 or class 1 areas, just class 3.

Within that, it would be further limited in the legislation we have been discussing. We were even willing to limit it to areas of municipal watersheds and urban interface as long as those were broadly enough defined to include the kind of forests we are talking about here, the part of the area that needs to be treated.

None of that was acceptable to those groups that do not want us to treat the forests. As a result, we are going to have another year pass, presumably, unless we are able to do something next spring, where we are subject to these catastrophic wildfires and the forest continues to deteriorate.

At what point, do we finally say, it is worth it to go in and treat these forests? Since there is not enough money in the world to pay AmeriCorps volunteers to go in and do this by one-half acre at a time, we have to have commercial enterprises that are able to go in and take out enough product that they can stay in business. That product can be very small diameter product. It can be poles for construction of cabins. It can be 2-by-4-sized timber. It can be the chipped product that makes fiberboard. In some cases, they may get to medium-sized trees that can actually produce some timber. But if so, why not? If the carrying capacity of the acre is such that some of the trees should be removed, even the so-called medium-sized maybe even 15 or 20 inches in diameter, why wouldn't one do that if what they were leaving were still the very large growth trees we are all talking about protecting?

Senator CRAIG made the offer that at least 10 of the biggest old-growth trees would have to be left. We can probably multiply that and say 100. The bottom line is, those are the trees we are trying to leave. So if the carrying capacity of the land will carry 100, 150, or 200 of those trees, that is how many would be left. Nobody is trying to cut the big beautiful trees down.

In the areas Senator DOMENICI and I represent, it is a dry enough condition in Arizona and New Mexico that we cannot stand many more summers of

drought before these forests are going to be all burned up. That is why we have been so disappointed at not being able to get into those forests now and begin this process of taking out the dead and dying timber and cutting out the small-diameter timber that is precluding the rest from growing.

I saw the treatment area we have been experimenting with in Arizona. I saw the results of this thinning, and the species that have come back are just amazing—the birds and the butterflies and the wildflowers. It is incredible what can be done if this is actually permitted to go forward, and so I hope there is a way to do it. I regret we have not been able to find that way yet.

I thank Senator CRAIG and Senator DOMENICI for their work, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I thank Senator KYL, Senator REID, and Senator CRAIG for commenting on the Domenici-Craig amendment, on which the Senator has joined from the very beginning.

I hope everyone will understand this is a very serious situation. We honestly believe there is a compromise that would work, that would prove that we can clean up parts of our forest without in any way damaging the so-called old forest trees, doing it in almost a manicured fashion so long as it is understood what was permitted to do.

It is imperative we send a signal to the American people, not all of whom are in the West. Those in America who saw the fires from a distance know something is wrong. They probably know it got in this condition over many years and will not be fixed tomorrow. They probably concluded we ought to try to fix it.

We are trying to have a year consistent with good rules and good solid approach to management so we can start this process so the users of the forest, and those who recreate, graze cattle, have forests in their backyard, all understand we can begin this cleanup process and move in the right direction so we can start a more major cleanup next year when we try to put new policies into effect to save the forests and not see them go up in flames.

Mr. CRAIG. Mr. President, I know the vote is pending. We all want to see the Interior appropriations bill move on. I have said to Senator REID what we normally do with a second-degree amendment is give it a vote. We certainly would like that vote on our amendment. We think it is appropriate. We think it is within the rules. It is a responsible way to dispose of this issue and move on. I hope we get to that vote. We think it is right. It is appropriate. It is within the rules.

It is important for the Congress and this Senate to speak to the issue of forest health and do so in some form. We think the amendment is adequate in that.

Mr. REID. Mr. President, the Senator from New Mexico is on his way and wishes to speak on this matter. The Senator from West Virginia has 22 minutes, and Senator WELLSTONE wishes to speak. We will see what happens.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I yield 3 minutes to the distinguished Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Mr. President, I appreciate my friend and colleague, Senator BYRD, yielding time.

I will speak briefly about the forests and the fire-thinning proposals and the fire-risk reduction proposals pending in the Senate. One amendment Senator CRAIG proposed is an amendment to the Byrd amendment to the bill. That certainly is a worthy proposal, in many respects. I don't agree with all aspects of it. I have offered an alternative that I think makes more sense. I am glad to go into the detail. I have done that once in the Senate, and I am glad to do it again.

Procedurally, people need to realize there is no reason we should be holding up action on this bill or on the Byrd amendment because of the issue of forest thinning. The forest-thinning proposal Senator CRAIG is offering can be offered as an amendment to the bill. My proposal can be offered as an amendment to the bill. We can get a good debate on those two proposals. I would hope we could come together around a single proposal. We have been working to do that. Either way, there is no reason going forward with the Byrd amendment should be in any way impeded by the need to resolve this forest-thinning issue. We can resolve the forest thinning issue on separate amendments and have the debate appropriate to that.

I believe on the merits what I proposed is a better way to go as an amendment to an appropriations bill because it does not make major changes in the underlying law. It does not make major changes in the authority for Federal courts. For that reason, I hope when we do get to a vote on forest-thinning proposals I will have a chance to persuade my colleagues.

Mr. REID. Will the Senator yield?

Mr. BINGAMAN. I am happy to yield.

Mr. REID. It is also my understanding that under the procedures now before the Senate—regarding the drought assistance measure, which passed by 79 votes—if this vote does not go, that money that we voted to approve for the farms is gone for those who are desperate for the money all over the country; is that true?

Mr. BINGAMAN. Mr. President, in response, I agree entirely with the Senator from Nevada. It is very important to Senators on both sides of the aisle for the drought relief assistance to be made available in short order. I hope very much we can move ahead with that.

We can also do this forest thinning issue. I am not suggesting we complete action on this bill absent completion on the forest thinning, but we can do separate amendments. Senator CRAIG can offer his amendment to the bill; I can offer my amendment to the bill. We can have a good debate. Hopefully, we can persuade the Senate on a proposal that makes good sense for everyone and gets the job done.

Mr. REID. Senator WELLSTONE is actually on the subway on his way over.

Mr. DOMENICI. Would the Senator permit me to ask Senator BINGAMAN a question?

Mr. BYRD. Mr. President, I yield 1 minute to each Senator for that purpose.

Mr. DOMENICI. I wanted to exchange a couple of points with my colleague. I don't know if the Senator had a chance today to read the Santa Fe, NM, editorial about thinning forests.

Mr. BINGAMAN. I did not read that.

Mr. DOMENICI. In this very short time I will try to paraphrase it. They were talking about what a wonderful event it will be for the Santa Fe watershed—which the Senator and I have seen a number of times—when we get around to cleaning it and then thinning it, so that if water or fire would fall on the upper watershed, it would not do violence to the water, which is the long-term lifeblood for the city. I just wondered if the Senator might recognize that when we are finished tonight, if in fact the amendments are no longer in order, or if they are in order, that we will still be left with an issue of whether watersheds are going to be included in this new approach? And, if so, how much of a watershed—how much of that watershed can be done in Western States? Isn't that one of the issues remaining?

Mr. BINGAMAN. In response to my friend and colleague from New Mexico, I agree with him that it is an extremely important part of the issue, as to the thinning debate, what additional authority we provide to the Forest Service to accomplish thinning within watersheds. I have a proposal which I have shown to my colleague that I believe provides ample authority, particularly in the Santa Fe watershed, for them to do everything they would like to do there. I think the earlier proposal Senator CRAIG has will do that same thing, in fact do quite a bit more.

Mr. DOMENICI. Right.

Mr. BINGAMAN. I think it is an important issue for us to get resolved, but I think both proposals do the job with regard to the specific issue that the Senator has raised.

Mr. DOMENICI. I thank the Senator for yielding the minute. I assume I have 10 seconds left.

Mr. BYRD. I don't like to yield 10 seconds. I yield the Senator an additional minute. Does this Senator wish additional time?

Mr. BINGAMAN. No, thank you.

Mr. DOMENICI. I say to my friend, I hope after this vote, before we finalize this, we might one more time sit and look at this. I think we have narrowed the issue that is most in our minds to be resolved.

I understand you have a proposal in good faith. We have one in good faith. Somehow or another it is assumed by both sides that theirs each will do what will help solve this problem. If we had a little more time, if you could meet with us, it would be greatly appreciated.

I thank Senator BYRD.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE addressed the Chair.

Mr. BYRD. Mr. President, how much time does the distinguished Senator wish me to yield to him?

Mr. WELLSTONE. I say to my colleague, less than 5 minutes.

Mr. BYRD. Do I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, this is really an amendment that has everything in the world to do with whether or not a lot of people in northwestern Minnesota are going to go under economically or not. We had 79 votes to provide this disaster assistance. For northwest Minnesota, this will probably be about $300 million.

There are some who say the administration has shown they understand it is a serious problem because they are going to commit $850 million for drought relief. First, this is a 50 cent fix to a million dollar problem. Second, I don't think taking this small amount of money out of the School Lunch Program and helping people for a couple of weeks is the answer to what has happened around our country—be it fire or be it floods or be it drought.

I was up in northwest Minnesota on Friday. I do not know how I can continue to go back up there and explain to people how it can be that week after week this is being blocked. As far as I am concerned, we can have up-or-down votes on all these amendments. That is my own view. But I say to my colleagues, I implore them, I beg you, let's break this traffic jam and let's have the votes and let's move this forward.

Really, time is not neutral for so many of the independent producers and the farmers in northwest Minnesota. The FEMA assistance has been great, but it is not going to help them. There has been massive damage to cropland. Crop insurance comes nowhere near covering it. We have had this ridiculous debate about how it is going to come out of the farm programs. It is not going to happen. CBO won't score it that way. But close to $6 billion nationally will not be additional money we are going to spend on the farm program because prices are up. But for the farmers in northwest Minnesota and the producers in northwest Minnesota, they have no production.

For me as a Senator, this is the priority. It is just impossible to meet with people—without sounding melodramatic—to just look at their eyes and know what they are going through and explain how, once again, this is being blocked or filibustered. I know we are not going to win on this vote, but I urge colleagues to please vote for cloture. It would make a huge difference to a lot of really honest, hard-working, salt of the Earth people in northwest Minnesota.

I yield the floor.

Mr. REID. Mr. President, with the consent of the managers, I ask the time be yielded back so we can vote.

Mr. BYRD. I yield my time remaining.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the question is on agreeing to the motion to table amendment No. 4522. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

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

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—80

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

NAYS—15

Carnahan	Helms	Lieberman
Cleland	Inhofe	Lugar
Corzine	Jeffords	Nickles
Dodd	Kyl	Reid
Ensign	Landrieu	Sessions

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI), are necessary absent.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—49

Akaka	Dodd	Lieberman
Allard	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—46

Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Snowe
Chafee	Helms	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Nickles	

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Byrd amendment No. 4644 (to amendment No. 4471) to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the directorates of the Department.

Lieberman/McCain amendment No. 4694 (to amendment No. 4471) to establish the National Commission on Terrorist Attacks Upon the United States.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, the Homeland Security bill.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Sessions, John Edwards, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. LEAHY. Mr. President, I note my objection to Hatch amendment No. 4693 on cybersecurity to amendment No. 4471.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with Senator LIEBERMAN. He has indicated to me there is no business to conduct tonight on this bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 7:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the exception of Senator LOTT, who has indicated to me he wishes to speak, and he should be able to speak for whatever time he desires.

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

CONFERENCE REPORT ON H.R. 3009

Mr. GRAHAM. Mr. President, I rise today to express my full support for the conference report on H.R. 3009, the Andean Trade Preference Expansion Act, which was passed by Congress and signed by the President just prior to the August recess. I was unable to come to the floor during the consideration of the conference report, but I wanted to take this opportunity to express my views on this important legislation.

H.R. 3009 was by far the most comprehensive trade legislation to come before Congress in fourteen years. By passing this bill, we accomplished four key goals: granting the President Trade Promotion Authority for the first time in 8 years; dramatically enhancing Trade Adjustment Assistance for displaced workers; renewing and expanding the Andean Trade Preference Act to provide legitimate export opportunities to Bolivia, Colombia, Ecuador and Peru, and; extending for 5 years the Generalized System of Preferences providing tariff cuts for over 100 developing countries.

I support all four of these goals, and I voted enthusiastically in favor of this bill. I am particularly pleased that the enhancement of the Andean Trade Preference Act is the underlying bill for this important legislation. This issue has been of great personal importance to me.

When the Senate was considering its version of Andean legislation in May, we heard time and again about the success of new, legitimate, exports from the region like cut flowers and asparagus.

Since December 4 of last year, when the original ATPA legislation expired, these and many other legitimate exports from the region have been subjected to substantially higher tariffs. These higher tariffs hit the fresh cut flower sector particularly hard as higher tariffs impacted peak sales periods for the Valentine's Day and Mother's Day holidays.

This legislation will return trade benefits to all of those products previously covered by ATPA and, most importantly, this legislation has been made retroactive to December 4, so that any duties that were paid during the lapse of ATPA will be refunded.

I am pleased that the conference report is not simply a renewal of ATPA, but includes enhanced benefits for new products. Times, and our trade policy in the region, have changed since 1991 when the original ATPA legislation passed. Most notably, the passage in 2000 of the Caribbean Basin Trade Partnership Act provided enhanced trade benefits to Caribbean countries, but inadvertently disadvantaged imports from the Andean region.

Nowhere else was this more critical than in apparel assembly where some 100,000 jobs in Colombia alone were at risk of being relocated to CBI countries. Under the enhanced ATPA program in the conference report, the Andean countries will now be competitive suppliers in the region. And this new ATPA benefit will also benefit U.S. producers of textile, yarn and cotton by making these U.S.-produced components more competitive with Asian goods. In fact, the U.S. apparel importers predict that the ATPA provisions in this bill will lead to over $1 billion in new orders. The next time ATPA is debated in this chamber, I look forward to hearing floor statements that show that this projection has come true. I also hope to hear of new successes from increased exports in footwear, watches, tuna, and other new products afforded ATPA benefits under this legislation.

Enhanced trade benefits in the apparel sector should, in my view, be the new norm in the Western Hemisphere. I continue to be concerned about the demise of the Multi-Fiber Agreement in 2005 and the effect the end of this agreement will have on U.S.-Caribbean and Andean apparel assembly partnerships. If we want a competitive apparel industry in the Western Hemisphere post-2005, we must be developing greater efficiency in the region now.

Secretary of Commerce Don Evans has been leading this effort for the Administration, and the Commerce Department has developed a Western Hemisphere action plan to enhance post-2005 competitiveness in the region. I will be writing to Mr. Evans shortly to encourage a similar initiative for the Andean region.

I also want to say a few words about two other key parts of this trade bill—Trade Promotion Authority and Trade Adjustment Assistance. It has been eight long years since Trade Promotion

Authority expired. In my view, that is far too long for the United States to be sitting on the sidelines while other countries are aggressively negotiating trade agreements. With Trade Promotion Authority, the Congress and the President will be speaking with a unified voice during negotiations.

TPA will strengthen the United States' negotiating position in ongoing Doha Round of negotiations in the World Trade Organization and will provide much needed momentum for the Free Trade Area of the Americas negotiations. With TPA, USTR will be able to close negotiations on bilateral agreements with Chile and Singapore with the confidence that Congress will consider the agreements as negotiated.

I am pleased that the conference report retained a number of provisions that will help to ensure that import-sensitive agriculture products, such as citrus from my state, will be given an increased level of attention during trade negotiations. I believe these provision are necessary to help rebuild consensus in support of trade within the agriculture sector. TPA can also help our citrus growers gain market access in Europe and elsewhere around the world, if we achieve our goals in the WTO agriculture negotiations.

Of course, TPA is only the first step toward trade negotiations. Whether or not we are successful in achieving our negotiating objectives will depend on close cooperation between the Congress and the administration. I look forward to working with the Administration on this effort.

The final comment I will make is on Trade Adjustment Assistance. I am pleased that Members of Congress were able to work together in a truly bipartisan fashion to address the health care needs of American workers adversely affected by foreign trade agreements. This trade legislation will nearly triple the existing Trade Adjustment Assistance program by providing new and more comprehensive coverage options. These new benefits will provide critical assistance to the over 2,000 Floridians who presently receive Trade Adjustment Assistance, particularly those from the apparel and electronics sectors where job losses have been most severe.

For the first time, displaced workers will be eligible for a 65 percent advanceable, refundable tax credit that can be used to pay for COBRA or other state continuation plans. Health benefits will also be available to individuals who work for businesses that supply or contract with firms affected by trade. This comprehensive legislation represents a critical step towards our overall goal of lowering the number of uninsured, and I applaud my colleagues who supported it.

I was pleased to vote for the comprehensive trade legislation encompassed by H.R. 3009. Passage of this bill was a major accomplishment of this Congress and proof that the Congress can work together in a spirit of bipartisanship. I am excited about the opportunities I believe this legislation brings to not only our country, but to the rest of the world.

THE VISIT OF ASKAR AKAEV, PRESIDENT OF THE KYRGYZ REPUBLIC

Mr. THURMOND. Mr. President, I rise today to recognize the visit of the President of the Kyrgyz Republic, Askar Akaev, to the United States from September 19–24, 2002. President Akaev is here at the invitation of President Bush.

While in Washington, the President of the Kyrgyz Republic scheduled meetings with President George W. Bush, Vice President RICHARD CHENEY, Secretary of State Colin Powell, and Secretary of Agriculture Ann Veneman. In addition, meetings at the United States Capitol with the Speaker of the House of Representatives DENNIS HASTERT, Senate Republican Leader TRENT LOTT, and other leaders of the Senate who have expressed an interest in Central Asia affairs were on his calendar.

During his visit to New York, President Akaev addressed the General Assembly of the United Nations and met with Secretary General Kofi Annan. He also participated in a round table discussion with members of the business community.

The tragic events of September 11, 2001 redefined the importance of the Kyrgyz Republic's critical location in Central Asia. It has a major role in the region's political and security framework. As an ally of the United States in central Asia, the Kyrgyz Republic opened its territory to approximately 3000 coalition troops at the height of United States operations in Afghanistan. It is significant that the coalition forces were allowed to deploy military personnel in Manas airport in the capitol city of Bishkek. Kyrgyzstan remains a host to a significant number of troops, as well as aircraft and technical support. The new political landscape created by these deployments has altered the Kyrgyz Republic's relations with its regional powers, Russia and China.

At the same time, the Kyrgyz Republic is pressing ahead with economic reforms. The European Bank for Reconstruction and Development, one of the international financial institutions active in the region, concluded last year that Kyrgyzstan has successfully completed its economic structural reform program. Kyrgyzstan was the region's first nation to secure membership in the World Trade Organization, in 1998, and the first nation of the Commonwealth of Independent States to receive permanent normal trade relations with the United States.

Kyrgyzstan has committed itself to a free trade model and has implemented many new initiatives through a dramatic reform of its trade, tax, and intellectual property laws. The Kyrgyz Republic was also the first country in the region to introduce a fully convertible currency, and has consistently led the way in market reforms.

As a result of the tragedy on the south of Kyrgyzstan, he has also reconstituted the government to include representatives of several groups previously in opposition and has organized a Constitutional Council, also filled with opposition-minded figures, to provide further opportunities for power changing. The nation now faces its first transition of power since independence. President Akaev and his government are determined to see that this transition occurs through an election process that builds and legitimizes democratic institutions.

President Askar Akaev was born on November 10, 1944 in the village of Kyzyl-Bairak, Kemin district of Kyrgyzstan in a family of farmers. In 1961, he finished secondary school with a Gold Medal. He graduated with honors from Leningrad Fine Mechanics and Optics Institute in 1967 and pursued his studies to become a Doctor of Science.

Dr. Akaev started his career in 1961 as a mechanic worker. He held other positions as an engineer, senior lecturer, professor, and finally the Head of the Computer Sciences Department in Frunze Polytechnical Institute, now Bishkek Technical University.

In 1984, Askar Akaev was elected a correspondent member of the Academy of Sciences of Kyrgyzstan, at the same year he became an academician. In 1986, he was appointed Head of the Department of Science and Higher Academic Institutions, Kyrgyz Communist Party's Central Committee. From 1987 until 1989, he served as the Vice President at the Kyrgyz Academy of Sciences and later became its President. In 1989, Askar Akaev was elected as a Deputy of the Supreme Council of the USSR.

On October 27, 1990, the Parliament of Kyrgyzstan elected Askar Akaev as the President of the Kyrgyz Soviet Socialist Republic. At the nationwide elections on October 12, 1991, he was elected as the First President of independent nation of Kyrgyzstan. The people of Kyrgyzstan confirmed Akaev's powers at the national referendum on January 30, 1994. On December 24, 1995 the President of the Kyrgyz Republic Askar Akaev was re-elected. President Akaev announced that he will not seek reelection when his term ends in 2005.

The President's spouse, Mairam Akeva, is a professor of Science on Machine Dynamics and is the head of the International Charitable Foundation of Childhood and Maternity Support. Established in 1993, this organization assists women and children with different forms of pulmonary and bronchial diseases.

The Kyrgyz Republic is situated in the middle of Central Asia, at the crossroads of culture and civilizations, at the branch of the legendary Silk Road. In 1999, President Akaev authored a report called ''The Diplomacy

of the Silk Road.'' His article remains timely today, given the changes that have taken place in central Asia since September 11, 2001.

In conclusion, many commodities were traded on the Silk Road which stretched 5000 miles from east to west. One very important ''commodity'' in this new century is friendship. Today, the United States has a good ally and friend in that region of the world. Kyrgyzstan is indeed a partner for peace and stability in Central Asia. In this regard, I wish to congratulate President Akaev on his successful visit to the United States and wish him well with all future endeavors.

I ask unanimous consent to print the article to which I referred in the RECORD.

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

DIPLOMACY OF THE SILK ROAD

(By Askar Akaev)

THE PAST AND PRESENT OF THE GREAT SILK ROAD

The Great Silk Road, which in ancient times joined East with West, and to some extent North with South, by means of trade and economic, cultural-humanitarian and also political and diplomatic ties, has a history stretching back several thousand years. At various phases of its existence the content and significance, directions and scale of contacts varied, but one thing remained unchanged: throughout that long period, the Great Silk Road played the role of a connecting bridge between countries and civilizations.

It served as a channel for trade, which became the catalyst for the development of crafts. Travelers and explorers studied the countries and peoples of the lands along the entire length of the Road, thus making an enormous contribution to the development of knowledge.

The world became acquainted with the ideas and work of the greatest philosophers, scholars and statesmen. Intensive mutual enrichment of cultures took place, and there was an active exchange of knowledge and of spiritual and philosophical concepts and views. Thanks to the Road, outstanding epics and legends became the property of all mankind.

Via the Great Silk Road, syncretic and monotheistic religious ideas were disseminated. Zoroastrianism, Buddhism, Judaism, Islam and Christianity all found their adherents along the Great Silk Road.

The Great Silk Road was also of immeasurable significance in the establishment and maintenance of diplomatic relations among the centers of political life, the major States of Europe and Asia. Many historical sources bear witness to the active nature and high level of official contacts and the exchange of diplomatic missions, particularly between Byzantium and China, powers which played a significant role in the International life of that era.

The intensive and multidirectional process of Inter-civilizational communication on various levels went on for centuries.

Despite a number of changes of direction, by the will of historical fate the main arteries of the Great Silk Road passed through the territory of Kyrgyzstan.

On the eve of the new third millennium, the idea of a revival of the Great Silk Road has met with broad international support and an extremely warm response, largely as a result of the existence of two interdependent trends that characterize the development of the modern world.

The first of these involves the steady intensification of the processes of interdependence and globalization, the phenomenally rapid development and introduction of the latest technologies, communication systems and computer networks and the acceleration on an unprecedented scale of information and capital flows that ''erode'' national boundaries.

The second trend reflects the high level of integration at the regional and subregional levels.

The current steady and dynamic development of political, trade and economic relations would be unthinkable without the strengthening of fraternal, trusting and mutually advantageous relations of partnership between all States of the Silk Road region.

The geography of the Great Silk Road has no bounds or limitations. Its expansion by those countries which intend to develop cooperation with the countries in the Great Silk Road region is naturally and objectively determined by the entire course of historical development.

The arms race, local conflicts, extremism and terrorism, the unlawful manufacture, distribution and consumption of narcotic substances, natural disasters and those brought about by technology or by man, and crying social needs are problems that lead to recognition of the natural and objective need for a revival of the Great Silk Road on a qualitatively new basis.

While in the past the Great Silk Road played the role of a connecting bridge, now, in a situation of globalization, the destiny of the Road extends far beyond the framework of this dimension alone. The cosmic and the planetary appear as a single whole, implying an organic combination of present-day progress with the development of human civilization itself.

The renaissance of the Great Silk Road under the new historical circumstances refutes the ideas that were current in the past, which at times artificially contrasted the ways in which the East and the West perceived and viewed the world as totally incompatible with one another. Fortunately, ideas of planet-wide significance and scale are now predominant in the minds and hearts of the peoples, inhabiting the region of the Road.

