amendment to the bill H.R. 2540, An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

SA 2150. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2540, supra.

SA 2151. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2152. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2153. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2154. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, supra; which was ordered to lie on the table.

SA 2155. Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. HUTCHINSON, and Mr. CARPER) proposed an amendment to the bill H.R. 1552, to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

SA 2157. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

SA 2158. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

SA 2159. Mr. REID (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the concurrent resolution S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

SA 2160. Mr. REID (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes.

SA 2161. Mr. DASCHLE proposed an amendment to the bill S. 1389, to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes.

SA 2162. Mr. REID (for Mr. HATCH) proposed an amendment to the bill S. 320, to make technical corrections in patent, copyright, and trademark laws.

TEXT OF AMENDMENTS

SA 2149. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2540, an act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Compensation Rate Amendments of 2001''.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ''$98'' in subsection (a) and inserting ''$103'';

(2) by striking ''$188'' in subsection (b) and inserting ''$199'';

(3) by striking ''$288'' in subsection (c) and inserting ''$306'';

(4) by striking ''$413'' in subsection (d) and inserting ''$439'';

(5) by striking ''$589'' in subsection (e) and inserting ''$625'';

(6) by striking ''$743'' in subsection (f) and inserting ''$790'';

(7) by striking ''$937'' in subsection (g) and inserting ''$995'';

(8) by striking ''$1,087'' in subsection (h) and inserting ''$1,155'';

(9) by striking ''$1,224'' in subsection (i) and inserting ''$1,299'';

(10) by striking ''$2,036'' in subsection (j) and inserting ''$2,163'';

(11) in subsection (k)—

(A) by striking ''$76'' both places it appears and inserting ''$80''; and

(B) by striking ''$2,533'' and ''$3,553'' and inserting ''$2,691'' and ''$3,775'', respectively;

(12) by striking ''$2,533'' in subsection (l) and inserting ''$2,691'';

(13) by striking ''$2,794'' in subsection (m) and inserting ''$2,969'';

(14) by striking ''$3,179'' in subsection (n) and inserting ''$3,378'';

(15) by striking ''$3,553'' each place it appears in subsections (o) and (p) and inserting ''$3,775'';

(16) by striking ''$1,525'' and ''$2,271'' in subsection (r) and inserting ''$1,621'' and ''$2,413'', respectively; and

(17) by striking ''$2,280'' in subsection (s) and inserting ''$2,422''.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking ''$117'' in clause (A) and inserting ''$124'';

(2) by striking ''$201'' and ''$61'' in clause (B) and inserting ''$213'' and ''$64'', respectively;

(3) by striking ''$80'' and ''$61'' in clause (C) and inserting ''$84'' and ''$64'', respectively;

(4) by striking ''$95'' in clause (D) and inserting ''$100'';

(5) by striking ''$222'' in clause (E) and inserting ''$234''; and

(6) by striking ''$186'' in clause (F) and inserting ''$196''.

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking ''$546'' and inserting ''$580''.

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking ''$881'' in paragraph (1) and inserting ''$935''; and

(2) by striking ''$191'' in paragraph (2) and inserting ''$202''.

(b) OLD LAW RATES.—The table in section 1311(a)(3) is amended to read as follows:

Pay grade	Monthly
E–1	$935
E–2	935
E–3	935
E–4	935
E–5	935
E–6	935
E–7	967
E–8	1,021
E–9	[1] 1,066
W–1	988
W–2	1,028
W–3	1,058
W–4	1,119
O–1	988
O–2	1,021
O–3	1,092
O–4	1,155
O–5	1,272
O–6	1,433
O–7	1,549
O–8	1,699
O–9	1,818
O–10	[2] 1,994

''[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,149.

''[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,139.''.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$222'' and inserting ''$234''.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$222'' and inserting ''$234''.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$107'' and inserting ''$112''.

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking ''$373'' in paragraph (1) and inserting ''$397'';

(2) by striking ''$538'' in paragraph (2) and inserting ''$571'';

(3) by striking ''$699'' in paragraph (3) and inserting ''$742''; and

(4) by striking ''$699'' and ''$136'' in paragraph (4) and inserting ''$742'' and ''$143'', respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking ''$222'' in subsection (a) and inserting ''$234'';

(2) by striking ''$373'' in subsection (b) and inserting ''$397''; and

(3) by striking ''$188'' in subsection (c) and inserting ''$199''.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2001.

SA 2150. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 2540, An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; as follows:

Amend the title so as to read ''An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates

of dependency and indemnity compensation for survivors of such veterans.''.

SA 2151. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. FAIR AND EQUITABLE RESOLUTION OF LABOR INTEGRATION ISSUES.

(a) PURPOSE.—The purpose of this section is to require procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the disruption caused by the attack on the United States on September 11, 2001.

(b) DEFINITIONS.—In this Act:

(1) AIR CARRIER.—The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term ''covered transaction'' means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) became a pending transaction, or was completed, not earlier than January 1, 2001; and

(D) did not result in the creation of a single air carrier by September 11, 2001.

(c) SENIORITY INTEGRATION.—In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(d) ENFORCEMENT.—Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

SA 2152. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. ___. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

''(1) the employment credit with respect to all qualified employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the amount of qualified compensation that would have been paid to the employee with respect to all periods during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties, including time spent in a travel status had the employee not been participating in qualified reserve component duty. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(2) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the employee participates in qualified reserve component duty, the term 'qualified compensation' means compensation—

''(A) which is normally contingent on the employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the employee were present and receiving such compensation, and

''(B) which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the employee.

