

SEC. 6. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

(a) IN GENERAL.—Public Law 94-98 (20 U.S.C. 50 note; 89 Stat. 480) is amended by adding at the end the following:

“SEC. 4. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

“(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$2,000,000 for fiscal year 2003; and

“(2) such sums as are necessary for each of fiscal years 2004 through 2008.”.

(b) CONFORMING AMENDMENT.—Section 3 of Public Law 94-98 (20 U.S.C. 50 note; 89 Stat. 480) is amended in the first sentence by striking “the purposes of this Act.” and inserting “this Act (other than section 4).”.

(c) MUSEUM SUPPORT CENTER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Smithsonian Institution may enter into a single procurement contract for the construction of additional facilities at the Museum Support Center of the Institution.

(2) REQUIREMENT.—The contract entered into under paragraph (1) and the solicitation for the contract shall include the clause specified in section 52.232-18 of title 48, Code of Federal Regulations.

SEC. 7. PATENT OFFICE BUILDING IMPROVEMENTS.

(a) AUTHORIZATION.—Pursuant to sections 5579, 5583, 5586, and 5588 of the Revised Statutes (20 U.S.C. 41, 46, 50, and 52) and Public Law 85-357 (72 Stat. 68), the Board of Regents of the Smithsonian Institution may plan, design, and construct improvements, which may include a roof covering for the courtyard, to the Patent Office Building transferred to the Smithsonian Institution by Public Law 85-357 (72 Stat. 68) in order to provide increased public space, enhanced visitors' services, and improved public access.

(b) DESIGN AND SPECIFICATIONS.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

(1) submitted by the Secretary to the Commission of Fine Arts for comments and recommendations; and

(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and D.C. Code 6-641.15.

(c) AUTHORITY OF HISTORIC PRESERVATION AGENCIES.—

(1) IN GENERAL.—The Secretary shall—

(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

(2) STATUS OF SMITHSONIAN.—In carrying out this subsection, and for other projects in the District of Columbia subject to the review and approval of the National Capital Planning Commission in accordance with D.C. Code 6-641.15, the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of

the National Historic Preservation Act (16 U.S.C. 470f).

(d) RENOVATION OF PATENT OFFICE BUILDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Smithsonian Institution may enter into a single procurement contract for the repair and renovation of the Patent Office Building.

(2) REQUIREMENT.—The contract entered into under paragraph (1) and the solicitation for the contract shall include the clause specified in section 52.232-18 of title 48, Code of Federal Regulations.

SEC. 8. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On December 4, 1987, Congress approved House Concurrent Resolution 57, designating jazz as “a rare and valuable national American treasure”.

(2) Jazz has inspired some of the Nation's leading creative artists and ranks as 1 of the greatest cultural exports of the United States.

(3) Jazz is an original American art form which has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music.

(4) Jazz has become an international language that bridges cultural differences and brings people of all races, ages, and backgrounds together.

(5) The jazz heritage of the United States should be appreciated as broadly as possible and should be part of the educational curriculum for children in the United States.

(6) The Smithsonian Institution's National Museum of American History has established April as Jazz Appreciation Month to pay tribute to jazz as both a historic and living American art form.

(7) The Smithsonian Institution's National Museum of American History has received great contributions toward this effort from other governmental agencies and cultural organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Smithsonian Institution has played a vital role in the preservation of American culture, including art and music;

(2) the Smithsonian Institution's National Museum of American History should be commended for establishing a Jazz Appreciation Month; and

(3) musicians, schools, colleges, libraries, concert halls, museums, radio and television stations, and other organizations should develop programs to explore, perpetuate, and honor jazz as a national and world treasure.

INSPECTOR GENERAL ACT OF 1978 AMENDMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 443, S. 2530.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2530) to amend the Inspector General Act of 1978—5 U.S.C. App—to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMPSON. Mr. President, I am pleased that the Senate is taking up S. 2530, a bill to provide statutory law enforcement authority for certain Inspectors

General, which I have introduced along with Senator LIEBERMAN. In July of 2000, the Governmental Affairs Committee held a hearing on Inspector General issues. Among the issues addressed in that hearing was the need for statutory law enforcement authority. This bill was reported favorably by the committee on June 25, 2002 without opposition.

Currently there are 23 Offices of Inspector General whose qualified law enforcement agents are deputized by the Attorney General on a periodic basis. Over the last five years, IGs have been responsible for over 25,000 successful criminal prosecutions, over \$12 billion in investigative recoveries, and over 35,000 suspensions and debarments based on their investigations. In addition, they have played key roles in numerous joint task forces with Federal, State and local law enforcement officials. Under the current system, the Attorney General must renew each of these law enforcement deputations periodically.

Unfortunately, there are some problems that exist under the current regime. First, the deputation process places a heavy burden on the U.S. Marshals Service. The Marshals Service is given responsibility for 2,500 IG agents without sufficient resources to conduct proper oversight. In addition, as we learned at our hearing, gaps in the renewal process could compromise ongoing investigations. Finally, many are concerned that the current blanket deputation process could leave an agent's actions open to legal challenge.

This bill would remedy these problems without conferring any additional authorities on the IGs. And it provides for more oversight than currently exists under the deputation process. Specifically, it requires that the IGs conduct periodic peer reviews of their use of law enforcement authority and to provide reports from those reviews to the relevant IG as well as the Attorney General. Those peer reviews are not currently required under the deputation process. If the Attorney General determines that an IG no longer needs law enforcement authority, or that an IG has violated relevant guidelines, then that authority can be rescinded. Simply put, by making the process statutory, we will solidify a process already in place, provide for more oversight of the law enforcement authority than currently exists, and relieve some unnecessary administrative burdens.

In addition, I believe that the bill is even more important in light of the events of September 11. The IGs provided valuable personnel and law enforcement assistance in the months following the tragedy. They served as sky marshals while permanent personnel were being trained. They helped the FBI run down leads in its followup investigation. And they worked within their own agencies to provide information about individuals on the FBI's watch list. The IG community's law enforcement agents provide a valuable

service to this country, on top of the valuable service they provide every day, and they deserve to be recognized for what they are—valuable law enforcement agents.

I am pleased that the Department of Justice and the Federal Bureau of Investigation have written to me in support of the legislation. The Justice Department suggested one change in the legislation—that the Attorney General be allowed to rescind law enforcement authority for individual agents as well as for entire offices—and I am happy to add that provision. I am gratified that the Senate will move forward with this important legislation and send it to the House.

I ask unanimous consent that a copy of each of these letters be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 30, 2002.

Hon. FRED THOMPSON,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: This responds to your request for the views of the Department of Justice on S. 2530, a bill “[t]o amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.” Subject to the concern outlined below, we support enactment of this legislation.

Under administrative procedures that are currently in place, Inspector General agents are granted “blanket special deputations” (including law enforcement authorities, such as the authority to make arrests and to carry firearms) by the Attorney General. As part of this program, the Attorney General is able to rescind or suspend the police powers of individual Inspector General agents for failure to comply with guidelines governing the exercise of the special deputation police powers that the Attorney General has granted. Proposed section 6(e)(5) of the Inspector General Act, however, only permits the Attorney General to rescind or suspend the police powers of an entire Office of Inspector General upon a determination that the respective Office has not complied with applicable guidelines promulgated by the Attorney General. Because such an action against an entire Office of Inspector General could severely disrupt numerous ongoing criminal investigations, such an enforcement mechanism is neither desirable nor practicable. Accordingly, we strongly recommend that the Attorney General’s current authority to suspend police powers of individual agents for failures to comply with applicable Attorney General guidelines or standards be incorporated in the bill as an important component of the oversight of the respective Inspectors General offices.

Thank you for the opportunity to present our views regarding this legislation. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration’s program to the presentation of this report.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, October 4, 2002.

Hon. FRED THOMPSON
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: The Federal Bureau of Investigation supports the passage of S. 2530, a bill “[t]o amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General Agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.” The FBI reviewed the bill and made some recommendations which were forwarded to the Department of Justice. The Department of Justice has forwarded its recommendations to you.

Sincerely,

ROBERT S. MUELLER, III,
Director.

Mr. REID. Mr. President, I ask unanimous consent that the Thompson amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 4893) was agreed to, as follows:

(Purpose: To provide that the Attorney General may rescind or suspend certain authority with respect to an individual, and for other purposes)

On page 4, strike lines 15 through 22, and insert the following:

“(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

“(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

The bill (S. 2530), as amended, was read a third time and passed, as follows:

S. 2530

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

SECTION 1. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) IN GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

“(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

“(B) make an arrest without a warrant while engaged in official duties as authorized

under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

“(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

“(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

“(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

“(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

“(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

“(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

“(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

“(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

“(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

“(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

“(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within

each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

"(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation."

