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No. 6

## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. DREIER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 4, 2002.

I hereby appoint the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: To You, O Lord God, belong all glory and praise. You fashioned a Nation out of the diverse people You brought forth to this land, as You did the ancient people of Israel.

As out of a desert You led them to this promised land where they declared their independence and constituted from their diversity a new Nation.

Founded upon inalienable rights given to us by You, our Creator, we glory to this very day in our freedom.

Now that these freedoms are under attack, we seek again Your protection, Lord, and Your guidance.

Renew in us the adoption by Your Spirit, that we may affirm our freedom, not only with the conviction in the way we understand others, but in ourselves by actions proven beyond words.

May the freedom of assembly for worship we enjoyed this weekend be reinvigorated in the entire citizenry of this country, that we may be true witnesses of this freedom's importance to the world, and come to love You with all our strength, now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE HONORABLE BOB SCHAFFER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Brandi Graham, Chief of Staff to the Honorable BOB SCHAFFER, Member of Congress:

HOUSE OF REPRESENTATIVES,  
January 31, 2002.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the Superior Court of the District of Columbia in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

BRANDI GRAHAM,  
*Chief of Staff to Congressman Bob Schaffer.*

### REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 101 of Division C of H.R. 3338 (Public Law 107-117), the bill making appropriations for the Department of Defense for fiscal year 2002, Sec. 314 of the Congressional Budget Act, and Sec. 221(c) of H. Con. Res. 83.

P.L. 107-117 increased the discretionary spending limits for fiscal year 2002. It also directed the Chairman of the Budget Committee to increase the budgetary aggregates and allocations to the House Committee on Appropriations, and to publish those revised figures in the CONGRESSIONAL RECORD. The changes in P.L. 107-117 increased the levels in the budget resolution, without changing the operation of other adjustments to the aggregates and allocations. Those changes, which are consistent with H.R. 3084 as reported by the Committee on the Budget, total \$4,554,000,000 in new budget authority and \$7,735,000,000 in outlays.

In addition, H.R. 2888 (P.L. 107-38), the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, provided emergency-designated appropriations for fiscal years 2001 and 2002. For fiscal year 2001, those appropriations totaled \$20,000,000,000 in new budget authority. Outlays flowing from that budget authority equals \$131,000,000 for fiscal year 2001 and \$13,397,000,000 for fiscal year 2002. The budgetary aggregates and 302(a) allocation to the House Committee on Appropriations are increased by these amounts.

Further, the conference report on Division B of H.R. 3338 (P.L. 107-17) permits the obligation of emergency-designated funds previously

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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authorized in P.L. 107-38. The fiscal year 2002 allocations to the Appropriations Committee were previously increased by \$20,001,000,000 in new budget authority and \$9,347,000,000 in outlays to reflect the amounts in the House-reported bill. I am adjusting the budgetary aggregates and the allocation to the House Committee on Appropriations for the difference between the House-reported and conference measures. This adjustment equals -\$1,000,000 in new budget authority and -\$1,124,000,000 in outlays in fiscal year 2002.

The sum total of these changes raise the 302(a) allocation to the House Committee on Appropriations to \$706,000,000,000 in new budget authority and \$727,954,000,000 in outlays for fiscal year 2002.

Finally, the Air Transportation and Safety and System Stabilization Act (P.L. 107-42) contained emergency provisions relating to the provision of grants and loan guarantees for airlines. The emergency-designated provisions provided \$5,000,000,000 in new budget authority for fiscal year 2001 and \$2,000,000,000 in new budget authority for fiscal year 2002. Outlays flowing from that budget authority total \$2,300,000,000 in fiscal year 2001, \$3,200,000,000 in fiscal year 2002, and \$1,500,000,000 in fiscal year 2003. The 302(a) allocation for discretionary action to the House Committee on Transportation and Infrastructure is adjusted by these amounts.

The sum of the changes to the 302(a) allocations of discretionary action increase the budgetary aggregates for fiscal year 2002 to \$1,673,188,000,000 in new budget authority and \$1,635,652,000,000 in outlays.

Questions may be directed to Dan Kowalski at 67270.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 31, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 700. To reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 1913. To require the valuation of non-tribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 1937. To authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 5, 2002, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5282. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mepiquat; Pesticide Tolerance [OPP-301209; FRL-6 818-7] (RIN: 2070-AB78) received January 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5283. A letter from the Lieutenant General, Marine Corps Deputy Commandant for Installations and Logistics, Department of Defense, transmitting notification of the Marine Corps decision to convert the Facility Maintenance, Heating Plants and Motor Vehicle Maintenance functions at the Marine Corps Air Station, Beaufort, South Carolina to contractor performance, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5284. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Control Of Nuclear Explosives During Pantex Plant Operations—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5285. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Capital; Leverage and Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Nonfinancial Equity Investments [Regulations H and Y; Docket No. R-1097] received January 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5286. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Prompt Supervisory Response and Corrective Action (RIN: 2550-AA12) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5287. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to Rule 31-1, Securities Transactions Exempt from Transaction Fees [Release No. 34-45291; File No. S7-02-02] received January 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5288. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

5289. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 2001-27: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961(a); to the Committee on Energy and Commerce.

5290. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Transition Implementation Guide—received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5291. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Interface with the Defense Nuclear Facilities Safety Board—received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5292. A letter from the Director, Office of Integrated Analysis and Forecasting, Energy Information Administration, Department of

Energy, transmitting a copy of the Energy Information Administration's report entitled "Annual Energy Outlook 2002," pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

5293. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Implementation of Fiscal Year (FY) 2002 Legislative Provisions—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5294. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Implementation of Fiscal Year (FY) 2002 Legislative Provisions—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5295. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Radioactive Waste Management Manual—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5296. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Use of Facility Contractor Employees for Services to DOE in the Washington, D.C., Area—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5297. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Accounting—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5298. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Obstetrical and Gynecological Devices; Classification of the Clitoral Engorgement Device [Docket No. 00P-1282] received January 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5299. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body [Docket No. 98N-0044] (RIN: 0910-AB97) received January 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5300. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Relaxation of Summer Gasoline Volatility Standard for the Denver/Boulder Area [FRL-7130-9] (RIN: 2060-AJ80) received January 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5301. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Electronic Filing of FERC Form No. 423 [Docket No. RM00-1-000; Order No. 622] received January 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5302. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 02-01), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5303. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September