active service as a military or civilian employee of the United States if such decedent dies as a result of wounds or injuries incurred in a terrorist or military action (as defined in section 602(c)(2)). The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CLERICAL AMENDMENTS.—
(1) The heading of section 2011 of such Code is amended to read as follows: ‘‘SEC. 2011. PERMANENT AUTHORITY FOR ADMISSION AND NATIONALITY ACT TO PROVIDE PERMANENT AUTHORITY FOR THE ADMISSION OF ‘‘S’’ VISA NON IMMIGRANTS; CONSIDERED AND PASSED. Mr. KENNEDY. Mr. President I ask unanimous consent that the bill be printed in the RECORD.

The building no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1424. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF ‘‘S’’ VISA NON IMMIGRANTS. Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1101(k)) is amended—

(1) by striking (2);
(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
(3) in paragraph (4)(E) (as redesignated), by striking ‘‘paragraph (4)’’ and inserting ‘‘paragraph (3)’’.

By Mr. WYDEN:
S. 1425. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medical program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Medicare Hospice Improvement Act of 2001, which is supported by the National Hospice and Palliative Care Organization. The purpose of this bill is to provide for at least three demonstration projects within Medicare to improve the delivery of the hospice benefit to seniors. This legislation would allow us to find new ways to: (1) Allow people to enroll in hospice even though they may want to continue trying curative treatment for a limited time; (2) modify the requirements to decrease the strain on rural hospice providers; and (3) revise reimbursement rates to more adequately cover comfort care. In addition this bill would provide a grant program to help defray the costs of providing education of the public, the medical community and patients about hospice care.

The Medicare hospice benefit has not been revised since it was first created nearly two decades ago. Too often patients and their families are unaware of the Medicare hospice benefit or they seek hospice care too late to get the full benefit of hospice services. This legislation is important because it would help us find ways to assure that the Medicare hospice benefit is better integrated into medical care, as well as improve patient access to the pain and symptom management, counseling, and other comfort care services provided by hospice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1551. Mr. DeWINE submitted an amendment intended to be proposed by him to the bill S. 2500, supra; which was ordered to lie on the table.

SA 1552. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1555. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1556. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1557. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1558. Mr. HOLLINGS (for himself and Mr. GRASSI) proposed an amendment to the bill H.R. 2500, supra.

SA 1559. Mr. HOLLINGS (for himself and Mr. GRASSI) proposed an amendment to the bill H.R. 2500, supra.

SA 1560. Mr. HARKIN (for himself, Mr. HATCH, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. RENGELE, Mr. BROWNBACK, Mr. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2500, supra.

SA 1561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate re-
purposes; which was ordered to lie on the table; as follows:

On page 31, line 18, after “program,” insert “of which $8,980,000 shall be for the Maine State Police Communications Systems for technology enhancements to improve the communications infrastructure of the system.”.

SA 1553. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. (a) ENHANCEMENT OF GRANT PROGRAM TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2012 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h–1) is amended by—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) ADDITIONAL PRIORITY.—In awarding grants under this part, the Attorney General shall also give a priority to States, Indian tribal governments, and units of local government that afford the same priority in responses to emergency calls involving domestic violence as is afforded to responses to emergency calls involving other life threatening circumstances.”.

(b) REPORT ON RESPONSE OF LOCAL LAW ENFORCEMENT TO EMERGENCY CALLS INVOLVING DOMESTIC VIOLENCE.—(1) Not later than March 31, 2002, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the response of local law enforcement agencies to emergencies involving domestic violence.

(2) The report shall include the following:

(A) An analysis of the response of local law enforcement agencies throughout the United States to emergency calls involving domestic violence.

(B) A description of the manner in which local law enforcement agencies and their dispatch units (including 911 dispatch units) coordinate, establish priorities for, and respond to emergency calls involving domestic violence.

SA 1554. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, strike “$1,000,000 for the Elwin Project in Pennsylvania to reduce placement in institutions of mentally ill youth.”.

At the appropriate, insert: “$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth”; “$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within correctional institutions throughout the United States”; and, “$100,000 to replicate a witness relocation program in Pennsylvania.”

SA 1555. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 14, insert after “Counsel”:

the following: “Provided further, That, of the amount provided to the National Marine Fisheries Service for the Fisheries Research and Management Sciences for Science and Technology, $400,000 shall be available for activities with respect to Atlantic herring and mackerel.”.

SA 1556. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, before the “:”, insert the following: “of which $300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and $300,000 shall be available only for the Connecticut River Partnership.”

On page 30, line 16, after the first “,”, insert the following: “of which $1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers.”

On page 37, line 8, after the “:”, insert the following: “Provided further, That, of the amount made available under this heading, $9,962,000 shall be available for partial site planning and for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in New Hampshire.”

On page 31, line 18, after “program,” insert the following: “of which $3,800,000 will be for a grant to the Jersey City Police Department’s Crime Identification System to upgrade communications systems.”.

On page 38, line 24, after the third “,”, insert the following: “including $1,500,000 for a computer forensic lab in Ohio.”.

On page 33, line 12, after the “:” insert the following: “From such funds $15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106–313; 114 Stat. 1260); Provided further, That.”

On page 30, line 24, insert after “laboratories” the following: “of which $500,000 shall be available to the Mecklenburg County, North Carolina Sheriff’s Office for a Sex Offender Registration Unit.”.

On page 41, after line 22, insert the following:

SEC. 112. Section 6 of the Hmong Veterans’ Naturalization Act of 2000 (Public Law 106–142, § 2104(a)) is amended by inserting “Provided further, That”.

SA 1557. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

“Provided, That any amount provided in this Act for the Office of Victims of Crime is reduced by $1,000,000.”

SA 1558. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Department of Commerce, Justice, State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 3 and 4, insert the following:

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea’s leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, including preferential access to credit, low-interest loans, government guarantees on preferential loans, government inducement of private loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of
international financial institutions assem-
blined an unprecedented $58,000,000,000 fi-
ancial package to the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Re-
public of Korea agreed to an end to corpo-
rate cronyism, and to overhaul the bank-
ing and financial sectors;

(5) Korea also pledged to permit and re-
quire banks to run on market principles, to allow the sale of bank assets and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of
these provisions in the Stand-by Arrange-
ment with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations,
Export Financing, and Related Agencies Ap-
propriations Act, 1999, as enacted by section
101(d) of Division A of the Omnibus Consoli-
dated and Emergency Supplemental Appro-
3861–2290) specified that the United States
would not authorize further IMF payments to
Korea unless the Secretary of the Treas-
ury certified that the provisions of the IMF
Standby Arrangement were adhered to, and
assumed that consultations had been held
with the Republic of Korea in connection with the certifications;

(8) the Secretary of the Treasury certified
to Congress on December 11, 1998, April 5,
1999, and July 2, 1999 that the Stand-by Ar-
rangement had been adhered to, and assumed
Congress that consultations had been held
with the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to
the World Trade Organization, and to the
Agreement on Subsidies and Countervailing
Measures (as defined in section 101(d)(12) of
the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Coun-
tervailing Measures specifically prohibits ex-
port subsidies, and makes a actionable other
subsidies bestowed upon a specific enterprise
that causes adverse effects;

(11) Hynix Semiconductor is a major ex-
porter of semiconductor products from the Repub-
lic of Korea to the United States; and

(12) the Republic of Korea has now engaged
in a massive $5,000,000,000 bailout of Hynix
Semiconductor which contravenes the com-
mitments made to the IMF, the World Trade Or-
ganization and in other agreements, and the
understandings and certifications made to Congress when the Republic of Korea
accessed the World Trade Organization and Emergency Supplemental Appro-
propriations Act, 1999.

(b) SENSE OF THE SENATE.—It is the sense
of the Senate that

(1) The Secretary of the Treasury, the Sec-
retary of Commerce, and the United States
Trade Representative should forthwith re-
sume consultations with the Republic of
Korea under Article 4 and Article 7 of the
Agreement on Subsidies and Countervailing
Measures of the World Trade Organization, and
take all appropriate measures to assure that
Korea made to the IMF, the World Trade Or-
ganization and in other agreements, and the
understandings and certifications made to Congress when the Republic of Korea
accessed the World Trade Organization and Emergency Supplemental Appro-
propriations Act, 1999.

(2) The relationship between the United
States and Republic of Korea has been and
will continue to be harmed significantly by
the bailout of a major exporter of products from
Korea to the United States;

(3) the Republic of Korea should end imme-
diately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply
immediately with its commitments to the
IMF, with its trade agreements, and with the assurances it made to the Secretary of the
Treasury; and

(5) the United States Trade Representative
and the Secretary of Commerce should mon-
tor and report to Congress on steps that
have been taken to end this bailout and re-
verse its impact on the Korean economy from
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State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act.”