The ideas of humanism, tolerance and the revival of spirituality are gaining ground in their tenacious struggle against age-old prejudices and intolerance of different ways of thinking.

Kyrgyzstan, lying at the very center of the Eurasian continent, at the junction of several civilizations, having taken in and absorbed a multiplicity of cultures and ways of looking at the world, possesses under present circumstances the necessary prerequisites for becoming a bridge of friendship and cooperation between all the countries within the Great Silk Road.

KYRGYZSTAN—AN INSEPARABLE PART OF THE GREAT SILK ROAD THE COUNTRY KNOWN AS ''KYRGYZSTAN''

After regaining its State independence, Kyrgyzstan set out on, a qualitatively new road of its development, the road of political and socio-economic transformations.

Such concepts as ''democratization'', ''civil freedoms'' and ''supremacy of the law'' have become firmly embedded in everyday practice. The principle of separation of powers and the system of ''checks and balances'' in the interrelations between them have clearly demonstrated their effectiveness.

Favourable conditions have been created for encouraging initiatives and activity by citizens at the local level and for the comprehensive development of local self-government as the foundation for the life of the State.

The idea of ''Kyrgyzstan—our common home'' has become the recognized basis for enhancing and strengthening inter-ethnic harmony and creating the conditions for a life in dignity for all citizens of the country. In Kyrgyzstan, which has absorbed in equal measure the spiritual heritage and rich traditions of the East and the West, representatives of many ethnic groups and religious faiths live together in peace and harmony.

Kyrgyzstan has created the conditions for the establishment of an open society with a developed market economy, successfully solved the problem of macroeconomic stabilization and entered the stage of economic growth.

A national information structure is being created in Kyrgyzstan with access to worldwide computer networks.

Currently, the most important goals facing society as a whole are to intensify the positive trends in the economy and make them stable, to encourage and support national entrepreneurship, especially on the part of small and medium-sized businesses, to attract direct investment and to make extensive use of new technology.

An attractive investment climate has been created in Kyrgyzstan, and a legislative base has been established which affords foreign investors the necessary guarantees and privileges.

The stable political system and the open and democratic nature of Kyrgyzstan's economy create favorable conditions for the development of mutually advantageous international cooperation.

Kyrgyzstan has entered the era of democracy and renewal.

KYRGYZSTAN AND THE COUNTRIES OF THE GREAT SILK ROAD REGION

The conception of Kyrgyzstan's foreign policy with regard to bilateral cooperation excludes in principle the use of the prefix ''anti-''. This is the outcome of the entire course of Kyrgyzstan's historical development as an independent State and of the fact that our country pursues a peace-loving foreign policy and builds its relations with the outside world on the basis of the universally accepted principles and norms of international law.

Kyrgyzstan, as a consistent advocate of broad and multifaceted international cooperation for the joint solution of global international problems, takes up ''anti-drug'', ''anti-extremism'' and ''anti-terrorism'' positions. It is an implacable opponent of unlawful arms trading and distribution of arms and strives to achieve stability, progress and economic stability not only in the region, but throughout the world.

Our country is deeply convinced that along the entire length of the modern-day Great Silk Road, no serious problems or contradictions of an antagonistic nature are to be found between the countries falling within its orbit.

Among the participants in international relations, awareness is growing of the need to resolve chronic problems by peaceful means, at the negotiating table. In this connection, the example of Tajikistan, whose history is inseparable from the history of the Great Silk Road, is instructive. The political will and desire to seek compromise and mutually acceptable solutions that have been demonstrated by the leaders of the parties that were previously in conflict, combined with the mediating efforts and good will of neighbouring countries, including Kyrgyzstan, give grounds for hoping that the processes of peace and national reconciliation in that country are irreversible.

Kyrgyzstan's initiative in relation to the conduct of a peace conference on Afghanistan has been widely acknowledged. The joint efforts and cooperation of all the countries falling within the orbit of the Great Silk Road can and must lead to the long-awaited peace in that long-suffering land and turn forever a somber page in the history of the region.

The creation of a nuclear-weapon-free zone in Central Asia, cessation of the arms race and the conversion of military production, and the creation of conditions for the stable development of all countries of the Great Silk Road without exception afford grounds for assuming that at the beginning of the third millennium the region of the Road, which possesses vast potential and resources, will become one of the most flourishing and prosperous in the world, in that problems affecting the interests of all the countries will be resolved jointly and all obstacles to the free movement of goods, capital, services and manpower along the entire length of the Road will be removed.

Kyrgyzstan is making purposeful efforts to develop cooperation with all the countries of the Great Silk Road region. In view of its geographical location, our country has a favorable opportunity of simultaneously developing fruitful relations in such directions as ''Kyrgyzstan—neighbouring countries'', ''Kyrgyzstan—Europe'' and ''Kyrgyzstan—East and South-East Asia''.

''Kyrgyzstan—neighbouring countries''—our country is working steadily to intensify various forms of cooperation with neighbouring countries and to expand political, trade and economic and cultural and humanitarian relations. The existence of common historical, political, economic and cultural and humanitarian links with countries which in the past formed a single whole necessitates the maintenance and development of relations through bilateral and multilateral cooperation. Kyrgyzstan is attentively following the dynamics of and collectively participating in the multilateral integration processes in countries of the Commonwealth of Independent States, and making its contribution to the strengthening and intensification of regional and subregional integration.

Acknowledging the important role of a favorable external environment for subsequent development. Kyrgyzstan is working consistently and fruitfully to strengthen security along the State borders with all neighbouring countries. Together with other countries of the region, it has signed a number of important agreements aimed at strengthening confidence-building measures in the military sphere and reducing the armed forces in the border region, and this has made it possible to settle almost completely the border disputes that still remain from the past.

Kyrgyzstan is geographically and historically close to the Muslim States of the Great Silk Road region, which possess considerable investment, industrial and raw material potential.

''Kyrgyzstan—Europe''—The significance of this direction for Kyrgyzstan is determined by the following main factors: the need for and benefits of cooperation with developed European countries; the desirability of further developing links with the Eastern European States; and participation in the European affairs of the states bordering on Kyrgyzstan. In developing its relations with European countries, Kyrgyzstan will, alongside efforts on the bilateral level, step up its activity in the field of multilateral diplomacy, taking advantage of the unique opportunity to participate in the work of the European institutions dealing with issues of security (including in the Central Asian region), economic cooperation and the development of democratic institutions.

''Kyrgyzstan—South and South-East Asia''—Kyrgyzstan's cooperation with the countries of East and South-East Asia is conducted both on the bilateral level and through international organizations. Despite the financial and economic difficulties some Asian countries have recently been experiencing, their economic potential will play a growing role in the international arena.

Taking into account the South-East Asia countries' great wealth of experience of activity, Kyrgyzstan will in future show great interest in participating actively in various regional forums of the Association of South-East Asian Nations, and also in the establishment of cooperation on a regional basis.

States are prompted by their national interests, set in the context of geostrategic and geopolitical realities. In this connection, Kyrgyzstan can succeed in developing relations with all the countries of the Great Silk Road region, bearing in mind the following factors:

(a) In terms of economic indicators, Kyrgyzstan falls into the category of ''developing countries'' as used in international practice. This enables it to be a full participant in the leading organs of multilateral diplomacy of the countries of the South and defend their international economic and political interests collectively;

(b) Kyrgyzstan, as a country with a transition economy, is entitled to count on the cooperation of the developed countries and international financial and economic organizations in conducting its policy of reforms;

(c) Kyrgyzstan also forms part of the group of land-locked countries. Located at the very center of East-West and North-South transport and communication routes, it feels a natural need to link up with modem communication systems and ensure reliable access to maritime transport, and is also aware of the objective need to become a transit country. It is therefore working actively to develop all forms of communications, in particular transport and information, in the interests of all the Great Silk Road countries.

PRINCIPLES OF COOPERATION AND ESTABLISHMENT OF THE BASIS FOR RELATIONS WITH THE GREAT SILK ROAD COUNTRIES

The conduct of the ''Great Silk Road'' policy is based on the following principles:

Equitable partnership, friendship and cooperation with:

All Great Silk Road countries;

Interdependence;

Mutual advantage;

The long-term perspective;

Multifaceted development of international cooperation.

Equitable partnership, friendship and cooperation with all Great Silk Road countries are the most important components of a principle which is objective and universal in nature, relating equally to the hopes and aspirations of any country interested in creating a favorable environment along its national borders and in the content of bilateral and multilateral diplomacy. This principle is in full conformity with the universally acknowledged principles and norms of international law as laid down in, the Charter of the United Nations, including mutual respect for sovereignty, territorial integrity and inviolability of borders, non-interference in internal affairs, non-use of force, settlement of conflicts by peaceful means and equal and mutually advantageous cooperation.

Interdependence has become a completely new phenomenon of the end of the twentieth century. Globalization has led to an awareness of the unarguable fact that no country, however powerful it may be in military and economic terms, can face alone the challenges that call in question the survival of the whole of mankind.

The principle of mutual advantage is sufficiently obvious. The development of mutually advantageous international cooperation within the Great Silk Road region will allow all countries without exception to find answers to many questions and solve the problems they are at present contending with. The countries of the region are actively striving to create new and diversify existing transportation systems so as to ensure the shortest and best means of access to world communications; they are encouraging and developing international trade, both within the region and outside it; and they are intensifying and stepping up cultural and humanitarian, scientific and educational and tourism contacts between the nationals of all the countries of the region.

The principle of the long-term perspective is inseparably interrelated with the preceding principle. The entire historical experience of the development both of the Great Silk Road itself and of the countries drawn into its orbit over the course of many centuries, has convincingly demonstrated the importance of and vital need for the development of inter-State relations that address the long-term perspective.

Multifaceted development of international cooperation is a necessary condition for the creation of favorable prerequisites and possibilities for the conduct of a balanced, flexible and maneuverable policy on the international arena; it corresponds to Kyrgyzstan's long-term national interests and is determined by the entire complex of problems and issues that need to be solved in the future.

PROSPECTS FOR THE APPLICATION OF THE ''GREAT SILK ROAD'' FOREIGN POLICY CONCEPT

The application of ''Great Silk Road'' diplomacy will have favorable long-term consequences for Kyrgyzstan and for all the other countries located in the Great Silk Road region.

The revival of the Great Silk Road at this juncture will make it possible to create all the necessary conditions for the transformation of the region into an area of stability, security, friendship, cooperation and equitable partnership.

The present-day Great Silk Road creates favorable prerequisites for the intensification of international cooperation in the joint solution of the global problems facing mankind on the threshold of the third millennium.

The expansion of the geography of the Great Silk Road will make it possible to make fuller use of the existing opportunities and rich potential for intensifying international trade and economic, cultural and humanitarian, scientific and technical and tourist contacts between all countries and peoples. There are sufficient grounds for thinking that all the Great Silk Road countries will make the maximum efforts to ensure that in the new millennium there emerge from the Road region, which constitutes a vast space crossing the entire Eurasian continent from East to West and uniting a diversity of cultures, traditions and historical fates, only positive impulses of solidarity, peace, progress and prosperity.

Kyrgyzstan is ready and able to act as a binding link between all the Great Silk Road countries.

For Kyrgyzstan, the interests and objectives of its foreign policy consist in ensuring to the fullest possible extent the strengthening, by political and diplomatic means, of international guarantees of its independence, sovereignty, economic self-sufficiency and territorial integrity.

To achieve these goals and objectives, Kyrgyzstan is full of resolve and will to comprehensively encourage and develop friendly, good-neighbourly relations of partnership with all the countries of the Great Silk Road region and to participate consistently and concretely in integration processes.—Askar Akaev, President of Kyrgyzstan.

DECISION ON IRAQ

Mr. KYL. Mr. President, I want to have printed in the RECORD an op-ed by columnist Charles Krauthammer discussing the United Nations and its debate over how to deal with Iraq. Mr. Krauthammer makes the point that nations are driven by their own self-interests; thus, members of the U.N. Security Council—such as France, Russia, and China—all have varied perspectives on a potential confrontation with Iraq.

He argues that it is not ''unseemly'' for the United States to similarly act in the name of its own interests. And that it is, in his words, an ''absurdity'' to suggest that the U.S. is suddenly granted ''moral legitimacy'' by U.N. Security Council approval for its actions, since the Security Council itself is composed of member states acting in their own self interests.

I ask unanimous consent the op-ed by Mr. Krauthammer be printed in the RECORD.

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

IS THIS THE WAY TO DECIDE ON IRAQ?

(By Charles Krauthammer)

There is something deeply deranged about the Iraq debate.

The vice president, followed by the administration A Team and echoing the president, argues that we must remove from power an irrational dictator who has a history of aggression and mass murder, is driven by hatred of America and is developing weapons of mass destruction that could kill millions of Americans in a day. The Democrats respond with public skepticism, a raised eyebrow and the charge that the administration has yet to ''make the case.''

Then on Sept. 12, the president goes to the United Nations and argues that this same dictator must be brought to heel to vindicate some Security Council resolutions and thus rescue the United Nations from irrelevance. The Democrats swoon. ''Great speech,'' they say. ''Why didn't you say that in the first place? Count us in.''

When the case for war is made purely in terms of American national interest—in terms of the safety, security and very lives of American citizens—chins are pulled as the Democrats think it over. But when the case is the abstraction of being the good international citizen and strengthening the House of Kofi, the Democrats are ready to parachute into Baghdad.

This hierarchy of values is bizarre but not new. Liberal internationalism—the foreign policy school of the modern Democratic Party (and of American liberalism more generally)—is deeply suspicious of actions taken for reasons of naked interest. After all, this is the party that in the last decade voted overwhelmingly against the Persian Gulf War, where vital American interests were at stake (among them, keeping the world's largest reservoir of oil out of the hands of a hostile dictator), while supporting humanitarian military interventions in Somalia, Haiti, Bosnia and Kosovo, places with only the remotest connection to American security interests.

This is all sweet and nice. And highly, flatteringly moral. But is this the way to decide when to risk the lives of brave young Americans?

This fawning over the president's rescue-the-U.N. rationale is not just sentimental, it is illogical. Assume—big assumption—that the United Nations does act and passes a resolution magnanimously allowing Americans to fight and die in Iraq. How does that rescue the United Nations from irrelevance? Under a feckless U.S. administration that allowed things to drift, the United Nations sat on its hands through the 1990s and did nothing. If not for this American president who threatens to invade on his own if he has to, the United Nations would still be doing nothing. The United Nations is irrelevant one way or the other. It is acting now only because of American pressure. It will go back to sleep tomorrow when America eases that pressure.

And what is the moral logic underlying the Democrats' demand for U.N. sanctions? The country's top Democrat, Sen. Tom Daschle, said that U.N. support ''will be a central factor in how quickly Congress acts. If the international community supports it, if we can get the information we've been seeking, then I think we can move to a [Senate] resolution.''

Daschle's insistence on the centrality of a U.N. stamp of approval is puzzling. How does this work? In what way does the approval of the Security Council confer moral legitimacy on this enterprise? Perhaps Daschle can explain how the blessing of the butchers of Tiananmen Square, who hold the Chinese seat on the Security Council, lends moral authority to an invasion of Iraq. Or the support of the Kremlin, whose central interest in Iraq is the $8 billion that it owes Russia.

Or the French. There can be no Security Council approval without them. Does Daschle imagine that their approval will hinge on humanitarian calculations? If the French come on board it will be because they see an Anglo-American train headed for Baghdad and they don't want to be left at the station. The last time the Middle East was carved up was 1916, when a couple of British and French civil servants, a Mr. Sykes and a Mr. Picot, drew lines on a map of the crumbling Ottoman Empire. Among other goodies, France got Syria and Lebanon. Britain got Iraq. The French might not relish being shut out of Iraq a second time.

My point is not to blame France or China or Russia for acting in their national interests. That's what nations do. That's what nations' leaders are supposed to do. My point is to express wonder at Americans who find it unseemly to act in the name of their own national interests and who cannot see the logical absurdity of granting moral legitimacy to American action only if it earns the approval of the Security Council—approval granted or withheld on the most cynical ground of self-interest.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 19, 2000 in Los Altos, CA. A gay man and his friend were assaulted outside a hair salon. The assailant, Peter Ellsworth, used anti-gay epithets during the attack. Mr. Ellsworth has been charged in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

ANGELS IN ADOPTION

• Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to recognize the individuals, organizations, and families who open their hearts to adoptive children. Children around the world, in Cambodia, in Romania, and in our own country wait desperately for families to care and provide for them. The parents who adopt these needy children turn their lives around and offer them a brighter future filled with love and hope.

As a member of the Congressional Coalition on Adoption, I would like to recognize the efforts of parents, adoption agencies, support groups and other individuals whose dedication to adoption makes a difference in the lives of children. Adoption provides countless children with stable homes, caring families and loving supportive parents. In particular, I would like to honor Dennis and Debbie Sparrow of Saint Louis, Missouri. This year, I have nominated the Sparrows as ''Angels in Adoption'' for their hard work and dedication to adoptive children from Romania. The ''Angels in Adoption'' award is presented by the Congressional Coalition on Adoption to recognize those who enrich the lives of adoptive children.

Dennis and Debbie Sparrow adopted their first child from Romania in 1991. During the adoption process, the Sparrows saw firsthand how many of the children in orphanages are destined for a life of poverty and hardship. Upon their return, Dennis and Debbie started two organizations to benefit the children they saw in Romania. S.E.E.K., Save Eastern Europe's Kids, collects donations for Romanian orphans and their caregivers. S.E.E.K. International, a non-profit adoption agency, assists prospective parents and children through the adoption process. In addition to helping over 100 children find loving homes, the Sparrows have personally adopted five children.

The Sparrows' exemplary work demonstrates that individuals can make a great difference. They have provided invaluable resources and support to other families wishing to bring Romanian children into their lives. They have raised money to assist in the care

of these children. They have established two adoption placement centers in Romania. Moreover, they have inspired others to open their hearts and homes to the orphaned children of Romania.

I want to applaud Dennis and Debbie Sparrow for their devotion to helping adoptive parents and children. These ''Angels in Adoption'' have not only made a difference in hundreds of young lives, but they have also raised the awareness of the benefits of adoption. The hard work of these angels is an inspiration to others and a blessing to the children whose lives they have touched.●

CONGRATULATIONS ON THE 95TH ANNIVERSARY OF UPS

● Mr. CLELAND. Mr. President, today I congratulate United Parcel Service on the occasion of its 95th anniversary, and to ask my distinguished colleagues to join me in recognizing the accomplishments of one of the Nation's most successful companies, a company that employs more than 371,000 men and women worldwide.

UPS was founded on August 28, 1907, in a small office under a sidewalk in Seattle, WA, where founder Jim Casey started what has become the largest transportation company in the world. Now headquartered in Atlanta, GA, UPS is considered the world leader in package delivery, and has been recognized for 4 straight years as the ''World's Most Admired Delivery Company'' by Fortune magazine.

Customers around the globe rely on UPS to ship nearly 13 million packages a day, creating a volume of 3.4 billion packages annually. UPS.com is one of the busiest websites on the Internet, allowing customers to enhance the customer service and efficiency of their e-commerce.

And UPS employees are among the best in the business, a result of working in an environment that enables growth and opportunity. In return, UPSers provide countless hours of volunteerism to organizations such as the United Way. In fact, last year alone, employees donated more than $50 million to the United Way, more than any corporation in the 115-year history of the United Way.

The true spirit of UPS is shown in the legacy carried out by its employees over the last 95 years. UPS is an example of what's right in corporate America today, and I am proud to congratulate them on 95 years of exemplary service.●

WELCOMING BOETTGER BABY

● Mr. CRAPO. Mr. President, I rise today to announce the birth of a fine young lady, Emily Copeland Boettger. Emily is the first child of Scott and Sally Boettger, and was born on May 8, 2002. Scott and Sally live in Hailey, ID, and are active in natural resources and environmental issues in the State. Scott serves as the Executive Directory of the Wood River Land Trust, and Sally serves as the Director of Development of The Nature Conservancy in Idaho. I have spent time in the Boettger's home and enjoyed their expertise and experience in outdoor activities. I'm happy to report that mother, father, and baby are doing well, although Scott and Sally are probably getting used to fewer hours of sleep.

Emily is the granddaughter of Cherry and William F. Gillespie, III, of Wilmington, DE, and Doug and Gail Boettger of Spring City, PA. I know they join with me in sending best wishes and welcome greetings to young Emily.

It is always a joyous event to bring a new family member into the world. Emily has been much-anticipated and has held a place in the hearts of her parents and family for many months now as they have awaited her arrival. As the father of five myself, I know that Scott and Sally are in for a most remarkable, frustrating, rewarding, and exciting experience of their lives. Emily will make certain of that. Our best wishes go out to the Boetger family on this most auspicious occasion.●

IN MEMORY OF IRA YELLIN

● Mrs. BOXER. Mr. President, I would like to take this moment to reflect on the rich life and legacy of an exceptional Los Angeles leader and friend, Ira Yellin.

Ira died of cancer on September 10, 2002, of complications from lung cancer at his home in Santa Monica Canyon. He was 62 years old. This was a sad day for so many people throughout California, whose lives were touched by Ira's unyielding commitment to making our community a more beautiful and better place to live.

Although a strong supporter of many civic organizations, Ira was most well-known for his extraordinary dedication to restoration of several of Los Angeles's historic gems. While eating at Grand Central Market, waiting for a train at Union Station or admiring the beautiful restoration of City Hall, we have Ira to thank for helping to restore and maintain these wonderful places. Those who have visited Los Angeles' recently dedicated Catholic Cathedral of Our Lady of Angels may also thank Ira, for playing a role in its design.

Born in 1940 near Boston, MA, and raised in Van Nuys, CA, Ira often visited downtown Los Angeles with his father, who instilled in his son the passion for city life and the importance of making the world a better place. Years later, Ira attended Princeton University and Harvard Law School, and returned to California where he received a master's degree in law from the University of California, Berkeley. After he finished his studies, he spent a year in the Marines before settling in Los Angeles.

In 1967, Ira worked as a lawyer at a Beverly Hills firm while helping to run a non-profit legal advocacy organization. Then, in 1975, he left the firm to work in real estate development and management, overseeing building projects throughout California and on Los Angeles' Westside. However, Ira realized he was more drawn to downtown buildings in need of restoration than the state-of-the-art build on Los Angeles' affluent Westside. In 1985, Ira began his own real estate firm and dedicated his life to the revival of buildings throughout Los Angeles.

Ira's passion for turning neglected buildings into treasures for the community made him a great asset to Los Angeles. His dedication to community service benefitted many cultural and civic organizations. Ira was active with the Skirball Cultural Center, the J. Paul Getty Trust and served as past president of the American Jewish Committee.

I will miss Ira Yellin. Until the very end, he pursued his vision and turned dreams into realities. Although his presence will be greatly missed, his wonderful work will be long remembered for generations to come.●

ON THE WORK OF ATF SPECIAL AGENT JOHN CARR 2002 MEDAL OF VALOR RECIPIENT

● Mrs. BOXER. Mr. President, I am proud today to recognize the courage of Bureau of Alcohol, Tobacco and Firearms, ATF, Special Agent John Carr, who was recently honored with the Federal Bar Association's, FBA, distinguished 2002 Medal of Valor Award in Los Angeles. For the past 13 years, the FBA has presented the award to federal employees who demonstrate outstanding service in their field of work.

Special Agent Carr earned his award for working undercover to catch violent gang members staging a series of home invasion robberies. Carr transformed his look, acquainted himself with the criminals, and pretended to help them in their operation. Carr gave the criminals false information, which led them to traps planned by the ATF. Thanks to Carr's work, many dangerous criminals were caught and taken off our streets.

John Carr risked his life working on this assignment. There are not many people who would make such a great sacrifice for others to feel safe in their homes. Through his courage, bravery and steadfast dedication, Carr prevailed in the face of danger. I extend my sincere congratulations to John Carr on this honor, and thank him for his great work.●

CONGRATULATIONS TO NICK COSMA

● Mr. THOMAS. Mr. President, I rise today to offer my most sincere words of support and encouragement to Mr. Nick Cosma. Today Nick will stand and take his oath to become a citizen of the United States.

I believe it is particularly important during such times as these to reflect upon the dream that America represents to so many people like Nick around the world. A strong family, an adventurer's spirit and a solid character are essential ingredients to brave the challenges of an unknown land. While it certainly isn't an easy task to come from afar and try to make a better life in the United States, people continually come to these shores in search of opportunity, freedom and personal liberty. America is a country full of opportunity for those who are willing to work hard. Nick's hard work and dedication has brought him through our legal process to a junction where he can call himself an American.

Today Nick will have earned all of the rights and responsibilities that come with citizenship. I know this is a proud day for Nick and his wife Abra and their family and friends. As I understand, Nick has already been shopping for a fireproof safe to house his new American passport. It is apparent that Nick is already taking his new responsibilities seriously.

