

“(3)(A) If the owner of facilities to be used by an alternative rail service provider pursuant to a notice filed with the Board under subsection (b) and the alternative rail service provider do not agree on the terms of compensation for the initial use of the facilities before the expiration of the 60-day period applicable to the notice under paragraph (2) of that subsection (b), either party (or the person requesting the rail service from the alternative rail service provider) may request the Board to establish the terms of compensation. The Board shall establish those terms of compensation, in accordance with the standards applicable under this subsection, within 60 days after receiving such a request. The terms so established shall be effective retroactively as of the date on which the 60-day period applicable under subsection (b)(2) expires.

“(B) If the owner of facilities and an alternative rail service provider do not agree on an annual adjustment to terms of compensation under paragraph (1) before the anniversary of the date on which the alternative rail service provider began to use the facilities, either party may submit the dispute to the Board. The Board shall resolve the dispute within 60 days after the dispute is submitted. Any adjustment pursuant to a resolution of the dispute shall take effect retroactively as of that anniversary date.

“(e) NEW AND ENHANCED FACILITIES.—(1) If it is necessary for an owner of facilities to construct a new connecting track or interlocker or any other new facility or to improve a connecting track, interlocker, or other facility of that owner solely to accommodate the commencement of rail service by an alternative rail service provider under this section, the person requesting the rail service by the alternative rail service provider over those facilities shall pay the entire reasonable cost of the construction or improvement. The owner constructing the new facility or facilities shall own the newly constructed or improved facility or facilities, as the case may be.

“(2) If, at any time during the period of use of facilities by one or more alternative rail service providers pursuant to this section, it is necessary to construct or improve facilities to ensure the safe or efficient operation of rail service by the alternative rail service providers and all other rail carriers using the facilities to provide rail service, the reasonable cost of the construction or improvement shall be shared by the owner and each of the users of the facilities on such terms as those parties may agree. Any dispute concerning such terms shall be promptly resolved by the Board upon the request of any such user.

“(f) RELATIONSHIP TO OTHER AUTHORITIES.—This section may not be construed to provide an exclusive remedy, nor to limit the availability of any other remedy under this part, to users of rail transportation for the enhancement of intramodal rail competition.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after section 11102 the following new item:

“11102a. Trackage rights.”.

#### SEC. 907. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on January 1, 2002.

(b) EXCEPTIONS.—Section 906 and the amendment made by that section shall take effect on the date of enactment of this Act.

#### AUTHORITY FOR COMMITTEES TO MEET

##### 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 29, 2001, at 10 a.m., to conduct a hearing on “Housing and Community Development Needs: The FY 2003 HUD Budget.”

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 29, 2001, at 10:30 a.m. to hold a nomination hearing.

#### Agenda

Nominees: John V. Hanford, III, of Virginia, to be Ambassador at Large for International Religious Freedom; Arthur E. Dewey, of Maryland, to be an Assistant Secretary of State (Population, Refugees, and Migration); and John D. Ong, of Ohio, to be Ambassador to Norway.

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

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 29, 2001, at 10 a.m. in Dirksen room 226.

#### Agenda

I. Committee Business: Subcommittees.

II. Unfinished Business: S. 986, A bill to allow media coverage of court proceedings [Grassley/Schumer/Leahy/Smith/Allard/Feingold / Specter/Durbin/DeWine/Allen/Edwards/Cantwell].

III. Nominations: Harris L. Hartz to be United States Circuit Court Judge for the Tenth Circuit; John D. Bates to be United States District Court Judge for the District of Columbia; Kurt D. Engelhardt to be United States District Court Judge for the Eastern District of Louisiana; Joe L. Heaton to be United States District Court Judge for the Western District of Oklahoma; William P. Johnson to be United States District Court Judge for the District of New Mexico; Clay D. Land to be United States District Court Judge for the Middle District of Georgia; Frederick J. Martone to be United States District Court Judge for the District of Arizona; Danny C. Reeves to be United States District Court Judge for the Eastern District of Kentucky; Julie A. Robinson to be United States District Court Judge for the District of Kansas; James E. Rogan to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office at the Department of Commerce; and Thomas L.

Sansonetti to be Assistant Attorney General for the Environment and Natural Resources Division.

To be United States Attorney: David R. Dugas for the Middle District of Louisiana; Edward H. Kubo for the District of Hawaii; James A. McDevitt for the Eastern District of Washington; David E. O’Meilia for the Northern District of Oklahoma; Sheldon S. Sperling for the Eastern District of Oklahoma; Johnny Keane Sutton for the Western District of Texas; and Richard S. Thompson for the Southern District of Georgia.

IV. Bills: S. 304, Drug Abuse Education, Prevention, and Treatment Act of 2001 [Hatch/Leahy/Biden/DeWine/Thurmond].

V. Resolutions:

S. Res. 140, A resolution designating the week beginning September 15, 2002, as “National Civic Participation Week” [Roberts/Feinstein/Reid/Warner].

H. Con. Res. 88, Expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

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 29, 2001 at 2:30 p.m. to hold a nomination hearing.