On page 52, line 23, strike “$2,258,305,000 to remain available until expended” and insert “$2,272,682,000 to remain available until expended,” of which $2,000,000 shall be for West Coast Groundfish Cooperative Research and $3,000,000 shall be for Oregon Groundfish Disaster Assistance.”

On page 31, line 18 after the “,” insert the following: “of which $1,000,000 is to the National Sheriff’s Association to conduct multi-state information sharing demonstration project.”

On page 56, on line 18, before the colon, insert “of which $2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island.”

On page 31, line 5, before the colon, insert the following: “of which $500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth; $400,000 for the Center for Corrections Education at the University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States; and, $1,000,000 for a witness relocation program in Pennsylvania.”

On page 57, line 25 strike “$56,610,000” and insert “$13,300,000.”

On page 44, line 5 strike “$66,820,000” and insert “$67,320,000.”

On page 115, after line 15, insert the following:

SEC. 623. Section 6.23 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–388; 114 Stat. 142) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “or” at the end of clause (1);

(B) in clause (ii)—


(ii) by inserting “February 22, 1999,” after “February 17, 1999,”;

and (iii) by striking the semicolon at the end and inserting “and”;

and (C) by adding at the end the following new clause:

“(ii) a member of the plaintiff class in Case No. 95–CV–01630 (ESG) in the United States District Court for the District of Columbia;”;

and (2) in subsection (b)(2)–

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A) before “For purposes” and “(B) by adding at the end the following: “(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available;

On page 10, line 19, strike “$724,682,000” and insert “$699,682,000.”

On page 30, line 10, strike “$1,019,874,000” and insert “$1,044,874,000.”

On page 30, line 23, strike “$756,620,000” and insert “$157,962,000.”

On page 30, line 21, insert after the third “,” the following: “of which $25,000,000 shall be transferred to the Immigrant Integration and Family Reunification Services Improvement Grants under part BB of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.).”

SA 1559. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment which would appropriate the following:

For the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 16, strike “as in effect on June 1, 2000.”

On page 17, line 20, after the colon insert the following: “Provided further, That, of the amount appropriated under this heading, $557,100,000 shall be transferred to the Immigration Services and Infrastructure Improvement Accounts under the Immigration Act of 1990, 8 U.S.C. 1227, for the purpose of protecting the immigration enforcement and law enforcement personnel stationed at the border for which it is specifically authorized.”

On page 24, strike lines 19, 20, and 21, and insert “$79,625,000 shall be discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including $1,500,000 for the Standing Against Global Exploitation (SAGE) Project, Inc.”

On page 78, line 5, strike “$3,063,305,000” and insert “$3,063,805,000.”

On page 25, after line 21 insert the following:

(2) $200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 23, add the following:

On page 62, line 4, strike “of which $1,000,000 is to the National Sheriff’s Association to conduct multi-state information sharing demonstration project,”.

On page 63, line 20, strike “February 17, 1999,’ and in inserting ‘February 17, 1999, December 15, 1999,’”;

and insert “February 22, 1999,” after “February 17, 1999,”;

and (iii) by striking the semicolon at the end and inserting “and”;

and (C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case No. 95–CV–01630 (ESG) in the United States District Court for the District of Columbia;”;

and (2) in subsection (b)(2)–

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A) before “For purposes” and “(B) by adding at the end the following: “(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available until expended.”

On page 25, after line 21 insert the following:

(2) $200,000 for the Attorneys General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 23, add the following:

On page 62, line 4, strike “of which $1,000,000 is to the National Sheriff’s Association to conduct multi-state information sharing demonstration project,”.

On page 63, line 20, strike “February 17, 1999,” and in inserting “February 17, 1999, December 15, 1999,”;

and insert “February 22, 1999,” after “February 17, 1999,”;

and (iii) by striking the semicolon at the end and inserting “and”;

and (C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case No. 95–CV–01630 (ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

(1) liquidating those assets without

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001, for our Nation and the victims in the immediate aftermath of the terrorist bombings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that “we must seek the guilty and not strike out at the innocent or we become like them who are without moral guidance or direction.”;

(4) the heads of state of several Arab and American Muslims should be protected; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shouts fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

SA 1561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expended payment of certain benefits for public safety officers who were killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; which was referred to the Committee on the Judiciary; as follows:

On page 2, at line 8, delete “shall pay to qualified beneficiaries, not later than 30 days” and insert “Shall authorize payment to qualified beneficiaries, not later than 30 days.”