So with that, I offer congratulations to Nick Cosma and his family on his day of becoming a citizen.●

TRIBUTE TO ODILE GROGAN

● Mr. KENNEDY. Mr. President, I ask unanimous consent that the following tribute by my nephew, Joseph P. Kennedy II, be printed in the RECORD in honor of Odile Grogan, a dear friend of all of the Kennedy family.

The tribute follows:

TRIBUTE TO ODILE GROGAN

(By Joseph P. Kennedy II)

More than 20 years ago, my good friend Rick Grogan has the great fortune of meeting a savvy and stylish Parisian, Odile Claude Emelie Basch, who was working in New York City, running programs in support of the arts.

The timing was perfect. Rick, turning his sights to a career in international business, found a companion conversant in languages, accustomed to travel, and filled with the same spirit of adventure that has always animated his life.

Before meeting Rick, Odile's consuming passion was the arts.

The Gallic phase of her arts education took place in the Left Bank of Paris, renowned as a world center of culture. She attended the Ecole Alsacienne, located near the Montparnasse cafés frequented by artists and writers for over a century. Her talents were then nurtured at the Lycee Fenelon in the Quartier Saint Germain-des-Pres, just a few yards from Pablo Picasso's former atelier on Rue des Grandos Augustins.

After receiving the Baccalaureate, she took up studies at the arts-intensive Finch College in New York City, whose students have ranged the artistic gamut from Grace Slick to Isabella Rossellini.

She went on to receive an M.A. in art history from Queens College and subsequently applied both her management and art history skills directing visual and performing arts partron programs under Phillip Morris's legendary chairman, Joseph F. Cullman III. Her guidance led to innovative partnerships between the company and such institutions as the Whitney Museum, which opened a branch in the company's newly built headquarters.

It was during her tenure at Phillip Morris and Odile walked onto the canvas of Rick Grogan's life.

In Odile, he found someone at ease in every facet of conversation, with views as varied and forceful as his own. Whether discussing politics, cuisine, painting, or education, Odile proved not just a font of opinions and facts but a master of epithets and one-liners, in two tongues, no less.

Just out of Harvard Business School, Rick married Odile in 1981 and they moved to London, where Rick worked as a consultant for Bain Company. Rick thought they might spend a year or two in England before returning to the U.S.

Odile thought otherwise. As a tribute to her powers of persuasion, she convinced her deal-maker husband that London was just the right place for the family, conveniently located between France and America.

Rick bought the argument if not the logic and so they settled into life in England, their lives soon graced by Alexandra, Nicholas, and Charlotte, wonderfully gifted children who feel at home anywhere from Harvard Square to Picadily Circus to Place de la Concorde.

In spite of all her household demands, Odile never neglected to devote time and energy to her beloved arts. A benefactor of the Serpentine Gallery in London's Kensington Gardens, she has encouraged policies to bring a wider public into museums, using the arts to uplift and liberate the human spirit across broader demographics.

Her cultivated judgment has also been sought by the Tate Museum, where she serves on the acquisition committee.

Several years ago, the enviable rhythms of the Grogans' family life were interrupted by a cycling accident in the French countryside. Rick lay near death in a coma.

Odile, at hits side every moment, took full charge of his medical care and recovery. ''He is my husband,'' she declared. ''I can take care of him.''

And so she did, sitting long hours by his hospital bed, watching for this eyes to open and recognition to light up his expression. With her help and the force of her spirit, Rick did awaken and recover.

The mishap was an awful physical setback but one that brought forth a remarkable discovery for Rick.

He learned that Odile was not just a caring wife and a loving mother, not just a skilled hostess and devoted patroness, not just a talented linguist and art history scholar, but an angel of mercy.

All the advantages of education and career mean little without love in our lives. When that love finds it greatest expression in our hour of need, we can indeed count ourselves among the blessed.

This past June, Rick brought together a wide circle of their family and friends to celebrate all that Odile has meant to him in their years together. The gathering at Versailles Palace was an extraordinary expression of Rick's love.

But the gilt and glitter of that magnificent setting paled in comparison to what shined forth in from the hearts of all there assembled in tribute to Odile.

In the many decades I have known Rick, he has enjoyed tremendous success in academics, athletics, and business. However, the triumph that counts the most is the crown of his heart, his incomparable wife Odile, my good friend's own angel of mercy.●

NATIONAL SCHOOL BACKPACK AWARENESS DAY

● Mr. FRIST. Mr. President, fall has come and across the country, students are returning to school facing a public health risk from what many see as a completely benign and essential back-to-school supply, the school backpack.

More than 40 million American students carry backpacks to and form school each day. Health experts say that many of our children are hauling around too much weight, and that extra weight can adversely affect their healthy growth and development. Children carrying backpacks that are overloaded or improperly worn are putting themselves at risk for musculoskeletal pain, including back, neck, and shoulder pain, adverse affects on posture and the developing spine and compromised breathing and fatigue.

The good news for parents and kids is that many of these problems can be avoided by taking some very simple steps to help lighten the load. And the first step is education, raising awareness among parents, educators and kids about these potential risks and offering solutions to address them.

To that end, the American Occupational Therapy Association, AOTA, is sponsoring the first of its kind National School Backpack Awareness Day this week, on Wednesday, September 25. On that day, health professionals will hold events in schools across the country to weigh-in backpack-wearing kids and demonstrate the risks of injury that can result from carrying packs that are worn improperly, or are too heavy. Experts say that students should carry backpacks that weigh no more than 15 percent of their total body weight. Occupational Therapists, thousands of whom work every day in America's schools, will offer simple steps in how to properly pack, select and wear school backpacks.

Nashville, TN, Occupational Therapists will be at the Nashville State Technical Community College helping students learn more about the issue. In Knoxville, there will be a backpack weigh-in and Awareness Day event at Pond Gap Elementary School. I am proud to see these communities taking a leadership role on this important public health issue and I encourage other communities to take similar action on this day to help prevent health care problems that can arise.

Surely, we can all appreciate the bottom line lesson in this important public health education campaign, an ounce of prevention is worth of a pound of cure.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 2989. A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; to the Committee on Indian Affairs.

By Mr. BINGAMAN:

S. 2990. A bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for Mr. TORRICELLI):

S. 2991. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sandos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mrs. HUTCHISON):

S.Con.Res. 145. A concurrent resolution recognizing and commending Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 2119

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2119, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2557

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2557, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes.

S. 2765

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2765, a bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2933

At the request of Mr. BREAUX, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2933, a bill to promote elder justice, and for other purposes.

S. 2949

At the request of Mr. HOLLINGS, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2949, a bill to provide for enhanced aviation security, and for other purposes.

S. 2980

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2980, a bill to revise and extend the Birth Defects Prevention Act of 1998.

S. RES. 307

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 307, A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 322, A resolution designating November 2002, as ''National Epilepsy Awareness Month''.

S. RES. 325

At the request of Mr. SESSIONS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. BUNNING), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 325, Resolution designating the month of September 2002 as ''National Prostate Cancer Awareness Month''.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Oklahoma (Mr. INHOFE), the Senator from Rhode Island (Mr. REED) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

AMENDMENT NO. 4568

At the request of Mr. HOLLINGS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4568 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4694

At the request of Mr. LIEBERMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of amendment No. 4694 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2990. A bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I am introducing a bill that will be jointly introduced by Representative CIRO RODRIGUEZ tomorrow when the House of Representatives comes into session entitled the ''Hispanic Health Improvement Act of 2002.'' This bill builds upon legislation that Representative RODRIGUEZ introduced in the last Congress and addresses the tremendous health disparities that confront the Hispanic community in our Nation.

Even if you know the statistics, they remain shocking. Over one-third, or 35 percent of Hispanic adults lack health insurance. Despite the passage of the Children's Health Insurance Program, 27 percent of Latino children remain uninsured, which is sharp comparison to 9 percent of white, 18 percent of black and 17 percent of Asian/Pacific Islander children.

In testimony before the Senate Health, Education, Labor and Pensions Committee earlier today on Hispanic health issues, Dr. Glenn Flores, chair of the Latino Consortium of the American Academy of Pediatrics Center for Child Health Research, added:

Among uninsured poor children in the U.S., Latinos outnumber all other racial/ethnic groups, including whites: there are 1 million poor, uninsured Latino children, compared with 766,000 white, and 533,000 African-American poor, uninsured children. . . . Although 1999 marked the first time in many years that the proportion of uninsured Latino children actually decreased (from 30% to 27%), recent national data suggest that outreach efforts to enroll Latino children have largely been unsuccessful. A Kaiser Commission report found that only 26% of parents of eligible uninsured children said that they had ever talked to someone or received information about Medicaid enrollment, and 46% of Spanish-speaking parents were unsuccessful at enrolling their uninsured children in Medicaid because materials were unavailable in Spanish.

In order to address the lack of health care coverage, the legislation would expand CHIP to cover pregnant women and parents of children enrolled in CHIP. The legislation provides $50 million in grants to community-based groups to improve outreach and enrollment of children in Medicaid and CHIP with the grants targeted to Hispanic communities.

In addition, the bill eliminates a number of enrollment barriers within Medicaid.

And finally, it provides States the option to enroll legal immigrant pregnant women and children in Medicaid or CHIP. This comes from legislation introduced by Senator GRAHAM earlier in this Congress.

In addition to poor coverage rates, according to the Centers for Disease Control and Prevention, or CDC, the Hispanic population has morbidity and mortality rates that more often than not exceed that of any other ethnic groups. For example, age-adjusted mortality rates for diabetes are over 50 percent higher among Hispanic persons than non-Hispanic whites. HIV infection rates are over 3 times those of non-Hispanic whites. Tuberculosis rates among Latino children are 13 times that of whites.

The legislation addresses these problems in a number of ways. In the area of access and affordability, our bill requires an annual report to Congress on how federal programs are responding to improve the health status of Hispanic individuals with respect to diabetes, cancer, asthma, HIV infection, AIDS, substance abuse, and mental health. The bill provides $100 million for targeted diabetes prevention, education, school-based programs, and screening activities in the Hispanic community.

In addition, the legislation specifically addresses the problems facing communities along the U.S.-Mexico border, a 2,000-mile stretch of land that contains 11 million people, 5 of the 7 poorest metropolitan statistical areas in the country, and disease rates in some areas that are extraordinary. If the region were a State, the border would rank 1st in the number of uninsured, last in terms of per capita income, and 1st in a number of diseases.

As Dr. Francisco Cigarroa, president of the University of Texas Health Sciences Center at San Antonio, noted in testimony at today's earlier hearing on Hispanic health, ''Germs respect no INS regulations. We truly must work with our neighbors to the South if we are to avoid a major influx of new conditions and diseases. It can be seen so clearly on a map. Just as there are 'rivers of commerce' there are 'rivers of infectious disease' and though they may start at the Border, they are eventually seen all the way to the northern Border that we share with Canada.''

In response, the bill provides $200 million to border communities to improve health services and infrastructure along the U.S.-Mexico border.

The numbers I have cited thus far indicates what we do know. Almost as much of a concern is what we do not know with respect to the status of Hispanic health in this Nation. According to one study, only 22 percent of all articles published in major medical journals included non-English-speaking patients.

The bill provides funding to do additional research and work on reducing health disparities in this Nation. Among the various provisions include efforts to improve the recruitment and retention of Hispanic health professionals and programs that support the training health professionals who can provide culturally competent and linguistically appropriate care. With respect to training more minority health professionals, Dr. Cigarroa said at today's hearing, ''We should do this because it is the smart thing to do. If we fail to take steps to address the gap between the health of the majority population and the health of the nation's rapidly growing minority populations, we are on a course leading to a collision. We are far too great a nation to allow this to happen.''

Representative CIRO RODRIGUEZ, the forthcoming chairman of the Congressional Hispanic Caucus, and I have worked together on this legislation to respond to the challenge before us with regard to coverage, access, and health disparities entitled the ''Hispanic Health Improvement Act of 2002.''

While the legislation puts forth a number of initiatives to address what are disproportionately Hispanic problems, it must be noted that each section of the bill, including those to reduce the number of uninsured and to improve access to care, would improve the overall health of our entire Nation regardless of race or ethnicity.

Over the coming months, I look forward to working with my colleagues to revise and improve upon this legislation for reintroduction in the 108th Congress.

Mr. President, I request 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. 2990

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hispanic Health Improvement Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE COVERAGE

Subtitle A—Coverage for Parents and Pregnant Women

Sec. 101. Coverage of parents and pregnant women under the medicaid program and title XXI.

Sec. 102. Automatic enrollment of children born to title XXI parents.

Sec. 103. Optional coverage of children through age 20 under the medicaid program and title XXI.

Sec. 104. Technical and conforming amendments to authority to pay medicaid expansion costs from title XXI appropriation.

Subtitle B—Outreach and Enrollment

Sec. 111. Grants to promote innovative outreach and enrollment efforts under SCHIP.

Subtitle C—Immigrant Children and Pregnant Women

Sec. 121. Optional coverage of legal immigrants under the medicaid program and SCHIP.

Sec. 122. Permitting States and localities to provide health care to all individuals.

Subtitle D—Eligibility Simplification

Sec. 131. State option to provide for simplified determinations of a child's financial eligibility for medical assistance under medicaid.

Sec. 132. Application of simplified title XXI procedures under the medicaid program.

Subtitle E—SCHIP Wrap-Around Benefits

Sec. 141. Requiring coverage of substantially equivalent dental services under SCHIP.

Sec. 142. State option to provide wrap-around SCHIP coverage to children who have other health coverage.

Subtitle F—Immunization Coverage Through SCHIP

Sec. 151. Eligibility of children enrolled in the State Children's Health Insurance Program for the pediatric vaccine distribution program.

Subtitle G—Limited English Proficient Communities

Sec. 161. Increased Federal reimbursement for language services under the medicaid program and the State Children's Health Insurance Program.

Subtitle H—Binational Health Insurance
Sec. 171. Binational health insurance.
TITLE II—ACCESS AND AFFORDABILITY
Subtitle A—Report on Programs for Improving the Health Status of Hispanic Individuals
Sec. 201. Annual report regarding diabetes, HIV/AIDS, substance abuse, and mental health.
Subtitle B—Diabetes Control and Prevention
Sec. 211. National diabetes education program of Centers for Disease Control and Prevention; increased authorization of appropriations for activities regarding Hispanic individuals.
Sec. 212. National Institutes of Health; implementation of recommendations of diabetes research working group.
Subtitle C—HIV Prevention Activities Regarding Hispanic Individuals
Sec. 221. Programs of Centers for Disease Control and Prevention; representation of Hispanic individuals in membership of community planning groups.
Sec. 222. AIDS education and training centers funded by Health Resources and Services Administration; establishment of center directed toward minority populations with hiv.
Subtitle D—Prevention of Latina Adolescent Suicides
Sec. 231. Short title.
Sec. 232. Establishment of program for prevention of Latina adolescent suicides.
Subtitle E—Dental Health Services
Sec. 241. Grants to improve the provision of dental health services through community health centers and public health departments.
Sec. 242. School-based dental sealant program.
Subtitle F—Border Health
Sec. 251. Short title.
Sec. 252. Definitions.
Sec. 253. Border health services grants.
Sec. 254. United States-Mexico Border Health Commission.
Subtitle G—Community Health Workers
Sec. 261. Short title.
Sec. 262. Grants to promote positive health behaviors in women.
Subtitle H—Patient Navigator, Outreach, and Chronic Disease Prevention
Sec. 271. Short title.
Sec. 272. HRSA grants for model community cancer and chronic disease care and prevention; HRSA grants for patient navigators.
Sec. 273. NCI grants for model community cancer and chronic disease care and prevention; NCI grants for patient navigators.
TITLE III—HEALTH DISPARITIES
Subtitle A—Hispanic-Serving Health Professions Schools
Sec. 301. Hispanic-serving health professions schools.
Subtitle B—Health Career Opportunity Program
Sec. 311. Educational assistance regarding undergraduates.
Sec. 312. Centers of excellence.
Subtitle C—Bilingual Health Professionals
Sec. 321. Training of bilingual health professionals with respect to minority health conditions.
Subtitle D—Cultural Competence
Sec. 331. Definition.
Sec. 332. Activities of Office of Minority Health; Center for Linguistic and Cultural Competence in Health Care.
Sec. 333. Cultural competence demonstration projects.
Subtitle E—Data Regarding Race and Ethnicity
Sec. 341. Collection of data.
Sec. 342. Development of standards; study to measure patient outcomes under medicare and medicaid programs.
Subtitle F—National Assessment of Status of Latino Health
Sec. 351. National assessment of status of Latino health.
Subtitle G—Office of Minority Health
Sec. 361. Revision and extension of programs of Office of Minority Health.
Sec. 362. Establishment of individual Offices of Minority Health within agencies of Public Health Service.
Sec. 363. Assistant Secretary of Health and Human Services for Civil Rights.

TITLE I—HEALTH CARE COVERAGE

Subtitle A—Coverage for Parents and Pregnant Women

SEC. 101. COVERAGE OF PARENTS AND PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) INCENTIVES TO IMPLEMENT COVERAGE OF PARENTS AND PREGNANT WOMEN.—

(1) UNDER MEDICAID.—

(A) ESTABLISHMENT OF NEW OPTIONAL ELIGIBILITY CATEGORY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following:

''(XIX) who are individuals described in subsection (k)(1) (relating to parents of categorically eligible children);''.

(B) PARENTS DESCRIBED.—Section 1902 of the Social Security Act is further amended by inserting after subsection (j) the following:

''(k)(1)(A) Individuals described in this paragraph are individuals—

''(i) who are the parents of an individual who is under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) and who is eligible for medical assistance under subsection (a)(10)(A);

''(ii) who are not otherwise eligible for medical assistance under such subsection or under a waiver approved under section 1115 or otherwise (except under section 1931 or under subsection (a)(10)(A)(ii)(XIX)); and

''(iii) whose family income exceeds the effective income level or resource level applicable under the State plan under part A of title IV as in effect as of July 16, 1996, but does not exceed the highest effective income level applicable to a child in the family under this title.

''(B) In establishing an income eligibility level for individuals described in this paragraph, a State may vary such level consistent with the various income levels established under subsection (l)(2) based on the ages of children described in subsection (l)(1) in order to ensure, to the maximum extent possible, that such individuals shall be enrolled in the same program as their children.

''(C) An individual may not be treated as being described in this paragraph unless, at the time of the individual's enrollment under this title, the child referred to in subparagraph (A)(i) of the individual is also enrolled under this title.

''(D) In this subsection, the term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(2) In the case of a parent described in paragraph (1) who is also the parent of a child who is eligible for child health assistance under title XXI, the State may elect (on a uniform basis) to cover all such parents under section 2111 or under this title.''.

(C) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(ii) in subsection (u)—

(I) by redesignating paragraph (4) as paragraph (6), and

(II) by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b) and section 2105(a)(1):

''(A) PARENTS AND PREGNANT WOMEN.—The expenditures described in this subparagraph are the expenditures described in the following clauses (i) and (ii):

''(i) PARENTS.—If the conditions described in clause (iii) are met, expenditures for medical assistance for parents described in section 1902(k)(1) and for parents who would be described in such section but for the fact that they are eligible for medical assistance under section 1931 or under a waiver approved under section 1115.

''(ii) CERTAIN PREGNANT WOMEN.—If the conditions described in clause (iv) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2002.

''(iii) CONDITIONS FOR EXPENDITURES FOR PARENTS.—The conditions described in this clause are the following:

''(I) The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has an effective income level for children that is at least 200 percent of the poverty line.

''(II) State child health plan does not limit the acceptance of applications, does not use a waiting list for children who meet eligibility standards to qualify for assistance, and provides benefits to all children in the State who apply for and meet eligibility standards.

''(III) The State plans under this title and title XXI do not provide coverage for parents with higher family income without covering parents with a lower family income.

''(IV) The State does not apply an income level for parents that is lower than the effective income level (expressed as a percent of the poverty line) that has been specified under the State plan under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)), as of January 1, 2002, to be eligible for medical assistance as a parent under this title.

''(iv) CONDITIONS FOR EXPENDITURES FOR CERTAIN PREGNANT WOMEN.—The conditions described in this clause are the following:

''(I) The State has established an effective income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the poverty line.

''(II) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph

(A)(ii) with higher family income without covering such pregnant women with a lower family income.

''(III) The State does not apply an income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2002, to be eligible for medical assistance as a pregnant woman.

''(IV) The State satisfies the conditions described in subclauses (I) and (II) of clause (iii).

''(v) DEFINITIONS.—For purposes of this subsection:

''(I) The term 'parent' has the meaning given such term for purposes of section 1902(k)(1).

''(II) The term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(D) APPROPRIATION FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS FOR PARENTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 104(a), is amended to read as follows:

''(B) PARENTS AND PREGNANT WOMEN.—Expenditures for medical assistance that are attributable to expenditures described in section 1905(u)(4)(A).''.

(E) ONLY COUNTING ENHANCED PORTION FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by inserting ''(except in the case of expenditures described in subsection (u)(5))'' after ''do not exceed'';

(ii) in subsection (u), by inserting after paragraph (4) (as inserted by subparagraph (C)), the following:

''(5) For purposes of the fourth sentence of subsection (b) and section 2105(a), the following payments under this title do not count against a State's allotment under section 2104:

''(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE JANUARY 1, 2002 INCOME LEVEL AND BELOW 185 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.''.

(2) UNDER TITLE XXI.—

(A) PARENTS AND PREGNANT WOMEN COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 2111. OPTIONAL COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN OR TARGETED LOW-INCOME PREGNANT WOMEN.

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of parent health assistance for targeted low-income parents, pregnancy-related assistance for targeted low-income pregnant women, or both, in accordance with this section, but only if—

''(1) with respect to the provision of parent health assistance, the State meets the conditions described in clause (iii) of section 1905(u)(4)(A);

''(2) with respect to the provision of pregnancy-related assistance, the State meets the conditions described in clause (iv) of section 1905(u)(4)(A); and

''(3) in the case of parent health assistance for targeted low-income parents, the State elects to provide medical assistance under section 1902(a)(10)(A)(ii)(XIX), under section 1931, or under a waiver under section 1115 to individuals described in section 1902(k)(1)(A)(i) and elects an effective income level that, consistent with paragraphs (1)(B) and (2) of section 1902(k), ensures to the maximum extent possible, that such individuals shall be enrolled in the same program as their children if their children are eligible for coverage under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)).''.

''(b) DEFINITIONS.—For purposes of this title:

''(1) PARENT HEALTH ASSISTANCE.—The term 'parent health assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income parents.

''(2) PARENT.—The term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(3) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services) and to other conditions that may complicate pregnancy.

''(4) TARGETED LOW-INCOME PARENT.—The term 'targeted low-income parent' has the meaning given the term targeted low-income child in section 2110(b) as if the reference to a child were deemed a reference to a parent (as defined in paragraph (3)) of the child; except that in applying such section—

''(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

''(B) in paragraph (3), January 1, 2002, shall be substituted for July 1, 1997; and

''(C) in paragraph (4), January 1, 2002, shall be substituted for March 31, 1997.

''(5) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' has the meaning given the term targeted low-income child in section 2110(b) as if any reference to a child were a reference to a woman during pregnancy and through the end of the month in which the 60-day period beginning on the last day of her pregnancy ends; except that in applying such section—

''(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

''(B) in paragraph (3), January 1, 2002, shall be substituted for July 1, 1997; and

''(C) in paragraph (4), January 1, 2002, shall be substituted for March 31, 1997.

''(6) PARENT.—The term 'parent' has the meaning given the term 'caretaker relative' for purposes of carrying out section 1931.

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of parent health assistance to targeted low-income parents or pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income parent or a targeted low-income pregnant woman (as applicable).

''(2) Any such reference to child health assistance—

''(A) with respect to such parents is deemed a reference to parent health assistance; and

''(B) with respect to such pregnant women, is deemed a reference to pregnancy-related assistance.

''(3) In applying section 2103(e)(3)(B) in the case of a family or pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family or such pregnant woman.

''(4) In applying section 2110(b)(4), any reference to 'section 1902(l)(2) or 1905(n)(2) (as selected by a State)' is deemed a reference to the effective income level applicable to parents under section 1931 or under a waiver approved under section 1115, or, in the case of a pregnant woman, the income level established under section 1902(l)(2)(A).

''(5) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to parents and pregnant women.''.

(B) ADDITIONAL ALLOTMENT FOR STATES PROVIDING COVERAGE OF PARENTS OR PREGNANT WOMEN.—

(i) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR STATE COVERAGE OF PARENTS OR PREGNANT WOMEN.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal year 2002, $2,000,000,000;

''(B) for fiscal year 2003, $2,000,000,000;

''(C) for fiscal year 2004, $3,000,000,000;

''(D) for fiscal year 2005, $3,000,000,000;

''(E) for fiscal year 2006, $5,000,000,000;

''(F) for fiscal year 2007, $5,000,000,000;

''(G) for fiscal year 2008, $5,000,000,000;

''(H) for fiscal year 2009, $5,000,000,000;

''(I) for fiscal year 2010, $5,000,000,000; and

''(J) for fiscal year 2011 and each fiscal year thereafter, the amount of the allotment provided under this paragraph for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).

''(2) STATE AND TERRITORIAL ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

''(i) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

''(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

''(B) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional

allotments are only made available to States which have elected to provide coverage under section 2111.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2002. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for parent health assistance for targeted low-income parents, and pregnancy-related assistance for targeted low-income pregnant women.

''(4) REQUIRING ELECTION TO PROVIDE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide parent health assistance for targeted low-income parents, or pregnancy-related assistance for targeted low-income pregnant women.''.

(ii) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(I) in subsection (a), by inserting ''subject to subsection (d),'' after ''under this section,'';

(II) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(III) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(C) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''AND PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''and for pregnancy-related services''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to items and services furnished on or after October 1, 2002, without regard to whether regulations implementing such amendments have been issued.

(b) MAKING TITLE XXI BASE ALLOTMENTS PERMANENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) for fiscal year 2008 and each fiscal year thereafter, the amount of the allotment provided under this subsection for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).''.

(c) OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS TO PARENTS.—Section 1920A of the Social Security Act (42 U.S.C. 1396r–1a) is amended by adding at the end the following:

''(e) A State may elect to apply the previous provisions of this section to provide for a period of presumptive eligibility for medical assistance for a parent (as defined for purposes of section 1902(k)(1)) of a child with respect to whom such a period is provided under this section.''.

(d) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY CATEGORIES.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking ''or'' at the end of clause (xii);

(B) by inserting ''or'' at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following:

''(xiv) who are parents described (or treated as if described) in section 1902(k)(1),''.

(2) INCOME LIMITATIONS.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(3) CONFORMING AMENDMENT RELATING TO NO WAITING PERIOD FOR PREGNANT WOMEN.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking '', and'' at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income parent who is pregnant.''.

SEC. 102. AUTOMATIC ENROLLMENT OF CHILDREN BORN TO TITLE XXI PARENTS.

(a) TITLE XXI.—Section 2102(b)(1) (42 U.S.C. 1397bb(b)(1)) is amended by adding at the end the following:

''(C) AUTOMATIC ELIGIBILITY OF CHILDREN BORN TO PREGNANT WOMEN.—Such eligibility standards shall provide for automatic coverage of a child born to an individual who is provided assistance under this title in the same manner as medical assistance would be provided under section 1902(e)(4) to a child described in such section.''.

(b) CONFORMING AMENDMENT TO MEDICAID.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

SEC. 103. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting ''(or, at the election of a State, 20 or 21 years of age)'' after ''19 years of age''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of the Social Security Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting ''(or 1 year less than the age the State has elected under subsection (l)(1)(D))'' after ''18 years of age''.

(B) Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended by inserting ''or such higher age as the State has elected under subsection (l)(1)(D)'' after ''19 years of age''.

(C) Section 1920A(b)(1) of the Social Security Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting ''or such higher age as the State has elected under section 1902(l)(1)(D)'' after ''19 years of age''.

(D) Section 1928(h)(1) of the Social Security Act (42 U.S.C. 1396s(h)(1)) is amended by inserting ''or 1 year less than the age the State has elected under section 1902(l)(1)(D)'' before the period at the end.

(E) Section 1932(a)(2)(A) of the Social Security Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))'' after ''19 years of age''.

(b) TITLE XXI.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance provided on or after such date, whether or not regulations implementing such amendments have been issued.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS TO AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.

(a) AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended to read as follows:

''(a) ALLOWABLE EXPENDITURES.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP of the following expenditures in the quarter:

''(A) CHILD HEALTH ASSISTANCE UNDER MEDICAID.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for expenditures described in the fourth sentence of section 1905(b).

''(B) RESERVED.—[reserved].

''(C) CHILD HEALTH ASSISTANCE UNDER THIS TITLE.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing health benefits coverage that meets the requirements of section 2103.

''(D) ASSISTANCE AND ADMINISTRATIVE EXPENDITURES SUBJECT TO LIMIT.—Expenditures only to the extent permitted consistent with subsection (c)—

''(i) for other child health assistance for targeted low-income children;

''(ii) for expenditures for health services initiatives under the plan for improving the health of children (including targeted low-income children and other low-income children);

''(iii) for expenditures for outreach activities as provided in section 2102(c)(1) under the plan; and

''(iv) for other reasonable costs incurred by the State to administer the plan.

''(2) ORDER OF PAYMENTS.—Payments under a subparagraph of paragraph (1) from a State's allotment for expenditures described in each such subparagraph shall be made on a quarterly basis in the order of such subparagraph in such paragraph.

''(3) NO DUPLICATIVE PAYMENT.—In the case of expenditures for which payment is made under paragraph (1), no payment shall be made under title XIX.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 1905(u).—Section 1905(u)(1)(B) of the Social Security Act (42 U.S.C. 1396d(u)(1)(B)) is amended by inserting ''and section 2105(a)(1)'' after ''subsection (b)''.

(2) SECTION 2105(c).—Section 2105(c)(2)(A) of the Social Security Act (42 U.S.C. 1397ee(c)(2)(A)) is amended by striking ''subparagraphs (A), (C), and (D) of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251), whether or not regulations implementing such amendments have been issued.

Subtitle B—Outreach and Enrollment

SEC. 111. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS UNDER SCHIP.

(a) IN GENERAL.—Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary''; and

(2) by adding at the end the following:

''(2) GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

''(A) IN GENERAL.—Prior to any redistribution under paragraph (1) of unexpended allotments made to States under subsection (b) or

(c) for fiscal year 2000 and any fiscal year thereafter, the Secretary shall—

''(i) reserve from such unexpended allotments the lesser of $50,000,000 or the total amount of such unexpended allotments for grants under this paragraph for the fiscal year in which the redistribution occurs; and

''(ii) subject to subparagraph (B), use such reserved funds to make grants to local and community-based public or nonprofit organizations (including organizations involved in women's health, pediatric advocacy, local and county governments, public health departments, Federally-qualified health centers, children's hospitals, and hospitals defined as disproportionate share hospitals under the State plan under title XIX) to conduct innovative outreach and enrollment efforts that are consistent with section 2102(c) and to promote understanding of the importance of health insurance coverage for prenatal care and children.

''(B) PRIORITY FOR GRANTS IN CERTAIN AREAS.—In making grants under subparagraph (A)(ii), the Secretary shall give priority to grant applicants that propose to target the outreach and enrollment efforts funded under the grant to geographic areas—

''(i) with high rates of eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) with high rates of families for whom English is not their primary language.

''(C) APPLICATIONS.—An organization that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide.''.

(b) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT TITLE XXI APPLICATIONS.—Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended by inserting '', and applications for child health assistance under title XXI'' after ''(a)(10)(A)(ii)(IX)''.

Subtitle C—Immigrant Children and Pregnant Women

SEC. 121. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 122. PERMITTING STATES AND LOCALITIES TO PROVIDE HEALTH CARE TO ALL INDIVIDUALS.

(a) IN GENERAL.—Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(ii) in subparagraph (B), by striking ''health,''; and

(B) by adding at the end the following new paragraph

''(4) Such term does not include any health benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care furnished before, on, or after the date of the enactment of this Act.

Subtitle D—Eligibility Simplification

SEC. 131. STATE OPTION TO PROVIDE FOR SIMPLIFIED DETERMINATIONS OF A CHILD'S FINANCIAL ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER MEDICAID.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13)(A) At the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for an individual who is under an age specified by the State (not to exceed 19 years of age) based on a determination, during the 12 months prior to applying for such assistance, of the individual's family or household income or resources by a Federal or State agency (or a public or private entity making such determination on behalf of such agency) specified by the plan, provided that such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations, and provided that all information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under title XXI.

''(B) Nothing in subparagraph (A) shall be construed to authorize the denial of medical assistance under a State plan approved under this title or of child health assistance under a State plan approved under title XXI to an individual under 19 years of age who, without regard to the application of this paragraph or an option exercised thereunder, would qualify for such assistance.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2002.

SEC. 132. APPLICATION OF SIMPLIFIED TITLE XXI PROCEDURES UNDER THE MEDICAID PROGRAM.

(a) APPLICATION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting ''subject to paragraph (5)'', after ''Notwithstanding subsection (a)(17),''; and

(B) by adding at the end the following:

''(5) With respect to determining the eligibility of individuals under 19 years of age (or such higher age as the State has elected under paragraph (1)(D)) for medical assistance under subsection (a)(10)(A) and, separately, with respect to determining the eligibility of individuals for medical assistance under subsection (a)(10)(A)(i)(VIII) or (a)(10)(A)(ii)(XIX), notwithstanding any other provision of this title, if the State has established a State child health plan under title XXI—

''(A) the State may not apply a resource standard;

''(B) the State shall use the same simplified eligibility form (including, if applicable, permitting application other than in person) as the State uses under such State child health plan with respect to such individuals;

''(C) the State shall provide for initial eligibility determinations and redeterminations of eligibility using verification policies, forms, and frequency that are no less restrictive than the policies, forms, and frequency the State uses for such purposes under such State child health plan with respect to such individuals; and

''(D) the State shall not require a face-to-face interview for purposes of initial eligibility determinations and redeterminations unless the State requires such an interview for such purposes under such child health plan with respect to such individuals.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to determinations of eligibility made on or after the date that is 1 year after the date of the enactment of this Act, whether or not regulations implementing such amendments have been issued.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended by inserting ''a child care resource and referral agency,'' after ''a State or tribal child support enforcement agency,''.

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) CONFORMING ELIMINATION OF RESOURCE TEST.—Section 2102(b)(1)(A) of such Act (42 U.S.C. 1397bb(b)(1)(A)) is amended—

(i) by striking '' and resources (including any standards relating to spenddowns and disposition of resources)''; and

(ii) by adding at the end the following: ''Effective 1 year after the date of the enactment of the Hispanic Health Improvement Act 2002, such standards may not include the application of a resource standard or test.''.

(c) AUTOMATIC REASSESSMENT OF ELIGIBILITY FOR TITLE XXI AND MEDICAID BENEFITS FOR CHILDREN LOSING MEDICAID OR TITLE XXI ELIGIBILITY.—

(1) LOSS OF MEDICAID ELIGIBILITY.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking the period at the end of paragraph (65) and inserting ''; and'', and

(B) by inserting after paragraph (65) the following:

''(66) provide, in the case of a State with a State child health plan under title XXI, that before medical assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XXI shall be made and, if determined to be so eligible, the child (or parent) shall be automatically enrolled in the program under such title without the need for a new application.''.

(2) LOSS OF TITLE XXI ELIGIBILITY AND COORDINATION WITH MEDICAID.—Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(A) in paragraph (3), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following:

''(D) that before health assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XIX is made and, if determined to be so eligible, the child (or parent) is automatically enrolled in the program under such title without the need for a new application;'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH MEDICAID.—The State shall coordinate the screening and enrollment of individuals under this title and under title XIX consistent with the following:

''(A) Information that is collected under this title or under title XIX which is needed to make an eligibility determination under the other title shall be transmitted to the appropriate administering entity under such other title in a timely manner so that coverage is not delayed and families do not have to submit the same information twice. Families shall be provided the information they need to complete the application process for coverage under both titles and be given appropriate notice of any determinations made on their applications for such coverage.

''(B) If a State does not use a joint application under this title and such title, the State shall—

''(i) promptly inform a child's parent or caretaker in writing and, if appropriate, orally, that a child has been found likely to be eligible under title XIX;

''(ii) provide the family with an application for medical assistance under such title and offer information about what (if any) further information, documentation, or other steps are needed to complete such application process;

''(iii) offer assistance in completing such application process; and

''(iv) promptly transmit the separate application under this title or the information obtained through such application, and all other relevant information and documentation, including the results of the screening process, to the State agency under title XIX for a final determination on eligibility under such title.

''(C) Applicants are notified in writing of—

''(i) benefits (including restrictions on cost-sharing) under title XIX; and

''(ii) eligibility rules that prohibit children who have been screened eligible for medical assistance under such title from being enrolled under this title, other than provisional temporary enrollment while a final eligibility determination is being made under such title.

''(D) If the agency administering this title is different from the agency administering a State plan under title XIX, such agencies shall coordinate the screening and enrollment of applicants for such coverage under both titles.

''(E) The coordination procedures established between the program under this title and under title XIX shall apply not only to the initial eligibility determination of a family but also to any renewals or redeterminations of such eligibility.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) apply to individuals who lose eligibility under the medicaid program under title XIX, or under a State child health insurance plan under title XXI, respectively, of the Social Security Act on or after October 1, 2002 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

(d) PROVISION OF MEDICAID AND CHIP APPLICATIONS AND INFORMATION UNDER THE SCHOOL LUNCH PROGRAM.—Section 9(b)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(B)) is amended—

(1) by striking ''(B) Applications'' and inserting ''(B)(i) Applications''; and

(2) by adding at the end the following:

''(ii)(I) Applications for free and reduced price lunches that are distributed pursuant to clause (i) to parents or guardians of children in attendance at schools participating in the school lunch program under this Act shall also contain information on the availability of medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and of child health and other assistance under title XXI of such Act, including information on how to obtain an application for assistance under such programs.

''(II) Information on the programs referred to in subclause (I) shall be provided on a form separate from the application form for free and reduced price lunches under clause (i).''.

(e) 12-MONTHS CONTINUOUS ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended—

(A) by striking ''At the option of the State, the plan may'' and inserting ''The plan shall'';

(B) by striking ''an age specified by the State (not to exceed 19 years of age)'' and inserting ''19 years of age (or such higher age as the State has elected under subsection (l)(1)(D)) or, at the option of the State, who is eligible for medical assistance as the parent of such a child''; and

(C) in subparagraph (A), by striking ''a period (not to exceed 12 months) '' and inserting ''the 12-month period beginning on the date''.

(2) TITLE XXI.—Section 2102(b)(2) of such Act (42 U.S.C. 1397bb(b)(2)) is amended by adding at the end the following: ''Such methods shall provide 12-months continuous eligibility for children under this title in the same manner that section 1902(e)(12) provides 12-months continuous eligibility for children described in such section under title XIX. If a State has elected to apply section 1902(e)(12) to parents, such methods may provide 12-months continuous eligibility for parents under this title in the same manner that such section provides 12-months continuous eligibility for parents described in such section under title XIX.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect on October 1, 2002 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

Subtitle E—SCHIP Wrap-Around Benefits

SEC. 141. REQUIRING COVERAGE OF SUBSTANTIALLY EQUIVALENT DENTAL SERVICES UNDER SCHIP.

(a) IN GENERAL.—Section 2103(c)(2) of the Social Security Act (42 U.S.C. 1397cc(c)(2)) is amended by adding at the end the following new subparagraph:

''(E) Dental services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003.

SEC. 142. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(ii) by adding at the end the following new paragraph:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

''(A) dental services;

''(B) cost-sharing protection; or

''(C) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.''; and

(B) CONDITIONS DESCRIBED.—Section 2105(c) of such Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) CONDITIONS FOR PROVISION OF WRAP AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

''(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

''(i) has an income eligibility standard not less than that described in paragraph (4) of such section;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.''.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of such Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) at State option, may not apply a waiting period in the case of child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''or subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 121(b), is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003, and shall apply to child health assistance and medical assistance provided on or after that date.

Subtitle F—Immunization Coverage Through SCHIP

SEC. 151. ELIGIBILITY OF CHILDREN ENROLLED IN THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM FOR THE PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

(a) IN GENERAL.—Section 1928(b)(2)(B)(ii)(I) of the Social Security Act (42 U.S.C. 1396s(b)(2)(B)(ii)(I)) is amended by inserting ''(other than a State child health plan under title XXI)'' after ''policy or plan''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to vaccines administered on or after the date of the enactment of this Act.

Subtitle G—Limited English Proficient Communities

SEC. 161. INCREASED FEDERAL REIMBURSEMENT FOR LANGUAGE SERVICES UNDER THE MEDICAID PROGRAM AND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) MEDICAID.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by adding at the end the following:

''(E) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, medical assistance under the State plan; plus''.

(b) SCHIP.—Section 2105(a)(1) of the Social Security Act (42 U.S.C.1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''section 1905(b))'' and inserting ''section 1905(b)) or, in the case of expenditures described in subparagraph (D)(iv), 90 percent''; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking ''and'' at the end;

(B) be redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(iv) for expenditures attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, child health assistance under the plan; and''.

(c) NONAPPLICATION OF LIMIT ON ADMINISTRATIVE EXPENDITURES.—Section 2105(a) of the Social Security Act (42 U.S.C.1397ee(a)) is amended by adding at the end the following:

''(3) NONAPPLICATION OF LIMIT ON ADMINISTRATIVE EXPENDITURES.—The 10 percent limitation on expenditures not used for medicaid or health assistance imposed under subsection (c)(2)(A) shall not apply to payments made under this subsection for expenditures described in paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

Subtitle H—Binational Health Insurance

SEC. 171. BINATIONAL HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under subsection (a). Such report shall include the recommendations of the Institute on ways to expand or improve binational health insurance efforts.

TITLE II—ACCESS AND AFFORDABILITY

Subtitle A—Report on Programs for Improving the Health Status of Hispanic Individuals

SEC. 201. ANNUAL REPORT REGARDING DIABETES, HIV/AIDS, SUBSTANCE ABUSE, AND MENTAL HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall annually submit to Congress a report on programs carried out through the Public Health Service with respect to improving the health status of Hispanic individuals regarding diabetes, cancer, asthma, HIV infection, AIDS, substance abuse, and mental health, including—

(1) prevention programs carried out through the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration;

(2) treatment programs carried out through the Health Resources and Services Administration and the Substance Abuse and Mental Health Services Administration;

(3) research programs carried out through the National Institutes of Health; and

(4) activities of the Office of Public Health and Science, including activities of the Office of Minority Health.

(b) DATA COLLECTION.—Each report under subsection (a) shall include information on programs carried out through the Public Health Service to collect data that relates to the health status of Hispanic individuals regarding diabetes, HIV infection, AIDS, substance abuse, and mental health.

Subtitle B—Diabetes Control and Prevention

SEC. 211. NATIONAL DIABETES EDUCATION PROGRAM OF CENTERS FOR DISEASE CONTROL AND PREVENTION; INCREASED AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES REGARDING HISPANIC INDIVIDUALS.

(a) IN GENERAL.—For the purpose of carrying out the activities described in subsection (b) through the Division of Diabetes Translation of the Centers for Disease Control and Prevention, there are authorized to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.

(b) INCREASE IN PREVENTION ACTIVITIES.—The activities referred to in subsection (a) are—

(1) identifying geographic areas in which the incidence of or mortality from diabetes in Hispanic individuals is significantly above the national average for such individuals;

(2) carrying out in such areas prevention activities regarding diabetes that are directed toward Hispanic individuals, including education programs and screening programs;

(3) designing and assisting with the implementation of school-based programs aimed at modifying environmental risk factors and access to care for high-risk and diagnosed Hispanic youth; and

(4) designing and assisting with the implementation of diabetes-specific programs to improve diagnosis, treatment, and self-management training in community health clinics.

SEC. 212. NATIONAL INSTITUTES OF HEALTH; IMPLEMENTATION OF RECOMMENDATIONS OF DIABETES RESEARCH WORKING GROUP.

For the purpose of carrying out the plan to implement the recommendations of the Diabetes Research Working Group of the National Institute on Diabetes and Digestive and Kidney Diseases (which plan was developed and submitted to the Congress pursuant to the Department of Health and Human Services Appropriations Act, 2000), which most impact the Hispanic community, including research into obesity, behavioral and environmental risk factors, and special needs of minority women, children and the elderly, there are authorized to be appropriated $363,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

Subtitle C—HIV Prevention Activities Regarding Hispanic Individuals

SEC. 221. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION; REPRESENTATION OF HISPANIC INDIVIDUALS IN MEMBERSHIP OF COMMUNITY PLANNING GROUPS.

(a) IN GENERAL.—With respect to community planning groups that the Centers for Disease Control and Prevention utilizes in carrying out programs for the prevention of HIV infection, the Secretary, acting through the Director of such Centers, shall carry out the following:

(1) The Secretary shall identify community planning groups for which Hispanic individuals are underrepresented as members in relation to the number of Hispanic individuals with HIV who reside in the communities involved.

(2) The Secretary shall develop a plan to increase the representation of Hispanic individuals in the membership of the community planning groups identified under paragraph (1). Such plan may provide for facilitating the participation of Hispanic individuals as members in such groups by assisting the individuals with the incidental costs incurred

by the individuals in being such members, such as the costs of transportation and child-care services.

(3) The plan shall include a strategy and detailed timeline for implementing the plan.

(b) DEFINITION.—In this section, the term ''community planning group'' has the meaning that applies for purposes of programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (including title XXVI of the Public Health Service Act).

SEC. 222. AIDS EDUCATION AND TRAINING CENTERS FUNDED BY HEALTH RESOURCES AND SERVICES ADMINISTRATION; ESTABLISHMENT OF CENTER DIRECTED TOWARD MINORITY POPULATIONS WITH HIV.

(a) IN GENERAL.—In carrying out section 2692 of the Public Health Service Act (42 U.S.C. 300ff-111), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to eligible Hispanic-serving institutions for the purpose of carrying out projects under such section with respect to HIV in racial and ethnic minority groups.

(b) CULTURAL COMPETENCE.—A condition for grants under subsection (a) is that the applicants involved agree that the education and training provided through projects under such subsection will be provided in a culturally competent manner (as defined in section 331).

(c) ELIGIBLE INSTITUTIONS.—In this section:

(1) ELIGIBLE HISPANIC-SERVING INSTITUTION.—The term ''eligible Hispanic-serving institution'' means a Hispanic-serving institution that has a record of carrying out HIV-related activities with respect to Hispanic individuals.

(2) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

Subtitle D—Prevention of Latina Adolescent Suicides

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Latina Adolescent Suicide Prevention Act''.

SEC. 232. ESTABLISHMENT OF PROGRAM FOR PREVENTION OF LATINA ADOLESCENT SUICIDES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 520A the following section:

''SEC. 520B. PREVENTION OF LATINA ADOLESCENT SUICIDES.

''(a) IN GENERAL.—The Secretary shall carry out a program to make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of reducing suicide attempts and deaths among Latina adolescents and for the purpose of dealing with depression and other related emotional conditions which may contribute to suicide.

''(b) COLLABORATION.—The Secretary shall ensure that the program carried out under this section is developed in collaboration with the relevant institutes at the National Institutes of Health, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Administration on Children and Families.

''(c) PREFERENCE.—In making awards under subsection (a), the Secretary shall give preference to applicants that—

''(1) demonstrate a strong linkage with schools and are actually supported by and operated within a school facility or associated setting;

''(2) provide direct services to Latina adolescents and their family members when appropriate; and

''(3) serve geographic areas that already have a high concentration of underserved adolescent Latinas or a rapidly growing Hispanic population, based on the latest census data.

''(d) REQUIREMENTS.—A condition for the receipt of an award under subsection (a) is that the applicant involved demonstrate that the project to be carried out with the award will—

''(1) provide for the timely assessment and treatment of Latina adolescents at risk for suicide;

''(2) use evidenced-based strategies;

''(3) be based on exemplary practices that are adapted to the unique characteristics and needs of the local community;

''(4) be integrated into the existing health care system in the community, including primary health care, mental health services, and substance abuse services as appropriate;

''(5) be integrated into other systems in the community to address the needs of Latina adolescents including the educational system, juvenile justice, and recreation;

''(6) provide support services to the families and friends of those who plan, attempt, or actually commit suicide;

''(7) provide culturally, linguistically, and developmentally appropriate services;

''(8) agree to outcomes evaluation to determine the success of the program and the possibility of replication to other adolescent girls at risk of suicide;

''(9) provide or ensure referral for mental health and substance abuse services as needed; and

''(10) ensure that staff used in the program are trained in suicide prevention and in the identification of conditions which left untreated may lead to suicide, are capable of providing culturally and linguistically appropriate services, and that professionals involved in the system of care are given training in identifying persons at risk of suicide.

''(e) COORDINATION.—A condition for the receipt of an award under subsection (a) is that the applicant involved demonstrate that—

''(1) the application has the support of the local communities and the approval of the political subdivision to be served by the project to be carried out under the award; and

''(2) the applicant has discussed the application with local and State mental health officials.

''(f) MATCHING REQUIREMENT.—With respect to the costs to be incurred by an applicant in carrying out a project under subsection (a), the Secretary may require as a condition of the receipt of the award that the applicant make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided under the award).

