

carries out under existing law." The Comptroller General lacks authority under Section 717 to investigate the President's exercise of his constitutional powers. The National Energy Policy Development Group and its work constitute such an exercise. The Vice President and the other officers of the United States who serve on the Group act not pursuant to statute but instead only in relation to exercise of the President's constitutional authorities, including his authority to "require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices," to "take care that the Laws be faithfully executed," and, with respect to Congress, to "recommend to their Consideration such Measures as he shall judge necessary and expedient." Further, the Comptroller General is not evaluating the "results" of the Group's work; he is attempting to inquire into the process by which the results of the Group's work were reached. Finally, the Comptroller General has not claimed that he is conducting the proposed investigation on his own initiative, and has instead stated that he is conducting it at the request of two Congressional committees, yet no Committee (as distinguished from two individual Members of Congress who serve as the ranking minority members of two committees) has made such a request to the Comptroller General.

Section 712, which permits the Comptroller General to investigate matters related to the "receipt, disbursement, and use of public money," applies if at all only to his question concerning the costs of the Group's work. Documents that pertain to the costs of the Group already have been produced to the Comptroller General as a matter of comity. The narrow authority conferred by Section 712 does not provide a basis for his other questions.

Section 716 allows the Comptroller General to seek to compel production of documents only when he has the requisite need for the documents for a lawful inquiry conducted in accordance with Section 712 or 717. Because Sections 712 and 717 do not provide a basis for the Comptroller General's inquiries, and because Section 716 is not an independent source of authority to investigate, Section 716 provides no authority to demand or compel production of the Vice Presidential documents demanded. Moreover, the term "agency" as used in Section 716 does not include the Vice President of the United States, who is a constitutional officer of the Government.

If the Comptroller General's misconstruction of the statutes cited above were to prevail, his conduct would unconstitutionally interfere with the functioning of the Executive Branch. For example, due regard for the constitutional separation of powers requires respecting the independence of the President, the Vice President and the President's other senior advisers as they execute the function of developing recommendations for policy and legislation—a core constitutional function of the Executive Branch. Also, preservation of the ability of the Executive Branch to function effectively requires respecting the confidentiality of communications among a President, a Vice President, the President's other senior advisers and others. A President and his senior advisers must be able to work in an atmosphere that respects confidentiality of communications if the President is to get the good, candid advice and other information upon which wise decisionmaking depends. Note that while the

Vice President is the President of the Senate, he also has executive duties and responsibilities in support of the President, as the Congress has by law recognized.

#### IN CELEBRATION OF HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, as we celebrate Hispanic Heritage Month in America, I believe it is utmost in our minds and hearts to remember the horrendous attack on our nation's financial center in New York City, and on the Pentagon, on September 11, 2001. Hispanic Americans I speak with are anxious to support our nation's every effort to rid this world of the incredible evil that carried out such an attack.

Hispanic Americans have answered our country's call to arms in every previous war, and they have distinguished themselves as some of our nation's most heroic fighters. As President George W. Bush recently reminded us, "Hispanic Americans served with heroism in every major American military conflict."

Many of my colleagues might not be aware of the fact that Hispanics in World War II were over-represented among Medal of Honor winners. I would like to remember two of these distinguished medal winners from New Mexico.

Joseph P. Martinez, born in Taos, New Mexico, gave his life for our country during World War II. In the Aleutians, finding himself in snow covered trenches, he chose to advance against the enemy in the face of severe hostile machine gun, rifle, and mortar fire. His example inspired others to advance in this difficult and dangerous climb.

After successfully and personally silencing several enemy trenches, he reached the rim where he was fatally wounded. The U.S. Army recognized Joe Martinez's valor beyond the call of duty by awarding him the United States Medal of Honor.

In Vietnam, 22-year old U.S. Army Specialist Fourth Class Daniel Fernandez of Albuquerque, New Mexico, sacrificed himself to save four of his comrades. Fernandez vaulted over his wounded sergeant and threw himself on a grenade that was not noticed in time for the men around him to save themselves. This action cost him his life. Fernandez also received the United States Medal of Honor.

There are many more stories about Hispanic Medal of Honor winners. Our nation is proud to have men and women like these in our ranks.

This month, I want Americans to remember Hispanic veterans from World War I, World War II, the Korean War, Vietnam and Desert Storm. I can predict with great confidence that Hispanics in every service will earn more Medals of Honor, Distinguished Service Crosses, and Silver and Bronze Stars for valor in combat.

