

and nobody knows South Dakota agriculture better than Jim Woster.

Jim has always exhibited a strong commitment to public service. Throughout his career, he has devoted an enormous amount of time and energy to worthy causes such as the American Cancer Society, the Arthritis Foundation, and the Make-A-Wish Foundation. All this while serving our Nation for eight years as a member of the South Dakota National Guard.

The great honor to be bestowed on Mr. Woster is exceptionally well deserved, as he has contributed so much to our State while at the same time serving as a model for other talented South Dakotans to emulate. I join my fellow South Dakotans on extending congratulations and a "job well done" to Jim Woster. ●

#### MESSAGE FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1866. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 1886. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

H.R. 2048. An act to require a report on the operations of the State Justice Institute.

H.R. 2277. An act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2291. An act to extend the authorization of Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 234. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Floyd Spence, a Representative from the State of South Carolina.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1866. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents; to the Committee on the Judiciary.

H.R. 1886. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings; to the Committee on the Judiciary.

H.R. 2048. An act to require a report on the operations of the State Justice Institute; to the Committee on the Judiciary.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES PLACED ON THE CALENDAR

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

H.R. 2563. An act to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

#### 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-3578. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to military personnel accounts; to the Committees on Appropriations; the Budget; and Armed Services.

EC-3579. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the appropriations report; to the Committee on the Budget.

EC-3580. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-3581. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the funding of the Foreign Comparative Testing Program Projects for Fiscal Year 2002; to the Committee on Armed Services.

EC-3582. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report for Department purchases from foreign entities in Fiscal Year 2000; to the Committee on Armed Services.

EC-3583. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3584. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

EC-3585. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001-02 Early Season" (RIN1018-AH79) received on August 17, 2001; to the Committee on Indian Affairs.

EC-3586. A communication from the Executive Director of the National Commission on

Libraries and Information Science, transmitting, pursuant to law, the Annual Report for 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3587. A communication from the General Counsel for the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Non-Governmental Antarctic Expeditions" (RIN3145-AA36) received on August 15, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3588. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Solid Minerals Reporting Requirements" received on August 17, 2001; to the Committee on Energy and Natural Resources.

EC-3589. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2001-2002 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AG58) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC-3590. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, a report entitled "DMCA Section 104 Report"; to the Committee on the Judiciary.

EC-3591. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to Gulf War Veterans for Calendar Years 1999 and 2000; to the Committee on Veterans' Affairs.

EC-3592. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Administration Nomenclature Changes" received on August 16, 2001; to the Committee on Veterans' Affairs.

EC-3593. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Duty to Assist" (RIN2900-AK69) received on August 23, 2001; to the Committee on Veterans' Affairs.

EC-3594. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3595. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Democratic and Popular Republic of Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3596. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3597. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks" received on August 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3598. A communication from the Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "240.3a55-1: Method for determining market capitalization and dollar value of average daily trading volume; application of the definition of narrow-based security index. 240.a55-2: Indexes underlying futures contracts trading for fewer than 30 days. 240.3a55-3: Futures contracts on security indexes trading on or subject to the rules of a foreign board of trade." (RIN3235-AI13) received on August 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3599. A communication from the Counsel for Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Government National Mortgage Association Mortgage-Backed Securities Program—Payments to Security Holders; Book-Entry Procedures" (RIN2503-AA16) received on August 22, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3600. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to Austria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3601. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3602. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934" (RIN3235-AI21) received on August 30, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3603. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Costs" (Rev. Proc. 2001-46) received on August 21, 2001; to the Committee on Finance.

EC-3604. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance; Revision to Medical-Vocational Guidelines" (RIN0960-AE42) received on August 22, 2001; to the Committee on Finance.

EC-3605. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2001" (Rev. Rul. 2001-43) received on August 22, 2001; to the Committee on Finance.

EC-3606. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revise Form W-9" (Ann. 2001-91) received on August 27, 2001; to the Committee on Finance.

EC-3607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, trans-

mitting, pursuant to law, the report of a rule entitled "2001 National Pool" (Rev. Proc. 2001-44) received on August 27, 2001; to the Committee on Finance.

EC-3608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2001-52) received on August 27, 2001; to the Committee on Finance.