''(g) EVALUATION.—The Secretary shall ensure that entities receiving awards under subsection (a) submit an evaluation of the project carried out under the award that includes an evaluation of—

''(1) the efficacy of project strategies; and

''(2) short, intermediate, and long-term outcomes, including the overall impact of the project on the self-esteem of Latina adolescents, their emotional well-being and development, ability to deal in a positive and confident manner with their families, peers, and social environment, and to make constructive and personally fulfilling life choices.

''(h) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that the findings from the program carried out under this section are disseminated to State and local governmental agencies and private providers of mental health and substance abuse services.

''(i) DURATION OF PROJECTS.—With respect to an award under subsection (a), the period during which payments under such award are made may not exceed 5 years.

''(j) DEFINITION.—In this section, the term 'adolescent' means an individual between the ages of 11 and 17 (inclusive).

''(k) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 and 2005.

''(2) ALLOCATION FOR PROGRAM MANAGEMENT.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 1 percent for administering the program under this section.''.

Subtitle E—Dental Health Services

SEC. 241. GRANTS TO IMPROVE THE PROVISION OF DENTAL HEALTH SERVICES THROUGH COMMUNITY HEALTH CENTERS AND PUBLIC HEALTH DEPARTMENTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting before section 330, the following:

''SEC. 329. GRANT PROGRAM TO EXPAND THE AVAILABILITY OF SERVICES.

''(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, shall establish a program under which the Secretary may award grants to eligible entities and eligible individuals to expand the availability of primary dental care services in dental health professional shortage areas or medically underserved areas.

''(b) ELIGIBILITY.—

''(1) ENTITIES.—To be eligible to receive a grant under this section an entity—

''(A) shall be—

''(i) a health center receiving funds under section 330 or designated as a Federally qualified health center;

''(ii) a county or local public health department, if located in a federally-designated dental health professional shortage area;

''(iii) an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); or

''(iv) a dental education program accredited by the Commission on Dental Accreditation; and

''(B) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) INDIVIDUALS.—To be eligible to receive a grant under this section an individual shall—

''(A) be a dental health professional licensed or certified in accordance with the laws of State in which such individual provides dental services;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(C) provide assurances that—

''(i) the individual will practice in a federally-designated dental health professional shortage area; and

''(ii) not less than 33 percent of the patients of such individual are—

''(I) receiving assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) receiving assistance under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.); or

''(III) uninsured.

''(c) USE OF FUNDS.—

''(1) ENTITIES.—An entity shall use amounts received under a grant under this

section to provide for the increased availability of primary dental services in the areas described in subsection (a). Such amounts may be used to supplement the salaries offered for individuals accepting employment as dentists in such areas.

''(2) INDIVIDUALS.—A grant to an individual under subsection (a) shall be in the form of a $1,000 bonus payment for each month in which such individual is in compliance with the eligibility requirements of subsection (b)(2)(C).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Notwithstanding any other amounts appropriated under section 330 for health centers, there is authorized to be appropriated $40,000,000 for each of fiscal years 2003 through 2007 to hire and retain dental health care providers under this section.

''(2) USE OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1), the Secretary shall use—

''(A) not less than 75 percent of such amount to make grants to eligible entities; and

''(B) not more than 25 percent of such amount to make grants to eligible individuals.''.

SEC. 242. SCHOOL-BASED DENTAL SEALANT PROGRAM.

Section 317M(c) of the Public Health Service Act (42 U.S.C. 247b–14) is amended—

(1) in paragraph (1), by inserting ''and school-linked'' after ''school-based'';

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and school-linked'' after ''school-based''; and

(B) by inserting ''or Indian tribe'' after ''State''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

''(A) prepare and submit to the State or Indian tribe an application at such time, in such manner and containing such information as the State or Indian tribe may require; and

''(B) be a—

''(i) public elementary or secondary school—

''(I) that is located in an urban area in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

''(II) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); or

''(ii) public or non-profit health organization, including a grantee under section 330, that is under contract with an elementary or secondary school described in subparagraph (B) to provide dental services to school-age children.''.

Subtitle F—Border Health

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Border Health Security Act of 2002''.

SEC. 252. DEFINITIONS.

In this subtitle:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 253. BORDER HEALTH SERVICES GRANTS.

(a) IN GENERAL.—The Secretary, acting through the United States-Mexico Border Health Commission and in consultation the State border health offices, shall award grants to States, local governments, and non-profit health organizations along the border of the United States and Mexico to address priorities and recommendations established by—

(1) the United States-Mexico Border Health Commission and the United States Section Commission outreach offices in each of the United States border States; and

(2) the Secretary to improve the health of border region residents.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State, local government, or non-profit health organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used for programs relating to maternal and child health, public health, health promotion, oral health, behavioral and mental health, substance abuse, conditions that have high prevalence along the United States-Mexico border, medical and health services research, promotoras or community health workers, health care infrastructure problems in the border region (including planning and construction grants), health disparities along the United States-Mexico border environmental health, health education, outreach and enrollment services with respect to Federal programs (including the programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa et seq.), and other programs determined appropriate by the Secretary.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts provided to a grantee under a grant awarded under this section shall be used to supplement and not supplant other funds available to the grantee to carry out the activities described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.

SEC. 254. UNITED STATES-MEXICO BORDER HEALTH COMMISSION.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq)) is amended—

(1) in section 2, by inserting '', within the Office of Border Health of the Department of Health and Human Services,'' after ''to establish''; and

(2) by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act, $10,000,000 for fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.''.

Subtitle G—Community Health Workers

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Community Health Workers Act of 2002''.

SEC. 262. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

''(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women in target populations, especially racial and ethnic minority women in medically underserved communities.

''(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

''(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and especially among racial and ethnic minority women;

''(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

''(A) poor nutrition;

''(B) physical inactivity;

''(C) obesity;

''(D) tobacco use;

''(E) alcohol and substance use;

''(F) injury and violence;

''(G) risky sexual behavior; and

''(H) mental health problems;

''(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

''(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, medicare under title XVIII of such Act and medicaid under title XIX of such Act;

''(5) to promote community wellness and awareness; and

''(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance under this section is sought;

''(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

''(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

''(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

''(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

''(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

''(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

''(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

''(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

''(1) who propose to target geographic areas—

''(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

''(B) with a high percentage of families for whom English is not their primary language; and

''(C) that encompass the United States-Mexico border region;

''(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

''(3) with documented community activity and experience with community health workers.

''(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

''(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

''(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (e).

''(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

''(i) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant project.

''(2) CONTENTS.—The report required under paragraph (1) shall include the following:

''(A) A description of the programs for which grant funds were used.

''(B) The number of individuals served.

''(C) An evaluation of—

''(i) the effectiveness of these programs;

''(ii) the cost of these programs; and

''(iii) the impact of the project on the health outcomes of the community residents.

''(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

''(E) Recommendations regarding training to enhance career opportunities for community health workers.

''(j) DEFINITIONS.—In this section:

''(1) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(2) COMMUNITY SETTING.—The term 'community setting' means a home or a community organization located in the neighborhood in which a participant resides.

''(3) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community identified by a State—

''(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

''(B) a significant portion of which is a health professional shortage area as designated under section 332.

''(4) SUPPORT.—The term 'support' means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

''(5) TARGET POPULATION.—The term 'target population' means women of reproductive age, regardless of their current childbearing status.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2003, 2004, and 2005.''.

Subtitle H—Patient Navigator, Outreach, and Chronic Disease Prevention

SEC. 271. SHORT TITLE.

This Act may be cited as the ''Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2002''.

SEC. 272. HRSA GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; HRSA GRANTS FOR PATIENT NAVIGATORS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''SEC. 330I. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, and rural health clinics) for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner; and

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine which outreach activities under paragraph (2) were most effective in informing the public of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 417D, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, and rural health clinics) for the development and operation of programs to pay the costs of such health centers in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations for the duration of receiving health services from the health centers;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that the patient navigators provide services to such individuals in a culturally competent manner; and

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) appropriate follow-up care, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine the effects of the services of patient navigators on the individuals of health disparity populations for whom the services were provided, taking

into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 417D.

''(c) REQUIREMENTS REGARDING FEES.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(1) a schedule of fees or payments for the provision of its services that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(2) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Secretary shall develop a peer-reviewed model of systems for the services provided by this section. The Secretary shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) The term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) The term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) The term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) (other than the purpose described in paragraph (2)(A)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) (other than the purpose described in paragraph (2)(B)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(C) BUREAU OF PRIMARY HEALTH CARE.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Bureau of Primary Health Care.

''(2) PROGRAMS IN RURAL AREAS.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) by making grants under such subsection for model programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) by making grants under such subsection for programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(C) OFFICE OF RURAL HEALTH POLICY.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Office of Rural Health Policy.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

SEC. 273. NCI GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; NCI GRANTS FOR PATIENT NAVIGATORS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end following section:

''SEC. 417D. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner; and

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services.

''(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a designated cancer center of the Institute, an academic institution, a hospital, a nonprofit organization, or any other public or private entity determined to be appropriate by the Director of the Institute, that provides services described in paragraph (1)(A) for cancer or chronic diseases.

''(3) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine which outreach activities under paragraph (3) were most effective in informing the public of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 330I, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of programs to pay the costs of such entities in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for individuals of health disparity populations for the duration of receiving health services from the health centers;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that the patient navigators provide services to such individuals in a culturally competent manner; and

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) follow-up services, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public of the services of the model program under the grant.

''(3) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(4) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine the effects of the services of patient navigators on the health disparity population for whom the services were provided, taking into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(5) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 330I.

''(c) REQUIREMENTS REGARDING FEES.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(1) a schedule of fees or payments for the provision of its services that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(2) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Director of the Institute shall develop a peer-reviewed model of systems for the services provided by this section. The Director shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Director of the Institute of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) the term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) the term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) the term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) MODEL PROGRAMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(2) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

TITLE III—HEALTH DISPARITIES

Subtitle A—Hispanic-Serving Health Professions Schools

SEC. 301. HISPANIC-SERVING HEALTH PROFESSIONS SCHOOLS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to Hispanic-serving health professions schools for the purpose of carrying out programs to recruit Hispanic individuals to enroll in and graduate from the schools, which may include providing scholarships and other financial assistance as appropriate.

(b) ELIGIBILITY.—For purposes of subsection (a), an entity is a Hispanic-serving health professions school if the entity—

(1) is a school or program under section 799B of the Public Health Service Act (42 U.S.C. 295p);

(2) has an enrollment of full-time equivalent students that is at least 5 percent Hispanic students;

(3) has been effective in carrying out programs to recruit Hispanic individuals to enroll in and graduate from the school;

(4) has been effective in recruiting and retaining Hispanic faculty members; and

(5) has a significant number of graduates who are providing health services to medically underserved populations or to individuals in health professional shortage areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

Subtitle B—Health Career Opportunity Program

SEC. 311. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq) is amended by adding at the end the following:

''SEC. 771. HEALTH CAREERS OPPORTUNITY PROGRAM.

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary may make grants and enter into cooperative agreements and contracts for any of the following purposes:

''(1) Identifying and recruiting individuals who—

''(A) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

''(B) are from disadvantaged backgrounds; and

''(C) are interested in a career in the health professions.

''(2) Facilitating the entry of such individuals into a health professions school.

''(3) Providing counseling or other services designed to assist such individuals in successfully completing their education at such a school.

''(4) Providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education designed to assist the individuals in successfully completing such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education.

''(5) Paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at a health professions schools, except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend may not exceed $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

''(6) Carrying out programs under which such individuals both—

''(A) gain experience regarding a career in a field of primary health care through working at facilities of nonprofit private community-based providers of primary health services; and

''(B) receive academic instruction to assist in preparing the individuals to enter health professions schools in such fields.

''(b) RECEIPT OF AWARD.—

''(1) ELIGIBLE ENTITIES; REQUIREMENT OF CONSORTIUM.—The Secretary may make an award under subsection (a) only if the following conditions are met:

''(A) The applicant for the award is a public or nonprofit private entity, and the applicant has established a consortium consisting of nonprofit private community-based organizations and health professions schools.

''(B) The health professions schools of the consortium are schools of medicine or osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, or podiatric medicine, or graduate programs in mental health practice (including such programs in clinical psychology).

''(C) Except as provided in subparagraph (D), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than three health professions schools.

''(D) In the case of an applicant whose exclusive activity under the award will be carrying out one or more programs described in subsection (a)(6), the membership of the consortium includes not less than one nonprofit private community-based organization and not less than one health professions schools.

''(E) The members of the consortium have entered into an agreement specifying—

''(i) that each of the members will comply with the conditions upon which the award is made; and

''(ii) whether and to what extent the award will be allocated among the members.

''(2) REQUIREMENT OF COMPETITIVE AWARDS.—Awards under subsection (a) shall be made only on a competitive basis.

''(c) FINANCIAL REQUIREMENTS.—

''(1) ASSURANCES REGARDING CAPACITY.—The Secretary may make an award under subsection (a) only if the Secretary determines that, in the case of activities carried out under the award that prove to be effective toward achieving the purposes of the activities—

''(A) the members of the consortium involved have or will have the financial capacity to continue the activities, regardless of whether financial assistance under subsection (a) continues to be available; and

''(B) the members of the consortium demonstrate to the satisfaction of the Secretary a commitment to continue such activities,

regardless of whether such assistance continues to be available.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award under such subsection only if the applicant agrees to make available in cash (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that, for any fourth or subsequent fiscal year for which the applicant receives such an award, is not less than 50 percent of such costs.

''(B) FEDERAL AMOUNTS.—Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

''(C) LIMITATION.—The Secretary may not require non-Federal contributions for the first three fiscal years for which an applicant receives a grant under subsection (a).

''(d) PREFERENCE IN MAKING AWARDS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—In making awards under subsection (a), the Secretary shall, subject to paragraph (3), give preference to any applicant that, for the purpose described in subparagraph (B), has made an arrangement with not less than one entity from each of the following categories of entities: Community-based organizations, elementary schools, secondary schools, institutions of higher education, and health professions schools.

''(B) PURPOSE.—The purpose of arrangements under subparagraph (A) is to establish a program for individuals identified under subsection (a) under which—

''(i) the activities described in such subsection are carried out on behalf of the individuals; and

''(ii) health professions schools make a commitment to admit as students of the schools such individuals who participate in the program, subject to the individuals meeting reasonable academic standards for admission to the schools.

''(2) ADDITIONAL PREFERENCES.—Of the applicants under subsection (a) that are receiving preference for purposes of paragraph (1), the Secretary shall, subject to paragraph (3), give additional preference to applicants whose consortium under subsection (b) includes as members one or more health professions schools that have not previously received any award under this section (including this section as in effect prior to fiscal year 1997).

''(3) LIMITATION.—An applicant may not receive preference for purposes of paragraph (1) or (2) unless the consortium under subsection (b) includes not less than one health professions school that has demonstrated success in enrolling students from disadvantaged backgrounds.

''(e) OBJECTIVES UNDER AWARDS.—

''(1) ESTABLISHMENT OF OBJECTIVES.—Before making a first award to an applicant under subsection (a), the Secretary shall establish objectives regarding the activities to be carried out under the award, which objectives are applicable until the next fiscal year for which such award is made after a competitive process of review. In making an award after such a review, the Secretary shall establish additional objectives for the applicant.

''(2) PRECONDITION FOR SUBSEQUENT AWARDS.—In the case of an applicant seeking an award under subsection (a) pursuant to a competitive process of review, the Secretary may make the award only if the applicant demonstrates to the satisfaction of the Secretary that the applicant has met the objectives that were applicable under paragraph (1) to the preceding awards under such subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $33,000,000 for fiscal year 2003, $40,000,000 for fiscal year 2004, and such sums as may be necessary for each subsequent fiscal year.''.

(b) TECHNICAL AMENDMENT.—Section 770(a) of the Public Health Service Act (42 U.S.C. 295e(a)) is amended by inserting ''(other than section 771)'' after ''this subpart''.

SEC. 312. CENTERS OF EXCELLENCE.

''For the purpose of establishing and operating health careers centers of excellence, there are authorized to be appropriated $40,000,000 for fiscal year 2003, and such sums as may be necessary for each subsequent fiscal year.

Subtitle C—Bilingual Health Professionals

SEC. 321. TRAINING OF BILINGUAL HEALTH PROFESSIONALS WITH RESPECT TO MINORITY HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall (directly or through awards of grants or contracts to public or nonprofit private entities) carry out a program—

(1) to identify health professionals who speak both English and a language used by racial or ethnic minority groups in the United States; and

(2) to train such health professionals with respect to the treatment of minority health conditions, such as diabetes, HIV infection, substance abuse, and conditions regarding mental health.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

Subtitle D—Cultural Competence

SEC. 331. DEFINITION.

(a) IN GENERAL.—In this Act, the term ''culturally competent'', with respect to the manner in which health-related services, education, and training are provided, means providing the services, education, and training in the language and cultural context that is most appropriate for the individuals for whom the services, education, and training are intended, including as necessary the provision of bilingual services.

(b) MODIFICATION.—The definition established in subsection (a) may be modified as needed at the discretion of the Secretary after providing a 30-day notice to Congress.

SEC. 332. ACTIVITIES OF OFFICE OF MINORITY HEALTH; CENTER FOR LINGUISTIC AND CULTURAL COMPETENCE IN HEALTH CARE.

(a) EDUCATIONAL MATERIALS; TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u-6), shall—

(A) provide for the development of educational materials on providing health services in a culturally competent manner;

(B) provide technical assistance in carrying out programs that use such materials; and

(C) provide technical assistance on other matters regarding the provision of health services in a culturally competent manner.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $1,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

(b) CENTER FOR LINGUISTIC AND CULTURAL COMPETENCE IN HEALTH CARE.—

(1) IN GENERAL.—The Secretary, acting through the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u-6), shall provide for a Center for Linguistic and Cultural Competence in Health Care to carry out programs to promote and facilitate the provision of health-related services, education, and training in a culturally competent manner.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007.

SEC. 333. CULTURAL COMPETENCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Care Financing Administration, shall conduct a cultural competence demonstration project under which grants are made to two hospitals with a history in the medicare program to enable them to implement standards for the culturally competent provision of services to address the specific needs of any population that constitutes at least 5 percent of the population served by the hospital involved.

(b) NUMBER AND TYPE.—Of the hospitals provided grants under this section, one shall be located in an urban and the other in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(d)). The urban hospital shall serve a significant limited English proficient population and be within 175 miles of the border with Mexico. In selecting such hospitals, the Secretary shall give preference to hospitals that serve large immigrant populations.

(c) AMOUNT AND DURATION OF GRANT.—A grant under this section for a hospital shall be in the amount of $5,000,000 and shall be for a period of 5 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall also provide for a grant to an appropriate qualified entity in an amount not to exceed $1,000,000 to evaluate the demonstration projects conducted under this section.

(2) REPORT.—The Secretary shall submit to Congress a report on the projects conducted under this section. The Secretary shall include in such report the results of the evaluation conducted under paragraph (1) and recommendations on whether on going medicare funding should be provided for implementation of standards for cultural competency in hospitals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Hospital Insurance Trust Fund (under section 1817 of the Social Security Act (42 U.S.C. 1395i) to carry out this section, $11,000,000, which shall remain available until expended.

Subtitle E—Data Regarding Race and Ethnicity

SEC. 341. COLLECTION OF DATA.

Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 306 the following:

''SEC. 306A. DATA ON RACE AND ETHNICITY.

''(a) IN GENERAL.—The Secretary shall by regulation provide for the following:

''(1) Health data collected under programs carried out by the Secretary (whether collected directly or pursuant to grants, cooperative agreements, or contracts) shall include data on race, ethnicity, and spoken and written language and shall, at a minimum, use the categories for race and ethnicity described in OMB Directive 15.

''(2) Data collected by the Secretary pursuant to title VI of the Civil Rights Act of 1964 shall include data on race and ethnicity and shall, at a minimum, use such categories.

''(3) Data on race and ethnicity that is collected under paragraph (1) or (2) shall use the

procedures described in such Directive for collecting data from an individual, and shall be maintained and presented (including for reporting purposes) in accordance with such Directive.

''(4) For health encounters that require the presence of a legal parent or guardian who does not speak English or who is limited English proficient, health data collected by the Secretary pursuant to this section shall also include data on the of the accompanying adult or guardian.

''(5) Such other data as the Secretary may designate (including administrative records) shall be collected, maintained, and presented in accordance with such Directive, to the extent that such data are collected by the Secretary and relate to health-related programs that are carried out by the Secretary.

''(b) DEFINITION.—In this section, the term 'OMB Directive 15' means Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting, as established by the Director of the Office of Management and Budget through the notice issued October 30, 1997 (62 FR 58782). Such term includes any subsequent revisions to such Directive.''.

SEC. 342. DEVELOPMENT OF STANDARDS; STUDY TO MEASURE PATIENT OUTCOMES UNDER MEDICARE AND MEDICAID PROGRAMS.

(a) DEVELOPMENT OF STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Administrator of the Health Care Financing Administration, shall develop outcome measures to evaluate, by race and ethnicity, the performance of health care programs and projects that provide health care to individuals under the medicare and medicaid programs (under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.).

(b) STUDY.—After the Secretary develops the outcome measures under subsection (a), the Secretary shall conduct a study that evaluates, by race and ethnicity, the performance of health care programs and projects referred to in subsection (a).

(c) REPORT TO CONGRESS.—Not later that 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the outcome measures developed under subsection (a), and the results of the study conducted pursuant to subsection (b).

Subtitle F—National Assessment of Status of Latino Health

SEC. 351. NATIONAL ASSESSMENT OF STATUS OF LATINO HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a national assessment of the status of Latino health to be known as the ''Hispanic Health and Nutrition Examination Survey'' or ''HHANES II''.

(b) GOAL.—The goal of the national assessment under subsection (a) shall be to produce estimates of health and nutritional status for Mexican Americans, Puerto Ricans, Cuban Americans, and other Hispanic subpopulations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary in each of fiscal years 2003 through 2005 to carry out this section.

Subtitle G—Office of Minority Health

SEC. 361. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

''(A) Support research, demonstrations and evaluations to test new and innovative models.

''(B) Increase knowledge and understanding of health risk factors.

''(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

''(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(3) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

''(5) Not later than June 8 of each year, the Deputy Assistant Secretary shall submit to the Secretary a report summarizing the activities of each of the minority health offices under section 1707A.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices established under section 1707A, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations to the Deputy Assistant Secretary regarding activities under subsection (b)(4).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

''(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 724, 736, 737, 738, or 740, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that an award is made for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1998 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 1707A(e) for such years by the heads of the minority health offices.

''(g) DEFINITION.—For purposes of this section:

''(1) RACIAL AND ETHNIC MINORITY GROUP.—The term 'racial and ethnic minority group' means American Indians (including Alaskan Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) HISPANIC.—The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 2003, $25,000,000 for fiscal year 2004, and $28,000,000 for fiscal year 2005.

''(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(E).''.

SEC. 362. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

''SEC. 1707A. INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE.

''(a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

''(b) SPECIFIED AGENCIES.—

''(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

''(A) The Centers for Disease Control and Prevention.

''(B) The Agency for Healthcare Research and Quality.

''(C) The Health Resources and Services Administration.

''(D) The Substance Abuse and Mental Health Services Administration.

''(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

''(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various racial and ethnic minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of racial and ethnic minority groups, no such group is disproportionately represented.

''(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to carry out the following:

''(1) Determine the extent to which the purposes of the programs are being carried out with respect to racial and ethnic minority groups;

''(2) Determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

''(3) Make recommendations to the head of such agency on carrying out the programs with respect to such groups. In the case of programs that provide services, such recommendations shall include recommendations toward ensuring that—

''(A) the services are equitably delivered with respect to racial and ethnic minority groups;

''(B) the programs provide the services in the language and cultural context that is most appropriate for the individuals for whom the services are intended; and

''(C) the programs utilize racial and ethnic minority community-based organizations to deliver the services.

''(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

''(1) the extent to which the minority health office of the agency employs individuals who are members of racial and ethnic minority groups, including a specification by minority group of the number of such individuals employed by such office; and

''(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

''(f) DEFINITIONS.—For purposes of this section:

''(1) MINORITY HEALTH OFFICE.—The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

''(2) RACIAL AND ETHNIC MINORITY GROUP.—The term 'racial and ethnic minority group' has the meaning given such term in section 1707(g).

''(3) SPECIFIED AGENCY.—The term 'specified agency' means—

''(A) an agency specified in subsection (b)(1); and

''(B) the National Institutes of Health.

''(g) FUNDING.—

''(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

''(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.''.

