

price and in a pre-determined amount. The company is given notice of the terms of the sale before it commences the research. Sales to this fund may be made by any company irrespective of its paid-in capital; five, Intellectual Property Incentives: The legislation provides that a company that successfully develops a countermeasure is eligible to elect one of two patent incentives. The two alternatives are as follows: a. The company is eligible to receive a patent for its invention with a term as long as the term of the patent when it was issued by the Patent and Trademark Office, without any erosion due to delays in the FDA approval process. This alternative is available to any company that successfully develops a countermeasure irrespective of its paid-in capital; b. The company is eligible to extend the term of any patent owned by the company for two years. The patent may not be one that is acquired by the company from a third party. This is included as a capital formation incentive for small biotechnology companies with less than \$750,000 in paid-in capital.

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

SUBMITTED RESOLUTIONS

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

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

S. RES. 186

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

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, December 4, 2001, at 9:30 a.m., in open session to consider the nomination of Claude M. Bolton,

Jr. to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology and, following the open session, to meet in executive session to consider certain pending nominations.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

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

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

COMMITTEE ON FOREIGN RELATIONS

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

Agenda

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

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 4, 2001, at 4:30 p.m. to hold a nomination hearing.

Agenda

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

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

COMMITTEE ON THE JUDICIARY

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

Tentative Witness List

Panel I: The Honorable Pierre-Richard Prosper, Ambassador-at-Large for

War Crimes Issues, Department of State, Washington, DC.

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

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

COMMITTEE ON THE JUDICIARY

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

Witness List

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

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

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, John Stewart and Scott Donnelly are interns in the office of the Finance Committee chairman, Senator BAUCUS. I ask unanimous consent that the privilege of the floor be granted to them today during the pendency of the Railroad Retirement Act.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 10

Mr. REID. Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow Senator NICKLES be recognized to raise a point of order against the pending substitute with Senator BAUCUS then immediately to be recognized to make a motion to waive. Further, I ask unanimous consent that there then be 30 minutes equally divided between Senators BAUCUS and NICKLES or their designees. I also ask unanimous consent that following the debate time the Senate proceed to a vote on the motion to waive, and if the motion to waive is

agreed to then the substitute amendment be agreed to, the bill be read the third time, and the Senate then proceed to a vote on passage of H.R. 10, with the cloture vote having been vitiated.

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

AUTHORIZING LEGAL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 186, submitted earlier today by the majority leader.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 186) to authorize representation of Senator LOTT in the case of *Lee v. Lott*.

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

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the Southern District of Mississippi. The lawsuit, filed by a pro se plaintiff, names Senator LOTT as the sole defendant. The plaintiff has filed a number of prior lawsuits against other public officials, which have been dismissed by several courts.

In this action, the plaintiff calls upon Senator LOTT to commence impeachment proceedings against the United States Supreme Court for its ruling in *Bush v. Gore*. The plaintiff contends that because the Supreme Court's decision in that case was unlawful, all actions taken by President George Bush are unconstitutional, including one allegedly denying him disability benefits. This resolution authorizes the Senate Legal Counsel to represent Senator LOTT in this suit to move for its dismissal. Of course, under the Constitution, it is the House of Representatives, not the Senate, that initiates impeachment proceedings and the judgment of neither House in impeachment matters is the subject of judicial review.

Mr. REID. I ask unanimous consent the resolution and its preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that statements by the majority leader be printed in the RECORD.

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

The resolution (S. Res. 186) was agreed to.

The preamble were agreed to.

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

MEASURE READ THE FIRST TIME—S. 1765

Mr. REID. I send a bill to the desk regarding bioterrorism preparedness and ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 1765) to improve the ability of the United States to prepare for and respond to a biological threat or attack.

Mr. FRIST. Mr. President, I rise today on behalf of myself, Senator KENNEDY, and dozens of our colleagues on both sides of the aisle to support critical legislation that will help our Nation better prepare to defend against potential bioterrorist attacks.

The Bioterrorism Preparedness Act of 2001 was first introduced on November 15. Today, we are reintroducing this bill so that it may be placed directly on the calendar and available for consideration by the full Senate.

As my colleagues will note, the Bioterrorism Preparedness Act enjoys broad bipartisan support. We are reintroducing the legislation today with 71 cosponsors—33 Republicans and 38 Democrats. In addition, in the two weeks since the legislation was first introduced, we have gained the support of over two dozen organizations, including the American Medical Association, the Biotechnology Industry Organization, the American Academy of Family Physicians, the American Public Health Association, the Association of Minority Health Professions Schools, and the National Association of Children's Hospitals & Related Institutions. The list of supporters is growing every day.

In light of this overwhelming support and the short time remaining this session of Congress, we are moving the bill directly onto the Senate calendar so that it will be available for us to consider as soon as possible.

In the wake of the attacks at the Pentagon and World Trade Center on September 11 and subsequent bioterrorist attacks, we know that bioterrorism is a significant and growing threat. I believe we must take steps this year to strengthen our capabilities to prepare for and respond to potential attacks.

Three years ago, as Chair of the Senate Public Health Subcommittee, I began a series of hearings to study in-depth the ability of our nation's public health infrastructure—at the local, state, and national level—to respond to public health threats and emergencies, including bioterrorism. Those hearings culminated in the passage of legislation last year—the Public Health Threats and Emergencies Act of 2000—intended to enhance coordination and improve resources for our public health system, principally at the state and local levels. But that authorizing legislation has never fully been funded, and it is now clear that more resources are needed to immediately strengthen our response capabilities.

That is why I feel so strongly that we must pass the Bioterrorism Preparedness Act of 2001. The legislation will address gaps in our Nation's defenses by expanding the capabilities of local,

state, and federal government to respond to bioterrorist attacks, improving coordination among those responsible for responding to bioterrorist threats, speeding the development of vaccines and other countermeasures, and safeguarding the Nation's food supply and agriculture.

In closing, I want to thank my colleagues who have worked so hard to develop this legislation. In particular, I would like to single out Senator ROBERTS, Senator DASCHLE, and Senator HUTCHISON for their work on the agricultural provisions; Senators GREGG and HUTCHINSON for their contributions on the drug and vaccine development components; and Senator COLLINS for her input on the food safety provisions. Of course, I would also like to acknowledge my chief Democratic cosponsor, Senator KENNEDY. I encourage my colleagues who have not yet cosponsored this legislation to do so. And I encourage the leadership of the Senate to work with Senator KENNEDY and myself to find time in the days remaining so that this important legislation can be passed.

I yield the floor.

Mr. REID. Mr. President, I ask for the second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, DECEMBER 5, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, December 5; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 10; further, that upon disposition of H.R. 10, there be 1 hour of debate equally divided between the two leaders or their designees prior to the vote on cloture on the motion to proceed to S. 1731, with the live quorum being waived.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 5:35 p.m., adjourned until Wednesday, December 5, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 4, 2001: