

of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH,
THE WHITE HOUSE, *January 29, 2003.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 241. A bill to amend the Coastal Zone Management Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-838. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Transactions of Investment Companies With Portfolio and Subadviser Affiliates. (17CFR sections 270.10f-3, 270.12d3-1, 270.17a-6, 270.17a-10, 270.17d-1, and 270.17e-1) (3235-AI28)" received on January 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-839. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Condition for Use of Non-GAAP Financial Measures" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-840. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulations H—Reporting and Disclosure Requirements for State Member Banks With Securities Registered Under the Securities Exchange Act of 1934 (Doc. No. R-1129)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-841. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2003 Report on Foreign Policy-Based Export Controls, received on January 21, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-842. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency With Respect to Terrorist Who Threaten to Disrupt the Middle East

Peace Process that was declared in Executive Order 12947 of January 23, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-843. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to terrorist who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-844. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures Regulations; Cuban Assets Control Regulations; Publication of Economic Sanctions Enforcement Guidelines" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-845. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of rule entitled "Insider Trades During Pension Fund Blackout Periods (RIN 3235-AI71)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-846. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development "Public Housing Total Development Cost (RIN2577-AC05)" received on January 21, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-847. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to waiving the restrictions of the Cooperative Threat Reduction Act of 1993 subsection (d) of section 1203 with respect to the Russian Federation; to the Committee on Foreign Relations.

EC-848. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the proposed certification of a proposed license for export of defense articles of defense services sold commercially under a contract in the amount of \$50,000 or more to Russia, Ukraine and Norway"; to the Committee on Foreign Relations.

EC-849. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Addition to Quarantined Area and Applicability of Regulations (Doc. No. 02-1117-2)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-850. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly, Designation of Quarantined Area (Doc. No. 02-130-1)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-851. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the Biennially report to congress on the continuing need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC-852. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the authorization of additional bankruptcy judgeships; to the Committee on the Judiciary.

EC-853. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Annual Report of the Nuclear Regulatory Commission, received on January 23, 2003; to the Committee on Governmental Affairs.

EC-854. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of Commercial Activities Inventory and Inherently Governmental Inventory, received on January 21, 2003; to the Committee on Governmental Affairs.

EC-855. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the Annual Report (Year 2002) for the Office of Independent Counsel-Barrett; to the Committee on Governmental Affairs.

EC-856. A communication from the Office of Personnel Management, The President's Pay Agent, transmitting, pursuant to law, the report relative to justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, received on January 21, 2003; to the Committee on Governmental Affairs.

EC-857. A communication from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Federal Mediation and Conciliation Service under the Federal Managers' Financial Integrity Act (FMFIA) for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-858. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Adjustment of Civil Monetary Penalties (RIN1210-AA95)" received on January 23, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-859. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects Program, Capacity Building, Coordination, & Collaboration Projects" received on January 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-860. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations (Doc. No. 00N-1596)" received on January 21, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-861. A communication from the Acting Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting, pursuant to law, the report relative to the Tres Rios, Arizona, ecosystem restoration, flood damage reduction, and recreation project, received on January 27, 2003; to the Committee on Environment and Public Works.

EC-862. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission's Monthly report on the Status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-863. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Address Change for Submission of Reports"

received on January 16, 2003; to the Committee on Environment and Public Works.

EC-864. A communication from the General Counsel, Office of General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" received on January 27, 2003; to the Committee on Energy and Natural Resources.

EC-865. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistant Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Security Amendments To Implement Executive Order 12829, National Industrial Security Program (1991-AB42)" received on January 23, 2003; to the Committee on Energy and Natural Resources.

EC-866. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Returns and Return Information by Other Agencies" received on January 27, 2003; to the Committee on Finance.

EC-867. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January-March 2003 Bond Factor Amounts (Rev. Rul. 2003-2)" received on January 14, 2003; to the Committee on Finance.

EC-868. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offshore Voluntary Compliance Initiative (Rev. Proc. 2003-11)" received on January 14, 2003; to the Committee on Finance.

EC-869. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of intent to publish regulations regarding definitions of early retirement benefit and retirement-type subsidy (Notice 2003-10)" received on January 14, 2003; to the Committee on Finance.

EC-870. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2003-01 (RP-134000-02)" received on January 14, 2003; to the Committee on Finance.

EC-871. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Drawbridge Centers (T.D. 03-05)" received on January 23, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, without amendment:
S. Res. 35. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI, without amendment:
S. Res. 36. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. MCCAIN, without amendment:
S. Res. 37. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG, without amendment:
S. Res. 38. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. GREGG, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 151. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 153. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*John W. Snow, of Virginia, to be Secretary of the Treasury.

By Mr. HATCH for the Committee on the Judiciary.

Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

By Mr. WARNER for the Committee on Armed Services.

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense.

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

Air Force nomination of Brig. Gen. William J. Lutz.

Air Force nomination of Col. Jarisse J. Sanborn.

Army nomination of Maj. Gen. Thomas F. Metz.

Navy nomination of Rear Adm. Albert T. Church III.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Anthony E. Musella, Jr.

Air Force nomination of Steven B. Wallis.

Air Force nominations beginning Sara M. Devine and ending Michael H. Quinn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning James F. Barber and ending Donald G. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Joseph M. Koroluk and ending Ricky J. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Patrick W. Behan and ending Jamie L. Saives, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Hossam E. Ahmed and ending Brett W. Perkins, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Robert A. Bazylak and ending Mark S. Smyczynski, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Deborah L. Aspling and ending Candace W. Woodham, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Andrew A. Akelman and ending Steven Zebich, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Michael L. Bell and ending Glenn L. Spitzer, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Roosevelt Allen, Jr. and ending Arjen L. Vandevoorde, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Peter A. Bauer and ending Christopher M. Zahn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nomination of Ronald D. Harris. Army nominations beginning William T. Barto and ending Bradley P. Stai, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Frank W. * Allara, Jr. and ending Glynis D. * Wallace, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Nancy M. Acampado and ending James H. Yao, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Gregory A. * Abrahamian and ending Gregory B. * York, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Sameh G. Abuerreish and ending Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning James L. * Agler, Jr. and ending Beverly A. Woods, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Laura S. * Barchick and ending Donald E. * Witmyer, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Wayne H. Albright and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nomination of Richard L. Sargent.

Air Force nomination of Richard L. Neel.

Air Force nomination of Joel C. Carlson.

Air Force nomination of Scott C. Paul.

Air Force nomination of Steven E. Ritter.

Air Force nominations beginning Michael L. A. Holland and ending Parimal R. * Patel, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Sallye J. Allgood and ending Yvonne L. Tuckerharris,