EC-3609. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change in Flat Rate of Duty on Articles Imported for Personal or Household Use or as Bona Fide Gifts" (RIN1515-AC90) received on August 30, 2001; to the Committee on Finance.

EC-3610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law the report of a rule entitled "Guidance on Amendment of Section 401(a)(17) of the Code by EGTRRA" (Notice 2001-56) received on September 4, 2001; to the Committee on Finance.

EC-3611. A communication from the Principal Deputy Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to the deep-draft navigation project for Savannah Harbor, Georgia; to the Committee on Environment and Public Works.

EC-3612. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7032-2) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3613. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Washington" (FRL7031-6) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3614. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management Systems; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL7025-3) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3615. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7013-5) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3616. A communication from the Chairman of the Nuclear Regulator Commission, transmitting, the Monthly Status Report on the Licensing Activities and Regulatory Duties for June 2001; to the Committee on Environment and Public Works.

EC-3617. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the emergency declared as a result of extreme fire hazards in the State of Texas; to the Committee on Environment and Public Works.

EC-3618. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the Annual Super Fund Report for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3619. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments for Testing and Monitoring Provision Removal of a Provision for Opacity Monitoring" (FRL7039-2) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3620. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Nonattainment Area to a Full Approval" (FRL7043-5) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3621. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Attainment for PM-10; Shoshone County (City of Pinehurst and Pinehurst Expansion Area)" (FRL7042-5) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3622. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California has Corrected Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District" (FRL7028-9) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3623. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, El Dorado County Air Pollutions Control District" (FRL7028-7) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3624. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AH79) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3625. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AH79) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3626. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State

Hazardous Waste Management Program Revision" (FRL7031-5) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3627. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Tennessee" (FRL7044-4) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3628. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "The Role of Screening-Level Risk Assessments and Refining Contaminants of Concern in Baseline Risk Assessments (2001)" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3629. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Reuse Assessments: Tool to Implement Superfund Land Use" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3630. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Operation and Maintenance in the Superfund Program" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3631. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Local Emergency Planning Committees and Deliberate Releases" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3632. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Drop Out Box Slag Generated at Electric Arc Furnaces" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3633. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "FACTSHEET: Tier II Submit" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3634. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Superfund Post Construction Completion" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3635. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Recreational Use of Land Above Hazardous Waste Containment Areas" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3636. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Comprehensive Five-Year Review Guidance" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3637. A communication from the Principal Deputy Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to Ocean City,

Maryland, and Vicinity Water Resource Study, Final Integrated Feasibility Report and Environmental Impact Statement; to the Committee on Environment and Public Works.

EC-3638. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Containment Monitoring Regulation for Public Water Systems; Amendment to the List 2 Rule and Partial Delay of Reporting of Monitoring Results" (FRL7048-8) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3639. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Ozone Attainment Plan and Finding of Failure to Attain; State of California, San Francisco Bay Area" (FRL7048-1) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3640. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Full Approval of Operating Permit Programs; North Carolina, Mecklenburg County, and Western North Carolina" (FRL7047-2) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3641. A communication from the Deputy Inspector General, Department of Defense, transmitting, pursuant to law, the Audit Report on Superfund Financial Transactions for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3642. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for *Sidalcea oregana* var. *calva* (Wenatchee Mountains checker-mallow)" (RIN1018-AH05) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3643. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon" (RIN1018-AH06) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3644. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Marine Vessels Coating Operations" (FRL7049-3) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3645. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FY02 Wetland Program Development Grants Guidelines" (FRL7047-9) received on September 4, 2001; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 543: A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits. (Rept. No. 107-61).

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

S. 703: A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes..

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1233: A bill to provide penalties for certain unauthorized writing with respect to consumer products.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN from the Committee on Armed Services.

\*Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

By Mr. LEAHY from the Committee on the Judiciary.

Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1408. A bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. CRAPO, Mrs. CLINTON, Mrs. CARNAHAN, Mrs. BOXER, Mr. TORRICELLI, Mr. EDWARDS, Mr. CLELAND, Mr. ENSIGN, Mr. JOHNSON, and Mr. INOUE):

S. 1409. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities