''SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

''(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred.

''(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

''Sec. 242. Nuclear decommissioning obligations of nonlicensees.''.

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on the date of enactment of this Act.

(b) RECOMMISSIONING AND LICENSE REMOVAL.—The amendment made by section 613 takes effect on the date that is 180 days after the date of enactment of this Act.

By Mr. HOLLINGS:

S. 1668. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, today I reintroduce legislation to clarify rules governing the takeover of U.S. Telecommunications providers by companies owned by foreign governments. The original rules in this area were established by statute in the 1930s, and while the law has not changed, the FCC's interpretations of this statute has.

Today's legislation is almost identical to the legislation that I introduced last year on this topic. I am pleased to announce that this year I am joined in the effort by the Chairman of the House Energy and Commerce Committee, BILLY TAUZIN.

In the intervening year the FCC has approved several transactions involving foreign governments. I am disappointed by these actions and believe that they involve a misreading of the current statute.

The legislation I introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. It would also bar the transfer of such licenses to companies controlled by a foreign government.

My reasons for introducing this legislation have not changed from last year. Nevertheless the events of the past year confirm more than ever my conviction that foreign governments should not be permitted to own U.S. telecommunications licenses.

By Mr. HOLLINGS (for himself and Mr. MCCAIN) (by request):

S. 1669. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, as a courtesy to President Bush and Secretary of Transportation Mineta, I am today introducing their proposed legislation to reauthorize hazardous materials programs.

While I appreciate the Administration's willingness to offer a reauthorization plan, I disagree strongly with several of its provisions. I plan to work with other members of the Commerce Committee to write and introduce legislation to reauthorize the Hazardous Materials Transportation Act later this Congress.

Every year, our Nation transports 4 billion tons of hazardous materials via 800,000 shipments. In 2000, there were 17,347 hazardous materials incidents related to transportation in the United States: 1,419 via air transportation, 14,861 via highway transportation, 1,052 via railway transportation, and 15 via water transportation. These incidents are mostly minor releases of chemicals; 244 incidents caused injuries, and there were 13 deaths, 12 deaths via highway transportation, and 1 death via railway transportation. Of course, one death is too many. That is why we must recommit ourselves to the protection of the brave workers who take on the risks of transporting these dangerous materials and the communities in which these products are produced and through which they are moved.

I am concerned about several provisions of the administration plan, including one that would effectively eliminate the authority of the Occupational Safety and Health Administration, OSHA, to protect workers that handle and transport hazardous materials. It is important that workers are protected and appropriate standards for the handling of hazardous materials are established, including rules for personal protective equipment and the monitoring of exposure levels and medical conditions. Protecting the people that handle and transport these hazardous materials must remain paramount.

The proposed legislation also increases from 2 to 4 years the time between reviews for exemptions from hazardous materials regulations. In our current security environment, creating more exemptions from hazardous materials regulations may not be the most prudent course of action. We also must maintain funding for non-profit organizations to train workers in the handling of hazardous materials.

On another matter, the Administration plan also would repeal some of the requirements Congress has placed on the Department of Transportation in managing these hazardous materials programs. I would caution the Transportation Department not to seek repeal of the requirements and actions that we in Congress have requested of them. We mandated those actions for a reason, and we expect that they will be carried out.

As I work with my colleagues to write a hazardous materials reauthorization bill, we will take into account the recently exposed vulnerabilities of hazardous materials to terrorist attacks. The 1,000 pages of Federal Hazardous Materials Transportation Regulations were designed primarily to promote safety during transportation, not to ensure security and reduce risks from terrorist attacks. Unattended parked vehicles and routing are just two examples of the security concerns associated with the transportation of hazardous materials. We are considering a range of options to address these security threats. We also must increase funding for training local emergency response units to handle hazardous materials accidents.

While we may disagree over how to approach some of these hazardous materials issues, I thank the administration for offering their proposal. I look forward to working with them in the coming months to make the transportation of hazardous materials a safe endeavor for both hazardous materials workers and the public.

I ask unanimous consent that the text of the administration's bill be printed in the RECORD.

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

S. 1669

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hazardous Material Transportation Safety Reauthorization Act of 2001''.