SA 1562. Mr. HATCH (for himself, Mrs. Mikulski, Mr. Nelson, Mr. Durbin, Mr. Sessions, Mr. Thompson, Mr. Thurmond, and Mr. McCain) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 116, between lines 9 and 10, insert the following:

TITRE—TERRORISM

SEC. 801. SHORT TITLE.

This title may be cited as the “Combating Terrorism Act of 2001”.

SEC. 812. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the
Comptroller General shall submit to Congress a report containing an assessment of the capabilities, strengths, weaknesses, and vulnerabilities of the National Guard to prevent or preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

SEC. 813. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect to science and technology necessary to prevent, preclude, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 814. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) REVIEW REQUIRED.—The Attorney General shall conduct a review of the legal authority of the agencies of the Federal Government, including the Department of Justice, to preempt, detect, and interdict, catastrophic terrorist attacks.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 815. GUIDELINES ON DESTRUCTION OF TERORRIST INFORMANTS.

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence-related terrorist plans, intentions and capabilities.

SEC. 816. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403-4).

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the type of information that the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community;

and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) DEFINITIONS.—In this section:

(I) FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.—The term “foreign intelligence” includes attempts and conspiracies to do the

and

production, or delivery of biological weapons;

(2) the Federal Government is not fully utilizing all the tools available to it to prevent or preemptive strike capabilities for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect to science and technology necessary to prevent, preclude, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

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(c) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

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(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the type of information that the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community;

and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) DEFINITIONS.—In this section:

(I) FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.—The term “foreign intelligence” includes attempts and conspiracies to do the

and

in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect to science and technology necessary to prevent, preclude, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.
(b) Qualified Employee.—In this section, the term ‘qualified employee’ means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) Definitions.—In this section:

(1) Agency.—The term ‘agency’ means any Executive agency, as that term is defined in section 186 of title 5, United States Code, and an agency of the legislative branch of Government.

(2) Element of the intelligence community.—The term ‘element of the intelligence community’ means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 403(4)).

(3) Law enforcement officer; professional liability insurance.—The terms ‘law enforcement officer’ and ‘professional liability insurance’ have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Subtitle B—Criminal Matters

SEC. 831. Laundering of Proceeds of Terrorism.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ‘or other facility’ after ‘2339B’ after ‘2339A’.

SEC. 832. Modification of Authorities Relating to Use of Pen Registers and Trap and Trace Devices.

(a) General Limitation on Use by Governmental Agencies.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ‘or other facility’ after ‘pen register’;

(2) by inserting ‘or other facility’ after ‘trap and trace device’;

and

(3) by striking ‘call processing’ and inserting ‘the processing and transmitting of information;’.

(b) Law Enforcement Officer.—The term ‘law enforcement officer’ has the meaning given that term in section 1030(c)(2)(C) of this title.

(c) Definitions.—In this section:

(1) Agency.—The term ‘agency’ means—

(A) any Executive agency, as that term is defined in title 5, United States Code, and an agency of the legislative branch of Government;

(B) the Department of Justice, including the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Federal Prison System;

(C) the Federal Bureau of Investigation; the Drug Enforcement Administration; the Federal Bureau of Investigation; the Department of Justice; the Department of Defense, including the military departments, the Departments of the Army, Navy, and Air Force, and the National Security Agency; the Department of Homeland Security, including the United States Secret Service, the United States Customs and Border Protection, the Department of Transportation, the Department of Treasury, and the Department of Commerce;

and

(2) Law enforcement officer; professional liability insurance.—The terms ‘law enforcement officer’ and ‘professional liability insurance’ have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Title VIII—Antiterrorism and Effective Death Penalty Act of 1996

Subtitle A—Criminal Matters

SEC. 833. Authority to Intercept Wire, Oral, and Electronic Communications Relating to Computer Fraud and Abuse.

Section 2516(1) of title 18, United States Code, is amended by striking ‘and section 1341 (relating to mail fraud)’, and inserting ‘and section 1341 (relating to mail fraud), a felony violation of section 1028 (relating to computer fraud and abuse).’.