SEC. 363. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

''(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking ''(6)'' and inserting ''(7)''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 145—RECOGNIZING AND COMMENDING MARY BAKER EDDY'S ACHIEVEMENTS AND THE MARY BAKER EDDY LIBRARY FOR THE BETTERMENT OF HUMANITY

Mr. KENNEDY. (for himself, Mrs. CLINTON, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 145

Whereas the Mary Baker Eddy Library for the Betterment of Humanity will officially open on September 29, 2002, in Boston, Massachusetts, thereby making available to the public the Mary Baker Eddy Collections, one of the largest collections of primary source material by and about an American woman;

Whereas the namesake of the Library, Mary Baker Eddy, achieved international

prominence during her lifetime (1821–1910) as the founder of Christian Science and was the first woman in the United States to found and lead a religion that became an international movement with members in 139 countries;

Whereas historians compare Mary Baker Eddy to 19th century women reformers like Elizabeth Cady Stanton and Susan B. Anthony, who took leadership roles at a time when women infrequently did so;

Whereas Mary Baker Eddy founded and served as the pastor of her own church, the First Church of Christ, Scientist, in Boston, and established a publishing organization that produces numerous publications, including ''The Christian Science Monitor'', an international daily newspaper that has won 7 Pulitzer Prizes;

Whereas in recognition of the numerous achievements of Mary Baker Eddy, the Women's National Hall of Fame inducted her into its membership in 1995 for having made ''an indelible mark on society, religion, and journalism'';

Whereas the Mary Baker Eddy Library, a facility of 81,000 square feet, provides a place for people to come together to explore ideas and offers on-site and online educational experiences, programs, and exhibits;

Whereas the Mary Baker Eddy Collections consist of more than 100,000 documents, artifacts, photographs, and other media that chronicle the development of Mary Baker Eddy's ideas and offer an unequalled resource to scholars in women's history and mind-body medicine;

Whereas the Library's initiative to make the previously unpublished materials in the Mary Baker Eddy Collections available to the public is exemplary of, and in full accord with, the intent of the provisions of title 17, United States Code, relating to the publication of previously unpublished materials; and

Whereas the Mary Baker Eddy Library will establish an Institute for the Rediscovery and Preservation of the History of Women in Seneca Falls, New York, the birthplace of the first Women's Rights Convention, in order to showcase new research on the forgotten histories of women and offer educational programs for students: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes and commends—

(1) Mary Baker Eddy for her outstanding achievements and contributions, particularly her contributions to the advancement of women's rights as a public figure and role model in the early stages of the women's rights movement; and

(2) the Mary Baker Eddy Library for the Betterment of Humanity, which will open to the public on September 29, 2002.

Mr. KENNEDY. Mr. President, it is a privilege to submit, on behalf of myself, Senator CLINTON and Senator HUTCHISON, a concurrent resolution to recognize the achievements of Mary Baker Eddy and the opening of the Mary Baker Eddy Library for the Betterment of Humanity. The Library, which officially opens to the public on September 29, will provide public access to the Mary Baker Eddy papers, one of the largest collections of primary source material by and about an American woman.

The Library will provide invaluable insight to Mary Baker Eddy's remarkable life and serve as an important resource for scholars, researchers and the public. Its mission will sustain her powerful legacy that ideas can inspire individuals, empower them and transform their lives.

The Mary Baker Eddy Library, a facility encompassing over 80,000 square feet, will be a dynamic meeting place for people to explore ideas through its on-sight and on-line educational experiences, programs and exhibits. So, too, its unique Mapparium will once again available to visitors to the Library. The collections consist of over 100,000 documents, artifacts, photographs and other media that chronicle the development of Mary baker Eddy's ideas and offer an unparalleled resource for scholars in women's history, spirituality and journalism.

The Library's effort to release previously unpublished materials in the Mary Baker Eddy Collections to the public will enrich our understanding of her extraordinary achievements. In conjunction with this facility in Boston, the Library will also establish an Institute for the Rediscovery and Preservation of the History of Women in Seneca Falls, New York, the birthplace of the first Women's Rights Convention, in order to showcase research on the forgotten histories of women and offer a wide range of educational programs for students.

I am pleased to submit this resolution to recognize this outstanding woman and the richness of her accomplishments. I would also like to congratulate Virginia Harris for her efforts to ensure that the Mary Baker Eddy Library became a reality and for her tireless energy and visionary leadership as Chairman of the Board of the Christian Science Church.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4698. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4698. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

Subtitle C—Small Business Procurement Goals

SEC. 521. SMALL BUSINESS PROCUREMENT GOALS.

(a) IN GENERAL.—In regards to procurement contracts of the Department, the Secretary shall annually establish goals for the participation by—

(1) small business concerns;

(2) small business concerns owned and controlled by service-disabled veterans;

(3) qualified HUBZone small business concerns;

(4) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(5) small business concerns owned and controlled by women.

(b) DEFINITIONS.—The terms used in subsection (a) have the meaning given the terms in section 3 of the Small Business Act (15 U.S.C. 632) and relevant regulations promulgated thereunder.

(c) DEPARTMENT GOALS NOT LESS THAN GOVERNMENT-WIDE GOALS.—Notwithstanding section 15(g) of the Small Business Act (15 U.S.C. 644(g)), each goal established under subsection (a) shall be equal to or greater than the corresponding Government-wide goal established by the President under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

(d) INCENTIVE FOR GOAL ACHIEVEMENT.—Achievement of the goals established under subsection (a) shall be an element in the performance standards for employees of the Department who have the authority and responsibility for achieving such goals.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, September 24, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the ''Role of the Special Trustee'' within the Department of Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 25, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider S. 958, the Western Shoshone Claims Distribution Act, and H.R. 2880, the Five Nations Citizens Land Reform Act, to be followed immediately by a hearing to receive testimony on the President's appointment of Quanah Crossland Stamps to serve as Commissioner for the Administration for Native Americans, and the appointment of Phil Hogen to serve as Chairman of the National Indian Gaming Commission.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 26, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on ''Intra-tribal Leadership Disputes and Tribal Governance.''

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet during the session of the Senate on Monday, September 23, 2002, at 2:30 p.m., in open session to continue to receive testimony on U.S. policy on Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on ''Hispanic Health: Problems with Coverage, Access, and Health Disparities'' during the session of the Senate on Monday, September 23, 2002, at 2 p.m., in SD–430.

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

ORDERS FOR TUESDAY, SEPTEMBER 24, 2002

Mr. REID. Mr. President, in the morning it is my understanding that we are going to open at 9:30 and go to the 45 minutes and 15 minutes that Senators BYRD and LIEBERMAN have on the cloture. Is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, following consultation with Senators BYRD and LIEBERMAN, I ask unanimous consent that at 9:30, or as soon as the prayer and pledge are completed, Senator SARBANES be recognized for 5 minutes; that Senator DORGAN be recognized for 5 minutes; Senator WELLSTONE be recognized for 5 minutes; Senator CANTWELL for 5 minutes; Senator MURRAY for 5 minutes. Then, at approximately 9:55, Senator LIEBERMAN would be recognized for 5 minutes on his own time; Senator JEFFORDS would be recognized at approximately 10 a.m. for 5 minutes; Senator BOXER would be recognized for 5 minutes following that; then Senator STABENOW would be recognized for 5 minutes; following that, Senator BYRD would be recognized for whatever time is remaining; and that Senator LIEBERMAN would have 10 minutes remaining and he and Senator THOMPSON would close the debate.

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:25 a.m., Tuesday, September 24; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date; the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Homeland Security Act under the previous order; further, that the live quorum with respect to the cloture motions filed earlier today be waived and that the Senators have until 1 p.m. to file first-degree amendments notwithstanding the recess of the Senate.

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

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at about 10:30 tomorrow morning on the Byrd amendment to the Homeland Security Act regarding orderly transition. Following this vote, there will be a period for morning business until 12:30 for tributes to Senator STROM THURMOND. The Senate will recess from 12:30 to 2 p.m. for the weekly party conferences. Then at 2 p.m., the Senate will resume consideration of the Homeland Security Act with 15 minutes of debate on the Lieberman-McCain amendment regarding a September 11 commission prior to a vote at approximately 2:15 p.m.

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

Mr. REID. I very much appreciate the courtesy of the Republican leader. He is going to be the final speaker today and rather than having me wait until he completes his statement, he was very courteous, as he always is, to allow me to do the wrap-up now.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statement of the Republican leader.

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

SPECIAL COMMISSIONS

Mr. LOTT. Mr. President, let me begin tonight with a quote from Federalist Paper No. 37, January 11, 1789, by James Madison.

> It is misfortune, inseparable from human affairs, that public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good.

James Madison believed then it would always be very hard to investigate events and do it in such a way, in moderation and without partisanship, that the public would be able to find out what really happened and then determine what should be done in the future to keep it from happening again—to advance the good or obstruct the bad.

Another quote goes from an anonymous source goes something along the lines of: If God had created a commission to establish Heaven and Earth, we wouldn't be here today.

Mr. President, my own experiences with commissions over 30 years in Congress have not been good. I view Congressional commissions as an abdication of responsibility. What are we for? Why do we have an Armed Services Committee, an Intelligence Committee, a Governmental Affairs Committee, or a Foreign Affairs Committee?

It seems to me that we in Congress should do the work of reviewing the laws and overseeing the agencies and the various departments. Are they serving the public the right way? In a responsible way? Or is there an abdication of responsibility and duty by the various administrations in charge of running our government?

One of the reasons I have never supported BRAC, the various base closure commissions, is that when we create those commissions we are basically saying: We do not have the courage to do it; do not let us know what is going on; shove it off on a commission and let them do it.

But in the past closing excess bases had always been handled without a commission after every previous war. However, about 20 or 25 years ago Congress started to say: No, we cannot do that, we will not do it.

In the past after previous wars how was the military scaled down? Pentagon officials and other administration officials—after World War I, after World War II, after the Korean war—would send recommendations to the Congress regarding excess capacity and bases they felt were no longer needed. And unless Congress blocked it, the bases were closed. I bet every State in the Nation still has bases left over from World War II. In my own State, we had bases in Hattiesburg, in Greenville, MS, and Greenwood, MS. Some of the finest airport runways in our State are the very sturdy concrete runways that were built during World War II for air training facilities.

Congress simply acted and then the administration acted. Then powerful members of Congress started saying: No, you cannot close my base; close someone else's base. That is what ultimately led to the creation of commissions.

I have no doubt about the integrity and the good intentions of Senator LIEBERMAN and Senator MCCAIN with their proposal to create an independent commission to investigate September 11, 2001. How did that attacks happen, where were the failures, and how can we avoid repeating them. I know these two men. They are men of good faith that feel so strongly about our country they want this to be a positive thing. They envision some commission of grand pooh-bahs and gray eminences that will assemble and give us the benefit of their great wisdom, men and women who have been in the Government, been in the intelligence community, been in Congress, and thus could do the country a great service.

Mr. President, the track record of that happening is unfortunately very poor. As with all commissions, there are fundamental problems with this commission. Of course, we are now in the second iteration of how this commission would be set up and I presume there will be a third and a fourth. I presume the House will have yet a different version after they go through their iterations of a commission. And then the Administration has concerns that will have to be addressed as well.

Let me point out where a few of the problems with this particular commission are. Initially, the first draft of the Lieberman-McCain proposal would have had 14 Members, 5 appointed by the Democrat leaders in Congress, 5 by the Republican leaders in Congress and 4 by the President with the President naming the chairman.

Then someone figured out, wait a minute; that means there would be nine Republicans and five Democrats. That doesn't look bipartisan enough. So they said we cannot do that.

Now what is actually in the legislation as proposed is that five people would be appointed by the Democratic leadership and five by Republicans. Senator DASCHLE appoints three; I would appoint two; the Speaker would appoint three; and Congressman GEPHARDT, two—for a total of 10 members. However, there are no Presidentially appointed members, and no process for selecting a chairman. The bill just says there will be a chairman and a vice chairman of opposite parties. So, wonderful, how are the Chairman and Vice Chairmen going to be chosen. By Heaven?

If the commission were constituted that way they would be meeting 3 months just to pick their chairman. Which Member is going to break ranks and vote with the other five? I know the presumption is that these will be men and women of such eminence and prominence that they would meet, all 10 of them, and quickly decide on a chairman and a vice chairman and they would move along swiftly.

It ''ain't'' going to happen. I have had direct personal experience with a few commissions over the past 10 years, particularly when I was majority leader. I was involved in setting up a gaming commission to look at gaming in America, the effects of gaming, Internet and Indian gaming and the problems associated with gambling. I don't know how much money they spent for that commission. And good men and women were on that commission—men, women, minorities, and Native Americans representing all the various viewpoints. It was well constituted and the people who appointed the members did an exceptionally good job.

The commission members met, they acted seriously, they went all over the country, they thought about it, and they filed a report, and closed up their commission. I bet not one U.S. Senator ever read the report, ever. And I am embarrassed to say I read an outline and kind of glanced over it. I was not an advocate of the gaming commission, but I went along with it at the request of, among others, my great friend from Indiana, Dan Coats. Good work. Good intentions, Mr. President. Nothing came of it.

Even more recently, we had the Breaux Commission on Medicare. That was an interesting one, too. I think it was set up correctly number-wise, with good people: JAY ROCKEFELLER from the Finance Committee; Bob Kerrey, a very innovative thinker on Medicare; Dr. BILL FRITZ was appointed on our side; Senator PHIL GRAMM, certainly one of the most knowledgeable Senators in this area who is also on the Finance Committee. Even former Finance Committee Chairman Pat Moynihan was on it.

We also had people from the real world on the commission. I know a woman on the commission who was over 70 with silver hair—I will not mention her name because I cannot connect it to her age. She dealt with Medicare on a daily basis. She benefitted from Medicare. She knew what she was talking about. We had all these people who knew what Medicare was suppose to do for the nation's seniors, in theory. It was a great commission.

JOHN BREAUX was the chairman. I might note that it was interesting how JOHN got to be chairman. I remember specifically talking to President Clinton about somebody both sides could accept. We settled on JOHN and he took it and did a good job. The commission met and their meetings were on C–SPAN. They did a lot of thoughtful work, they had good debate, and they made excellent recommendations. They issued a commission report detailing their great recommendations.

What happened to their report Mr. President? Nothing. None of their recommendations have been implemented or acted on. And, by the way, they called for providing a prescription drug benefit. They had a plan to do it without bankrupting the entire Medicare system. It was the Breaux proposal and then the Breaux-Frist proposal. It was a tremendous effort. But nothing ever came of it.

So the track record on Commissions is not good. I don't want this to be a commission that is not set up right, that spends millions of dollars for nothing. I am told it is just $3 million, but I bet it winds up being closer to $12 million or more and that does not count the cost of the assistance that the other parts of the federal government are required to give it under the proposed bill. The commission will also stretch out over 18 months. When its report is ultimately filed, it will garner headlines and discussion on the weekend talk show for a week or two, but then it will be forgotten and not much will come of it.

Mr. President, I sincerely hope that if we do create the commission that I am wrong. But I don't think the prospects or the track record look very good.

Now, again, as I have said, the actual language of the amendment concerns me in many respects. For instance, it says that one of the purposes of the commission would be:

> . . . to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks.

However, there is no provision in this bill as to how the commission will have to deal with the evidence they are given by the Department of Justice, U.S. Attorneys, Federal courts, and others in order to safeguard it. Would the public, and our enemies, be able to get this information through the Freedom Of Information Act or not? I suppose this issue can be addressed, but it is not clear in the bill as written and it needs to be.

Mr. President, the commission is also given almost total access to the nation's classified information, yet again there is nothing in the proposal that requires or directs the commission to safeguard it. The Senate and House Intelligence Committees have strict rules and elaborate procedures—as does the CIA, DOD, the National Security Agency and other entities entrusted with the nation's top secret information for protecting such information. Yet, there is there is no explicit requirement in this bill for this commission to protect our national secrets.

But again, that is why I like the joint House-Senate Intelligence Committee's efforts—it is equally divided among the parties, they have experience dealing with classified information, and they have settled procedures for handling such information.

Astoundingly, it appears that most of this new commission's proceedings would have to be public since they would be subject to the Federal Advisory Committee Act and that it materials available to the public under the Freedom of Information Act despite that fact that the Commission would be dealing with some of our most important and best kept secrets.

I also have concerns about the procedures for using and the extent of the subpoena authority granted the commission under this amendment. It appears that once elected, the Chairman, Vice Chairman, or even the Chairman of a Subcommittee created by the Commission, can issue any and all subpoenas he or she desires without having to go back to the rest of the Commission for permission, approval, or even a vote on the wisdom or propriety of their subpoena. We do not generally grant such unilateral subpoena authority to Chairman and Ranking members in Congress.

Mr. President, I have been opposed to this commission thus far. First, of course, as I have said, because I oppose commissions almost universally because I do not think they produce good results and because that is what we in Congress are for. But second—and one of the things I have been thinking about—is because we have already had the joint intelligence committee, House and Senate, looking into this matter. Those members have been working through these issues. They are still working on it. They have not yet completed their work. We have not received a final report. We are getting a few preliminary staff reports. Nevertheless, it seems we are going to go ahead and have this vote before we even get to see what the final results of Congress' own inquiry are.

By the way, I do wish the Joint Committee would do their work and tell Congress what we need to do to protect Americans from terrorism in the future. If we need to change even more about how our intelligence community operates, let's do it. I think we can do it in a bipartisan way.

Mr. President, I note that the amendment as proposed also states that the commission will:

> . . . make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks . . . [and] investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

I wonder if the sponsors are aware that, since 1995, the Government has produced reams of materials regarding counter-terrorism, intelligence activities, and aviation security. Since 1995, seven commissions have dealt in this area and issued 10 separate reports prior to 9/11.

One of the past commissions was the so-called Gilmore Commission. Its official name was the ''U.S. Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction.'' The Gilmore Commission submitted three reports to the President and Congress. The first one submitted in 1999 was titled ''Assessing the Threat.'' The second submitted in 2000 was titled, ''Toward a National Strategy for Combating Terrorism.'' The final report submitted just before the 9/11 attacks was titled ''For Ray Downey.''

The panel consisted of government officials and infrastructure specialists who examined domestic and international threats to the homeland, and made many recommendations for increased security and better coordination between federal and state agencies in combating terrorism.

Then there was the Hart-Rudman Commission led by two very respected Senators. Its official title was the ''U.S. Commission on National Security in the 21st Century'' and it ultimately issued reports and specific recommendations in 1999, 2000, 2001.

The reports were titled ''New World Coming: Major Themes and Implications'' (1999); ''Seeking a National Strategy'' (2000); and ''Road Map for National Security: Imperative for Change'' (2001). The commission, which was chartered by then Secretary of Defense William Cohen, had a broad mandate to study ''the anticipated security environment in the early 21st Century.'' Its recommendations in three reports call for a counter-terrorism policy focus on deterrence and domestic preparedness capabilities. Most significantly, the Commission recommended establishing a Homeland Security Agency while noting the need for more human intelligence.

Then there was the ''IC21: The Intelligence Community In The 21st Century'' Report. This was done by the House Permanent Select Committee on Intelligence which published the report in 1996. The goal was to ''define the type of intelligence community which would best meet the U.S. national security needs into the next century.''

There was the so-called Bremer Commission created by Public Law 105–277 and officially titled the ''U.S. National Commission on Terrorism and National Security in the 21st Century.'' The Bremer Commission released its report in 2000 and recommended a more aggressive domestic and foreign policy in combating terrorism.

Then there was the Aspin-Brown Commission, led by two more well respected gray eminences of the kind we are talking about—former Congressman Aspin and former Secretary of Defense Harold Brown. The Commission was created by Public Law 103–539 and charged with ''Preparing for the 21st Century and Appraisal of U.S. Intelligence.''

They made three findings in 1996: That the United States needed to better integrate intelligence into the policy community, needed for intelligence agencies to operate as a community, and needed to create greater efficiency and bring more rigor and modern management practices to the system. This was in 1996.

A really important commission was the ''U.S. White House Commission On Aviation Safety and Security,'' which issued a report from its Chairman—Vice President Gore to President Clinton in 1997. It was a good report. It also had specific recommendations about how to improve aviation security. What happened to it? Nothing was acted on. Congress didn't act on it. Good work was done. This commission was tasked with developing ''a strategy to improve aviation safety and security, both domestically and internationally.''

Let's look at a few of the recommendations this report made in 1997—over four years before the 9/11 attacks took place. The very first paragraph in the report's 3rd Chapter—titled ''Improving Security for Travelers''—said the following:

> The Federal Bureau of Investigation, the Central Intelligence Agency, and other intelligence sources have been warning that the threat of terrorism is changing in two important ways. First, it is no longer just an overseas threat from foreign terrorists. People and places in the United States have joined the list of targets, and Americans have joined the ranks of terrorists. The bombings of the World Trade Center in New York and the Federal Building in Oklahoma City are clear examples of the shift, as is the conviction of Ramzi Yousef for attempting to bomb twelve American airliners out of the sky over the Pacific Ocean. The second change is that in addition to well-known, established terrorist groups, it is becoming more common to find terrorists working alone or in ad-hoc groups, some of whom are not afraid to die in carrying out their designs.

Mr. President, that one chapter went on to make 31 recommendations for improving aviation security. Some of those recommendations given over four years before 9/11 tragedy were as follows:

> Recommendation 3.7—The FAA should work with airlines and airport consortia to ensure that all passengers are positively identified and subjected to security procedures before they board aircraft.
>
> Recommendation 3.9—Assess the possible use of chemical and biological weapons as tools of terrorism.
>
> Recommendation 3.10—The FAA should work with industry to develop a national program to increase the professionalism of the aviation security workforce, including screening personnel.
>
> Recommendation 3.11—Access to airport controlled areas must be secured and the physical security of aircraft must be ensured.
>
> Recommendation 3.14—Require criminal background checks and FBI fingerprints for all screeners, and all airport and airline employees with access to secure areas.
>
> Recommendation 3.17—Establish an interagency task force to assess the potential use of surface-to-air missiles against commercial aircraft.
>
> Recommendation 3.19—Complement technology with automated passenger profiling.
>
> Recommendation 3.20—Certify screening companies and improve screener performance.
>
> Recommendation 3.21—Aggressively test existing security systems.
>
> Recommendation 3.23—Give properly cleared airline and airport security personnel access to the classified information they need to know.
>
> Recommendation 3.24—Begin implementation of full bag-passenger match.
>
> Recommendation 3.26—Improve passenger manifests.
>
> Recommendation 3.27—Significantly increase the number of FBI agents assigned to counter-terrorism investigations, to improve intelligence and to crisis response.

Mr. President, all of this information is in the public record. It is there. Why don't we make use of it?

The list goes on. There were over 90 GAO reports before 9/11 and now there are over 50 GAO reports on Aviation and National Security and Terrorism since 9/11. There was a 1999 report titled ''The FBI 30-year Retrospective Special Report on Counter-terrorism'' that was put out by the FBI's Counter-Terrorism Division and which detailed 30 years of terrorism. It was done after terrorists were caught in 1999 trying to smuggle bomb-making materials into Jordan, and into the US from Canada in Washington State to disrupt celebrations of the Millennium.

That report gave the American public the following assurances in 1999:

> In November 1999, the FBI restructured its National Security Division to create, for the first time, a division-level component dedicated specifically to combating terrorism.
>
> In 1999 the FBI established the Counterterrorism and the Investigative Services divisions to further enhance the operational and analytic focus on the full range of activities in which violent extremists engage.

The FBI's 30-year retrospective report concluded with the following—as it turned out false—assurance in 1999:

While the threat is formidable, the U.S. intelligence and law enforcement community have developed an effective and highly integrated response to the [counter-terrorism threat.] . . . Increasingly, the FBI's efforts involve the assistance and cooperation of other intelligence and law enforcement agencies. The threats of the new Millennium require such an integrated and aggressive response.

Mr. President, do you see my point? Good work has been done by good men and women, experts in this field, reports on what we need to do in order to do a better job—in 1996, 1997, 1998 and 1999 and 2000 and 2001. All this good work by the commissions, the GAO, the FBI, and others has not resulted in us doing anything about it.

Now we are going to have one more commission report. These are the commission reports on my desk that have been done already since 1995—a pretty good stack. It is very interesting reading.

The GAO report here, just on the top, ''Combating Terrorism, FBI'S Use of Federal Funds for Counter-terrorism and Related Activities''—there is just simply a plethora of counter-terrorism reports available making thousands of recommendations. These reports did not look at the specific events that led up to 9/11 and what happened and what we have learned from that, but they did look at what we should have been doing to prevent it.

I think, unfortunately, this commission amendment is probably going to be agreed to, but I wanted to raise my concerns about the way the commission amendment is drafted, the way the commission would be created, the cost that would be involved, and the likelihood that at the end of the day its findings will meet the fate of those from so many commissions before it.

As to money, I am sure they are starting off way low. They will be back asking for an increase in money within 3 to 6 months. I have already experienced that, too. In fact, one of the commissions I referred to earlier came back wanting more money, they wanted a little bit more, they came back yet a second time but I said: No. Wrap it up.

So I just do not think this is a wise thing to do. I think we ought to do it, or I think the administration ought to do it, but somebody needs to grab hold of this and do it the right way. Maybe the joint intelligence committee can still give us what we need in order to decide if we need more laws or if we need more reform within the intelligence community. But this commission is not going to bring us a lot more. It may get a few big headlines. It is going to cost a lot more money. Yet, I doubt if much will come out of it.