(b) AMENDMENT OF TITLE 49, 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 a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. General regulatory authority.
Sec. 5. Representation and tampering.
Sec. 6. Highly radioactive material.
Sec. 7. Handling criteria.
Sec. 8. Hazmat employee training requirements and grants.
Sec. 9. Registration.
Sec. 10. Motor carrier safety.
Sec. 11. Shipping paper retention.
Sec. 12. Rail tank cars.
Sec. 13. Unsatisfactory safety rating.
Sec. 14. Public sector training curriculum.
Sec. 15. Planning and training grants.
Sec. 16. Special permits and exclusions.
Sec. 17. Inspectors.
Sec. 18. Uniform forms and procedures.
Sec. 19. Administrative.
Sec. 20. Enforcement.
Sec. 21. Penalties.

Sec. 22. Preemption.
Sec. 23. Relationship to other laws.
Sec. 24. Judicial review.
Sec. 25. Authorization of appropriations.
Sec. 26. Postal service civil penalty authority.

SEC. 2. PURPOSE.

Section 5101 is revised to read as follows:

"§ 5101. Purpose

''The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.''.

SEC. 3. DEFINITIONS.

Section 5102 is amended—

(1) by revising paragraph (1) to read as follows:

''(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

''(A) between a place in a State and a place outside of the State;

''(B) that affects trade or transportation between a place in a State and a place outside of the State; or

''(C) on a United States-registered aircraft.'';

(2) by revising paragraphs (3) and (4) to read as follows:

''(3) 'hazmat employee' means an individual who—

''(A)(i) is employed or used by a hazmat employer; or

''(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

''(B) performs a function regulated by the Secretary under section 5103(b)(1) of this chapter.

''(4) 'hazmat employer' means a person that—

''(A)(i) has a least one hazmat employee; or

''(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

''(B) performs, or employs or uses at least one hazmat employee to perform, a function regulated by the Secretary under section 5103(b)(1) of this chapter.'';

(3) in paragraph (5), by striking ''condition that presents'' and inserting ''condition related to a hazardous material that presents'';

(4) in paragraph (7), by striking ''title'' and inserting ''title, except a freight forwarder is included only if performing a function related to highway transportation'';

(5) in paragraph (8), by striking ''national response team'' each place it appears and inserting ''National Response Team,'' and by striking ''national contingency plan'' and inserting ''National Contingency Plan''; and

(6) in paragraph (9), by revising subparagraph (A) to read as follows:

''(A) includes a government, Indian tribe, or authority of a government or tribe offering hazardous material for transportation in commerce, transporting hazardous material to further a commercial enterprise, or manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce; but''.

SEC. 4. GENERAL REGULATORY AUTHORITY.

Section 5103 is amended—

(1) by revising subsection (a) to read as follows:

''(a) DESIGNIATING MATERIAL AS HAZARDOUS.—The Secretary of Transportation shall designate material (including an explosive; radioactive material; infectious substance; flammable or combustible liquid, solid or gas; toxic, oxidizing or corrosive material; and compressed gas) or a group or class of material as hazardous when the Secretary determines that transporting the material in commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.''; and

(2) in subsection (b)(1), by revising subparagraph (A) to read as follows:

''(A) apply to a person that—

''(i) transports a hazardous material in commerce;

''(ii) causes a hazardous material to be transported in commerce;

''(iii) manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce;

''(iv) prepares, accepts, or rejects hazardous material for transportation in commerce;

''(v) is responsible for the safety of transporting hazardous material in commerce;

''(vi) certifies compliance with any requirement issued under this chapter; or

''(vii) misrepresents whether it is engaged in any of the above activities; and''.

SEC. 5. REPRESENTATION AND TAMPERING.

Section 5104 is amended—

(1) in subsection (a), by striking ''A person'' and inserting ''No person'';

(2) by revising subsection (a)(1) to read as follows:

''(1) a package, component of a package, or packaging for transporting hazardous material is safe, certified, or complies with this chapter if it does not conform to each applicable regulation prescribed under this chapter; or'';

(3) in paragraph (a)(2), by striking ''only if'' and inserting ''unless''; and

(4) by revising subsection (b) to read as follows:

''(b) TAMPERING.—No person may, without authorization from the owner or custodian, alter, remove, destroy, or tamper with—

''(1) a marking, label, placard, or description on a document required under this chapter or a regulation prescribed under this chapter; or

''(2) a package, container, motor vehicle, rail freight car, aircraft, or vessel used to transport hazardous material.''.

SEC. 6. HIGHLY RADIOACTIVE MATERIAL.

Section 5105 is amended by striking subsections (d) and (e).

SEC. 7. HANDLING CRITERIA.

Chapter 51 is amended by striking section 5106 and striking the corresponding item in the analysis of chapter 51.

SEC. 8. HAZMAT EMPLOYEE TRAINING REQUIREMENTS AND GRANTS.