''(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(c) SELF-EMPLOYMENT CREDIT.—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the excess, if any, of—

''(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

''(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

''(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

''(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year divided by the difference between—

''(i) 365, and

''(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

''(e) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—

''(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year—

''(i) shall not exceed $7,500 in the aggregate, and

''(ii) shall not exceed $2,000 with respect to each qualified employee.

''(B) CONTROLLED GROUPS.—For purposes of applying the limitations in subparagraph (A)—

''(i) all members of a controlled group shall be treated as one taxpayer, and

''(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the two succeeding taxable years.

''(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

''(A) active duty for training under any provision of title 10, United States Code,

''(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

''(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

''(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended—

(1) by striking ''plus'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', plus'', and

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

''(16) the reserve component employment credit determined under section 45G(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

''Sec. 45G. Reserve component employment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 2153. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.''.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 2154. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

''SECTION. . TIPS RECEIVED FOR CERTAIN SERVICES NOT SUBJECT TO INCOME OR EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts and inheritances) is amended by adding at the end the following new subsection:

(d) TIPS RECEIVED FOR CERTAIN SERVICES.—

(1) IN GENERAL.—For purposes of subsection (a), tips received by an individual for qualified services performed by such individual shall be treated as property transferred by gift.

(2) QUALIFIED SERVICES.—For purposes of this subsection, the term ''qualified services'' means cosmetology, hospitality (including lodging and food and beverage services), recreation, baggage handling, transportation, delivery, shoe shine, and other services where tips are customary.

(3) ANNUAL LIMIT.—The amount excluded from gross income for the taxable year by reason of paragraph (1) with respect to each service provider shall not exceed $10,000.

(4) EMPLOYEE TAXABLE ON AT LEAST MINIMUM WAGE.—Paragraph (1) shall not apply to tips received by an employee during any month to the extent that such tips—

(A) are deemed to have been paid by the employer to the employee pursuant to section 3121(q) (without regard to whether such tips are reported under section 6053), and

(B) do not exceed the excess of—

(i) the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), over

(ii) the amount of the wages (excluding tips) paid by the employer to the employee during such month.

(5) TIPS.—For purposes of this title, the term ''tips'' means a gratuity paid by an individual for services performed for such individual (or for a group which includes such individual) by another individual if such services are not provided pursuant to an employment or similar contractual relationship between such individuals.

(b) EXCLUSION FROM SOCIAL SECURITY TAXES.— (1) Paragraph (12) of section 3121(a) of such Code is amended to read as follows:

''(12)(A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d);''

(2) Paragraph (10 of section 209(a) of the Social Security Act is amended to read as follows:

''(10)(A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d) of the Internal Revenue Code of 1986 for such month;''.

(3) Paragraph (3) of section 3231(e) of such Code is amended to read as follows:

''(3) Solely for purposes of the taxes imposed by section 3201 and other provisions of this chapter insofar as they relate to such taxes, the term 'compensation' also includes cash tips received by an employee in any calendar month in the course of his employment by an employer if the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).''.

(c) EXCLUSION FROM UNEMPLOYMENT COMPENSATION TAXES.—Subsection(s) of section 3306 of such Code is amended to read as follows:

''(s) TIPS NOT TREATED AS WAGES.—For purposes of this chapter, the term 'wages' shall include tips received in any month only to the extent includible in gross income after the application of section 102(d) for such month.''

(d) EXCLUSION FROM WAGE WITHHOLDING.—Paragraph (16) of section 3401(a) of such Code is amended to read as follows:

''(16)(a) as tips in any medium other than cash;

''(B) as cash tips to an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d);''

(e) CONFORMING AMENDMENT.—Sections 32(c)(2)(A)(i) and 220(b)(4)(A) of such Code are each amended by striking ''tips'' and inserting ''tips to the extent includible in gross income after the application of section 102(d)).''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received after the calendar month which includes the date of the enactment of this Act.

SA 2155. Mr. ENZI (for himself, Mr. DORGAN, Mrs. HUTCHISON, Mr. GRAHAM, Mr. VOINOVICH, Mr. BREAUX, Mr. HUTCHINSON, and Mr. CARPER) proposed an amendment to the bill H.R. 1552, to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Moratorium and Equity Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended.

(2) States should be encouraged to simplify their sales and use tax systems.

(3) As a matter of economic policy and basic fairness, similar sales transactions should be treated equally, without regard to the manner in which sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means.

(4) Congress may facilitate such equal taxation consistent with the United States Supreme Court's decision in Quill Corp. v. North Dakota.

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation through requiring sellers to collect taxes on sales of goods or services delivered in-state, without regard to the location of the seller.

(6) The States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and non-discriminatory in their application and that will simplify the process for both sellers and buyers.

(7) Online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

''(a) MORATORIUM.—No State or political subdivision thereof shall impose—

''(1) any taxes on Internet access during the period beginning after September 30, 1998, unless such a tax was generally imposed and actually enforced prior to October 1, 1998; and

''(2) multiple or discriminatory taxes on electronic commerce during the period beginning on October 1, 1998, and ending on December 31, 2005.''.

SEC. 4. INTERNET TAX FREEDOM ACT DEFINITIONS.

(a) INTERNET ACCESS SERVICES.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following new paragraph:

''(11) INTERNET ACCESS SERVICES.—The term 'Internet access services' means services that combine computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services. Such term does not include receipt of such content or services.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Internet Tax Freedom Act.