If these wartime contributions by Hispanics have been and will continue to be remarkable, those made on the homefront through lives invested in communities are equally deserving of our recognition and gratitude. On August 15, President George W. Bush visited Albuquerque for the grand opening of the Hispano Chamber of Commerce's Barelás Job Opportunity Center, a facility meant to help tear down barriers faced by Hispanics and others in finding employment or starting a new business.

Helping open this business development center, the President drew attention to the spirit of the facility, that of citizens asking what they could do to improve their community, and what they could do to help a neighbor in need. The President accurately and eloquently concluded that this was "the spirit of America, captured right here in Albuquerque, New Mexico."

I believe our President has it right. I am proud that the lives of Hispanic New Mexicans are vital evidence of the spirit of America as they invest themselves in families, schools, businesses, and churches. And New Mexicans recognize that these modern achievements build on a centuries-long legacy of Hispanic history in our state, earning us a peerless role in our nation's diversity.

In New Mexico, we know that Hispanics were on the scene even before the Mayflower set sail. The Hispanic influence in New Mexico shaping our architecture and culture has been significant since the arrival of Spanish explorer Don Juan de Onate near San Juan Pueblo in 1598, 22 years before the landing at Plymouth Rock.

When the national media today talks and writes a lot about the recent "arrival" of Hispanics on our national scene, they're recognizing a talented, spirited people New Mexico has known for a long time.

I have mentioned the opening of the Albuquerque Hispano Chamber of Commerce's Barelás Job Opportunity Center, marking the start of its important work to rebuild the economic viability of a deteriorated neighborhood and increase job opportunity.

I would like to mention other examples of commitment to community around our state, such as the Roswell Hispano Chamber of Commerce of Roswell, New Mexico. This group has been a unifying force in their community's economic development issues, and have long supported the Character Counts program to see that the six pillars of character, Respect, Responsibility, Trustworthiness, Citizenship, Fairness, and Caring, are taught early in the classroom.

On September 24, Mr. I. Martin Mercado, President of Mercado Construction in Albuquerque, received the national Small Business Administration's Minority Small Business Person of the Year Award. The son of Mexican

immigrants, Martin is a wonderful illustration of the American dream, and of the important contributions that Hispanic-owned small businesses make to our economy.

Achievements of this kind throughout New Mexico have helped increase the number of minority-owned businesses in our state by more than 50 percent in the last five years. There are now more than 22,000 Hispanic-owned businesses in New Mexico.

As Hispanics gain long-overdue national recognition as a force that cannot, and should not, be ignored, we are reminded of countless stories like those I have mentioned. I believe that there is no better time to work for federal policies that ensure that small businesses, community organizations, and schools have the support they need to make decisions in favor of economic success and strong families. This is the spirit of America.

Finally, I appreciate the opening for a new era in U.S.-Mexico relations as Presidents Bush and Fox work to develop a partnership for prosperity across our shared border. Both nations have much to gain through the implementation of win-win policies on trade, immigration and the war on drugs. As we celebrate New Mexico's and America's Hispanic heritage, I hope we will continue to capitalize on our common ground with Mexico, making the most of new opportunities for trade and cooperation with our neighbor.

New Mexicans regularly enjoy and celebrate the centuries-long influence of Hispanic culture and traditions on our society. This month in which our nation recognizes the special contributions of Hispanic Americans finds our country united as never before to rebuild and defend this great land after a devastating attack. This in mind, there could be no better time to honor Hispanic Americans for valiantly serving the needs of nation and community, defending our freedom, bettering our economy, and building strong families, for this is the spirit of America.

New Mexico's largest newspaper recently rendered a broad tribute to Hispanic Americans. I ask unanimous consent that this September 23 Albuquerque Journal article be printed in the RECORD.

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

[From the Albuquerque Journal, Sept. 23, 2001]

LIST A SOURCE OF PRIDE FOR HISPANICS AND AMERICANS

(By Dan Herrera)

The national celebration of Hispanic Heritage Month, which for some odd reason runs from Sept. 15 through Oct. 15, has been obscured by the overwhelming shock and sorrow created by the terrorist attacks of Sept. 11.

But Hispanic Heritage Month has never been that big a public spectacle, at least in these parts; instead, as elsewhere, the week-

end-long beer-company-promoted Cinco de Mayo celebration has taken center stage among Hispanic-oriented celebrations.