(a) Section 5107 is amended by—

(1) striking ''or duplicate'' in subsection (d);

(2) striking ''section 5127(c)(3)'' in subsection (e) and inserting ''section 5128''; and

(3) striking ''and sections 5106, 5108(a)-(g)(1) and (h), and 5109 of this title'' in subsection (f)(2).

(b) Notwithstanding section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1), an action of the Secretary of Transportation under chapter 51 of title 49, United States Code, does not preclude the Secretary of Labor from prescribing or enforcing standards, regulations or requirements regarding —

(1) hazardous materials employee training, or

(2) the occupational safety or health protection of employees responding to a release of hazardous materials.

SEC. 9. REGISTRATION.

Section 5108 is amended—

(1) by striking ''class A or B explosive'' in subsection (a)(1)(B) and inserting ''Division 1.1, 1.2, or 1.3 explosive material'';

(2) by revising subsection (a)(2)(B) to read as follows:

''(B) a person manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting a hazardous material in commerce.'';

(3) by revising subsection (b)(1)(C) to read as follows:

''(C) each State in which the person carries out any of the activities.'';

(4) by revising subsection (c) to read as follows:

''(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.'';

(5) in subsection (g)(1), by striking ''may'' and inserting ''shall''; and

(6) in subsection (i)(2)(B), by striking ''State,'' and inserting ''State, Indian tribe,''.

SEC. 10. MOTOR CARRIER SAFETY.

Chapter 51 is amended by striking section 5109 and striking the corresponding item in the analysis of chapter 51.

SEC. 11. SHIPPING PAPER RETENTION.

Section 5110 is amended —

(1) in subsection (a), by striking ''under subsection (b) of this section'' and inserting ''by regulation'';

(2) by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d); and

(3) by revising the first sentence in subsection (d), as redesignated, to read as follows: ''The person that provided the shipping paper and the carrier required to keep it under this section shall retain the paper, or an electronic image of it, for a period of 3 years after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.''.

SEC. 12. RAIL TANK CARS.

Chapter 51 is amended by striking section 5111 and by striking the corresponding item in the analysis of chapter 51.

SEC. 13. UNSATISFACTORY SAFETY RATING.

(a) Section 5113 is amended by adding at the end the following:

''(e) PENALTY FOR VIOLATION.—A violation of section 31144(c)(3) of this title shall be considered a violation of this chapter and shall be subject to the penalties in sections 5123 and 5124 of this chapter.''.

(b) Section 31144(c) is amended—

(1) in paragraph (1), by striking ''sections 521(b)(5)(A) and 5113'' and inserting ''section 521(b)(5)(A)''; and

(2) in paragraph (3), by striking ''interstate commerce'' and inserting ''commerce''; and

(3) by adding at the end of paragraph (3) the following: ''A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51 of this title, and shall be subject to the penalties in sections 5123 and 5124 of this chapter.''.

(c) Section 31144 is amended by striking the subsection designation ''(c)'' at the beginning of the last subsection and inserting ''(f)''.

SEC. 14. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by—

(A) striking ''DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in'' and inserting ''GENERAL.—In'';

(B) striking ''national response team'' and inserting ''National Response Team'' in the first sentence;

(C) striking ''develop and update periodically a'' in the first sentence and inserting ''maintain a current''; and

(D) striking the second sentence;

(2) in subsection (b), by—

(A) striking ''developed'' and inserting ''maintained'' in the first sentence; and

(B) in paragraph (1)(C), by striking ''under other United States Government grant programs, including those developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a)'' and inserting ''with Federal financial assistance'';

(3) in subsection (c)(3), by striking ''the National Fire Protection Association'' and inserting ''the National Fire Protection Association and such other voluntary consensus standard-setting organizations as the Secretary deems appropriate''; and

(4) by revising subsection (d) to read as follows:

''(d) DISTRIBUTION AND PUBLICATION.—With the National Response Team, the Secretary of Transportation may publish and distribute a list of courses developed under this section and of programs using any of those courses.''.

SEC. 15. PLANNING AND TRAINING GRANTS.

(a) Section 5116 is amended—

(1) in the second sentence of subsection (e), by striking ''of the State or tribe under subsections (a)(2)(A) and (b)(2)(A)'' and inserting ''received by the State or tribe under subsections (a)(1) and (b)(1)'';

(2) revising subsection (f) to read as follows:

''(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public-sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.'';

(3) in subsection (g), by striking ''Government grant'' and inserting ''Federal financial assistance'';

(4) by revising subsection (i) to read as follows:

''(i) EMERGENCY PREPAREDNESS FUND.—The Secretary of the Treasury shall establish an Emergency Preparedness Fund account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title. Without further appropriation, amounts in the account are available—

''(1) to make grants under this section;

''(2) to monitor and provide technical assistance under subsection (f) of this section;

''(3) to publish and distribute the Emergency Response Guidebook; and

''(4) to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10 percent of the amounts made available from the account in a fiscal year to carry out these sections may be used to pay those costs.''; and

(5) by striking subsection (k).

(b) Chapter 51 is amended by—

(1) revising the section heading for section 5116 to read ''Planning and training grants; emergency preparedness fund''; and

(2) striking the item for section 5116 in the analysis of the chapter and inserting ''5116. Planning and training grants; emergency preparedness fund.''.

SEC. 16. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by revising the section heading to read as follows:

''§ 5117. Special permits and exclusions'' ;

(2) by striking ''exemption'' and ''an exemption'' each place they appear and inserting, respectively, ''special permit'' and ''a special permit'';

(3) in subsection (a)(1), as revised by Section 16(a)(2) of this Act, by striking ''issue a special permit'' and inserting ''issue, modify, or terminate a special permit authorizing variances'', and by striking ''transporting, or causing to be transported, hazardous material'' and inserting ''performing a function regulated by the Secretary under section 5103(b)(1) of this title''; and

(4) in subsection (a)(2), by striking ''2'' and inserting ''4''.

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits and exclusions.''.

SEC. 17. INSPECTORS.

Chapter 51 is amended by striking section 5118 and striking the corresponding item in the analysis of chapter 51.

SEC. 18. UNIFORM FORMS AND PROCEDURES.

Section 5119 is revised to read as follows:

''§ 5119. Uniform forms and procedures

''(a) REGULATIONS.—(1) The Secretary of Transportation may prescribe regulations to establish uniform forms and procedures for a State—

''(A) to register and issue permits to persons that transport or cause to be transported hazardous material by motor vehicle in the State; and

''(B) to allow the transportation of hazardous material in the State.

''(2) A regulation prescribed under this section may not define or limit the amount of a fee a State may impose or collect.

''(b) EFFECTIVE DATE.—A regulation prescribed under this section takes effect one year after it is prescribed. The Secretary may extend the one-year period for an additional year for good cause. After a regulation is effective, a State may establish, maintain, or enforce a requirement related to the same subject matter only if the requirement is the same as the regulation.

''(c) UNIFORMITY.—The Secretary shall develop a procedure to eliminate differences in how States carry out a regulation prescribed under this section.

''(d) INTERIM STATE PROGRAMS.—Pending promulgation of regulations under this section, States may participate in a program of uniform forms and procedures recommended by the Alliance for Uniform Hazmat Transportation Procedures.''.

SEC. 19. ADMINISTRATIVE.

Section 5121 is revised to read as follows:

''§ Sec. 5121. Administrative

''(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, conduct tests, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. Except as provided in subsections (c) and (d) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order directing compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.

''(b) RECORDS, REPORTS, PROPERTY, AND INFORMATION.—A person subject to this chapter shall—

''(1) maintain records, make reports, and provide property and information that the Secretary by regulation or order requires; and

''(2) make the records, reports, property, and information available for inspection when the Secretary undertakes an investigation.

''(c) INSPECTIONS AND INVESTIGATIONS.—(1) A designated officer or employee of the Secretary may—

''(A) inspect and investigate, at a reasonable time and in a reasonable way, records and property related to a function described in section 5103(b)(1) of this chapter;

''(B) except for the packaging immediately adjacent to its hazardous material contents, gain access to, open, and examine a package offered for, or in, transportation when the officer or employee has an objectively reasonable and articulable belief that the package may contain a hazardous material;

''(C) remove from transportation a package or related packages in a shipment offered for or in transportation, and for which such officer or employee has an objectively reasonable and articulable belief that the package or packages may pose an imminent hazard, and for which the officer or employee contemporaneously documents that belief in accordance with procedures adopted under subsection (e) of this section;

''(D) gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages, to ascertain the nature and hazards of the contents of the package or packages;

''(E) as necessary, under terms and conditions specified by the Secretary, order the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages to have the package or packages transported to, opened and the contents examined and analyzed at a facility appropriate for the conduct of this activity; and

''(F) when safety might otherwise be compromised, authorize properly qualified personnel to assist in the activities conducted under this subsection.

''(2) An officer or employee acting under this subsection shall display proper credentials when requested.

''(3) For instances when, as a result of the inspection or investigation, an imminent hazard is not found to exist, the Secretary shall develop procedures to assist in the safe resumption of transportation of the package or transport unit.

''(d) EMERGENCY ORDERS.—(1) If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue or impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

''(2) The Secretary's action under paragraph (1) of this subsection shall be in a written order describing the violation, condition or practice that is causing the imminent hazard, and stating the restrictions, prohibitions, recalls, or out-of-service orders issued or imposed. The order also shall describe the standards and procedures for obtaining relief from the emergency order.

''(3) After taking action under paragraph (1) of this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5, if a petition for review is filed within 20 calendar days after issuance of the order.

''(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition

was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

''(5) For purposes of this subsection, 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, railcar, locomotive, other vehicle, transport unit, transport vehicle, freight container, portable tank, or other package not be moved until specified conditions have been met.

''(e) REGULATIONS.—The Secretary shall issue regulations in accordance with section 553 of title 5, including an opportunity for informal oral presentation, to implement the authority in subsections (c) and (d) of this section.

''(f) FACILITY, STAFF, AND REPORTING SYSTEM ON RISKS, EMERGENCIES, AND ACTIONS.—(1) The Secretary shall—

''(A) maintain a facility and technical staff sufficient to provide, within the United States Government, the capability of evaluating a risk related to the transportation of hazardous material and material alleged to be hazardous;

''(B) maintain a central reporting system and information center capable of providing information and advice to law enforcement and firefighting personnel, other interested individuals, and officers and employees of the United States Government and State, local and tribal governments on meeting an emergency related to the transportation of hazardous material; and

''(C) conduct a continuous review on all aspects of transporting hazardous material to decide on and take appropriate actions to ensure safe transportation of hazardous material.

''(2) Paragraph (1) of this subsection does not prevent the Secretary from making a contract with a private entity for use of a supplemental reporting system and information center operated and maintained by the contractor.

''(g) AUTHORITY FOR GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the Department of State), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, and emergency response planning and training activities.''.

SEC. 20. ENFORCEMENT.

Section 5122 is amended—

(1) in subsection (a), by revising the last sentence to read as follows:

''The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123 of this chapter.''; and

(2) in subparagraph (b)(1)(B), by striking ''or ameliorate the'' and inserting ''or mitigate the''.

SEC. 21. PENALTIES.

(a) Section 5123 is amended—

(1) by revising subsection (a) to read as follows:

''(a) PENALTY.—(1) A person that knowingly violates this chapter, or a regulation, order, special permit, or approval issued under this chapter, is liable to the United States Government for a civil penalty of at least $250 but not more than $100,000 for each violation.

''(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary is not an element of an offense under this section.

''(3) A separate violation occurs for each day the violation, committed by a person that transports or causes to be transported hazardous material, continues''; and

(2) by redesignating subsections (b) through (g) as subsections (c) through (h) and inserting a new subsection (b) to read as follows:

''(b) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

''(1) the person has actual knowledge of the facts giving rise to the violation; or

''(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.'';

(3) in subsection (c), as redesignated, by striking the first sentence and inserting the following:

''The Secretary of Transportation may find that a person has violated this chapter, or a regulation, order, special permit or approval issued under this chapter, only after notice and an opportunity for a hearing.'' ; and

(4) by revising subsection (e), as redesignated, to read as follows:

''(e) CIVIL ACTIONS TO COLLECT.—The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty under this section and any accrued interest on that penalty calculated in the manner described under section 2705 of title 33. In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.''.

(b) Section 5124 is revised to read as follows:

''§ 5124. Criminal penalty

''(a) GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

''(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this chapter or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.

''(c) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

''(1) the person has actual knowledge of the facts giving rise to the violation; or

''(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

''(d) WILLFUL VIOLATIONS.—In this section, a person acts willfully when the person acts with intent.

''(e) KNOWLEDGE OF REQUIREMENTS.—Knowledge by a person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary, is not an element of an offense under this section.''.

(c) Section 46312 is amended—

(1) in subsection (a), by striking ''under this part'' and inserting ''under this part or under chapter 51 of this title''; and

(2) in subsection (b), by striking ''by the Secretary'' and inserting ''by the Secretary under this part or under chapter 51 of this title''.

SEC. 22. PREEMPTION.

Section 5125 is amended—

(1) by redesignating subsections (a), (b), and (c), as subsections (b), (c), and (d), and adding a new subsection (a) to read as follows:

''(a) PURPOSES.—The Secretary shall exercise the authority in this section to achieve uniform regulation of hazardous material transportation, eliminate inconsistent rules that apply differently than rules issued under this chapter, and promote the safe and efficient movement of hazardous material in commerce.'';

(2) in subsection (b), as redesignated, by—

(A) striking ''GENERAL.—Except as provided in subsections (b), (c), and (e)'' and inserting ''DUAL COMPLIANCE AND OBSTACLE TESTS.—Except as provided in subsections (c), (d), and (g)''; and

(B) in subparagraph (2), striking ''carrying out this chapter or a regulation'' and inserting ''carrying out this chapter, the purposes of this chapter, or a regulation'';

(3) in subsection (c), by—

(A) in subparagraph (1), striking ''(c)'' and inserting ''(d)'';

(B) revising subparagraph (1)(E) to read as follows:

''(E) the manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing of a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce.''; and

(C) in subparagraph (2), striking ''after November 16, 1990'';

(4) by striking subsection (f) and redesignating subsections (g), (d), and (e) as subsections (e), (f), and (g);

(5) in subsection (f), as redesignated, by striking ''subsection (a), (b)(1), or (c) of this section'' and inserting ''subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.'', and by striking ''in the Federal Register'';

(6) in subsection (g), as redesignated, by striking ''subsection (a), (b)(1), or (c) of this section'' and inserting ''subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.''; and

(7) by adding new subsections (h) and (i) to read as follows:

''(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (b), (c)(1), (d), and (e) of this section and in section 5119(b) of this chapter is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.

''(i) NONFEDERAL ENFORCEMENT STANDARDS.—This section does not apply to procedure, penalty, or required mental state or other standard used by a State, political subdivision of a State, or Indian tribe to enforce a requirement applicable to transportation of a hazardous material.''.

SEC. 23. RELATIONSHIP TO OTHER LAWS.

Section 5126 is amended—

(1) by revising subsection (a) to read as follows:

''(a) CONTRACTS.—A person under contract with a department, agency, or instrumentality of the United States Government that transports hazardous material or causes hazardous material to be transported, or manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce shall comply with this chapter, regulations prescribed and orders issued under this chapter, and all other requirements of the United States Government, State and local governments, and Indian tribes (except a requirement preempted by a law of the United States) in the same way and to the same extent that any person engaging in that transportation, manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing that is in or affects commerce must comply with the provision, regulation, order, or requirement.''; and

(2) in subsection (b), by—

(A) striking ''title 18 or 39;'' and inserting ''title 18 or 39; or'' in paragraph (2); and

(B) adding a new paragraph (3) to read as follows:

''(3) marine transportation of hazardous material subject to regulation under title 33 or 46.''.

SEC. 24. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

''§ 5127. Judicial review

''(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person suffering legal wrong or adversely affected or aggrieved by a final action of the Secretary of Transportation under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary's action becomes final.

''(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

''(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in the Administrative Procedure Act, 5 U.S.C. 551 et seq., to affirm, amend, modify, or set aside any part of the Secretary's final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

''(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

''5127. Judicial review.
''5128. Authorization of appropriations.''.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

Section 5128, as redesignated by section 24 of this Act, is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) GENERAL.—To carry out this chapter (except sections 5107(e), 5108(g), 5112, 5113, 5115, 5116, and 5119), not more than $21,217,000 is authorized to be appropriated to the Secretary of Transportation for fiscal year 2002; and such sums as may be necessary are authorized to be appropriated to the Secretary for fiscal years 2003 through 2007.

''(b) EMERGENCY PREPAREDNESS FUND.—There shall be available from the Emergency Preparedness Fund account the following:

''(1) To carry out section 5116(j) of this title, $250,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(2) To carry out section 5115 of this title, $200,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(3) To carry out section 5116(a) of this title, $5,000,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(4) To carry out section 5116(b) of this title, $7,800,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(5) To carry out section 5116(f) of this title, $150,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(6) To publish and distribute the Emergency Response Guidebook, $500,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(7) To carry out section 5107(e) of this title, such amounts as may be necessary are authorized to be appropriated to the Secretary for each of fiscal years 2002 through 2007.

''(8) To carry out section 5116(i)(4) of this title, $400,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(c) CREDITS TO APPROPRIATIONS.—The Secretary of Transportation may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(d) AVAILABILITY OF AMOUNTS.—Amounts available under this section remain available until expended.''.

SEC. 26. POSTAL SERVICE CIVIL PENALTY AUTHORITY.

(a) Section 3001 of title 39, United States Code, is amended by adding a new subsection (o) as follows:

''(o)(1) Except as permitted by law and Postal Service regulation, hazardous material is nonmailable.

