

meet with a case manager at least once each month; and

“(ix) be required by the court to attend a victim impact panel, if such a panel is available.

“(B) An individual referred to in subparagraph (A) is an individual who—

“(i) is convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within a minimum of 5 consecutive years;

“(ii) is convicted of a driving while intoxicated or driving under the influence with a blood alcohol concentration of 0.15 percent or greater;

“(iii) is convicted of a driving-while-suspended offense if the suspension was the result of a conviction for driving under the influence; or

“(iv) refuses a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

“(6) SPECIAL DUI/DWI FACILITY.—The term ‘special DUI/DWI facility’ means a facility that houses and treats offenders arrested for driving while impaired and allows such offenders to work and/or attend school.

“(7) VICTIM IMPACT PANEL.—The term ‘victim impact panel’ means a group of impaired driving victims who speak to offenders about impaired driving. The purpose of the panel is to change attitudes and behaviors in order to deter impaired driving recidivism.

“(b) TRANSFER OF FUNDS.—

“(1) FISCAL YEAR 2006.—Beginning on October 1, 2006, if a State has not enacted or is not enforcing a higher risk impaired driver law, the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 solely for impaired driving programs.

“(2) FISCAL YEAR 2007.—On October 1, 2007, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 4 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

“(3) FISCAL YEAR 2008.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 6 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in paragraph (1).

“(4) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1), (2), or (3) may be derived from 1 or more of the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(3).

“(C) The apportionment of the State under section 104(b)(4).

“(5) TRANSFER OF OBLIGATION AUTHORITY.—

“(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for carrying out impaired driving programs authorized under section 402.

“(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

“(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

“(ii) the ratio that—

“(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

“(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

“(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

“(c) WITHHOLDING OF FUNDS.—

“(1) FISCAL YEAR 2009.—On October 1, 2008, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(2) FISCAL YEAR 2010.—On October 1, 2009, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(3) FISCAL YEAR 2011.—On October 1, 2010, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(4) COMPLIANCE.—Not later than 4 years after the date that the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a), the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such 4-year period, any State has not enacted and is not enforcing a provision described in section 163(a) any amounts so withheld shall be transferred to carry out impaired driving programs authorized under section 402.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 149—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. NELSON of Florida submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 149

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves;

Whereas in 1997 Major League Baseball created a pension plan for former players of the Negro Baseball Leagues who went on to play in Major League Baseball; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages Major League Baseball in 2002 to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major League Baseball's 1997 pension plan.

Mr. NELSON of Florida. Mr. President, I rise today to submit a resolution recognizing the teams and players of the Negro Baseball Leagues for their contributions to baseball and the Nation.

This important resolution also calls on Major League Baseball to compensate the Negro League players who were left out of the League's 1997 pension plan.

For half a century, most of the Negro League players were excluded from the Majors.

Even though Jackie Robinson broke the color barrier in 1947, it took another decade for Major League Baseball to really become integrated, when in July of 1959, the last Major League team fielded an African American player.

During the intervening years, Baseball systemically discriminated against most Negro Leaguers.

Baseball Commissioner Bud Selig sought to correct some of the failings of the past when he awarded an annual \$10,000 pension benefit to some of the Negro Leaguers, but he left out those

who played solely in the Negro Leagues from 1948 to 1960.

Major League Baseball contends they were left out because the sport was integrated during that time. But history shows it took the big leagues many years to fully integrate following Jackie Robinson's historic entry into the Majors.

The players, who were excluded, still seeking a small retirement, have been reaching out to Commissioner Selig for five long years now, without resolution.

Meantime, these ex-players are getting old. Many have passed away. Time is running out to provide them with a small measure of compensation for their time in the Negro Leagues.

I joined them last year in trying to find some resolution to this dispute. I hope this concurrent resolution will act as a catalyst to spur action by Major League Baseball to correct this injustice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him 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.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4854. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON, of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4855. Mr. REID (for Mr. MCCAIN (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 5063, An Act to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

TEXT OF AMENDMENTS

SA 4852. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him 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:

In lieu of the matter proposed to be inserted insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(3) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(4) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(5) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(6) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(7) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(8) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the

mission and functions of the Directorate; and

(9) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(d) FISCAL YEARS 2003 and 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(e) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

SA 4853. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN, Mr. ALLEN, Mr. DOMENICI, Mrs. HUTCHISON, Mr. KOHL, Mr. BURNS, Mr. REED, Mr. BIDEN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. THURMOND, Mr. ENZI, Mr. BREAUX, Mr. MCCONNELL, Mr. CRAIG, Mr. CLELAND, Mr. BENNETT, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. CAMPBELL, Mr. NELSON of Florida, Mr. WELLSTONE, and Mr. SCHUMER) submitted an amendment intended to be proposed by him 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:

Strike all after the first word and insert the following:

SEC. 507. OFFICE FOR DOMESTIC PREPAREDNESS.

(a) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(b) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(c) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) in keeping with intelligence estimates, working to ensure adequate strategic and