SEC. 5. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following in the context of remote sales:

(1) A centralized, one-stop, multi-state reporting, submission, and payment system for sellers.

(2) Uniform definitions for goods or services, the sale of which may, by State action, be included in the tax base.

(3) Uniform rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform procedures for—

(A) the treatment of purchasers exempt from sales and use taxes; and

(B) relief from liability for sellers that rely on such State procedures.

(5) Uniform procedures for the certification of software that sellers rely on to determine sales and use tax rates and taxability.

(6) A uniform format for tax returns and remittance forms.

(7) Consistent electronic filing and remittance methods.

(8) State administration of all State and local sales and use taxes.

(9) Uniform audit procedures, including a provision giving a seller the option to be subject to no more than a single audit per year using those procedures; except that if the seller does not comply with the procedures to elect a single audit, any State can conduct an audit using those procedures.

(10) Reasonable compensation for tax collection by sellers.

(11) Exemption from use tax collection requirements for remote sellers falling below a de minimis threshold of $5,000,000 in gross annual sales.

(12) Appropriate protections for consumer privacy.

(13) Uniform enforcement criteria and a process for ensuring compliance by those States that adopt the streamlined sales and use tax system.

(14) A process for resolving conflicts of law among States in the interpretation or application of statutory or regulatory provisions implementing the system.

(15) Such other features that the States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) STUDY.—It is the sense of Congress that a joint, comprehensive study should be commissioned by State and local governments and the business community to determine the cost to all sellers of collecting and remitting State and local sales and use taxes on sales made by sellers under the law as in effect on the date of enactment of this Act and under the system described in subsection (a) to assist in determining what constitutes reasonable compensation.

SEC. 6. INTERSTATE SALES AND USE TAX COMPACT.

(a) AUTHORIZATION.—In general, the States are authorized to enter into an Interstate Sales and Use Tax Compact. The Compact shall describe a uniform, streamlined sales and use tax system consistent with section 5(a), and shall provide that States joining the Compact must adopt that system.

(b) EXPIRATION.—The authorization in subsection (a) shall expire if the Compact has not been formed before January 1, 2005.

(c) CONGRESSIONAL APPROVAL OF COMPACT.—

(1) ADOPTING STATES TO TRANSMIT.—Upon the 20th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.

(2) CONGRESSIONAL ACTION.—

(A) IN GENERAL.—If a joint resolution described in subparagraph (B) is enacted into law within 120 calendar days, excluding congressional recess period days, of Congress receiving the Compact under paragraph (1), then sections 7 and 8 shall apply to the adopting States, and any other State that subsequently adopts the Compact.

(B) JOINT RESOLUTION.—A joint resolution described in this subparagraph is a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress—

''(1) agrees that the uniform, streamlined sales and use tax system described in the Compact transmitted to Congress by the States pursuant to section 6(c)(1) of the Internet Tax Moratorium and Equity Act does not create an undue burden on interstate commerce; and

''(2) authorizes any State that adopts such Compact to require remote sellers to collect and remit sales and use taxes in accordance with such system .''

(C) EXPEDITED PROCEDURE FOR APPROVAL.—

(i) RULES OF HOUSE AND SENATE.—This paragraph is enacted—

(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of the joint resolution described in subparagraph (B), and they supersede other rules only to the extent that they are inconsistent therewith, and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(ii) APPLICABLE PROCEDURAL PROVISIONS.—Except as otherwise provided in this paragraph, the procedures set forth in section 152 (other than subsection (a) thereof) of the Trade Act of 1974 (19 U.S.C. 2192) shall apply to the joint resolution described in subparagraph (B) by substituting the ''Committee on the Judiciary'' for the ''Committee on Ways and Means'' and the ''Committee on Commerce, Science, and Transportation'' for the ''Committee on Finance'' in subsections (b) and (f)(1)(A)(i) thereof.

(iii) INTRODUCTION OF JOINT RESOLUTION AFTER COMPACT RECEIVED.—Until Congress receives the Compact described in paragraph (1), it shall not be in order in either House to introduce the joint resolution described in subparagraph (B).

(iv) CONSIDERATION OF JOINT RESOLUTION.—No amendment to the joint resolution described in subparagraph (B) shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House. Within 120 calendar days, excluding congressional recess period days, after the date on which a joint resolution described in subparagraph (B) is introduced in either House, that House shall proceed to a final vote on the joint resolution without intervening action. If either House approves the resolution, it shall be placed on the calendar in the other House, which shall proceed immediately to a final vote on the joint resolution without intervening action.

SEC. 7. AUTHORIZATION TO SIMPLIFY STATE USE-TAX RATES THROUGH AVERAGING.

(a) IN GENERAL.—Subject to the exceptions in subsections (c) and (d), a State that adopts the Compact authorized and approved under section 6 and that levies a use tax shall impose a single, uniform State-wide use-tax rate on all remote sales on which it assesses a use tax for any calendar year for which the State meets the requirements of subsection (b).

(b) AVERAGING REQUIREMENT.—A State meets the requirements of this subsection for any calendar year in which the single, uniform State-wide use-tax rate is in effect if such rate is no greater than the weighted average of the sales tax rates actually imposed by the State and its local jurisdictions during the 12-month period ending on June 30 prior to such calendar year.

(c) ANNUAL OPTION TO COLLECT ACTUAL TAX.—Notwithstanding subsection (a), a remote seller may elect annually to collect the actual applicable State and local use taxes on each sale made in the State.