By the way, probably the earliest we will get anything out of it specifically would be 18 months from now. Goodness gracious, if we need to take action on what we have learned and what we know, are we going to wait for 18 months to see this commission report before we act? By the time this commission acts, I fervently hope that Congress will already have done everything that needs to be done as a result of the events of 9/11.

I thank the Chair for showing patience, and the staff here. I do not want to keep them too long. But I was afraid I would not get an opportunity to raise these questions tomorrow before we go to the vote. Maybe there will be a stampede to just get this done, but, boy, we are going to need to do a lot of work before we enact it into law.

I believe we are ready to complete our work for the day. I yield the floor.

ADJOURNMENT UNTIL 9:25 A.M. TOMORROW

The PRESIDING OFFICER (Ms. CANTWELL). Under the previous order, the Senate stands adjourned until 9:25 tomorrow morning.

Thereupon, the Senate, at 7:07 p.m., adjourned until Tuesday, September 24, 2002, at 9:25 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO JUDI ROGERS AND YOUNG SHIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Ms. LEE. Mr. Speaker, I am tremendously proud to rise today to recognize two of my constituents, Judi Rogers and Young Shin, for recently winning the Nation's highest honor for community health leadership from The Robert Wood Johnson Foundation.

Rogers and Shin captured two of the ten national awards for their work in the Oakland and Berkeley communities. They were selected from a pool of over 450 nominees from across the country, and will each receive a grant for $120,000 to continue their important work.

Rogers has been recognized for her work with Through the Looking Glass—a Berkeley organization serving families with disabilities—where she provides childbirth and parenting education for mothers with disabilities. She provides home-based services to more than 35 families a year, most of them low income. She also leads a monthly support group.

Her work touches families well beyond Berkeley. As part of Through the Looking Glass' National Resource Center for Parents with Disabilities, she offers technical assistance and training for parents and professionals both nationally and internationally. The Center is funded by the Department of Education's National Institute of Disability and Rehabilitation Research. She is also the author of ''Mother to Be: A Guide to Pregnancy and Birth for Women with Disabilities.''

Rogers' has drawn on her own experience as an occupational therapist and disabled mother of two to inspire her work. A recent battle with breast cancer also convinced her to initiate a community outreach program to provide breast cancer screening services to women with disabilities.

As Roger's nominator for the award aptly put it, ''She has opened up a whole new world for people with disabilities.''

Young Shin launched the Asian Immigrant Women Advocates (AIWA) in 1983 to empower Asian immigrant women in California's factories to create healthier working conditions. Since 1991, her work has focused on addressing health and safety issues, especially for garment and electronics workers at risk for chronic injuries and exposure to hazardous chemicals. The group's Peer Health Promoter Project has trained over 75 women as peer educators, who have, in turn, trained an additional 300 women on workplace injury prevention.

In 2000, Shin partnered with the University of California-San Francisco to establish the two-year Asian Immigrant Women Workers Clinic. The clinic, which is located near the garment factories in Oakland's Chinatown district, has treated more than 250 women with ergonomic injuries. The clinic has now expanded its services and operates independently with low-wage Asian and Latino workers under the auspices of UCSF.

Shin also developed a project to set up sewing labs where garment workers can collaborate with health care professionals to design and test practical, low-cost workstation improvements.

On top of all these efforts, her group also sponsors literacy classes, leadership training and campaigns on workplace issues.

Mr. Speaker, it's plain to see that Judi Rogers and Young Shin are tremendously deserving of their recent awards and I am thrilled to call attention to their achievements. I urge my colleagues to join me in congratulating them both.

EULOGY TO DONALD LEO DUCHARME

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. MEEHAN. Mr. Speaker, I was saddened to learn of the tragic death of Donald Leo Ducharme on June 11, 2002. Donald was a Dracut, Massachusetts resident, Lowell-native, and dedicated teacher for 27 years at the Greater Lawrence Vocational High School. He is survived by his wife of 36 years, Rita and his six children, Heidi, Dawn, Jessica, Donald, Todd, and Toby. A beautiful eulogy was given on June 14, 2002, at St. Magdalen's Church in Dracut by his son, Donald. I ask for unanimous consent to submit it to the RECORD:

First of all, I want to thank everyone for coming. It is really amazing how many people I have seen over the past couple of days. You may think that it was tough to stand up yesterday for 8 hours, but the longer it went the easier it got. It was such an incredible tribute to see for my father. I would also like to ask you to keep a smile on your face and feel free to laugh, Dad would want it that way, and I may need the help.

Some of you maybe wondering how I was picked to be up here. I'm happy to say that it was actually my father's wish. I know this because we talked about it. About a year ago, I had a short strange dream one night. It started with me in this same exact spot. I walked to the podium and the first thing I did was ask the question, ''How many of you people think my father is one of the biggest pains in the butt you know?'' The wording was a little more harsh, if you know what I mean. Anyway, half the place raised their hands. I followed that question with another, ''Now how many people would think of that same pain in the butt as the first person to call if you needed help with something?'' and all the same hands plus a few extras came up. I awoke just after, thinking that was a very strange dream. I wasn't sure whether or not to tell him about it, but after working with him for so many years, I was able to talk to him about anything. I told him the story a few days later, which was also just after the family's long time friend and neighbor, Mr. Pepin passed away. He said, ''You know, when I was at Mr. Pepin's funeral, I thought about asking you to do it.'' So here I am.

In the time since September 11th, many people have been called heroes. So, I named this next section ''Our Fallen Hero'':

He may not be a veteran of a military war, but did I ever have some with my brothers. He wasn't a policeman, but he was at least a traffic cop in our house. He wasn't a fireman, but no one could build a more beautiful, safer place for a fire. He was always there when you needed him, no questions asked, except to find out what tools he needed to bring. He is our Fallen Hero.

Okay, enough mushy stuff, OR we do the mushy stuff his way and all line up for slaps in the back of the head, any takers? Yes, it was a strange way to show love, and it didn't make much sense for a long time. He wanted things done right and done right meant his way. As much as I tried to prove him wrong, somehow he was always right. It started making sense to me when I was about 16. I was thinking about getting my license and therefore needed a car. Well, when I was 12, 13, 14 years old it didn't make much sense to me why I had to go to work with him all summer and every Saturday during school, but when I asked my Mom how much money I had to buy a car it started making sense. Then a couple of years later I started realizing it had nothing to do with the money, but it had everything to do with the ability and skills it takes to be able to make money, and making money really meant being able to stand on your own two feet and providing for your own family some day.

We all had our lessons growing up. Heidi was in charge of cleaning the pool, and no one kept it cleaner than her. The only problem was Dad thought she dragged the hose on the concrete and put holes in it. So, he booted her in the butt all the way to her bedroom and she was grounded. Sometime later, maybe a couple of months or the next summer, there were a few more leaks in conjunction with butt chewings and punishments. It turns out it wasn't Heidi at all. Luckily, for her, Pepere R. Dad's father-in-law, figured out that because of the way the hose was hung on the fence the sun was actually melting holes in it.

Then there was Dawn Ann; could be here all day, only because there is no one more like Dad. Dad was always very strict with his girls, especially with all the guys that were always hanging around the house. One day my parents weren't around when Dawn got a call to go to a Celtics game. She really did want to ask for permission, uh huh, but it was before everyone carried a cell phone. So in her infinite wisdom she decides she is going into Boston on the train with 3 of the guys to a Celtics game. Mom and Dad came home and asked Heidi where Dawn was. You would have thought there was a steam engine train in the living room with the smoke that came out of his ears. You guessed it, Grounded!

Jessica. As any parent knows, you never want to pick favorites out of your kids, or at least admit it. Well, we all know that Jess is the favorite, Daddy's little girl, can do no wrong. Just a couple of weeks ago I was at my parents' unloading my truck from a long day of work. As I was about to leave, Dad came out of the house and said, ''Jessica just called and there is a bat in the house. Do you

mind giving me a hand?'' Now mind you it was about 8:00 in the evening and Dad hadn't even eaten dinner yet, but it was Jessica, so we went over right away, of course after we grabbed the necessary tools: a fishing net, racquetball racquets and leather gloves. We show up and Jess and her roommate are hiding in her car. Dad is there to save the day so they got out of the car and proceeded to tell us the bat was this big, it had fangs and was hissing at them. Frankie had also shown up in the mean time. The three guys go into the house looking all over. We went upstairs to double check rooms we already searched and as Dad opened a door, he saw it flying and slammed the door shut. The hunt was on, we had it trapped in one room, but we had to make our plan. Frankie suggested going out onto the roof of the farmer's porch from the other bedroom and try to see where the bat was. I crawled out onto the roof and made my way over to the bedroom window. The shades were almost all the way shut, except for a small slot in the middle. Dad has his hand on the door ready to barge through with the racquet when I give him the okay. I see the TINY bat flying around. I'm yelling, ''Not yet, not yet!'' from the roof, and then I'm not sure where it is, so I said, ''I think it landed in the closet.'' Dad makes his charge, but I was wrong, it wasn't in the closet, it was flying right at him. In a flash, I see his eyes light up, a scream come out of his mouth, and the racquet whipping around. I almost rolled off the roof I was laughing so hard as I witnessed this all through the window. Once again, our Hero came through. A little side note to Frankie, No pressure, but if you had plans to ask Dad for Jessica's hand in marriage you're in trouble, because now you have to come through me!

This next one is about Toby, another one I could go on all day about. One day, all 6 kids went to McDonald's with Mom. Right before we left the restaurant Toby snatched up some ketchup packets and put them in his pocket. When we arrived home, Toby decided that it would be funny to put the ketchup under the tires of Mom's car. Next thing you know, Mom drove off and the ketchup splattered all over the driveway.

We all thought this was hysterical, until later that evening when Dad YELLED downstairs, ''Kids, get up here! All of you!''

We all thought we were going to get into trouble for the ketchup incident and didn't think twice abut pushing Toby up the stairs first (since he did it of course). As we all crept up the stairs, cowering behind Toby, we inched down the seemingly never-ending hallway to Mom and Dad standing in the kitchen. With the look of death on their faces, we became more nervous. They sat us down and began speaking in a stern voice. But instead of getting in trouble, they proceeded to tell us that we would be visiting Disney World for Christmas.

I bet they never saw such relieved faces as we all laughed and jumped around. We then all started to laugh about thinking we were going to be in such trouble over the ketchup and ended up telling Mom and Dad what had happened earlier that day. To our relief, they laughed too and Toby wasn't in trouble. It turns out Disney wasn't the only thing on the agenda. Dad also built a fireplace for his sister Jackie while we were down there on vacation.

Todd. When it came to just about everything my Dad did, safety was always one of the most important things. One day at work, we were coming to the top of a big chimney. We had staging set up on the roof, and a hoist ladder to bring the material up to the roof. Todd was always the best tree climber in the family, so he was elected to walk the material from the ladder to the staging and up the incline of the roof. Like I said, Dad was always safety conscious, so he tied a rope around Todd and then tied it to the staging, in case he slipped. Todd backed up a step and had a very nervous look on his face. My father was concerned and said, ''Todd, are you still afraid to fall,'' and he replied, ''No''. So he asked why he looked so scared, and Todd replied, ''I don't like being tied so close to you that I don't have a chance to get away before you slap me if I do something wrong.'' It was always tough love from Dad.

Some of those stories make him sound like a bad guy, but really, he only meant the best for his kids. Officially, he only had 6 kids, but sometimes it seemed more like 26. He treated so many of our friends and relatives as if they were his own. For example, even with 6 kids on his hands, he didn't hesitate for a second to bring his nephew Jeremy into our house when his brother fell off a roof and was paralyzed. Jeremy became another brother to all of us. There are many others he treated with the same love, to name a few, TJ, Rick and Reg, Frankie and Shawn, Lisa, Nicky, Lyle, Bobby, Patrick, All of the guys that ever worked from him, Mike, the Kenny's, Scooter, Billy, and many others, you know who you are.

Not only was he a great father to many, but he was also a true friend and brother. Over the past couple of days, it felt kind of strange hearing some of these people say sorry to me for my loss, and the rest of my brothers and sisters. It felt strange because I thought I should be saying the same to them knowing what they lost, the best friend or brother you could ever ask for. Aunt Ruby, Aunt Jackie, Uncle Gerry, Uncle Norm, Ralph, Peter, Billy, Rudy, Klaus, Ronny and so many others, I just can't name them all.

As a Pepere, to his 7 ⅔ grandchildren, Victoria, Ali, Gary B, Mitch, AJ, Kelly, Josh, and one soon to be. What a treat to go to Pepere's house, the surprise bag (a toy or treat for each kid, every time they came to the house), rides on the bobcat, playing in the sand pile, ice cream sundaes right after breakfast, the ball pit, swings on the tree, and even a swing in the house just in case it rained. If your Mom or Dad said No, just ask Pepere.

As a husband, Mom, I don't know how you did it. Not only did she take care of 6 kids, but he was the biggest kid of all. He loved to play: fishing, Nascar, racquetball, driving the vette (at 160 mph early Sunday morning). There was so many things he loved to do and he did them right to the end, but most sacred of all in his heart was you Mom. He couldn't have done any of the things he did without knowing you would be waiting there for him when he got home. Especially seeing the only thing the man could cook was popcorn!

Thank You.

AMERICA'S TECHNOLOGY INDUSTRY

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. OTTER. Mr. Speaker, I rise today to place into the RECORD a newspaper article carrying a welcome story about America's technology industry. Over the last year the financial markets, as well as the American people, have been rocked by stories of huge corporations that used accounting chicanery and outright lies to defraud investors. I am proud to say that Micron, based in Boise, Idaho, has a worldwide reputation for conservative accounting and fair-dealing with employees, investors, and the community. I am hopeful that innovative, upstanding companies like Micron will lead this Nation into economic recovery and renewed faith in the marketplace.

[From the EE Times, Asia, Sept. 16, 2002]

MICRON'S COST MANAGEMENT ENVY

Micron execs have been talking about conservative financial management long before the industry came to know about the shocking revelations of Worldcom's accounting irregularities.

Some EEs in Silicon Valley often wonder how Micron Technology Inc. escapes cyclical storms that have become the hallmark of semiconductor businesses. Industry observers generally point to its single-minded focus on memories and its frugal culture that helps keep production costs low.

But there is something more remarkable about the Boise, Idaho-based company that became evident only lately: conservative accounting. Micron execs have been talking about conservative financial management long before the industry came to know about the shocking revelations of WorldCom's accounting irregularities.

Memory business has been intensely competitive, and on top of that, sometimes countries or rather a group of companies tend to make memories a strategic business. ''We prepare for that by not borrowing too much money, which helps us prepare to face all kinds of situations,'' says a Micron executive.

In 1990, Micron was ranked as the 11th DRAM maker, while last year, it was the second largest memory vendor. Despite the rupture of the Hynix deal and the fear of decline in DRAM market this year, Micron is progressively investing in new technologies.

The memory chipmaker has recently demonstrated the first DDR–II system for PC applications—with memory channel running at 533/MHz data rate for a channel bandwidth of 4,300/MBps. The demonstration included a variety of developments including a 256/Mb DDR–II device, a hardware-analysis board and signal-analysis software.

The system would allow not only to verify DDR–II channel performance, but also to characterize how well the channel works for various operating conditions, data patterns as well as timing and voltage margins.

While Micron's decisions are driven around cost scenarios, this tradition will be soon be put to the test in the much talked-about 200/mm-to300/mm conversion. So far, the chipmaker seems to be a trendsetter as it relates the 300/mm transition to production cost. As CEO Steve Appleton puts it, the company doesn't care what anyone else is doing, unless it helps to drive the cost of 300/mm and change the model.

After the irrational exuberance of 2000 was followed by pessimism last year, the industry is waking up to new realities born out of accounting loopholes. Here, Micron's prescience and financial savvy can provide some significant lessons.

INTRODUCTION OF THE WATER RESOURCES DEVELOPMENT ACT OF 2002

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. YOUNG of Alaska. Mr. Speaker, I am very pleased to introduce, along with the Ranking Member of the Transportation and Infrastructure Committee, *James Oberstar*, the

Water Resources and Environment Subcommittee Chairman, *John J. Duncan, Jr.*, and the Ranking Member of the Water Resources and Environment Subcommittee, PETER DEFAZIO, the Water Resources Development Act of 2002.

Every two years, Congress makes it a high priority to meet our Nation's water resources needs by enacting a Water Resources Development Act. Through this legislation, Congress authorizes the Corps of Engineers to carry out its primary missions of providing navigation improvements at harbors and waterways, flood damage reduction in our communities and coastal areas, and environmental restoration along the Nation's rivers, and lakes. These projects have a profound impact on the economy of this Nation by reducing transportation costs, saving lives, homes, and businesses from the ravages of flooding, and improving our quality of life. The standard of living for every American has been positively affected by the work the Corps does with its local partners.

Under authorities enacted in Water Resources Development Acts, the Corps of Engineers constructs harbors and navigation channels. Over 13 million American jobs are depended on trade, making our ports and waterways vital to our economic, as well as national, security. Our harbors currently handle over 2 billion tons of cargo a year, and that volume is projected to double by 2020. We need to be ready to handle the larger ships that will carry that cargo or face potential loss of trade. Our inland navigation system is critical to our transportation system. Inland waterways cover 12,000 miles and carry 1/6th of the Nation's inter-city freight, at a cost per ton-mile that is 1/2 that of rail and 1/10th that of trucks. We need to keep transportation of goods on our inland waterways efficient to keep our farmers competitive in the world market.

The Water Resources Development Act of 2002 helps our Nation stay competitive by authorizing or modifying over 50 projects, studies, and policies relating to navigation improvements, as well as related projects and policy changes to improve the management of dredged material.

Water Resources Development Acts also authorize the Corps to protect towns and cities from the ravages of floods. Over the past 10 years, flood damage reduction projects built by the Corps with local partners have prevented more than $208 billion in damages.

Water Resources Development Act of 2002 continues to provide this protection by authorizing or modifying over 75 projects and studies relating to flood damage reduction, and nearly 20 related projects for shoreline protection.

Since 1990, environmental restoration also has been a primary mission of the Corps. These projects range from small aquatic ecosystem restoration projects to multi-billion dollar projects like the Comprehensive Everglades Restoration Plan.

The Water Resources Development Act of 2002 continues this mission by authorizing or modifying over 40 environmental restoration projects and studies.

In this legislation, we also recognize that there are other water resources challenges that face this Nation where the Corps' expertise could help—particularly since needs for water supply, water quality, and navigation often are interrelated. The Water Resource Development Act of 2002 provides additional opportunities for the Corps to lend its technical expertise where a community or a region has decided to address water resources matters on a watershed or river basin basis.

There are some who believe we do not need a Corps of Engineers Civil Works program. Some say it openly, and propose to eliminate funding the Corps. Others are more subtle and instead are trying to convince Congress to add so many procedural hurdles that a single person could have the ability to stop a water resources project, no matter how important the project is to the safety of our citizens or the strength or our economy. I have a different view of the Corps and a different vision for its future.

First, I believe that this Nation needs an Army Corps of Engineers. Most members of the House of Representative agree. We have received request from nearly 200 members for over 400 separate water resources projects, studies, and modifications to projects. These requests are generated at the local level, and are tailored to meet local needs. No matter what some may say here in Washington, back home people want and need a vital and continuing civil works program.

Second, I support the Corps process for formulating water resources projects. Under the Corps planning process, all projects must be in the Federal interest and must be economically justified and environmentally sound, but the details of a project are developed through a close interaction between the Corps and the local communities that share in the cost of the project. This is a bottom-up process that allows projects to be designed to best meet local needs.

Deciding where investments in water resources are warranted is a complex task often involving sophisticated economic analyses. While there has been some criticism of how the Corps has attempted to do these analyses in certain projects, the fact is no other Federal agency requires its projects to go through a similar benefit cost review.

There have been some individual cases where the economic analysis of a project has been flawed. This is a personnel and management problem, not a problem with the Corps' statutory authorities. The Chief of Engineers is taking steps to address this issue through improved training and establishing centers of expertise. We in Congress also have many oversight tools that give us the ability to investigate the merits of a project, and we have demonstrated that we are not hesitant to use these tools to scrutinize controversial projects.

After reviewing all of the requests from members, it is clear to us that the House of Representatives supports changes to the Corps civil works program to speed the delivery of projects, not changes that will lengthen the Corps' process and add costs. For example, we have received over 40 requests from members asking that their local project sponsors be allowed to move ahead of the Corps and receive credit for work they begin on projects, while the Corps' lengthy study and review process in underway. Other members of Congress requested statutory language directing the Corps to expedite its planning process and deliver needed projects more quickly. No member of Congress has asked the Committee to add more procedural hurdles, more delay, and more costs to their projects.

The Corps civil works program is nearly unique. The Corps is a Federal agency that partners with local agencies to solve local problems. The needs are identified at the local level and the solutions are developed through a bottom-up process—they are not thrust upon a community as top-down mandates. I am proud to say that the Water Resources Development Act of 2002 continues in this tradition.

THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, last Wednesday our nation commemorated the terrorist attacks of September 11, 2001. While these attacks were committed on the World Trade Center and the Pentagon, they were in fact directed at our nation as a whole. Our freedom, our way of life, the very foundations of our great democracy, were ruthlessly targeted by an unprecedented force of evil. Now, one year later, our nation is stronger and more unified than ever to rid the world of terrorism in all of its forms, as well as its root causes including poverty, injustice, and despair. It is my sincere hope that America never forgets the terrible atrocities committed within our borders. These acts were a direct attack upon freedom-loving people everywhere and we have a duty to ensure that freedom and democracy prevail in this struggle against tyranny and oppression.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise to support Congresswoman WATERS' motion asking the conferees for H.R. 3295 to complete their work and file a conference report by October 1st. In view of the confusion we have witnessed this month in Florida's primary elections, it is more important than ever that we complete work on this measure before the end of this session. I also want to re-affirm my support for the motion to instruct offered by Mr. LANGEVIN that was passed by the House on July 9th. That motion asked the conferees to agree to the Senate provisions relating to the accessibility of voting systems for individuals with disabilities.

It is essential that at least one voting machine in each polling place be accessible to people with disabilities. This can be done in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. The provisions referred to in the motion passed on July 9 were endorsed by a coalition of more than 20 national organizations representing people with disabilities.

I support the motion asking the conferees to complete their work by October 1st, and I also urge the conferees to adopt the language as outlined in the motion approved by this body on July 9th.

JOINT RESOLUTION AUTHORIZING THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Joint Resolution. It authorizes the use of U.S. Armed Forces to defend our national security interests against the threat posed by Iraq. However, this Resolution does set some definitive conditions for the President prior to engaging the U.S. Armed Forces. It requires the President to exhaust diplomatic efforts to obtain Iraq's compliance with the U.N. Security Council Resolutions. It also requires the President to present the Congress with a comprehensive plan of how stability will be maintained in the region in a post-strike environment.

The young men and women of our Armed Forces are already fighting a war on terrorism. Before we expand their role, and send them even deeper into harm's way, I want assurances that we have explored and exhausted every avenue for a peaceful and diplomatic solution. I also want assurances that we have a plan for maintaining stability in the region once we declare victory.

Let me be perfectly clear. I am well aware that for more than a decade, Iraq has violated virtually every U.N. Security Council Resolution. With each violation, the threat to international peace and security becomes more ominous. I believe that Iraq not only poses a threat to our national security interests, but also threatens the stability and security of the entire region and indeed, the world. It is becoming more and more evident that we must be proactive in defending our nation. We know that the United States is a terrorism target, and we know that Iraq constitutes a real and imminent threat against our national security interests.

However, only Congress has the authority to declare war. The Congress must be convinced that every conceivable option has been explored. The Congress must be convinced that the post-strike plan for maintaining stability in that region is achievable. The Congress must agree that a preemptive strike is our only course of action.

I urge my colleagues to vote for this Resolution.

CRISIS IN THE CHILD WELFARE SYSTEM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, we can all agree that the quality of care received by children under the supervision and protective custody of the state is an important aspect of the foster care system. Unfortunately, there is widespread disagreement between states and the federal government on how quality of care standards should be defined, assessed, and enforced.

In the following article, the Sacramento Bee reports that California's Department of Social Services and the U.S. Administration for Children and Families are immersed in a heated battle over foster care licensing standards. At issue, is a 2-year-old federal mandate that directs states to equalize foster home licensing standards between relative and non-relative foster care providers.

The Department of Health and Human Services (HHS) contends that the long-standing regulation that allowed states to exempt relative caregivers from meeting some of the licensing standards that applied to professional non-relative foster parents created a separate and unequal standard that could not be upheld. HHS maintains that it repeatedly told states like California in writing that it could not bill the federal government for relative foster homes that failed to meet federal regulations. Consequently, the U.S. Administration for Children and Families withheld $18 million in grants from California for failure to bring relative foster homes up to non-relative foster home standards.

