

(b) Item 167 in the table under the heading "Capital Investment Grants" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69; 113 Stat. 1006) is amended by striking "Northern New Mexico Transit Express/Park and Ride buses" and inserting "Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities".

SEC. 349. Beginning in fiscal year 2002 and thereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the United States (except Alaska) that are located fewer than 100 highway miles from the nearest large or medium hub airport, or fewer than 70 highway miles from the nearest small hub airport, or fewer than 50 highway miles from the nearest airport providing scheduled service with jet aircraft; or that require a rate of subsidy per passenger in excess of \$200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2002".

SA 1026. Mr. DURBIN (for himself and Mr. BENNETT) proposed an amendment to the bill S. 1172, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 8, insert between lines 9 and 10 the following:

(e) **EFFECTIVE DATE.**—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 9, lines 13 and 14, strike "as increased by section 2 of Public Law 106-57" and insert "as adjusted by law and in effect on September 30, 2001".

On page 15, insert between lines 9 and 10 the following:

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 16, add after line 21 the following:

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 17, line 21, strike "\$55,000,000" and insert "\$54,000,000".

On page 17, line 25, insert "after the date" after "days".

On page 17, line 25, insert before the period the following: "Provided further, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose".

On page 33, line 6, strike "\$419,843,000" and insert "\$420,843,000".

On page 34, line 4, insert before the period the following: "Provided further, That \$1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress".

On page 38, line 15, strike "to read".

On page 39, line 2, insert "pay" before "periods".

SA 1027. Mr. SPECTER proposed an amendment to the bill S. 1172, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, \$3,000,000, subject to authorization: *Provided* That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member."

On page 33, line 6, strike "\$419,843,000" and insert "\$416,843,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce, for the information of the Senate and the public, that the Committee on Energy and Natural Resources has scheduled two hearings to receive testimony on legislative proposals relating to comprehensive electricity restructuring, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

The hearings will take place on Wednesday, July 25, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building, and Thursday, July 26, at 9:45 a.m., in room 106 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention, Leon Lowery.

For further information, please call Leon Lowery at 202/224-2209.

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 during the session of the Senate on Thursday, July 19, 2001. The purpose of this hearing will be to discuss the nutrition title of the next Federal farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 9:30 a.m., in open session to continue to receive testimony on ballistic missile defense pro-

grams and policies, in review of the Defense authorization request for fiscal year 2002.

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 July 19, 2001, to conduct a hearing on the nomination of Mr. Harvey L. Pitt to be Chairman of the Securities and Exchange Commission.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 19, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on proposals related to removing barriers to distributed generation, renewable energy, and other advanced technologies in electricity generation and transmission, including section 301 and title VI of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 110, 111, 112, 710, and 711 of S. 388, the National Energy Security Act of 2001; and S. 933, the Combined Heat and Power Advancement Act of 2001. The committee will also receive testimony on proposals relating to the hydroelectric relicensing procedures of the Federal Energy Regulatory Commission, including title VII of S. 388, title VII of S. 597; and S. 71, the Hydroelectric Licensing Process Improvement Act of 2001.

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, July 19, 2001, to hear testimony on Trade Adjustment Assistance.

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, July 19, at 10 a.m., to hold a hearing titled, "Mexico City Policy: Effects of Restrictions on International Family Planning Funding".

WITNESSES

Panel 1: The Honorable Tim Hutchinson, United States Senate, Washington, DC; The Honorable Nita M. Lowey, United States House of Representatives, Washington, DC; The Honorable Harry Reid, United States Senate, Washington, DC.

Panel 2: Mr. Alan J. Kreczko, Acting Assistant Secretary of the Bureau of Population, Refugees and Migration, State Department, Washington, DC.

Panel 3: Mr. Daniel E. Pellegroni, President, Pathfinder International, Watertown, MA; Dr. Nicholas N. Eberstadt, Visiting Scholar, American Enterprise Institute, Washington, DC; Mr. Aryeh Neier, President, Open Society Institute, New York, NY; Cathy Cleaver, Director of Planning & Information, U.S. Conference of Catholic Bishops, Washington, DC.

Panel 4: Dr. Nirmal Bista, Director General, Family Planning Association of Nepal, Kathmandu, Nepal; Ms. Susana Silva Galdos, President, Movimiento Manuela Ramos, Lima, Peru; Professor M. Sophia Aguirre, The Catholic University of America, Department of Business Economics, Washington, DC.

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, July 19, 2001, at 2:30 p.m., to hold a nomination hearing.

NOMINEES

Panel 1: Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark. Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania. Mr. Charles A. Heimbald, Jr., of Connecticut, to be Ambassador to Sweden. Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.

