

(i) by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision"; and

(ii) in subparagraph (A)—

(I) by striking "section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act" and inserting "subsection (c), (d), (e), or (f)"; and

(II) by striking "section 2(h)" and inserting "subsection (g)"; and

(B) in paragraph (2), by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision".

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility".

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting "or covered entity under section 2(g)" after "direct the contract market";

(2) by striking "on any futures contract"; and

(3) by inserting "or covered entity under section 2(g)" after "given by a contract market".

**SA 4696.** Mr. BINGAMAN 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 85, between lines 3 and 4, insert the following:

(4) OPERATIONAL TEST AND EVALUATION.—

(A) PRINCIPAL OFFICIAL FOR OPERATIONAL TEST AND EVALUATION.—The Under Secretary is the official within the Department who, under the Secretary, is responsible for operational test and evaluation activities of the Department. As such, the Under Secretary is the principal adviser to the Secretary regarding such activities and shall carry out the duties set forth in the other provisions of this paragraph subject to the authority, direction, and control of the Secretary.

(B) POLICIES AND PROCEDURES.—The Under Secretary shall prescribe policies and procedures for the conduct of operational test and evaluation activities of the Department.

(C) MONITORING AND REVIEW.—The Under Secretary shall monitor and review the conduct of operational test and evaluation activities of the Department. The Under Secretary shall require prompt reports on the conduct of such activities.

(D) COORDINATION.—The Under Secretary shall coordinate operational test and evaluation that is carried out jointly by two or more Under Secretaries of Homeland Security.

(E) FINANCIAL MANAGEMENT.—The Under Secretary shall review all matters relating to the budget and financial management for operational test and evaluation by the Department and submit to the Secretary any recommendations that the Under Secretary determines appropriate regarding such matters.

(F) ACCESS TO INFORMATION.—The Under Secretary shall have access to any records and other information of the Department that the Under Secretary determines necessary to carry out the duties of the position under this paragraph.

(G) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Under Secretary shall submit to Congress a report on the conduct of operational test and evaluation activities of the Department during the fiscal year ending in the preceding year. The report shall include an assessment of the overall strength and effectiveness of

the operational test and evaluation infrastructure of the Department and, for each major system subjected to operational test and evaluation during the fiscal year covered by the report, the following information:

(i) SYSTEM MISSION.—The mission of the major system.

(ii) BACKGROUND SYSTEM INFORMATION.—Background technical and programmatic information on the major system.

(iii) TEST AND EVALUATION ACTIVITIES.—A discussion of the operational test and evaluation conducted on the major system during such fiscal year.

(iv) OPERATIONAL EFFECTIVENESS ASSESSMENT.—An assessment of the operational effectiveness of the major system, as determined on the basis of the results of the operational test and evaluation.

(H) DEFINITIONS.—In this paragraph:

(i) MAJOR SYSTEM.—The term "major system" has the meaning given such term in section 4(9) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(9)).

(ii) OPERATIONAL TEST AND EVALUATION.—The term "operational test and evaluation" means a test, under realistic combat conditions, of any item (or key component) of a technology, of a device, or of equipment for the purpose of determining the effectiveness and suitability of the technology, device, or equipment for use by typical users to meet homeland security needs or objectives, together with an evaluation of the results of such test.

(I) GAO REPORT.—Not later than two years after the effective date of this division, the Comptroller General shall submit to Congress a report on the administration of operational test and evaluation within the Department. The report shall include a discussion of the implementation of this paragraph, together with any recommendations for improvement of the implementation of this section that the Comptroller General considers appropriate. Effective 90 days after the date on which the report under this section is due, this subparagraph is repealed.

On page 91, beginning on line 9, strike "(h) OFFICE FOR TECHNOLOGY EVALUATION AND TRANSITION.—" and insert "(h) OFFICE FOR TESTING, EVALUATION, AND TRANSITION.—".

On page 91, beginning on line 14, strike "Office for Technology Evaluation and Transition" and insert "Office for Testing, Evaluation, and Transition".

On page 91, between lines 16 and 17, insert "(A) carry out the duties of the Under Secretary with respect to operational test and evaluation";

On page 92, line 11, insert "(except for the function described in paragraph (2)(A))" after "The functions described under this subsection".

**SA 4697.** Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill 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 and independent media in that country; as follows:

At the appropriate place in the bill insert the following:

**SEC. . PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.**

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for

an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than \$1,500,000.

#### SEC. . EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of P.L. 106-113, shall apply to U.S. contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, September 20, 2002 at 10:00 a.m. and 2:30 p.m. to hold a joint open hearing with the House Permanent Select Committee on Intelligence regarding the Joint Inquiry into the events of September 11, 2001.

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

#### AUTHORIZING SERGEANT AT ARMS AND DOORKEEPER OF SENATE TO ASCERTAIN AND SETTLE CLAIMS ARISING OUT OF ANTHRAX EXPOSURE

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 329 submitted earlier today by Senator DODD.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) authorizing the Sergeant at Arms and Doorkeeper of the Senate to ascertain and settle claims arising out of anthrax exposure in the Senate complex.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, en bloc, without intervening action or debate.

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

The resolution (S. Res. 329) was agreed to as follows:

##### S. RES. 329

*Resolved*, That (a) the Sergeant at Arms and Doorkeeper of the Senate—

(1) in accordance with such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain any claim incident to service by a Member, officer, or employee of the Senate for any damage to, or loss of, personal property, for which the Member, officer, or employee has not been reimbursed, resulting from the anthrax incident of October 15, 2001, or the related remediation efforts undertaken from such date through March 15, 2002; and

(2) may, with the approval of the Committee on Rules and Administration and in accordance with the provisions of section

3721 of title 31, United States Code, determine, compromise, adjust, and settle such claim in an amount not exceeding \$4,000 per claimant.

(b) Claimants shall file claims pursuant to this resolution with the Sergeant at Arms not later than December 31, 2002.

(c) Any compromise, adjustment, or settlement of any such claim pursuant to this resolution shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

#### FAMILY HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 330.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 330) designating the month of October 2002, as "Family History Month".

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

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and that any statements pertaining thereto be printed in the RECORD.

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

The resolution (S. Res. 330) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 330), with its preamble, reads as follows:

#### S. RES. 330

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of October 2002, as "Family History Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 1035, 1036, 1039 and the nominations on the Secretary's desk; that the nominations be confirmed; the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and that any statements relating thereto be printed in the RECORD; and that the Senate then resume legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

#### NOMINATIONS

#### COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

#### *To be rear admiral (lower half)*

Capt. Jody A. Breckenridge  
Capt. John E. Crowley  
Capt. Larry L. Hereth  
Capt. Richard R. Houck  
Capt. Clifford I. Pearson  
Capt. James C. Van Sice

The following named officer for appointment to the grade indicated in the United States Coast Guard under Title 14, U.S. Code, Section 211:

#### *To be Rear Admiral Lower Half*

Stephen W. Rochon

#### DEPARTMENT OF JUSTICE

Antonio Candia Amador, of California, to be United States Marshal for the Eastern District of California for the term of four years, vice Jerry J. Enomoto.

PN2162 Coast Guard nomination of David C. Clippinger, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 17, 2002

PN2161 Coast Guard nominations (59) beginning Christine D Balboni, and ending Steven E Vanderplas, which nominations were

received by the Senate and appeared in the CONGRESSIONAL RECORD of September 17, 2002

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### ORDERS FOR MONDAY, SEPTEMBER 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2:30 p.m., Monday, September 23; 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 there be a period for morning business until 3:30, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee and the second half under the control of Senator DASCHLE or his designee.

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

#### PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will resume consideration of the Interior Appropriations Act. The next rollcall votes will occur on Monday at about 5:30 in relation to the Dodd amendment to the Interior Appropriations Act, and on cloture on the Byrd substitute amendment to the Interior appropriations bill.

#### ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business now to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from West Virginia, Mr. BYRD.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the parliamentary situation at the moment?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Is there an order permitting Senators to speak during morning business?

The PRESIDING OFFICER. The previous order is for 10 minutes.