

Executive Service for failure to be reclassified as a senior executive under section 3393a of title 5, United States Code.

**SEC. 2302. ADJUSTMENT OF LIMITATION ON TOTAL ANNUAL COMPENSATION.**

Section 5307(a) of title 5, United States Code, is amended by adding at the end the following:

“(3) Notwithstanding paragraph (1), the total payment referred to under such paragraph with respect to an employee paid under section 5372, 5376, or 5383 of title 5 or section 332(f), 603, or 604 of title 28 shall not exceed the total annual compensation payable to the Vice President under section 104 of title 3. Regulations prescribed under subsection (c) may extend the application of this paragraph to other equivalent categories of employees.”.

**TITLE XXIV—ACADEMIC TRAINING**

**SEC. 2401. ACADEMIC TRAINING.**

(a) ACADEMIC DEGREE TRAINING.—Section 4107 of title 5, United States Code, is amended to read as follows:

**“§ 4107. Academic degree training**

“(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training—

“(1) contributes significantly to—

“(A) meeting an identified agency training need;

“(B) resolving an identified agency staffing problem; or

“(C) accomplishing goals in the strategic plan of the agency;

“(2) is part of a planned, systematic, and coordinated agency employee development program linked to accomplishing the strategic goals of the agency; and

“(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

“(b) In exercising authority under subsection (a), an agency shall—

“(1) consistent with the merit system principles set forth in paragraphs (2) and (7) of section 2301(b), take into consideration the need to—

“(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; and

“(B) provide employees effective education and training to improve organizational and individual performance;

“(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or to qualify for appointment to a particular position for which the academic degree is a basic requirement;

“(3) assure that no authority under this subsection is exercised on behalf of any employee occupying or seeking to qualify for—

“(A) a noncareer appointment in the Senior Executive Service; or

“(B) appointment to any position that is excepted from the competitive service because of its confidential policy-determining, policymaking, or policy-advocating character; and

“(4) to the greatest extent practicable, facilitate the use of online degree training.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by striking the item relating to section 4107 and inserting the following:

“4107. Academic degree training.”.

**SEC. 2402. MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM.**

(a) FINDINGS AND POLICIES.—

(1) FINDINGS.—Congress finds that—

(A) the United States Government actively encourages and financially supports the training, education, and development of many United States citizens;

(B) as a condition of some of those supports, many of those citizens have an obligation to seek either compensated or uncompensated employment in the Federal sector; and

(C) it is in the United States national interest to maximize the return to the Nation of funds invested in the development of such citizens by seeking to employ them in the Federal sector.

(2) POLICY.—It shall be the policy of the United States Government to—

(A) establish procedures for ensuring that United States citizens who have incurred service obligations as the result of receiving financial support for education and training from the United States Government and have applied for Federal positions are considered in all recruitment and hiring initiatives of Federal departments, bureaus, agencies, and offices; and

(B) advertise and open all Federal positions to United States citizens who have incurred service obligations with the United States Government as the result of receiving financial support for education and training from the United States Government.

(b) FULFILLMENT OF SERVICE REQUIREMENT IF NATIONAL SECURITY POSITIONS ARE UNAVAILABLE.—Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(1) in subparagraph (A), by striking clause (ii) and inserting the following:

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position in an agency or office of the Federal Government having national security responsibilities is available, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or”;

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available upon the completion of the degree, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and”.

**SEC. 2403. COMPENSATORY TIME OFF FOR TRAVEL.**

Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§ 5550b. Compensatory time off for travel**

“(a) An employee shall receive 1 hour of compensatory time off for each hour spent by the employee in travel status away from the official duty station of the employee, to the extent that the time spent in travel status is not otherwise compensable.

“(b) Not later than 30 days after the date of enactment of this section, the Office of Personnel Management shall prescribe regulations to implement this section.”.