(d) ALTERNATIVE SYSTEM.—A State that adopts the uniform, streamlined sales and use tax system described in the Compact authorized and approved under section 6 so that remote sellers can use information provided by the State to identify the single applicable rate for each sale, may require a remote seller to collect the actual applicable State and local sales or use tax due on each sale made in the State if the State provides such seller relief from liability to the State for relying on such information provided by the State.

SEC. 8. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) GRANT OF AUTHORITY.—

(1) STATES THAT ADOPT THE SYSTEM MAY REQUIRE COLLECTION.—Any State that has adopted the system described in the Compact authorized and approved under section 6 is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception to collect and remit sales and use taxes on remote sales to purchasers located in such State.

(2) STATES THAT DO NOT ADOPT THE SYSTEM MAY NOT REQUIRE COLLECTION.—Paragraph (1) does not extend to any State that does not adopt the system described in the Compact.

(b) NO EFFECT ON NEXUS, ETC.—No obligation imposed by virtue of authority granted by subsection (a)(1) or denied by subsection (a)(2) shall be considered in determining whether a seller has a nexus with any State for any other tax purpose. Except as provided in subsection (a), nothing in this Act permits or prohibits a State—

(1) to license or regulate any person;

(2) to require any person to qualify to transact intrastate business; or

(3) to subject any person to State taxes not related to the sale of goods or services.

SEC. 9. NEXUS FOR STATE BUSINESS ACTIVITY TAXES.

It is the sense of Congress that before the conclusion of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

SEC. 10. LIMITATION.

In general, nothing in this Act shall be construed as subjecting sellers to franchise taxes, income taxes, or licensing requirements of a State or political subdivision thereof, nor shall anything in this Act be construed as affecting the application of such taxes or requirements or enlarging or reducing the authority of any State or political subdivision to impose such taxes or requirements.

SEC. 11. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means any State of the United States of America and includes the District of Columbia.

(2) GOODS OR SERVICES.—The term ''goods or services'' includes tangible and intangible personal property and services.

(3) REMOTE SALE.—The term ''remote sale'' means a sale in interstate commerce of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction that could not, except for the authority granted by this Act, require that the seller of such goods or services collect and remit sales or use taxes on such sale.

(4) LOCUS OF REMOTE SALE.—The term ''particular taxing jurisdiction'', when used with respect to the location of a remote sale, means a remote sale of goods or services attributed, under the rules established pursuant to section 5(a)(3), to a particular taxing jurisdiction.

SA 2157. Mr. MCCAIN (for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service.

''(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

''(ii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) UNIFORMED SERVICE.—The term 'uniformed service' has the meaning given such term by section 101(a)(5) of title 10, United States Code.

''(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

SA 2158. Mr. REID (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan; as follows:

Beginning on page 4, strike line 19 and all that follows through page 5, line 16, and insert the following:

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38), shall be available to carry out this Act.

SA 2159. Mr. REID (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the concurrent resolution S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; as follows:

Strike all after the resolving clause and insert the following:

''That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

''(1) the United States citizens who died as a result of the attack by Japanese imperial forces on Pearl Harbor, Hawaii; and

''(2) the service of the American sailors and soldiers who survived the attack.''.

SA 2160. Mr. REID (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the bill S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes; as follows:

On page 2, lines 8 and 16, strike ''1.28'' each place it appears and insert ''1.38''.

SA 2161. Mr. DASCHLE proposed an amendment to the bill S. 1389, to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States government, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homestake Mine Conveyance Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States is among the leading nations in the world in conducting basic scientific research;

(2) that leadership position strengthens the economy and national defense of the United States and provides other important benefits;

(3) the Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research;

(4) the Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory;

(5) such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States;

(6) the establishment of the laboratory is in the national interest, and would substantially improve the capability of the United States to conduct important scientific research;

(7) for economic reasons, Homestake intends to cease operations at the Mine in 2001;

(8) on cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine;

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory;

(10) use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government;

(11) if the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine;

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property; and

(13) to secure the use of the Mine as the location for the laboratory, and to realize the benefits of the proposed laboratory, it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term ''affiliate'' means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term ''affiliate'' includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term ''conveyance'' means the conveyance of the Mine to the State under section 4(a).

(4) FUND.—The term ''Fund'' means the Environment and Project Trust Fund established under section 8.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term ''Homestake'' means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term ''Homestake'' includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY.—The term ''independent entity'' means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section 4(b)(2)(A); and

(B) to determine the fair value of the Mine under section 5(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—

(A) IN GENERAL.—The term ''laboratory'' means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term ''laboratory'' includes operating and support facilities of the laboratory.

(9) MINE.—

(A) IN GENERAL.—The term ''Mine'' means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term ''Mine'' includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term ''Mine'' does not include—

(i) the feature known as the ''Open Cut'';

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON.—The term ''person'' means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR.—The term ''project sponsor'' means an entity that manages or pays the costs of 1 or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD.—The term ''Scientific Advisory Board'' means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of South Dakota.

(B) INCLUSIONS.—The term ''State'' includes an institution, agency, officer, or employee of the State.

SEC. 4. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of 1 or more quit-claim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—As a condition precedent of conveyance and of the assumption of liability by the United States in accordance with this Act, the Administrator shall accept the final report of the independent entity under paragraph (3).

