

Secretary of Agriculture to issue marketing orders for cranberries; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKETING ORDERS FOR CANEberries.

(a) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)(A), by inserting “caneberries (including raspberries, blackberries, and loganberries),” after “other than pears, olives, grapefruit, cherries,”; and

(2) in subsection (6)(I), by striking “tomatoes,” and inserting “tomatoes, caneberries (including raspberries, blackberries, and loganberries).”

(b) CONFORMING AMENDMENT.—Section 8(e)(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “or eggplants” and inserting “eggplants, or caneberries (including raspberries, blackberries, and loganberries)”.

By Mr. EDWARDS:

S. 1672. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

Mr. EDWARDS. Mr. President, I rise to introduce the Punishing Terrorist Hoaxes Act of 2001.

In the days since September 11, all of us have learned that anthrax hoaxes are no joking matter. They are acts of terror in the true sense of the word because they inflict great fear and anxiety on innocent people. In addition, these hoaxes drain resources from police and emergency workers—resources desperately needed not only for the real war on terror, but for all of the ordinary emergencies that continue to arise every single day.

According to recent reports, there have been some 160 anthrax and other terrorism hoaxes since September 11. In Connecticut, one hoax triggered the evacuation of 800 government employees for two days. Hoaxes in Virginia and Oregon have shut down post offices. In my State of North Carolina, from Greensboro to Chapel Hill, hoaxes have targeted and terrified workers at family planning medical clinics—workers who already must live with death threats day in and day out.

I have spoken with law enforcement officials in North Carolina who believe we need new Federal legislation specifically to fight hoaxes. At a hearing of the Judiciary Committee’s Subcommittee on Technology, Terrorism, and Government Information earlier this week, officials from the Bush Administration requested that legislation. In response to several questions that I asked, they articulated the very

real need: Current law prohibits terrorist “threats,” but terrorism hoaxes may not always be viewed as threats because the people perpetrating the hoaxes are not able and do not intend to carry out actual terrorist acts. Yet these hoaxes must be punished.

The legislation I propose builds on proposals by other Senators on both sides of the aisle, including Senator LEAHY, Senators BIDEN and HATCH, and Senators SCHUMER and DEWINE. There are two things that distinguish the legislation I propose, and I want to highlight those.

First, my proposal includes “findings” about the need for this legislation. In recent decisions holding that Federal laws are not proper exercises of Congress’s “commerce clause” power and therefore are not constitutional, the Supreme Court has said that “findings” about a real Federal need are important. Although I don’t agree with those recent cases, I want to do everything I can to make sure this statute is upheld in the courts. The addition of findings is one way to do that while still enacting the ban we need.

Second, my proposal establishes two Federal hoax crimes, not just one. All persons who perpetrate hoaxes are punishable by up to two years in prison. In addition, persons who perpetrate hoaxes with intent to cause fear, in a manner reasonably likely to cause an emergency response, are punishable by up to five years in prison. The line we are drawing is a line between people who really and truly think they are “just joking” and people who want to terrorize others.

Both kinds of hoaxes should be felony crimes. And the person who wants to inflict fear deserves a stiffer sentence than the person who does not. That is a line we regularly draw in the criminal law. We punish people with evil motives more than people who are reckless or stupid. Federal law makes that distinction in the Bomb Hoax Act, 18 U.S.C. § 35, which sets up a lesser offense requiring no criminal intent, and a greater offense requiring that the perpetrator act “maliciously.”

I ask the Congress to enact the Punishing Terrorist Hoaxes Act of 2001. And whether we enact this legislation or one of my colleagues’ proposals, I ask the Congress to enact an anti-hoax bill before we go out of session. We owe it to police officers, public health officials, and the American people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 177—EXPRESSING THE SENSE OF THE SENATE THAT UNITED STATES POSTAL SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR OUTSTANDING SERVICE AND DEDICATION SINCE THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mrs. BOXER (for herself and Mr. AKAKA) submitted the following resolu-

tion; which was considered and agreed to:

S. RES. 177

Whereas on September 11, 2001, the Nation was victimized by a horrific terrorist attack, the likes of which have not been seen in United States history;

Whereas terrorist attacks continued on United States soil after September 11, 2001, in the form of anthrax-tainted letters;

Whereas these anthrax-tainted letters have led to the deaths of 4 individuals, including 2 United States Postal Service employees;

Whereas numerous United States Postal Service employees are currently taking antibiotics to protect them from potential anthrax exposure; and

Whereas the United States Postal Service continues to deliver mail, on the order of approximately 680,000,000 pieces per day, to ensure that the daily operation of our citizens and our companies may continue unaffected, despite these dangers: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of the United States Postal Service for their outstanding service, hard work, and dedication during this time of national emergency; and

(2) will continue to work with the United States Postal Service to ensure the safety and well-being of postal workers as they carry out their duties and responsibilities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 541 through 546; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Sichan Siv, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during this tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Richard S. Williamson, of Illinois, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Richard S. Williamson, of Illinois, to be Alternate Representative of the United States

of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 264 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) 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 important ally in the campaign against international terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 264) was agreed to.

The preamble was agreed to.

U.S. POSTAL SERVICE COMMENDATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 177, submitted earlier today by Senator BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) expressing the sense of the Senate that United States Postal Service employees should be commended for their outstanding service and dedication since the terrorist attacks on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution and

the preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements and supporting documents relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

AUTHORIZATION FOR PRINTING

Mr. BYRD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from consideration of H. Con. Res. 130 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 130) authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, with no intervening action or debate; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 130) was agreed to.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance have until 4 p.m. today to report the economic recovery stimulus bill, notwithstanding the adjournment of the Senate.

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

AUTHORITY FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the submission of statements and the introduction of legislation.

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

ORDERS FOR TUESDAY, NOVEMBER 13, 2001

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Tuesday November 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate begin consideration of S.J. Res. 28; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

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

Mr. BYRD. Mr. President, on behalf of the majority leader, I again remind our colleagues that the next rollcall votes will occur at 5 p.m. on Tuesday next.

ADJOURNMENT UNTIL 10:30 A.M. TUESDAY, NOVEMBER 13, 2001

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:09 p.m., adjourned until Tuesday, November 13, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 2001:

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2004, VICE DIANE D. BLAIR.

DEPARTMENT OF ENERGY

MARGARET S.Y. CHU, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE IVAN ITKIN, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ADOLFO A. FRANCO, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MARK L. SCHNEIDER.

OVERSEAS PRIVATE INVESTMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2001, VICE LOTTIE LEE SHACKELFORD, TERM EXPIRED.

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004. (REAPPOINTMENT)

NATIONAL MEDIATION BOARD

EDWARD J. FITZMAURICE, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2004, VICE ERNEST W. DUBESTER, RESIGNED.