

(3) *Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.*

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

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§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer *or a party to any other matter or determination reviewable by the Board* files an appeal *or other submission* with the Board, one original and seven copies of [both] any [appeal brief] *submission* and any responses must be filed with the Office. *The Office[r], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [on a disk] in a designated format, with receipt confirmed by electronic transmittal in the same format.*

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), *supra*. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

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§9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. *All motions for*

attorney's fees and costs shall be submitted to the Hearing Officer. The Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. *Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.*

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

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§9.05 Informal Resolutions and Settlement Agreements

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(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. *If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.*

(c) *Requirements for a Formal Settlement Agreement.* A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) *Violation of a Formal Settlement Agreement.* If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. *Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to*

be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

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CONGRATULATING RAE ANN RED OWL OF PINE RIDGE, SOUTH DAKOTA ON HER MASTER'S DEGREE IN NURSING

Mr. DASCHLE. Mr. President, as my colleagues will attest, I routinely come to the Senate floor to discuss the numerous challenges facing Native Americans in my state, and across Indian Country. While I've spoken at length about the need to address Indian education, Indian health care, and economic development on Indian reservations, I am here today for a different reason: to congratulate one of my constituents on an extraordinary accomplishment.

Earlier this month, Rae Ann Red Owl of the Pine Ridge Reservation became the first Lakota person, man or woman, to receive a master's degree from the nursing program at the University of North Dakota. More than that, when she walked across the stage, she became the first woman ever from Pine Ridge to earn a master's degree in nursing.

While earning a master's degree is a remarkable achievement, for Rae Ann, this step represents yet another obstacle overcome in a long life of beating the odds. Rae Ann can trace her desire to attend college all the way back to when she was in fifth grade and had to get a ride to school with her grandfather because she had overslept and missed the school bus. As her grandfather drove her to school, he told her, "education is the most important thing in life." That advice made her decide right then and there that she wanted to attend college.

Unfortunately, fulfilling dreams like this one is easier said than done in Indian Country. Rae Ann grew up on Pine Ridge, one of the poorest Indian reservations in the country. In a community where rates of alcohol and drug abuse are well above the national averages, Rae Ann was not immune to such pressures. But, instead of succumbing to these problems, she defeated them, and set a new course for her life.

Rae Ann applied for, and was accepted to, the Indians Into Medicine Program at the University of North Dakota. As she set out to pursue her dream, she found herself away from her home and her family for the first time, all the while caring for her two young daughters. In 1989, after years of studying, she graduated with a nursing degree, returned to Pine Ridge, and landed a job working for the Indian Health Service. Twelve years later, she realized that, with additional training, she could do even more to improve the quality of life on Pine Ridge—especially at the IHS—and returned to the

University of North Dakota in 2002. Last month, Rae Ann received her master's degree in nursing. After hearing about all of Rae Ann's accomplishments, and about the adversity she's overcome, it will come as no surprise to my colleagues that she plans to continue her education by enrolling in law school this fall.

When so many stories exist about the tremendous obstacles Native Americans face—in getting an education, gaining access to health care, and improving their quality of life—it is important for all of us to recognize success stories like Rae Ann's. Not only is Rae Ann a role model for her tribe, she is an example for all people who face adversity as they strive to fulfill their dreams. I would like to extend my personal congratulations on her recent achievement, and wish her the best of luck in all her future endeavors.

U.S. AID AND TERRORISTS

Mr. MCCONNELL. Mr. President, I want to take a very brief moment to speak to an article entitled "U.S. Aid Goes to Terrorism Backers" that appeared in today's edition of the Washington Times.

The allegation that American foreign assistance dollars in the West Bank and Gaza are going to Palestinian groups "working with or fostering terrorist-supporting organizations" is a serious one. The United States Agency for International Development, USAID, and the U.S. Department of State must immediately clarify these troubling reports, and I urge them to do so in an expeditious and public manner.

My colleagues should note that we already require the Secretary of State to ensure that no assistance for the West Bank and Gaza goes to, or through, individuals or entities "the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activities."

I will have more to say on this issue once USAID and the State Department clarify this matter.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In January 2000, a gay Mississippi man, was murdered by Brett David Kabat. Tolbert was kidnapped from a Biloxi gay bar and brutally strangling him and beating him to death before dumping his body in Alabama and stealing his truck. Because his friends say Tolbert was gay, was last seen at a gay bar, and the nature of his murder was particularly brutal, it is believed

that Tolbert was targeted because he was gay. When Tolbert's body was discovered, he was beaten beyond recognition with just a few teeth left in his mouth.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, it is with a sense of sorrow that I rise today to speak about the practice of abusive and exploitative child labor, as well as to recognize World Day against Child Labor, which occurred on June 12. Unfortunately, hundreds of millions of children are still forced to work illegally for little or no pay. The International Labor Organization has set aside this day to give a voice to these helpless children who toil away in hazardous conditions.

We should not only think about these children on June 12. We should think about this last vestige of slavery every day. I have remained steadfast in my commitment to eliminate abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the U.S.

Since I introduced that bill, we have made some progress in raising awareness about this scourge. In June of 1999, ILO Convention 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, was adopted unanimously in the ILO and here in the U.S. Senate. This was the first time ever that an ILO convention was approved without one dissenting vote. In record time the Senate ratified ILO Convention 2 with a bipartisan, 96-0 vote.

For the first time in history the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural tradition. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. When this convention was approved, the United States and the international community as a whole laid those arguments to rest and laid the groundwork

to begin the process of ending the scourge of abusive and exploitative child labor.

As of today, 50 countries have ratified ILO Convention 182. In fact, since the ILO was established in 1919, never has one of its treaties been ratified so quickly by so many national governments.

In May of 2000, the Senate enacted the Trade and Development Act of 2000. This act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

In 2001, Congressman ENGEL and I, along with the chocolate industry, negotiated the Harkin-Engel Protocol. This plan addresses abusive and exploitative child labor within the cocoa and chocolate producing countries of West Africa. This agreement will for the first time make possible the ability to publicly certify that cocoa used in chocolate or related products has been grown and processed without abusive child labor. This historic agreement represents a true partnership between industry and government to stamp out abusive and exploitative child labor.

In an effort to continue to raise awareness, last month the first Children's World Congress about Child Labor was held in Florence, Italy. The Congress was organized by the Global March and my good friend Kailash Satyarthi. At this conference child delegates from all across the world joined with the common purpose of discussing and raising awareness about the atrocities of abusive child labor. I would like to commend Kendra Halter, one of my constituents, from Iowa City, who was selected to participate as a U.S. delegate to the Congress.

The child delegates participated in workshops and were allowed to question foreign leaders and government officials from various countries to include the United States. The Congress produced a declaration that stressed the need for governments to take direct action combating this issue by providing free quality education. The declaration also calls for parents and youth of all countries to get involved in the spreading of awareness of this scourge.

In spite of all of these successes there is much more to be done. Currently, according to the ILO, there are 246 million child laborers in the world. 73 million of those are under the age of 10, and approximately 22 thousand children die in work related accidents every year. Abusive and exploitative child labor is prevalent in many parts of the world, including in our backyard.

In the June 10 edition of the Washington Post, the issue of abusive child labor once again made the headlines. The article brings to light the troubled life of a child aged 14 and his family as they labor dangerously in the sugar