#### Agenda

Nominees: James McGee, of Florida, to be Ambassador to the Kingdom of Swaziland; Kenneth Moorefield, of Florida, to be Ambassador to the Gabonese Republic; and John Price, of Utah, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros and Ambassador to the Republic of Seychelles.

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

##### SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs’ Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Thursday, November 29, 2001 at 9:30 A.M. for a hearing entitled “Combating Proliferation of Weapons of Mass Destruction (WMD) with Non-Proliferation Programs: Non-Proliferation Assistance Coordination Act of 2001, Part II.”

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

#### UNANIMOUS CONSENT REQUEST— S. 180

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the

House on S. 180, that the Senate disagree to the House amendment, agree to the request for a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. On behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 573, 574, 576, 577 through 582, and the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

#### FEDERAL HOUSING FINANCE BOARD

John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2002.

John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2009. (Reappointment)

Franz S. Leichter, of New York, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2006.

Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007.

#### AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Bruce A. Wright

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be general*

Lt. Gen. Donald G. Cook

#### ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### *To be brigadier general*

Col. Elder Granger

Col. George W. Weightman

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### *To be brigadier general*

Colonel Byron S. Bagby

Colonel Leo A. Brooks, Jr.

Colonel Sean J. Byrne

Colonel Charles A. Cartwright

Colonel Philip D. Coker

Colonel Thomas R. Csrnko

Colonel Robert L. Davis

Colonel John DeFreitas, III

Colonel Robert E. Durbin

Colonel Gina S. Farrisee

Colonel David A. Fastabend

Colonel Richard P. Formica

Colonel Kathleen M. Gainey

Colonel Daniel A. Hahn

Colonel Frank G. Helmick

Colonel Rhett A. Hernandez

Colonel Mark P. Hertling

Colonel James T. Hirai

Colonel Paul S. Izzo

Colonel James L. Kennon

Colonel Mark T. Kimmitt

Colonel Robert P. Lennox

Colonel Douglas E. Lute

Colonel Timothy P. McHale

Colonel Richard W. Mills

Colonel Benjamin R. Mixon

Colonel James R. Moran

Colonel James R. Myles

Colonel Larry C. Newman

Colonel Carroll F. Pollett

Colonel Robert J. Reese

Colonel Stephen V. Reeves

Colonel Richard J. Rowe, Jr.

Colonel Edward J. Sinclair

Colonel Eric F. Smith

Colonel Abraham J. Turner

Colonel Volney J. Warner

Colonel John C. Woods

Colonel Howard W. Yellen

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### *To be major general*

Brig. Gen. Lester Martinez-Lopez

#### NOMINATIONS PLACED ON THE SECRETARY'S

#### DESK

#### AIR FORCE

PN1175 Air Force nominations (2) beginning CESARIO F. FERRER, JR., and ending RAYMOND Y. HOWELL, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 30, 2001.

#### ARMY

PN1165 Army nominations (4) beginning ROBERT A. JOHNSON, and ending JOHN T. WASHINGTON III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 25, 2001.

PN1176 Army nominations (12) beginning SAMUEL CALDERON, and ending FRANK E. WISMER, III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 30, 2001.

PN1203 Army nomination of Carol E. Pilat, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 2001.

PN1204 Army nomination of Iluminada S. Calicdan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 2001.

PN1205 Army nomination of \*James W. Ware, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 2001.

PN1206 Army nomination of Mee S. Paek, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of November 8, 2001.

PN1224 Army nominations (8) beginning MARION S. CORNWELL, and ending GARY L. WHITE, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

PN1225 Army nominations (30) beginning CHERYL A. ADAMS, and ending DEBBIE T. WINTERS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

PN1226 Army nominations (40) beginning WILLIE J. ATKINSON, and ending WILLEM P. VANDEMERWE, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

PN1227 Army nominations (50) beginning DAVID S. ALLEMAN, and ending WILLIAM P. YEOMANS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

PN1228 Army nominations (112) beginning LYNN F. ABRAMS, and ending BURKHARDT H. ZORN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

PN1229 Army nominations (4) beginning CHARLES B. COLISON, and ending ARLENE SPIRER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 15, 2001.

#### NAVY

PN1177 Navy nominations (39) beginning BRADFORD W. BAKER, and ending DAVID J. WICKERSHAM, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 30, 2001.

## LEGISLATIVE SESSION

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

## MEASURES INDEFINITELY POSTPONED—S. 1191, S. 1215, AND S. 1216

Mr. REID. Mr. President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 91, S. 1191; Calendar No. 95, S. 1215; and Calendar No. 97, S. 1216.

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

Mr. REID. For the information of the Senate, these items are Senate-numbered appropriations bills. The conference reports on the House-numbered bills are now public laws.

## NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 159, H.R. 2291.

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

The legislative clerk read as follows:

A bill (H.R. 2291) to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be considered, read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating to this bill be printed in the RECORD.

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

The bill (H.R. 2291) was read the third time and passed.