''(2) For purposes of this section, the term 'hazardous material' means a substance or material the Secretary of Transportation designates under section 5103(a) of title 49.''.

(b) Chapter 30 of title 39, United States Code, is amended by adding a new section 3018 at the end as follows:

''§ 3018. Hazardous material; civil penalty

''(a) REGULATIONS.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

''(b) HAZARDOUS MATERIAL IN THE MAIL.—No person may—

''(1) mail or cause to be mailed a hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

''(2) mail or cause to be mailed a hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which a hazardous material may be mailed; or

''(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

''(A) is represented, marked, certified, or sold by such person for use in the mailing of a hazardous material; and

''(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of a hazardous material.

''(c) CIVIL PENALTY.—

''(1) A person that knowingly violates this section or a regulation issued under this section is liable to the Postal Service for a civil penalty of at least $250 but not more than $100,000 for each violation, and for any cleanup costs and damages. A person acts knowingly when—

''(A) the person has actual knowledge of the facts giving rise to the violation; or

''(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

''(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Postal Service is not an element of an offense under this section.

''(3) A separate violation occurs for each day a hazardous material, mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section, is in the mail.

''(4) A separate violation occurs for each item containing a hazardous material that is mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section.

''(d) HEARING REQUIREMENT.—The Postal Service may find that a person has violated this section or a regulation issued under this section only after notice and an opportunity for a hearing. Under this section, the Postal Service shall impose a penalty and recover clean-up costs and damages by giving the person written notice of the amount of the penalty, clean-up costs, and damages.

''(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Postal Service shall consider—

''(1) the nature, circumstances, extent, and gravity of the violation;

''(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

''(3) the impact on postal operations; and

''(4) other matters that justice requires.

''(f) CIVIL ACTIONS TO COLLECT.—(1) In accordance with section 409(d) of this title, the Department of Justice or the Postal Service may commence a civil action in an appropriate district court of the United States to collect a civil penalty, clean-up costs, or damages assessed under this section. In such action, the validity, amount, and appropriateness of the civil penalty, clean-up costs, or damages shall not be subject to review.

''(2) The Postal Service may compromise the amount of a civil penalty, clean-up costs, or damages assessed under this section before civil action is taken to collect the penalty, costs, or damages.

''(g) CIVIL JUDICIAL PENALTIES.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Postal Service in an administrative case under this section.

''(h) DEPOSITING AMOUNTS COLLECTED.—Amounts collected under this section shall be paid into the Postal Service Fund established by section 2003 of this title.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 30 of title 39, United States Code, is amended by adding the following:

''3018. Hazardous material; civil penalty.''.

Mr. MCCAIN. Madam President, I am pleased to join Chairman HOLLINGS in introducing the Hazardous Materials Transportation Safety reauthorization Act of 2001 at the request of the Administration. This measure is a good start toward improving and strengthening the safe and secure transport of our nation's hazardous materials. In addition

to authorizing funding for hazardous materials transportation safety programs, this legislation addresses concerns arising since the attacks of September 11. Among other things, this bill would strengthen the authority of Department of Transportation (DOT) inspectors to inspect packages being transported, and provide those inspectors with the authority to stop unsafe transportation. This measure would also increase the maximum civil penalty for violations of hazardous materials regulations from $27,500 to $100,000. It would expand the requirements for training persons involved in the transportation of hazardous materials and strengthen the enforcement authority of State enforcement officials.

The hazardous materials transportation safety program reauthorization is long overdue. The most recent authorization expired September 30, 1998. Since then, attempts at reauthorization have failed due to objections within Congress and an inability to reach an agreement on certain proposals with the former administration. Now, however, it is appropriate to attempt to move forward and address identified safety problems and improve safety for all Americans. I am hopeful that the Senate will act quickly to take the necessary action to improve hazardous materials transportation safety before we are forced to respond to another attack making use of our nation's transportation system.

Annually, more than four billion tons of hazardous materials—about 800,000 shipments daily—are transported by land, sea, and air in the United States. Among these materials are flammable liquids, combustible solids, gases, and corrosive materials. Despite the wide variety and amount of shipments, the hazardous materials transportation industry has a notable safety record, due in large part to the safety efforts of the individuals and companies involved in transporting these materials. In 1999, for instance, there were five hazardous materials related fatalities, down from thirteen in 1998 and twelve in 1997. However, in light of the attacks of September 11, it is more important than ever to reauthorize this important program. Reauthorization should include new authority for enforcement officials and clarify existing authority for the federal agencies that administer the programs responsible for hazardous materials transportation safety.