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this Act, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may pose an imminent and substantial threat to human health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, Homestake, the South Dakota Department of Environment and Natural Resources, the Administrator, and the independent entity shall consult and agree upon the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may pose an imminent and substantial threat to human health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least 1 public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report only if the Administrator identifies 1 or more conditions of the Mine that—

(i) may pose an imminent and substantial threat to human health or the environment, as determined by the Administrator; and

(ii) require response action to correct each condition that may pose an imminent and substantial threat to human health or the environment identified under clause (i) before conveyance and assumption by the Federal Government of liability concerning the Mine under this Act.

(C) RESPONSE ACTIONS AND CERTIFICATION.—

(i) RESPONSE ACTIONS.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may pose an imminent and substantial threat to human health or the environment.

(II) LONG-TERM RESPONSE ACTIONS.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis, to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS.—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE.—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) $75,000,000; less

(II) the fair value of the Mine as determined under section 5(a).

(iii) CERTIFICATION.—

(I) IN GENERAL.—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE.—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY.—The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE.—For the purposes of this section, the fair value of the Mine shall include the estimated cost, as determined by the independent entity under subsection (a), of replacing the shafts, winzes, hoists, tunnels, ventilation system, and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) REPORT.—Not later than the date on which each report developed in accordance with section 4(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the State a report that identifies the fair value assessed under subsection (a).

SEC. 6. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) CLAIMS AGAINST UNITED STATES.—In the case of any claim brought against the United States, the United States shall be liable for response costs under paragraph (1)(C) only to the extent that an award of response costs is made in a civil action brought under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(C) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(D) any other applicable Federal environmental law, as determined by the Administrator.

(b) LIABILITY PROTECTION.—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) INDEMNIFICATION.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this Act, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) WAIVER OF SOVEREIGN IMMUNITY.—For the purposes of this Act, the United States waives any claim to sovereign immunity.

(e) TIMING FOR ASSUMPTION OF LIABILITY.—If the conveyance is effectuated by more than 1 legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR HOMESTAKE CLAIMS.—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than an environmental claim or a claim concerning natural resources;

(3) any violation of any provision of criminal law; or

(4) any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this Act, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation arises out of the continued existence or use of the Mine subsequent to the date of conveyance.

SEC. 7. INSURANCE COVERAGE.

(a) PROPERTY AND LIABILITY INSURANCE.—

(1) IN GENERAL.—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 6.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to section 8, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) NO REQUIREMENT TO USE STATE FUNDS.—Nothing in this Act requires the State to use State funds to purchase insurance required under this subsection.

(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) PROJECT INSURANCE.—

(1) IN GENERAL.—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 6.

(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) STATE INSURANCE.—

(1) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 8. ENVIRONMENT AND PROJECT TRUST FUND.

(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) AMOUNTS.—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) EXPENDITURES FROM FUND.—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 7;

(5) payments for and other costs relating to liability described in section 6; and

(6) closure of the Mine and laboratory.

(d) FEDERAL PAYMENTS FROM FUND.—The United States—

(1) to the extent the United States assumes liability under section 6—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive 1 or more payments from the Fund.

(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 6.

SEC. 9. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this Act; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. 10. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this Act exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 11. CONTINGENCY.

This Act shall be effective contingent on the selection, by the National Science Foundation, of the Mine as the site for the laboratory.

SEC. 12. OBLIGATION IN THE EVENT OF NONCONVEYANCE.

If the conveyance under this Act does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this Act.

SEC. 13. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 8(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this Act; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this Act.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 15. TANF BONUSES TO REWARD DECREASE IN ILLEGITIMACY RATIO.

(a) RESCISSION.—Effective on the date of enactment of this Act, $100,000,000 of the amount appropriated under subparagraph (D) of section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is rescinded.

(b) BUDGET SCORING.—Notwithstanding section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)), the Director of the Congressional Budget Office and the Director of the Office of Management and Budget shall project the baseline assumption with respect to the amount of bonus grants that shall be made under section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) for fiscal year 2003 and each fiscal year thereafter without regard to the amount rescinded under subsection (a).

SA 2162. Mr. REID (for Mr. HATCH) proposed an amendment to the bill S. 320, to make technical corrections in patent, copyright, and trademark laws; as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intellectual Property and High Technology Technical Amendments Act of 2001''.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—

(i) by striking ''Director'' each place it appears and inserting ''Commissioner''; and

(ii) by striking ''Director's'' each place it appears and inserting ''Commissioner's''.

(B) Section 3(b)(5) of title 35, United States Code, is amended by striking ''Director'' the first place it appears and inserting ''Commissioner''.

(C) Section 3(a) of title 35, United States Code, is amended in the subsection heading, by striking ''DIRECTOR'' and inserting ''COMMISSIONER''.

(D) Section 3(b)(1) of title 35, United States Code, is amended in the paragraph heading, by striking ''DIRECTOR'' and inserting ''COMMISSIONER''.

(2) The Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1051 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(3)(A) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking ''Commissioner for Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(B) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking ''Commissioner for Trademarks'' each place it appears and inserting ''Assistant Commissioner for Trademarks''.