SEC. 834. Authority to Intercept Wire, Oral, and Electronic Communications Relating to Terrorism Offenses.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

‘(q) any criminal violation of sections 2332, 2332a, 2332b, 2332c, 2339A, or 2339B of this title (relating to terrorism); or’.

SEC. 835. Modification of Authorities Relating to Use of Pen Registers and Trap and Trace Devices.

(a) General Limitation on Use by Governmental Agencies.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ‘or other facility’ after ‘telephone line’; and

(2) by inserting before the semicolon at the end ‘or applied’ and

(b) Law enforcement officer; professional liability insurance.—The terms ‘law enforcement officer’ and ‘professional liability insurance’ have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).
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SEC. 4. AGENCY OUTREACH.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(a) In general.—Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended—

(1) Required expenditure amounts.—

(A) In general.—With respect to each fiscal year through fiscal year 2005, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with SBIR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

(B) Expenditure amounts.—The percentage of the extramural budget required to be expended by an agency in accordance with subparagraph (A) shall be—

(i) 0.15 percent for each fiscal year through fiscal year 2003, and

(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter.

(b) Conforming Amendment.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking "pilot" each place it appears.

SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.

(c) In general.—Subsection (a) of section 3122(a)(2) of that title is amended—

(1) C OURT OF COMPETENT JURISDICTION.—

Section 3122(a)(1) of that title is amended—

(d) Emergency Pen Register Authority for U.S. Attorneys.

Section 3122(a)(1), United States Code, is amended—

(1) by striking "any investigative or law enforcement officer, specially designated by" and inserting "any Deputy Assistant Attorney General, and inserting "any Deputy Assistant Attorney General, or any United States Attorney"; and

SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.

Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended—

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(1) by striking "$500,000" and inserting "$575,000"; and

(2) by inserting before the semicolon at the end the following: ", and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project".

(b) Effective date.—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

SEC. 4. AGENCY OUTREACH.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end following: 

(2) Implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and". 
SECTION 5. POLICY DIRECTIVE MODIFICATIONS.

Section 9(p) of the Small Business Act (15 U.S.C. 638(o)) is amended by adding at the end the following:

"(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided by this Act, is amended by adding at the end the following:

"(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k)."

SECTION 6. STTR PROGRAM DATA COLLECTION.

(a) In General.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

"(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided by

for paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C))."

SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.

(a) Development of Model Agreement.—Section 9 of the Small Business Act (15 U.S.C. 638(o)) is amended by adding at the end the following:

"(w) STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.—

(1) In the case of the Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

(2) For the purpose of promoting the opportunity to submit written comments.

(b) Adoption of Model Agreement by Federal Agencies.—Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended by adding "and (o)(9)," in inserting "adopt the agreement developed by the Administrator under subsection (w) as the agency's model agreement."

SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.

(a) Selection Consideration.—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in paragraph (1)—

(A) by inserting "or an STTR program that allocates between small business concern and the research institution originated any technology relating to the assisted STTR project;"

(b) Regulations.—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following:

"(4) REGULATIONS.—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following:

(1) in clause (i), by striking "and" at the end;

(2) in clause (v), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(vi) whether the proposal addresses the needs of small business concerns.

(II) owned and controlled by women;

(III) located in areas that have historically not participated in the SBIR and STTR programs.

(b) In general.—The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 13, 2001, at 10:00 a.m. to hear testimony on "Medicaid Upper Payment Limits: Restoring the State-Federal Partnership."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001, at 11 a.m. to hold a nomination hearing.


To be introduced by: The Honorable Ted Stevens, United States Senate, Washington, DC; the Honorable JOHN McCAIN, United States Senate, Washington, DC; and the Honorable Richard Holbrooke Counselor, Council on Foreign Relations, New York, NY.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001, at 5:00 p.m. to hold a nomination hearing.

Nominees:

The Honorable Patrick Kennedy, of Rhode Island, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mrs. Laura Kennedy, of New York, to be Ambassador to Turkmenistan.

The Honorable Ronald Neumann, of Virginia, to be Ambassador to the State of Bahrain.

Mrs. Marcelle Wahba, of California, to be Ambassador to the United Arab Emirates.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Protecting Against Genetic Discrimination: The Limits Of Existing Laws during the session of the Senate on Thursday, September 13, 2001, at 10:00 a.m.

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