Panel 2: The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan. Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See. Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

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, July 19, 2001, at 10 a.m., in SD226.

I. Nominations: Ralph F. Boyd Jr. to be Assistant Attorney General, Civil Rights Division; Robert D. McCallum Jr. to be Assistant Attorney General, Civil Division.

II. Bills: S. 407, The Madrid Protocol Implementation Act [Leahy/Hatch]; S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings. [Kennedy/Hagel]; S. 754, Drug Competition Act of 2001.

III. Commemorative Legislation: S. Res. 16, A resolution designating August 16, 2001, as "National Airborne Day." [Thurmond]; S. Con. Res. 16, A concurrent resolution expressing the sense of Congress that the George

Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom. [Chafee/Reed].

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, July 19, 2001, beginning at 9:15 a.m., in room 428A of the Russell Senate Office Building to markup pending legislation to be immediately followed by a hearing regarding the President's nomination of Hector V. Barreto, Jr., to be Administrator of the U.S. Small Business Administration.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 1 p.m., in room 418 of the Russell Senate Office Building, for a hearing on S. 739, the Heather French Henry Homeless Veterans Assistance Act, and other pending health-care related legislation.

COMMITTEE ON VETERANS' AFFAIRS—UNITED STATES SENATE

HEARING ON PENDING VETERANS HEALTH-RELATED LEGISLATION, JULY 19, 2001

Agenda

S. 739: Provisions to improve programs for homeless veterans. Sponsor: Senator Wellstone.

a. Encourages all Federal, State, and local departments and agencies and other entities and individuals to work toward the national goal of ending homelessness among veterans within a decade.

b. Establishes within the Department of Veterans Affairs the Advisory Committee on Homeless Veterans.

c. Directs the Secretary of Veterans Affairs to: (1) support the continuation within the Department of at least one center to monitor the structure, process, and outcome of Department programs addressing homeless veterans; and (2) assign veterans receiving specified services provided in, or sponsored or coordinated by, the Department as being within the "complex care" category.

d. Directs the Secretary to: (1) make grants to Department health care facilities and to grant and per diem providers for the development of programs targeted at meeting certain special needs of homeless veterans; (2) require certain officials to initiate a plan for joint outreach to veterans at risk of homelessness; (3) carry out two treatment trials in integrated mental health services delivery; (4) ensure that each Department primary care facility has a mental health treatment capacity; (5) carry out a program of transitional assistance grants to eligible homeless veterans; and (6) make technical assistance grants to aid nonprofit community-based groups in applying for homeless program grants.

e. Extends through FY 2006 the homeless veterans reintegration program.

S. 1188: Provisions to improve recruitment and retention of VA nurses. Sponsors: Senators Rockefeller, Cleland.

a. Modifies the VA Employee Incentive Scholarship Program and Debt Reduction Program;

b. Mandates that VA provide Saturday premium pay to title 5/title 38 hybrids;

c. Requires a report on VA's use of authority to request waivers of the pay reduction for re-employed annuitants;

d. Gives VA nurses enrolled in the Federal Employee Retirement System the same ability to use unused sick leave as part of the retirement year calculation that VA nurses enrolled in the Civilian Retirement System have.

e. Requires an evaluation of nurse-managed clinics, including primary care and geriatric clinics;

f. Requires VA to develop a nationwide policy on staffing standards to ensure that veterans are provided with safe and high quality care. Such staffing standards should consider the numbers and skill mix required of staff in specific medical settings (such as critical care and long-term care);

g. Requires a report on the use of mandatory overtime by licensed nursing staff and nursing assistants in each facility;

h. Elevates the office of the Nurse Consultant so that person shall report directly to the Under Secretary for Health;

i. Exempts registered nurses, physician assistants, and expanded-function dental auxiliaries from the requirement that part-time service performed prior to April 7, 1986, be prorated when calculating retirement annuities;

j. Requires a report on VA's nurse qualification standards;

k. Makes technical clarifications to the nurse locality pay authorities.

S. 1160: Authorizes VA to provide certain hearing-impaired veterans and veterans with spinal cord injury or dysfunction, in addition to blind veterans, with service dogs to assist them with everyday activities. Sponsor: Senator Rockefeller.

S. : Draft legislation to change the means test used by the VA in determining whether veterans will be placed in enrollment priority group 5 or 7. The current placement eligibility threshold is set at approximately \$24,000 regardless of where in the country the veteran is living (text forthcoming). Sponsor:

S. 1042: Provides that within the limits of Department facilities, VA shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of title 38 USC. Also authorizes VA to furnish care and services to the same veterans for the treatment of the service-connected disabilities and non-service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic. Sponsor: Senator Inouye.

S. Res. 61: Expresses the sense of the Senate that the Secretary of Veterans Affairs should, for the payment of special pay by the Veterans Health Administration, recognize board certifications from the American Association of Physician Specialists, Inc., to the same extent that the Secretary recognizes board certifications from the American Board of Osteopathic Specialists. Sponsor: Senator Hutchinson.

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

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee

on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 2:30 p.m., in open session to receive testimony on Army modernization and transformation, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 19, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 976, the California Ecosystem, Water Supply, and Water Quality Enhancement Act of 2001.

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

FLOOR PRIVILEGE

Mr. DURBIN. Mr. President, I ask unanimous consent that David Sarokin, a detailee on my staff, be given privileges of the floor today and any subsequent days during which the nomination of John Graham is being considered.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Friday, July 20, at 9:15 a.m. the Senate proceed to executive session to consider en bloc the nominations of Roger Gregory, Sam Haddon, and Richard Cebull; that there be 30 minutes for debate equally divided between Senators LEAHY and HATCH, or their designees; that at 9:45 a.m. the Senate vote on the Gregory nomination to be followed by a vote on the Haddon nomination, to be followed by a vote on the Cebull nomination; that upon the disposition of these nominations the Senate consider and confirm Calendar Nos. 247 and 249; that the motions to reconsider all of the above votes be tabled, 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.

Mr. REID. Mr. President, I further ask unanimous consent that after the first vote there be 10-minute votes.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, Calendar Nos. 202, 211, 212, 236 through 240, 242, 243, and 244; that the HELP Committee be discharged from consideration of the fol-

lowing nominations: Laurie Rich, Assistant Secretary for Intergovernmental and Interagency Affairs; Robert Pasternak, Assistant Secretary for Special Education; Joanne Wilson, Commissioner for Rehabilitation Services Administration; Carl D'Amico, Assistant Secretary for Vocational and Adult Education; Cari Dominguez, to be a member of the Equal Employment Opportunity Commission; that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, and any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF DEFENSE

Susan Morrissey Livingstone, of Montana, to be Under Secretary of the Navy.

Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy.

Stephen A. Cambone, of Virginia, to be Deputy Under Secretary of Defense for Policy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF COMMERCE

William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Allen Frederick Johnson of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF TRANSPORTATION

Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration.

DEPARTMENT OF COMMERCE

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Mark B. McClelland, of California, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF THE TREASURY

Sheila C. Blair, of Kansas, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF EDUCATION

Laurie Rich, of Texas, to be Assistant Secretary for Intergovernmental and Interagency Affairs, Department of Education.

Robert Pasternak, of New Mexico, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Joanne M. Wilson, of Louisiana, to be Commissioner of the Rehabilitation Services Administration, Department of Education.

Carol D'Amico, of Indiana, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cari M. Dominguez, of Maryland, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 2006.

LEGISLATIVE SESSION

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

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 137 submitted earlier today by the majority leader and the Republican leader.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) to authorize representation by the Senate Legal Counsel in *John Hoffman, et al. v. James Jeffords*.

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

Mr. DASCHLE. Mr. President, two Republican voters in Pennsylvania have commenced a civil action against Senator JEFFORDS in federal district court in the District of Columbia to challenge Senator JEFFORDS' recent decision to become an Independent and to caucus with the Democratic party for organizational purposes within the Senate. Specifically, this lawsuit seeks "to assert the invalidity of Senator JEFFORDS change of party by mere announcement" and requests a court order requiring Senator JEFFORDS "to reinstate his status as a Republican Senator" particularly "during the Senate polling and caucusing of its members."

Through this action, the plaintiffs seek to subject to judicial control a Senator's choice of with which Senators to caucus, as well as the process by which the Senate chooses its officers and the chairs of its committees. This attempt to question a Senator in court about the performance of his legislative responsibilities in the Senate is barred by the Speech or Debate Clause of the Constitution, which commits such oversight of Senators to the electorate, not to the judiciary. This suit also runs afoul of the clauses of the Constitution that commit to each House of Congress the responsibility to elect officers and determine the rules of its proceedings.

Because this suit seeks to challenge the validity of actions taken by Senator JEFFORDS in his official capacity, representation in this case falls appropriately within the Senator Legal Counsel's statutory responsibility. This resolution would accordingly authorize the Senate Legal Counsel to represent Senator JEFFORDS to present to the Court the constitutional bases for dismissing this suit.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements related thereto be printed in the RECORD.

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