

These tax incentives are available only to biotechnology companies with less than \$750,000 in paid-in capital.

A company must elect only one of these incentives and, if it elects one of these incentives, it is then not eligible to receive benefits under the Orphan Drug Act. The legislation includes amendments to the Orphan Drug Act championed by Senators HATCH, KENNEDY and JEFFORDS, S. 1341. The amendments make the Credit available from the date of the application for Orphan Drug status, not the date the application is approved as provided under current law; four, Countermeasure Purchase Fund: The legislation provides that a company that successfully develops a countermeasure, through FDA approval, is eligible to sell the product to the Federal Government at a pre-established price and in a pre-determined amount. The company is given notice of the terms of the sale before it commences the research. Sales to this fund may be made by any company irrespective of its paid-in capital; five, Intellectual Property Incentives: The legislation provides that a company that successfully develops a countermeasure is eligible to elect one of two patent incentives. The two alternatives are as follows: a. The company is eligible to receive a patent for its invention with a term as long as the term of the patent when it was issued by the Patent and Trademark Office, without any erosion due to delays in the FDA approval process. This alternative is available to any company that successfully develops a countermeasure irrespective of its paid-in capital; b. The company is eligible to extend the term of any patent owned by the company for two years. The patent may not be one that is acquired by the company from a third party. This is included as a capital formation incentive for small biotechnology companies with less than \$750,000 in paid-in capital.

Six, Liability Protections: The legislation provides for protections against liability for the company that successfully develops a countermeasure. This option is available to any company that successfully develops a countermeasure irrespective of its paid-in capital; and seven, Strengthening of Biomedical Research Infrastructure: Authorizes appropriations for grants to construct specialized biosafety containment facilities where biological agents can be handled safely without exposing researchers and the public to danger. Also reauthorizes a successful NIH-industry partnership challenge grants to promote joint ventures between NIH and its grantees and for-profit biotechnology, pharmaceutical and medical device industries with regard to the development of countermeasures and research tools.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 186—TO AUTHORIZE REPRESENTATION OF SENATOR LOTT IN THE CASE OF LEE V. LOTT

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas, in the case of Lee v. Lott, Case No. 01-CV-792, pending in the United States District Court for the Southern District of Mississippi, the plaintiff has named Senator Trent Lott as the sole defendant; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Lott in the case of Lee v. Lott.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, December 4, 2001, at 9:30 a.m., in open session to consider the nomination of Claude M. Bolton, Jr. to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology and, following the open session, to meet in executive session to consider certain pending nominations.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, December 4, 2001, at 9:30 a.m. to conduct a hearing on the remediation process of biologically contaminated buildings. Specifically, the Committee is interested in the challenges of, and technologies available for, remediating buildings contaminated by biological contaminants. The hearing will be held in the Rm. SD-406.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 4, 2001, at 2:15 p.m. to hold a nomination hearing.

Agenda

Nominees: Adolfo Franco, of Virginia, to be an Assistant Administrator (Latin America and the Caribbean) of the United States Agency for International Development; Frederick Schieck, of Virginia, to be Deputy Administrator of the United States Agency for International Development; and Roger Winter, of Maryland, to be an Assistant Administrator (Democracy, Conflict, and Humanitarian Assistance) of the United States Agency for International Development.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 4, 2001,

at 4:30 p.m. to hold a nomination hearing.

Agenda

Nominees: William R. Brownfield, of Texas, to be Ambassador to the Republic of Chile; and Charles S. Shapiro, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela.

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism," Tuesday, December 4, 2001, at 10 a.m. in Dirksen Room 226.

Tentative Witness List

Panel I: The Honorable Pierre-Richard Prosper, Ambassador-at-Large for War Crimes Issues, Department of State, Washington, DC.

Panel II: George J. Terwilliger III, Partner, White and Case, former Deputy Attorney General, Washington, DC; Professor Laurence H. Tribe, Harvard Law School, Cambridge, MA; Major General Michael J. Nardotti, Jr., Partner, Patton Boggs LLP, former Army Judge Advocate General, Washington, DC; Professor Cass R. Sunstein, University of Chicago Law School, Chicago, IL; and Timothy Lynch, Esq., Director, Project on Criminal Justice, Cato Institute, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism," Tuesday, December 4, 2001, at 2 p.m. in Dirksen Room 226.

Witness List

Panel I: Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice.

Panel II: Ali Al-Maqtari, New Haven, CT; Michael J. Boyle, Esq., Law Offices of Michael J. Boyle, North Haven CT; Steven Emerson, The Investigative Project, Washington, DC; Gerald H. Goldstein, Esq., Goldstein, Goldstein & Hilley, San Antonio, TX; Nadine Strossen, President, American Civil Liberties Union, Professor, New York Law School, New York, NY; and Victoria Toensing, Esq., DiGenova & Toensing, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, John Stewart and Scott Donnelly are interns in