In response, California asserts that the federal government's insistence on rigid compliance with non-relative foster care standards eliminates room for flexibility in overlooking minimal licensing violations. Additionally, California argues it threatens their ability to place children in the homes of loving and caring relatives that are unable to fully meet licensing requirements because of issues of poverty. According to the California Deputy Director of Social Services "it [relative foster home;] could be a very loving, giving family, but the question is can the child go there if, for example, the siblings will sleep [together] in a double bed."

The battle unfolding in California may be just the tip of the iceberg. In many states across the nation, kinship care standards vary and are more relaxed than non-relative foster care standards. If we truly believe the safety and well-being of children should come first, then we must begin to carefully assess and examine child welfare issues such as kinship care practice and foster care licensing standards. While it is the government with the power of the purse that may ultimately win the war, we must be careful to ensure that the best interests of foster children are not forgotten in the heat of battle.

The article follows:

[From the Sacramento Bee, Sept. 3, 2002]

LAWSUIT TO TARGET RULES FOR FOSTER CARE BY RELATIVES

(By Mareva Brown)

More than $100 million designated for relatives who care for California's foster children is in danger of being withheld over the next year while California's Department of Social Services and a federal regulatory agency wage a fierce battle over standards.

At issue is a 2-year-old federal requirement that relatives caring for foster children be screened and approved using the same criteria as is used to license non-relative foster homes. Federal officials say California has refused to enforce the new standard, and they have begun withholding the first of $112 million in foster care payments that could be held back if tens of thousands of relatives' homes aren't quickly approved using the new standards.

California officials maintain they have followed the intent of the law, eliminating relatives who have criminal pasts or who can't be trusted to keep children safe. But they say following it to the letter would require them to remove children from nurturing relatives who are capable of providing good care but whose homes do not meet federal foster care guidelines, often because of poverty. Of particular concern, state officials say, are federal mandates specifying no more than two children to a bedroom, no shared beds and no mixing of genders in bedrooms—space requirements many impoverished families can't afford to meet.

"It could be a very loving, giving family, but the question is can the child go there if, for example, the siblings will sleep in a double bed," said DSS Deputy Director Sylvia Pizzini. "It's the intersection with poverty that has the roughest edges here."

As state officials tried to hammer out a compromise late last week, a public interest law firm in San Francisco prepared to file a civil lawsuit that would compel the state to comply with the federal standard. The Youth Law Center's executive director, Carole Schauffer, said that while the state bickers over language, it risks robbing foster families of desperately needed funds.

"Even tough this is not a role we logically should take, we're trying to see if there is any peace here," said Schauffer, a staunch advocate for foster children. "Because without peace, it's very harmful to California kids."

The federal government pays for about 40 percent of the cost to care for the nation's half-million foster children. In California, home to nearly 100,000 foster children, the federal share amounts to nearly $300 million per quarter. About half the state's foster children are placed with relatives.

Last spring, the U.S. Administration for Children and Families began deferring $18.7 million per quarter as a penalty for the state's failure to document that all relatives' homes had been cleared. The deferral, which cannot be appealed, comes after two years of debate between federal and state officials over how to interpret and apply the new statute.

While the state has absorbed the first deferral, officials say they eventually will have to reduce foster payments to the counties. The counties, in turn, will have to choose between removing children from the homes of relatives or reducing payment to those relatives.

And for many relatives living close to the edge, providing foster care without the payment simply would be too expensive.

Albert Cabrera and his wife, caring for their 9-month-old granddaughter in a three-bedroom home off Power Inn Road, offer a typical example. The baby was placed there two months ago by social workers who ensured the couple had no criminal record and that the temperature in their hot water heater was safe, and who left the couple with a letter saying they would be reimbursed $425 per month for the child's care.

The Cabreras are among many foster grandparents who are retired or don't earn enough to easily absorb the costs of raising grandchildren. Last week, as the couple waited for their reimbursement check, Cabrera's wife delayed buying medicine for her high blood pressure so she could buy formula for the baby. Cabrera worries about how he'll pay for the additional gas money they'll need each month to take the baby to visits with her parents and to doctor's appointments.

"In the beginning, we thought we would put away the money they were going to send us for the baby," Cabrera said. "But we need it."

Sacramento County actually is among the few counties in California that have inspected relatives' homes using the new standards. Ninety percent of the 1,490 relatives' homes used for foster care in Sacramento County have been approved. The

rest are awaiting upgrades and are expected to be certified soon.

But Sacramento County is the exception. Most counties in January began using the standards to approve new foster placements with relatives but have not inspected the homes of relatives where children placed before January.

Until state officials can provide the federal government with proof that all relatives' homes in California have been certified, the penalties will continue—and will affect all counties alike.

The biggest backlog is in Los Angeles.

In March, prompted by the new statute, Los Angeles County conducted a sample survey of the foster homes of children placed with relatives. The county is home to more than half the state's foster children, and nearly 6,500 of them live with relatives.

Of the 200 homes surveyed, only two met federal standards. Among the deficiencies were 16 families who did not have adequate smoke detectors in their homes and 50 cases in which children shared a bed or slept in a non-bedroom area.

''Most cases can be remedied with adequate financial resources,'' the report concluded.

Pizzini said state officials have been working diligently on the issue for more than a year and criticized the federal government for its heavy penalty, saying there were lesser sanctions available.

But federal regulators and Schauffer, of the Youth Law Center said the state has not made any significant effort to meet federal guidelines, even though some remedies are fairly simple.

The Department of Social Services has yet to create and disperse a statewide standardized checklist for evaluating relatives' homes, as officials agreed to do in April, according to a federal letter.

The state has not provided any proof that homes have been approved using the new guidelines. And, despite a deadline of June to reassess the homes of all relatives providing foster care, thousands of homes have been checked.

''It was deliberately not done,'' said Schauffer, who says she plans to file the lawsuit this week. ''It was either a financial or a philosophical position they were taking: Either we don't think relatives should be licensed, (that) they should be able to take care of their kids in any way they want. Or, if you look at it in a different way, neither the counties or the states way to pay the cost of having relatives assessed.''

It is expensive.

In Sacramento County, officials created a kinship evaluation unit five months ago and staffed it with six social workers who were removed from units in which they were overseeing the care of children.

Child Protective Services Director Leland Tom said he is proud that the county has evaluated every relative's home but that the cost has been high.

''It's having a major impact on our workload,'' Tom said. ''And the sticking point for counties has been, here is this additional workload that is being pushed on us, but we're not being given additional funding to do it.''

Pizzini said the state also has concerns about the potential harm to children, given that the new process takes longer to complete, in some cases forcing children into the foster homes of strangers before relatives can be cleared. She said allowances need to be made.

''Grandmother and Uncle don't come into our office three months ahead of time and say, 'In the future, you're going to remove one of my nieces (from her home),' '' she said. ''That doesn't happen. On the other hand, we recruit strangers to come into care, and we have the luxury of some time.''

IN RECOGNITION OF CATHOLIC HOME BUREAU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to Catholic Home Bureau on the occasion of their Seventeenth Annual Child of Peace Dinner. For their unwavering commitment and many charitable endeavors, James and Colleen Donaghy will be honored with the Child of Peace Award.

A true leader and a hands-on executive, James Donaghy serves as Chairman of the Structure Tone Organization, one of the preeminent full-service Construction Management an General Contracting firms in the world today. Mr. Donaghy has actively participated in the company's strategic planning and worldwide business development efforts, helping to guide the firm through a challenging period into the multi-billion dollar global entity it is today.

Mr. Donaghy's incomparable professional commitment is mirrored by his dedication to the arts and civic organizations in the community, as indicated by his membership in various boards, committees and councils including the Board of Directors of The Boy Scouts of America, St. Thomas Aquinas College, Covenant House and the National Multiple Sclerosis Society. Mr. Donaghy's civic mindedness extends to his organization, which provides substantial contributions and support to charities throughout the New York City metropolitan area.

Colleen Donaghy has also extended her professional expertise as a social worker to the community by assisting the elderly at Riverdale Senior Services Center. Proud new parents of their first child, James Kieran Donaghy, Jr., Mr. and Mrs. Donaghy have demonstrated a lifelong commitment to improving the lives of underprivileged New Yorkers.

I would also like to commend Catholic Home Bureau for their significant efforts to enhance the quality of life for families and children in the New York Metropolitan area since 1899. Catholic Home Bureau currently operates a foster care program and a family day care program through New York City's Administration for Children's Services, a shelter program through New York City's Department of Homeless Services, and a privately funded Maternity Services and Private Adoption Program.

The Child of Peace Dinner benefits the Maternity Services Program which is one of the largest providers of private maternity services in the New York Archdiocesan network. The Maternity Services Program aids women and families in need who are facing a crisis pregnancy with counseling, medical care, infant and maternity clothing, cribs, housing referrals, and emergency assistance. I want to recognize the dedication of Bernard and Peggy Smyth, who are this year's Dinner Chairpersons. In addition to being adoptive parents for Catholic Home Bureau, they both have demonstrated their commitment to helping the organization achieve its mission.

In recognition of James and Colleen Donaghy's selfless efforts and Catholic Home Bureau's outstanding contributions to the community, I ask that my colleagues join me in saluting Catholic Home Bureau on the occasion of their 17th Annual Child of Peace Dinner.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 24, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 25

9:30 a.m.
Environment and Public Works
Finance
To hold joint hearings to examine alternatives for financing the U.S. surface transportation system.
SD–215

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings to examine the status of implementation of Federal Stem Cell Research Policy.
SD–124

Armed Services
To resume hearings to examine U.S. policy on Iraq.
SH–216

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing to consider the nominations of Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services, and Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission.
SR–485

Health, Education, Labor, and Pensions
Business meeting to consider S.2499, to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food; S.830, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; S.1806, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy; S.969, to establish a Tick-Borne Disorders Advisory Committee; S.2821, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention; the nominations of Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board; David Wenzel, of Pennsylvania, to be a Member of the National Council on Disability; Marco A. Rodriguez, of California, to be a Member of the National Council on Disability; Milton Aponte, of Florida, to be a Member of the National Council on Disability; Michelle Guillermin, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service; Glenn Bernard Anderson, of Arkansas, to be a Member of the National Council on Disability; and Barbara Gillcrist, of New Mexico, to be a Member of the National Council on Disability, and other pending calendar business.
SD–430

Judiciary
To hold hearings to examine asbestos litigation.
SD–226

2 p.m.
Foreign Relations
To resume hearings to examine Iraq.
SD–419

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine affordable housing production and working families.
SD–538

Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the state of tourism one year after September 11, 2001.
SR–253

SEPTEMBER 26

9:30 a.m.
Environment and Public Works
Business meeting to consider pending calendar business.
SD–406

10 a.m.
Indian Affairs
To hold oversight hearings on intra-tribal leadership disputes and tribal governance.
SR–485

Health, Education, Labor, and Pensions
To hold hearings to examine the benefits and challenges of web-based education.
SD–430

Judiciary
To hold hearings to examine pending judicial nominations.
SD–106

Aging
To hold hearings to examine long-term care in the health industry.
SD–628

10:15 a.m.
Foreign Relations
To continue hearings to examine Iraq.
SD–419

2:30 p.m.
Foreign Relations
To continue hearings to examine Iraq.
SD–419

SEPTEMBER 27

9 a.m.
Armed Services
To hold hearings to examine the nominations of General James L. Jones, Jr., USMC, for reappointment to the grade of general and to be Commander, United States European Command and Supreme Allied Commander, Europe, Admiral James O. Ellis, Jr., USN, for reappointment to the grade of admiral and to be Commander, United States Strategic Command, Lieutenant General Michael W. Hagee, USMC, for appointment to the grade of general and to be Commandant of the Marine Corps, Charles S. Abell, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, Thomas Forrest Hall, of Oklahoma, to be Assistant Secretary of Defense for Reserve Affairs, and Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces.
SH–216

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the annual report of the Postmaster General, focusing on the Postal Service Transformation Plan, the progress of cleaning anthrax-contaminated postal facilities, and further steps the Postal Service will take to reduce debt and increase financial transparency.
SD–342

SEPTEMBER 30

10 a.m.
Environment and Public Works
Transportation, Infrastructure, and Nuclear Safety Subcommittee
To hold hearings to examine the conditions and performance of the federal-aid highway system.
SD–406

OCTOBER 8

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens.
SD–226

POSTPONEMENTS

SEPTEMBER 25

2:30 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the current situation in Angola.
SD–419

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9003–S9053

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2989–2991, and S. Con. Res. 145. **Pages S9032–33**

Department of the Interior Appropriations: Senate resumed consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto: **Pages S9011–26**

Rejected:

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures. (By 80 yeas to 15 nays (Vote No. 220), Senate tabled the amendment.) **Pages S9011–25**

Pending:

Byrd Amendment No. 4472, in the nature of a substitute. **Pages S9011–26**

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. **Page S9011**

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests. **Page S9011**

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations. **Page S9011**

A second motion was entered to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above and, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Wednesday, September 25, 2002. **Page S9019**

During consideration of this measure today, Senate also took the following actions:

Pursuant to the order of September 19, 2002, Senate agreed to the motion to proceed to Daschle motion to reconsider the vote (Vote No. 217) whereby cloture was not invoked on Byrd Amendment No. 4480 (to Amendment No. 4472), and the motion to reconsider was then agreed to. **Page S9019**

By 49 yeas to 46 nays (Vote No. 221), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to close further debate on Byrd Amendment No. 4480 (to Amendment No. 4472), listed above. **Pages S9025–26**

Homeland Security Act: Senate resumed consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Page S9026**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Page S9026**

Byrd Amendment No. 4644 (to Amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the Directorates of the Department. **Page S9026**

Lieberman/McCain Amendment No. 4694 (to Amendment No. 4471), to establish the National Commission on Terrorist Attacks Upon the United States. **Page S9026**

A second motion was entered to close further debate on Lieberman Amendment No. 4471, listed above and, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Wednesday, September 25, 2002. **Page S9026**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:25 a.m., on Tuesday, September 24, 2002, with a vote on Byrd Amendment No. 4644 (to Amendment No. 4471), to occur at approximately 10:30 a.m. Further, that Senators have until 1 p.m. to file first degree amendment, notwithstanding the recess of the Senate. **Page S9050**

Additional Cosponsors: **Page S9033**

Statements on Introduced Bills/Resolutions: **Pages S9033–49**

Additional Statements: **Pages S9030–32**

Amendments Submitted: **Page S9049**

Notices of Hearings/Meetings: **Page S9049**

Authority for Committees to Meet: Page S9049

Record Votes: Two record votes were taken today. (Total—221) Page S9025, S9026

Adjournment: Senate met at 2:30 p.m., and adjourned at 7:07 p.m., until 9:25 a.m., on Tuesday, September 24, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9050).

Committee Meetings

(Committees not listed did not meet)

U.S.-IRAQ POLICY

Committee on Armed Services: Committee resumed hearings to examine U.S. policy on Iraq, receiving testimony from Gen. John M. Shalikashvili, USA (Ret.), former Chairman, Joint Chiefs of Staff; Gen. Wesley K. Clark, USA (Ret.), former Supreme Allied Commander, Europe; Gen. Joseph P. Hoar, USMC (Ret.), former Commander in Chief, United States Central Command; and Lt. Gen. Thomas G. McInerney, USAF (Ret.), former Assistant Vice Chief of Staff, U.S. Air Force.

Hearings continue on Wednesday, September 25.

HISPANIC HEALTH CARE

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearing to examine Hispanic health problems, focusing on coverage, access, and health disparities, after receiving testimony from Representative Rodriguez, on behalf of the Congressional Hispanic Caucus; Cristina Beato, Deputy Assistant Secretary of Health and Human Services for Health; Dan Reyna, New Mexico Border Health Office, Las Cruces; Francisco G. Cigarroa, University of Texas Health Science Center, San Antonio; Glenn Flores, Medical College of Wisconsin, Milwaukee, on behalf of the Latino Consortium, American Academy of Pediatrics Center for Child Health Research; and Elena Rios, National Hispanic Medical Association, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 2 public bills, H.R. 5428–5429; and 1 resolution, H.J. Res. 110, were introduced. Page H6473

Reports Filed: Reports were filed today as follows:

H.R. 5180, to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, amended (H. Rept. 107–665);

S. 491, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project (H. Rept. 107–666);

S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, amended (H. Rept. 107–667);

S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York (H. Rept. 107–668);

S. 1240, to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah (H. Rept. 107–669);

S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail (H. Rept. 107–670); and

Conference report on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003 (H. Rept. 107–671).

Pages H6422–70, H6472–73

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker pro tempore for today. Page H6421

Presidential Message—National Security Strategy of the United States: Read a message from the President wherein he transmitted the National Security Strategy of the United States—referred to the Committee on Armed Services. Page H6421

Senate Message: Message received from the Senate today appears on page H6421.

Quorum Calls Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 2 p.m. and adjourned at 2:12 p.m.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY SEPTEMBER 24, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Environment and Public Works: to hold hearings to examine the Federal government's role and response to September 11th recovery efforts, 9 a.m., SD–406.

Committee on Foreign Relations: to hold a closed briefing on Iraq, 2:30 p.m., SH–219.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine the emerging threat of the West Nile Virus, focusing on the adequacy of federal and state response to increasing disease incidence, and future challenges to respond to health threats posed by naturally occurring infectious diseases, 9:45 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: with the Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold joint hearings to examine the emerging threat of the West Nile Virus, focusing on the adequacy of federal and state response to increasing disease incidence, and future challenges to respond to health threats posed by naturally occurring infectious diseases, 9:45 a.m., SD–342.

Committee on Indian Affairs: to hold oversight hearings to examine the role of Special Trustees within the Department of the Interior, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the Washington, D.C. judicial circuit, 10 a.m., SD–226.

House

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education, joint hearing on ''Homeland Security: Tracking International Students in Higher Education—Progress and Issues since 9/11,'' 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 4678, Consumer Privacy Protection Act of 2002, 9 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Capacity Swaps by Global Crossing and Qwest: Sham Transactions Designed to Boost Revenues?'' 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on H.R. 2693, Holocaust Victims Insurance Relief Act of 2001, 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on Combating Terrorism: Preventing Nuclear Terrorism, 10 a.m., 2154 Rayburn.

Committee on Rules, to consider the following: a resolution expressing the Sense of the House of Representatives that the 107th Congress should compete action on H.R. 3762, Pension Security Act of 2002; H.R. 4691, Abortion Non-Discrimination Act of 2002; and a resolution making continuing appropriations for the fiscal year 2003, 5 p.m., H–313 Capitol.

Committee on Science, hearing on ''The State of the Nation's Ecosystems,'' The Heinz Center Report and Its Implications, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing on the Role of the Federal Government and Small Businesses are Playing in Assisting Individuals with Disabilities, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Financial Condition of the Airline Industry, 9:45 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, to mark up the Water Resources Development Act of 2002, 4:30 p.m., 2167 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine democracy, human rights, and security developments in the Republic of Georgia, 2 p.m., 334 Cannon Building.

(House Program for Tuesday continued from page D974)

(14) S. 238, Burnt, Malheur, Owyhee, and Powder River Basin, Oregon Water Study;

(15) H.R. 640, Santa Monica Mountains, California National Recreation Area Boundary Adjustment;

(16) H.R. 4917, Los Padres National Forest , California, Land Exchange;

(17) S. 691, Conveyance of Land in the Lake Tahoe Basin for the Washoe Indian Tribe of Nevada and California;

(18) S. 1894, Study on the Significance of the Miami Circle site in Miami-Dade County, Florida and its potential inclusion in Biscayne National Park;

(19) H.R. 2982 , Victims of Terrorist Attacks Memorial in Washington, D.C.;

(20) H.R. 4682, Allegheny Portage, Pennsylvania Railroad National Historic Site Boundary Revision;

(21) H.R. 1448, Tax Treatment of Bonds Issued by the Government of American Samoa;

(22) H.R. 2099, Vancouver, Washington National Historic Reserve Funding Authorization;

(23) S. 941, Rancho Corral de Tierra Golden Gate, California National Recreation Area Boundary Adjustment;

(24) S. 1105, Grand Teton National Park, Wyoming Land Exchange;

(25) H.R. 1606, Historically Black Colleges and Universities Historic Preservation;

(26) H. Con. Res. 297, Historical Significance of 100 Years of Korean Immigration;

(27) H. Res. 538, Honoring Johnny Unitas and Offering Condolences to His Family;

(28) H.R. 5340, Francis Dayle ''Chick'' Hearn Post Office, Encino, California;

(29) H.R. 2578, Augustus F. Hawkins Post Office, Los Angeles, California; and

(30) S. Con. Res. 110, honoring the Heroism and Courage of Airline Flight Attendants.

Extensions of Remarks, as inserted in this issue

HOUSE

Davis, Danny K., Ill., E1635
Hastings, Alcee L., Fla., E1636
Johnson, Timothy V., Ill., E1635
Lee, Barbara, Calif., E1633
Maloney, Carolyn B., N.Y., E1637
Meehan, Martin T., Mass., E1633
Miller, George, Calif., E1636
Otter, C.L. ''Butch'', Idaho, E1634
Young, Don, Alaska, E1634

Next Meeting of the SENATE

9:25 a.m., Tuesday, September 24

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 5005, Homeland Security Act, with a vote on Byrd Amendment No. 4644 (to Amendment No. 4471), to occur at approximately 10:30 a.m.; following which, Senate will be in a period of morning business until 12:30 p.m. for the purpose of tributes to Senator Thurmond. At 2 p.m., Senate will resume consideration of H.R. 5005, Homeland Security Act, with fifteen minutes of debate on Lieberman/McCain Amendment No. 4694 (to Amendment No. 4471), with a vote on or in relation to the amendment to occur at 2:15 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, September 24

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Con. Res. 472, 100th anniversary of the 4–H Youth Development Program;

(2) H. Con. Res. 301, Honoring the American Gold Star Mothers and the Blue Star Mothers;

(3) H.R. 3656, Extending the Provisions and Applicability of the International Organizations Immunities Act to the European Central Bank;

(4) S. 1240, Timpanogos Cave National Monument, Utah Interagency Land Exchange;

(5) H.R. 4638, Mni Wiconi Rural Water Supply Project, South Dakota Reauthorization;

(6) S. 1325, Aleut Corporation and United States Agreement for Land on Adak Island;

(7) S. 1175, Vicksburg National Military Park Boundary Modification to Include Pemberton's Headquarters;

(8) H.R. 5099, Extension of Endangered Fish Recovery Programs for the Upper Colorado and San Juan River Basins;

(9) H.R. 5109, Conveyance of Land in Tupelo, Oklahoma for use by the Tri-County Indian Nations Community Development Corporation;

(10) H.R. 3449, George Washington Birthplace National Monument Boundary Adjustment;

(11) H. Con. Res. 419, 100th Anniversary of the International Association of Fish and Wildlife Agencies;

(12) H.R. 4708, Fremont, Madison Irrigation District, Idaho Conveyance;

(13) H.R. 4953, West Butte Road, Oregon Right-of-Way;

(Continued on page D973)

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

Authority for Committees to Meet: Page S9049

Record Votes: Two record votes were taken today. (Total—221) Page S9025, S9026

Adjournment: Senate met at 2:30 p.m., and adjourned at 7:07 p.m., until 9:25 a.m., on Tuesday, September 24, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9050).

Committee Meetings

(Committees not listed did not meet)

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Hearings continue on Wednesday, September 25.

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House of Representatives

Chamber Action

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COMMITTEE MEETINGS FOR TUESDAY SEPTEMBER 24, 2002

(Committee meetings are open unless otherwise indicated)

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Committee on Indian Affairs: to hold oversight hearings to examine the role of Special Trustees within the Department of the Interior, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the Washington, D.C. judicial circuit, 10 a.m., SD–226.

House

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(House Program for Tuesday continued from page D974)

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Miller, George, Calif., E1636
Otter, C.L. ''Butch'', Idaho, E1634
Young, Don, Alaska, E1634

Next Meeting of the SENATE

9:25 a.m., Tuesday, September 24

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 5005, Homeland Security Act, with a vote on Byrd Amendment No. 4644 (to Amendment No. 4471), to occur at approximately 10:30 a.m.; following which, Senate will be in a period of morning business until 12:30 p.m. for the purpose of tributes to Senator Thurmond. At 2 p.m., Senate will resume consideration of H.R. 5005, Homeland Security Act, with fifteen minutes of debate on Lieberman/McCain Amendment No. 4694 (to Amendment No. 4471), with a vote on or in relation to the amendment to occur at 2:15 p.m.

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12:30 p.m., Tuesday, September 24

House Chamber

Program for Tuesday: Consideration of Suspensions:

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(13) H.R. 4953, West Butte Road, Oregon Right-of-Way;

(Continued on page D973)

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