(C) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking ''COMMISSIONERS'' and inserting ''ASSISTANT COMMISSIONERS'';

(ii) in subparagraph (A), in the last sentence—

(I) by striking ''a Commissioner'' and inserting ''an Assistant Commissioner''; and

(II) by striking ''the Commissioner'' and inserting ''the Assistant Commissioner'';

(iii) in subparagraph (B)—

(I) by striking ''Commissioners'' each place it appears and inserting ''Assistant Commissioners'';

(II) by striking ''Commissioners'' ' each place it appears and inserting ''Assistant Commissioners' ''; and

(iv) in subparagraph (C), by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(D) Section 3(b) of title 35, United States Code, is amended—

(i) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(ii) by inserting after paragraph (2) the following:

''(3) SPECIAL COUNSEL FOR INTELLECTUAL PROPERTY POLICY AND DEPUTY COMMISSIONER FOR LEGISLATIVE AND INTERNATIONAL AFFAIRS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.—

''(A) APPOINTMENT AND DUTIES.—The Special Counsel for Intellectual Property Policy shall be a citizen of the United States and shall be appointed by the President, after consultation with the Secretary of Commerce. The Deputy Commissioner for Legislative and International Affairs shall be a citizen of the United States and shall be appointed by the President, after consultation with the Secretary of Commerce. The Special Counsel shall serve as the chief intellectual property policy advisor to the Under Secretary of Commerce for Intellectual Property and Commissioner for Patents and Trademarks. The Deputy Commissioner for Legislative and

International Affairs shall serve as the chief advisor on all congressional and international matters relating to intellectual property and administration of the Office.

''(B) OATH.—The Special Counsel and the Deputy Commissioner for Legislative and International Affairs shall, before taking office, take an oath to discharge faithfully responsible duties.

''(C) REMOVAL.—The Special Counsel and the Deputy Commissioner for Legislative and International Affairs may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

''(D) COMPENSATION.—The Special Counsel and the Deputy Commissioner for Legislative and International Affairs of the United States Patent and Trademark Office shall be paid an annual rate of basic pay—

''(i) not less than the minimum rate of basic pay for a position at ES–4 of the Senior Executive Service established under section 5382 of title 5; and

''(ii) not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5.''.

(E) Section 3(f) of title 35, United States Code, is amended in subparagraphs (A) and (B) of paragraph (2)—

(i) by striking ''the Commissioner'' each place it appears and inserting ''the Assistant Commissioner''; and

(ii) by striking ''a Commissioner'' each place it appears and inserting ''an Assistant Commissioner''.

(F) Section 13 of title 35, United States Code, is amended—

(i) by striking ''Commissioner of'' each place it appears and inserting ''Assistant Commissioner for''; and

(ii) by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(G) Chapter 17 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(H) Section 297 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Commissioner''.

(4) Section 5314 of title 5, United States Code, is amended by striking

''Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.''

and inserting

''Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.''.

(5) Section 5315 of title 5, United States Code, is amended by striking the following:

''Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.''.

*(6)(A) Sections 303 and 304 of title 35, United States Code, are each amended in the section headings by striking ''**Director**'' and inserting ''**Commissioner**''.*

(B) The items relating to sections 303 and 304 in the table of sections for chapter 30 of title 35, United States Code, are each amended by striking ''Director'' and inserting ''Commissioner''.

*(7)(A) Sections 312 and 313 of title 35, United States Code, are each amended in the section headings by striking ''**Director**'' and inserting ''**Commissioner**''.*

(B) The items relating to sections 312 and 313 in the table of sections for chapter 31 of title 35, United States Code, are each amended by striking ''Director'' and inserting ''Commissioner''.

(8) Section 17(b) of the Trademark Act of 1946 (15 U.S.C. 1067) is amended by striking ''Commissioner for Patents, the Commissioner for Trademarks'' and inserting ''Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks''.

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)), the last place such term appears.

(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).

(M) Sections 4203, 4506, 4606, and 4804(d)(2) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking ''generally'' and inserting '', generally''.

(c) PRESIDENTIAL APPOINTMENT AND COMPENSATION FOR DEPUTY DIRECTOR.—Section 3(b)(1) of title 35, United States Code, is amended by—

(1) striking ''The Secretary of Commerce, upon nomination by the Director,'' and inserting the following:

''(A) IN GENERAL.—The President, after consultation with the Secretary of Commerce,''; and

(2) inserting at the end the following:

''(B) COMPENSATION.—The Deputy Commissioner shall be paid an annual rate of basic pay—

''(i) not less than the minimum rate of basic pay for a position at ES–4 of the Senior Executive Service established under section 5382 of title 5; and

''(ii) not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5.''.

(d) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking ''person'' and inserting ''third-party requester''; and

(B) in subsection (c), by striking ''Unless the requesting person is the owner of the patent, the'' and inserting ''The''.

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) in subsection (b), by striking '', if any''.

(3) Section 314(b)(1) is amended—

(A) by striking ''(1) This'' and all that follows through ''(2)'' and inserting ''(1)'';

(B) by striking ''the third-party requester shall receive a copy'' and inserting ''the Office shall send to the third-party requester a copy''; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking ''United States Code,''.

(5) Section 317 is amended—

(A) in subsection (a), by striking ''patent owner nor the third-party requester, if any, nor privies of either'' and inserting ''third-party requester nor its privies''; and

(B) in subsection (b), by striking ''United States Code,''.

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking ''administrative patent judge'' each place it appears and inserting ''primary examiner''.

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.''.

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended by striking ''Part 3'' and inserting ''Part III''.

(2) Section 4604(b) of that Act is amended by striking ''title 25'' and inserting ''title 35''.

(d) EFFECTIVE DATE.—The amendments made by section 4605 (b), (c), and (e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.

SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1067(b)), is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(2) Section 6(a) of title 35, United States Code, is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting '', privileged,'' after ''personnel''; and

(2) by adding at the end the following new subsection:

''(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees.''.

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking ''and attested by an officer of the Patent and Trademark Office designated by the Commissioner,''.

SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking ''on which the Patent and Trademark Office receives a copy of the'' and inserting ''of''; and

(2) by striking ''international application'' the last place it appears and inserting ''publication''.

SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 4505 is amended to read as follows:

''SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

''Section 102(e) of title 35, United States Code, is amended to read as follows:

'''(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or'.''.

(2) Section 4507 is amended—

(A) in paragraph (1), by striking ''Section 11'' and inserting ''Section 10'';

(B) in paragraph (2), by striking ''Section 12'' and inserting ''Section 11''.

(C) in paragraph (3), by striking ''Section 13'' and inserting ''Section 12'';

(D) in paragraph (4), by striking ''12 and 13'' and inserting ''11 and 12'';

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking ''confer the same rights and shall have the same effect under this title as an application for patent published'' and inserting ''be deemed a publication''; and

(F) by adding at the end the following:

''(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

'''374. Publication of international application.'''.

(3) Section 4508 is amended to read as follows:

''SEC. 4508. EFFECTIVE DATE.

''Except as otherwise provided in this section, sections 4502 through 4504 and 4506 through 4507, and the amendments made by such sections, shall be effective as of November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by section 4504 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. Except as otherwise provided in this section, the amendments made by section 4505 shall be effective as of November 29, 2000 and shall apply to all patents and all applications for patents pending on or filed after November 29, 2000. Patents resulting from an international application filed before November 29, 2000 and applications published pursuant to section 122(b) or Article 21(2) of the treaty defined in section 351(a) resulting from an international application filed before November 29, 2000 shall not be effective as prior art as of the filing date of the international application; however, such patents shall be effective as prior art in accordance with section 102(e) in effect on November 28, 2000.''.

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking '', United States Code''.

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking ''United States Code,'';

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking '', United States Code'';

(ii) in the first sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code'';

(iii) in the second sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code.'' and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking '', United States Code''; and

(v) in subparagraph (C), by striking '', United States Code''; and

(C) in subsection (c)—

(i) in the subsection caption, by striking '', UNITED STATES CODE''; and

(ii) by striking ''United States Code,''.

(3) Section 5 is amended in subsections (e) and (g), by striking '', United States Code'' each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking ''***before***'' and inserting ''***Before***''.

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

''21. Filing date and day for taking action.''.

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

''12. Examination of Application ..... 131''.

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

''116. Inventors.''.

(8) Section 154(b)(4) is amended by striking '', United States Code,''.

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking ''paragraphs'' and inserting ''paragraph'';

(B) in subsection (d)(2)(B)(i), by striking ''below the office'' and inserting ''below the Office''; and

(C) in subsection (g)(6)(B)(iii), by striking ''submittted'' and inserting ''submitted''.

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking ''of'' and inserting ''to''.

(11) Section 185 is amended by striking the second period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking ''United States Code,''; and

(B) by striking ''5, United States Code.'' and inserting ''5.''.

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking ''last paragraph of section 203(2)'' and inserting ''section 203(b)''; and

(B) in subsection (c)—

(i) in paragraph (4), by striking ''rights;'' and inserting ''rights,''; and

(ii) in paragraph (5), by striking ''of the United States Code''.

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking ''(2)'' and inserting ''(b)'';

(ii) by striking the quotation marks and comma before ''as appropriate''; and

(iii) by striking ''paragraphs (a) and (c)'' and inserting ''paragraphs (1) and (3) of subsection (a)''; and

(B) in the first paragraph—

(i) by striking ''(a)'', ''(b)'', ''(c)'', and ''(d)'' and inserting ''(1)'', ''(2)'', ''(3)'', and ''(4)'', respectively; and

(ii) by striking ''(1.'' and inserting ''(a)''.

(15) Section 209 is amended in subsections (d)(2) and (f), by striking ''of the United States Code''.

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking ''5901'' and inserting ''5908''; and

(ii) in paragraph (20) by striking ''178(j)'' and inserting ''178j''; and

(B) in subsection (c)—

(i) by striking ''paragraph 202(c)(4)'' and inserting ''section 202(c)(4)''; and

(ii) by striking ''title..'' and inserting ''title.''.

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after ''***Patent***''.

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

''256. Correction of named inventor.''.

(19) Section 294 is amended—

(A) in subsection (b), by striking ''United States Code,''; and

(B) in subsection (c), in the second sentence by striking ''court to'' and inserting ''court of''.

(20) Section 371(d) is amended by adding at the end a period.

(21) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) OTHER AMENDMENTS.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting ''in subsection (b),'' after ''(ii)''; and

(B) in paragraph (10)(A), by inserting after ''title 35, United States Code,'' the following: ''other than sections 1 through 6 (as amended by chapter 1 of this subtitle),''.

(2) Section 4802(1) of that Act is amended by inserting ''to'' before ''citizens''.

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking ''11(a)'' and inserting ''10(a)''; and

(B) in subsection (c), by striking ''13'' and inserting ''12''.

(4) Section 4402(b)(1) of that Act is amended by striking ''in the fourth paragraph''.

SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1117(a)), is amended by striking ''a violation under section 43(a), (c), or (d),'' and inserting ''a violation under section 43(a) or (d),''.

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking ''specifying the date of the applicant's first use'' and all that follows through the end of the sentence and inserting ''specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.''.

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

''(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

''(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

''(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

''(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

''(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

''(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

''(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

''(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

''(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.''.

(6) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after ''numeral''.

(7) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(8) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''.

(9) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code''.

(10) Section 34(d)(11) is amended by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(11) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''; and

(B) by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(12) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking ''a certification'' and inserting ''a true copy, a photocopy, a certification,''.