**NOTICES OF HEARINGS/MEETINGS**

**SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION**

Mr. HARKIN. Mr. President, I would like to announce that the Subcommittee on Forestry, Conservation, and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry will meet on September 5, 2002, in SR-328A at 9:00 a.m. The purpose of this hearing will be to discuss the decline of oak tree populations in southern states caused by prolonged drought and red oak borer insect infestation.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 3, 2002, at 2:30 pm on the nomination of Marion Blakey to be the Administrator of the Federal Aviation Administration.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS**

Mr. LIEBERMAN. 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 Staying Healthy: Health Issues Surrounding Proposed Changes in Clean Air Standards during the session of the Senate on Tuesday, September 3, 2002, at 2:30 p.m. in SD-430.

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

**UNANIMOUS CONSENT AGREEMENT—H.R. 5005**

Mr. REID. Madam President, I ask unanimous consent that at 1 p.m., Wednesday, September 4, when the Senate resumes consideration of H.R. 5005, Senator LIEBERMAN be recognized to call amendment No. 4471 before the Senate.

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

Mr. REID. This has been cleared with the minority.

**NATIONAL BOOK FESTIVAL**

Mr. REID. Madam President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 348, and the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 348) authorizing the use of the Capitol Grounds for the National Book Festival.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table, without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 348) was agreed to.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-15

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate today by the President of the United States:

Treaty with Honduras for Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft (Treaty Document No. 107-15).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. Like several in this series, this Treaty also covers aircraft. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, robbed, or embezzled and found in Honduras.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 3, 2002.

#### PRINTING OF LIEBERMAN SUBSTITUTE TO H.R. 5005

Mr. REID. Madam President, I ask unanimous consent that the Lieberman

substitute amendment to H.R. 5005 be printed in the RECORD.

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

#### ORDERS FOR WEDNESDAY, SEPTEMBER 4, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, September 4; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of the Interior Appropriations Act; further, at 12 noon, there be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator KENNEDY or his designee, and the second half of the time under the control of the Republican leader or his designee, and at 1 p.m. the Senate resume consideration of the Homeland Security Act.

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

#### DUAL TRACKING OF LEGISLATION

Mr. REID. Madam President, we are trying something in the Senate that we have tried on a number of other occasions but not often. We are going to do two bills at one time. It is dual tracking. We are going to take up the Interior Appropriations bill in the morning and go until 12 noon on that legislation. At 12 o'clock, we will have an hour of morning business, and then we will go back to the Homeland Security bill. We will do the same thing on Thursday.

We hope that people will be ready on both pieces of legislation to offer any amendment or amendments they might have. I would feel that we were wasting a lot of time if, for example, tomorrow we did not have some amendments offered on the Interior Appropriations bill. The leader has indicated that he expects late votes after tomorrow, which will be Thursday.

We have to stop early tomorrow because former Vice President Mondale will be here to address Members of the Senate. We have a lot of work to do and a very limited amount of time in which to do everything we need to do before our adjournment. Members are put on notice we will be working on Fridays and Mondays, and we will have votes later than normal on Fridays and earlier than usual on Mondays, with the exception of a week from next Monday.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam 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.

There being no objection, the Senate, at 7:16 p.m. adjourned until Wednesday, September 4, 2002, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 3, 2002:

##### DEPARTMENT OF STATE

JOHN F. KEANE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

KIM R. HOLMES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATIONS), VICE C. DAVID WELCH.

##### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

IRENE B. BROOKS, OF PENNSYLVANIA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE SUSAN BAYH.

ALLEN I. OLSON, OF MINNESOTA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE ALICE CHAMBERLIN.

##### EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE MARK W. EVERSON.

##### FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007. (RE-APPOINTMENT)

##### NATIONAL INDIAN GAMING COMMISSION

PHILIP N. HOGEN, OF SOUTH DAKOTA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE MONTIE R. DEER, TERM EXPIRED.

##### CENTRAL INTELLIGENCE

SCOTT W. MULLER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE ROBERT M. MCNAMARA, JR., RESIGNED.

##### SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE PHYLLIS K. FONG.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. NORTON A. SCHWARTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. RONALD E. KEYS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. CARROL H. CHANDLER, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be admiral*

ADM. JAMES O. ELLIS, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be colonel*

DONALD C. ALFANO, 0000