In fact, it's hard to find many special Hispanic Heritage Month events in Albuquerque. Most notable is the free Chautauqua series now under way at the National Hispanic Cultural Center. Its opening performance, Jean Jordan as Queen Isabella, had to be delayed because of the attacks on the East Coast. History buffs can still catch several other shows. Call the center at 246-2261 for more information. I had a long conversation the other day with Ruben Salaz, author of "New Mexico: a Brief Multi-history," about Hispanic Heritage Month. He believes New Mexico could reduce its shamefully high Hispanic student dropout rate by putting a greater emphasis in history classes on our state's long, proud past.

He's got a point. Learning about important figures with names like Juan de Onate, Diego de Vargas and Juan Bautista de Anza, all early governors of the Spanish colony of New Mexico who played especially important roles, alongside names like George Washington, Thomas Jefferson and Abraham Lincoln couldn't hurt. Students also might like learning more about historically important Indians like Pope and Cuerno Verde while they're at it.

New Mexico has always been much more than a stop along the trail ultimately leading to California and Manifest Destiny. But Hispanics also have played important roles in American history outside of New Mexico.

So, in recognition of this special month, here is an assortment of Americans you may not have known about or may not have known were Hispanic. There was a time not too long ago that nobody was counting, after all.

Most of the information was compiled using Salaz's information-packed book and another wonderful book called "Hispanic Firsts: 500 Years of Extraordinary Achievement" by Nicolas Kanellos, which contains a 372-page listing of accomplishments. Both belong in every library in New Mexico.

Joseph Hernandez: In 1822, the Whig party member from Florida became the first Hispanic representative in the U.S. Congress.

Octaviano Larrazolo: A New Mexico Republican, Larrazolo became the first Hispanic U.S. Senator in 1928.

Dennis Chavez: In 1944, the New Mexico senator, a Democrat, introduced the first Fair Employment Practices bill, which prohibited discrimination because of race, creed or national origin. The bill was defeated, but it was an important step toward the 1964 Civil Rights Act.

HONORING DEFENSE INTEL-  
LIGENCE AGENCY EMPLOYEES  
WHO LOST THEIR LIVES

Mr. WARNER. Mr. President, I rise today to honor the memory of seven employees of the Defense Intelligence Agency who lost their lives in the horrific terrorist attacks that befell our Nation on the morning of September 11, 2001, and to pay tribute to the duty and sacrifice these citizens have rendered in service to their country. Today, Vice Admiral Thomas R. Wilson, Director, Defense Intelligence Agency, will preside over a memorial service at Bolling Air Force Base for these innocent victims of terrorism. As part of the ceremony, the names of

these brave citizens will be added to DIA's Patriots Memorial at the Defense Intelligence Analysis Center at Bolling, joining other members of DIA who were killed in service to their Nation.

As I read the biographies of these fellow countrymen, I was struck by the picture they paint of our great Nation, young and old, ethnically diverse, two veterans, family men and women. They represent the very fabric of America and embody the American values of opportunity and freedom. They also represent the finest traditions of selfless service to family, community, and Nation to which we all aspire. We mourn with their families.

I now call the roll of those seven citizens, members of the Defense Intelligence Agency, who died, in service to their Nation at the Pentagon on September 11, 2001: Rosa M. Chapa of Springfield, VA; Sandra N. Foster of Clinton, MD; Robert J. Hymel of Woodbridge, VA; Shelley A. Marshall of Marbury, MD; Patricia E. Mickley of Springfield, VA; Charles E. Sabin of Burke, VA; and Karl W. Teepe of Centreville, VA.

Rosa M. Chapa served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Chapa began her civilian career with DIA on November 23, 1997 and served with the Federal Government for over 30 years. Ms. Chapa was responsible for ensuring that critical manpower information flowed smoothly to automated management systems. Ms. Chapa is survived by her husband, Jose Chapa, and five children, Roger, John, Elza, Gracie, and Julie.

Sandra N. Foster served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Foster began her civilian career with DIA on August 27, 1978. Ms. Foster was responsible for conducting analysis and evaluations of the manpower and functional implications of plans and programs, and developing and executing complex resource management activities. Ms. Foster is survived by her husband, Kenneth Foster.

Robert J. Hymel served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Mr. Hymel began his civilian career with DIA on March 7, 1994 after retiring from the Air Force with over 23 years of active duty service. Mr. Hymel was responsible for DIA joint manpower issues that focused on military human intelligence management and organization. Mr. Hymel is survived by his wife, Pat Hymel and daughter, Natalie Connors.

Shelley A. Marshall served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management.