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking ''111(a)'' and inserting ''1113(a)''.

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking ''paragraph (2)'' and inserting ''paragraph (2)(A)''; and

(B) in paragraph (3), by striking ''1005(e)'' and inserting ''1005(d)''.

(2) Section 1006(b) is amended by striking ''119(b)(1)(B)(iii)'' and inserting ''119(b)(1)(B)(ii)''.

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding ''and'' after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

''(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';''.

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking ''of performance'' and inserting ''of a performance''.

(2)(A) The section heading for section 122 is amended by striking ''***rights; secondary***'' and inserting ''***rights: Secondary***''.

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

''122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.''.

(3)(A) The section heading for section 121 is amended by striking ''***reproduction***'' and inserting ''***Reproduction***''.

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking ''reproduction'' and inserting ''Reproduction''.

(4)(A) Section 106 is amended by striking ''107 through 121'' and inserting ''107 through 122''.

(B) Section 501(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(C) Section 511(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(5) Section 101 is amended—

(A) by moving the definition of ''computer program'' so that it appears after the definition of ''compilation''; and

(B) by moving the definition of ''registration'' so that it appears after the definition of ''publicly''.

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking ''conditions;'' and inserting ''conditions:''.

(7) Section 118(b)(1) is amended in the second sentence by striking ''to it''.

(8) Section 119(b)(1)(A) is amended—

(A) by striking ''transmitted'' and inserting ''retransmitted''; and

(B) by striking ''transmissions'' and inserting ''retransmissions''.

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking ''licensure'' and inserting ''licensing''.

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking ''107 through 120'' and inserting ''107 through 122''.

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking ''section 290(e) of title 15'' and inserting ''section 6 of the Standard Reference Data Act (15 U.S.C. 290e)''.

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking ''Notwithstanding'' and all that follows through ''United States Code,'' and inserting ''Notwithstanding the limitations under section 105 of title 17, United States Code,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet to conduct a business meeting during the session of the Senate on Thursday, November 15, 2001. The purpose of this business meeting will be to discuss the new Federal Farm bill.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 15, 2001, at 10 a.m., to conduct a hearing on the nomination of Mr. Allen I. Mandelowitz, of Connecticut, to be a director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; Mr. Eduardo Aguirre, Jr., of Texas, to be First Vice President of the Export-Import Bank of the United States; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

The Committee will also vote on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; and Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 15, 2001, at 10 a.m., on the nomination of William Schubert to be Administrator of the Maritime Administration of the Department of Transportation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, November 15, 2001, at 9:30 a.m., to conduct a hearing on how S. 556 would affect the environment, the economy, and any improvements or amendments that should be made to the legislation. The hearing will be held in room SD–406.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 1 p.m., to consider the nomination of Richard Clarida to be Assistant Secretary of Treasury for Economic Policy; Kenneth Lawson to be Assistant Secretary of Treasury for Enforcement; B. John Williams, Jr., to be Chief Counsel/Assistant General Counsel for the Internal Revenue Service; Janet Hale to be Assistant Secretary of Health and Human Services for Budget, Technology and Finance; Joan E. Ohl, to be Commissioner of Children, Youth and Family Administration, Department of Health and Human Services; James B. Lockhart III, to be Deputy Commissioner of the Social Security Administration; and Harold Daub to be a Member of the Social Security Advisory Board.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 3:00 p.m., to hold a hearing titled, ''Humanitarian Crisis: Is Enough Aid Reaching Afghanistan.''

Witnesses

Panel 1: Carol Bellamy, Executive Director, UNICEF, New York City, NY; Catherine Bertini, Executive Director, World Food Program, Washington, DC; and Guenet Guebre-Christos, Representative, United Nations High Commission for Refugees, Washington, DC.

Panel 2: Joel Charny, Vice-President, Refugees International, Washington, DC, and Peter Bell, President, CARE International, Atlanta, GA.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, November 15, 2001, at 9:30 a.m., to hold a hearing entitled ''Oversight of the Centers for Medicare and Medicaid Services: Medicare Payment Policies for Ambulance Services.''

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 15, 2001, at 2:30 p.m., in open and closed session to receive testimony on terrorist organizations and motivations.

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

PRIVILEGES OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that Dan Dager, a detailee on my staff, be granted the privilege of the floor during the Senate's consideration of H.R. 2230, the Agriculture Appropriations Act for fiscal year 2002.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that a member of my staff, Nancy Perkins, have floor privileges during the pendency of this bill.

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

Mr. GRAHAM. Madam President, I ask unanimous consent that a member of my staff, Shawn Fitzpatrick, be granted the privilege of the floor for the duration of the debate on H.R. 1552.

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

ORDERS FOR FRIDAY, NOVEMBER 16, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Friday, November 16; that following the prayer and 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 the Senate be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I do not believe there is any further business to come before the Senate this evening. I therefore ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:34 p.m., adjourned until Friday, November 16, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 2001:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

VICKERS B. MEADOWS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MARILYN A. DAVIS.

DEPARTMENT OF ENERGY

BEVERLY COOK, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE DAVID MICHAELS, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

J. PAUL GILMAN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE NORINE E. NOONAN, RESIGNED.

MORRIS X. WINN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROMULO L. DIAZ, JR., RESIGNED.

DEPARTMENT OF THE TREASURY

EDWARD KINGMAN, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LISA GAYLE ROSS, RESIGNED.

EDWARD KINGMAN, JR., OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE LISA GAYLE ROSS, RESIGNED.