(b) **PROMULGATION OF INITIAL GUIDELINES.**—

(1) **DEFINITION.**—In this subsection, the term "memoranda of understanding" means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) that—

(A) are in effect on the date of enactment of this Act; and

(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

(2) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

(3) **MINIMUM REQUIREMENTS.**—The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

(4) **NO LAPSE OF AUTHORITY.**—The memoranda of understanding in effect on the date of enactment of this Act shall remain in effect until the guidelines promulgated under this subsection take effect.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

(2) **INITIAL GUIDELINES.**—Subsection (b) shall take effect on the date of enactment of this Act.

ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 716, S. 2936.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2936) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment and an amendment to the title.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2936

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

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

[Section 8415 of title 5, United States Code, is amended—

[(1) by redesignating the second subsection (i) and subsection (j) as subsections (j) and (k), respectively; and

[(2) by adding at the end the following:

"[(1) In the case of any annuity computation under this section that includes, in the aggregate, at least 1 year of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percent.".]

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

"[(1) In the case of any annuity computation under this section that includes, in the aggregate, at least 1 year of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point."]

(b) **CONFORMING AMENDMENT.**—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107-135), is amended by striking "8415(i)" and inserting "8415(k)".

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to any annuity entitlement which is based on a separation from service occurring on or after the date of enactment of this Act.

Amend the title so as to read: "A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes."

Mr. ALLEN. Mr. President, today I rise to thank my colleagues for their unanimous support of S. 2936 which will adjust Federal employees retirement computations to offset reductions in their retirement arising from on-the-job injuries covered by the Workers Compensation program. An extraordinary amount of hard work went into this legislation and I would like to thank my colleague from New York, Senator CLINTON, for her most valuable assistance on her side of the aisle in pushing this important measure through the legislative process. I would also like to thank Senators AKAKA, COCHRAN, LIEBERMAN, and THOMPSON of the Governmental Affairs Committee for their advice and bipartisan support, and Senator WARNER for his support from the first day I introduced this bill.

S. 2936 addresses a problem in the retirement program for federal employees that has been recognized but unresolved since 1986 when the current retirement system was established. Unfortunately, complications arising from the Tax Code and the Workers Rehabilitation Act of 1973 have blocked any solution.

My resolve to address the problem was inspired by Ms. Louise Kurtz, a

federal employee who was severely injured in the September 11 attack on the Pentagon. She suffered burns over 70% of her body, lost her fingers, yet fights daily in rehabilitation and hopes to return to work some day. Current law does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving Worker's Compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation.

As Ms. Kurtz's situation reveals, federal employees under the Federal Employees Retirement System who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's Office of Workers' Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, the future retirement benefits from both sources are reduced.

This legislation offsets the reductions in Social Security and Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System Direct Benefit calculation by one percentage point for extended periods of disability.

The passage of this bill ensures that the pensions of our hard-working federal employees will be kept whole during a period of injury and recuperation, especially now that many of them are on the frontlines of protecting our homeland security in this new war on terror. By protecting the retirement security of injured federal employees, we have provided an incentive for them to return to work and increased our ability to retain our most dedicated and experienced federal workers. This is a reasonable and fair approach in which the whole Senate has acted in a logical and compassionate manner.

I wish to reiterate my gratitude to Senators LIEBERMAN and THOMPSON and their staffs for their assistance in passing this legislation. I also wish to thank Office of Personnel Management Director Kay Coles James and Harry Wolf, Ted Newland, and Mary Ellen Wilson of her staff for helping craft this legislative solution to a heretofore insoluble problem. They are truly wonderful, creative, caring, and principled leaders who worked long hours to accomplish this equitable solution.

I am glad to see the Senate come together and pass this important legislation and again thank my colleague from New York for her leadership. I have truly enjoyed working with her for the successful passage of this positive and constructive legislation that will improve the retirement security of America's dedicated federal employees.

Mr. REID. Mr. President, I ask that the Senate agree to the committee substitute; the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table with no