The Federal Government has four roles related to hazardous materials transportation: regulation, enforcement, emergency response, and data collection and analysis. The DOT performs the largest role of establishing and enforcing Hazmat regulations, while the Research and Special Program Administration (RSPA), and to a lesser extent other agencies within the Department, are charged with more specific roles.

RSPA is responsible for the regulation and identification of hazardous materials including hazardous materials handling and shipments, the development of container standards and testing procedures, the inspection and enforcement of multimodal shippers and container manufacturers, and for data collection. This legislation would provide authority to RSPA to continue its hazardous materials safety activities. In addition, the measure would grant the United States Postal Service (USPS) similar authority to DOT and its agencies to collect civil penalties and recover costs and damages for violations of its hazardous materials regulations.

With this bill, jurisdiction between the DOT and the Occupational Safety and Health Administration (OSHA) would be clarified as it pertains to hazardous materials transportation. Dual jurisdiction over handling criteria registration, and motor carrier safety would be eliminated, leaving DOT with sole jurisdiction over these programs. Hazardous materials transportation employee training and occupational safety and health protection of employees responding to a release of hazardous materials would remain under the jurisdiction of both DOT and OSHA.

I hope this Congress will act expeditiously to approve comprehensive hazardous materials transportation safety legislation. We simply cannot afford another missed opportunity to address transportation safety shortcomings. We must do all we can to ensure the safe transport of these materials, including providing the needed resources to the agencies charged with oversight of this industry. The Administration is correct in asking Congress to address hazardous materials transportation reauthorization. I will be working with Chairman HOLLINGS and look forward to hearings in the near future to address this important reauthorization proposal.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA, ATAL BIHARI VAJPAYEE, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, AND TO AFFIRM THAT INDIA IS A VALUED FRIEND AND PARTNER AND AN IMPORTANT ALLY IN THE CAMPAIGN AGAINST INTERNATIONAL TERRORISM

Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2114. Mr. SMITH, of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. Smith, of NH and intended to be proposed to the bill (S. 1428) supra.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, supra.

TEXT OF AMENDMENTS

SA 2114. Mr. SMITH of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. ALIEN TERRORIST REMOVAL ACT OF 2001

(a) SHORT TITLE÷.—This section may be cited as the ''Alien Terrorist Removal Act of 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted ''Rules for the Alien Terrorist Removal Court of the United States'' which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by fair the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) ALIEN TERRORIST REMOVAL HEARING.—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking ''(A) USE.—'';

(2) by striking ''other than through reference to the summary provided pursuant to this paragraph''; and

(3) by striking subparagraphs (B) through (F).

(d) REPORTS TO CONGRESS.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. SMITH, of NH and intended to be proposed to the bill (S. 1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the word ''sec'' and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k):

''(L) No later than 3 months from the date of enactment of this act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Insert at the appropriate place in the bill:

The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. 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, November 8, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 9:30 a.m., in open session to consider the nominations of R.L. Brownlee to be under Secretary of the Army, Dale Klein to be Assistant to the Secretary of Defense for nuclear and Chemical and Biological Defense Programs, and Peter B. Teets to be Under Secretary of the Air Force.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 8, 2001, at 2:30 p.m., on the nomination of Vice Admiral Conrad C. Lautenbacher, Jr., to be Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Thursday, November 8, 2001, at 2 p.m., to conduct a business meeting in SD–406 on the following items:

1. Nomination of William W. Baxter to be a Member of the Board of Directors of the Tennessee Valley Authority;

2. Nomination of Kimberly Terese Nelson to be an Assistant Administrator of the Office of Environmental Information, U.S. Environmental Protection Agency; and

3. Nomination of Steven A. Williams to be Director of the United States Fish and Wildlife Service, U.S. Department of the Interior.

4. S. 835—Detroit River International Wildlife Refuge Establishment Act;

5. S. 990—American Wildlife Enhancement Act of 2001;

6. S. 1459—a bill to designate the Federal building and United States Courthouse located at 550 West Front Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse'';

7. S. 1593—Water Infrastructure Security and Research Development Act;

8. S. 1608—a bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs;

9. S. 1621—a bill to amend the Robert T. Stafford Disaster Relief and Emergency; Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area;

10. S. 1622—a bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of the terrorist attacks of September 11, 2001;

11. S. 1623—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents;

12. S. 1624—a bill to establish the Office of World Trade Center Attack Claims to pay claims of injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes;

13. S. 1631—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Response Assistance Act to Study of Emergency Communications Response System;