

this section or a regulation issued under this section only after notice and an opportunity for a hearing. Under this section, the Postal Service shall impose a penalty and recover clean-up costs and damages by giving the person written notice of the amount of the penalty, clean-up costs, and damages.

“(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Postal Service shall consider—

“(1) the nature, circumstances, extent, and gravity of the violation;

“(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

“(3) the impact on postal operations; and

“(4) other matters that justice requires.

“(f) CIVIL ACTIONS TO COLLECT.—(1) In accordance with section 409(d) of this title, the Department of Justice or the Postal Service may commence a civil action in an appropriate district court of the United States to collect a civil penalty, clean-up costs, or damages assessed under this section. In such action, the validity, amount, and appropriateness of the civil penalty, clean-up costs, or damages shall not be subject to review.

“(2) The Postal Service may compromise the amount of a civil penalty, clean-up costs, or damages assessed under this section before civil action is taken to collect the penalty, costs, or damages.

“(g) CIVIL JUDICIAL PENALTIES.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Postal Service in an administrative case under this section.

“(h) DEPOSITING AMOUNTS COLLECTED.—Amounts collected under this section shall be paid into the Postal Service Fund established by section 2003 of this title.”

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 30 of title 39, United States Code, is amended by adding the following:

“3018. Hazardous material; civil penalty.”

Mr. McCAIN. Madam President, I am pleased to join Chairman HOLLINGS in introducing the Hazardous Materials Transportation Safety reauthorization Act of 2001 at the request of the Administration. This measure is a good start toward improving and strengthening the safe and secure transport of our nation's hazardous materials. In addition to authorizing funding for hazardous materials transportation safety programs, this legislation addresses concerns arising since the attacks of September 11. Among other things, this bill would strengthen the authority of Department of Transportation (DOT) inspectors to inspect packages being transported, and provide those inspectors with the authority to stop unsafe transportation. This measure would also increase the maximum civil penalty for violations of hazardous materials regulations from \$27,500 to

\$100,000. It would expand the requirements for training persons involved in the transportation of hazardous materials and strengthen the enforcement authority of State enforcement officials.

The hazardous materials transportation safety program reauthorization is long overdue. The most recent authorization expired September 30, 1998. Since then, attempts at reauthorization have failed due to objections within Congress and an inability to reach an agreement on certain proposals with the former administration. Now, however, it is appropriate to attempt to move forward and address identified safety problems and improve safety for all Americans. I am hopeful that the Senate will act quickly to take the necessary action to improve hazardous materials transportation safety before we are forced to respond to another attack making use of our nation's transportation system.

Annually, more than four billion tons of hazardous materials—about 800,000 shipments daily—are transported by land, sea, and air in the United States. Among these materials are flammable liquids, combustible solids, gases, and corrosive materials. Despite the wide variety and amount of shipments, the hazardous materials transportation industry has a notable safety record, due in large part to the safety efforts of the individuals and companies involved in transporting these materials. In 1999, for instance, there were five hazardous materials related fatalities, down from thirteen in 1998 and twelve in 1997. However, in light of the attacks of September 11, it is more important than ever to reauthorize this important program. Reauthorization should include new authority for enforcement officials and clarify existing authority for the federal agencies that administer the programs responsible for hazardous materials transportation safety.

The Federal Government has four roles related to hazardous materials transportation: regulation, enforcement, emergency response, and data collection and analysis. The DOT performs the largest role of establishing and enforcing Hazmat regulations, while the Research and Special Program Administration (RSPA), and to a lesser extent other agencies within the Department, are charged with more specific roles.

RSPA is responsible for the regulation and identification of hazardous materials including hazardous materials handling and shipments, the development of container standards and testing procedures, the inspection and enforcement of multimodal shippers and container manufacturers, and for data collection. This legislation would provide authority to RSPA to continue its hazardous materials safety activities. In addition, the measure would grant the United States Postal Service

(USPS) similar authority to DOT and its agencies to collect civil penalties and recover costs and damages for violations of its hazardous materials regulations.

With this bill, jurisdiction between the DOT and the Occupational Safety and Health Administration (OSHA) would be clarified as it pertains to hazardous materials transportation. Dual jurisdiction over handling criteria registration, and motor carrier safety would be eliminated, leaving DOT with sole jurisdiction over these programs. Hazardous materials transportation employee training and occupational safety and health protection of employees responding to a release of hazardous materials would remain under the jurisdiction of both DOT and OSHA.

I hope this Congress will act expeditiously to approve comprehensive hazardous materials transportation safety legislation. We simply cannot afford another missed opportunity to address transportation safety shortcomings. We must do all we can to ensure the safe transport of these materials, including providing the needed resources to the agencies charged with oversight of this industry. The Administration is correct in asking Congress to address hazardous materials transportation reauthorization. I will be working with Chairman HOLLINGS and look forward to hearings in the near future to address this important reauthorization proposal.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA, ATAL BIHARI VAJPAYEE, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, AND TO AFFIRM THAT INDIA IS A VALUED FRIEND AND PARTNER AND AN IMPORTANT ALLY IN THE CAMPAIGN AGAINST INTERNATIONAL TERRORISM

Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the

American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

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

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2114. Mr. SMITH, of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. Smith, of NH and intended to be proposed to the bill (S. 1428) supra.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, supra.

TEXT OF AMENDMENTS

SA 2114. Mr. SMITH of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____ ALIEN TERRORIST REMOVAL ACT OF 2001

(a) **SHORT TITLE.**—This section may be cited as the “Alien Terrorist Removal Act of 2001”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted “Rules for the Alien Terrorist Removal Court of the United States” which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by fair the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) **ALIEN TERRORIST REMOVAL HEARING.**—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking “(A) USE.—”.

(2) by striking “other than through reference to the summary provided pursuant to this paragraph”; and

(3) by striking subparagraphs (B) through (F).

(d) **REPORTS TO CONGRESS.**—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. SMITH, of NH and intended to the bill (S.

1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the word “sec” and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k):

“(L) No later than 3 months from the date of enactment of this act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Insert at the appropriate place in the bill: The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, November 8, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 9:30 a.m., in open session to consider the nominations of R.L. Brownlee to be Under Secretary of the Army, Dale Klein to be Assistant to the Secretary of Defense for nuclear and Chemical and Biological Defense Programs, and Peter B. Teets to be Under Secretary of the Air Force.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and