

whether or not the Department has a similar or identical record.

(d) **WITHDRAWAL OF CONFIDENTIAL DESIGNATION.**—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) **PROCEDURES.**—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) **EFFECT ON STATE AND LOCAL LAW.**—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) **COMMITTEES OF CONGRESS.**—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 198. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

**SA 4674.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

The Security is responsible for ensuring that Federal, State, and local entities share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

**SA 4675.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

“SENSE OF CONGRESS.—It is the sense of Congress that the Department of Homeland Security shall comply with all laws protecting the civil rights and civil liberties of United States persons.”.

**SA 4676.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following: “The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.”.

**SA 4677.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following: “It is the sense of Congress that the Department of Homeland Security shall comply with all laws protecting the privacy of United States persons.”.

**SA 4678.** Mrs. FEINSTEIN (for herself and Mr. McCain) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 211, between lines 9 and 10, insert the following:

#### **SEC. 512. AIRPORT SECURITY SCREENER STANDARDS AND TRAINING.**

(a) **IN GENERAL.**—Section 44935(e)(2) of title 49, United States Code, is amended—

(1) by striking “States;” in subparagraph (A)(ii) and inserting “States or described in subparagraph (C);”;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) **OTHER INDIVIDUALS.**—An individual is described in this subparagraph if that individual—

“(i) is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)));;

“(ii) was born in a territory of the United States;

“(iii) was honorably discharged from service in the Armed Forces of the United States; or

“(iv) is an alien lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act and was employed to perform security screening services at an airport in the United States on the date of enactment of the Aviation and Transportation Security Act (Public Law 107-71).”.

(b) **CORRECTION OF SUBSECTION DESIGNATION.**—Subsection (i) of section 44935 of title 49, United States Code, relating to accessibility of computer-based training facilities, is redesignated as subsection (k).

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **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 hold a hearing during the session of the Senate on Wednesday, September 18, 2002, at 9:30 a.m. in SD-366. The purpose of the hearing is to receive testimony on the effectiveness and sustainability of U.S. technology transfer programs for energy efficiency, nuclear, fossil and renewable energy; and to identify necessary changes to those programs to support U.S. competitiveness in the global marketplace.

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

##### **COMMITTEE ON INDIAN AFFAIRS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 18, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on H.R. 2880, a bill to amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, and for other purposes.

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 hearing on “Judicial Nominations” on Wednesday, September 18, 2002 in Dirksen Room 226 at 10:00 a.m.

Panel I: The Honorable Joseph R. Biden, Jr.; The Honorable Orrin Hatch; The Honorable Phil Gramm; The Honorable Robert Bennett; The Honorable Kay Bailey Hutchison; The Honorable Fred Thompson; The Honorable William Frist; The Honorable Thomas Carper; and The Honorable Jon Corzine.

Panel II: Michael W. McConnell to be a United States Circuit Court Judge for the Tenth Circuit.

Panel III: Kent A. Jordan to be United States District Court Judge for the District of Delaware; Alia Moses Ludlum to be United States District Court Judge for the Western District of Texas; William J. Martini to be United States District Court Judge for the District of New Jersey; Thomas W. Phillips to be United States District Court Judge for the Eastern District of Tennessee; and Jeffrey S. White to be United States District Court Judge for the Northern District of California.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 18, 2002 at 10:00 a.m. and 2:30 p.m. to held a joint open hearing with the House Permanent Select Committee on Intelligence regarding the Joint Inquiry into the events of September 11, 2001.

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

## SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 18, 2002, at 2:30 p.m., to conduct an oversight hearing on "Transit Security: One Year Later."

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider Executive Calendar No. 1009 through No. 1030 and all nominations on the Secretary's desk, the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements appear at the appropriate place in the RECORD; and that the Senate then return to legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations were considered and confirmed, as follows:

## AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

*To be lieutenant general*

Maj. Gen. George P. Taylor, Jr., 0000

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

*To be brigadier general*

Col. Mark R. Zamzow, 0000

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

*To be major general*

Brig. Gen. Peter U. Sutton, 0000

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

*To be lieutenant general*

Lt. Gen. Norton A. Schwartz, 0000

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

*To be lieutenant general*

Lt. Gen. Ronald E. Keys, 0000

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

*To be lieutenant general*

Maj. Gen. Carrol H. Chandler, 0000

## ARMY

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Colonel James A. Hasbargen, 0000

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

*To be lieutenant general*

Maj. Gen. Charles C. Campbell, 0000

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

*To be brigadier general*

Col. Clinton T. Anderson, 0000  
Col. Michael D. Barbero, 0000  
Col. Vincent K. Brooks, 0000  
Col. Salvatore F. Cambria, 0000  
Col. Samuel M. Cannon, 0000  
Col. James A. Cerrone, 0000  
Col. Robert W. Cone, 0000  
Col. Robert Crear, 0000  
Col. John M. Custer, III, 0000  
Col. David P. Fridovich, 0000  
Col. Russell L. Frutiger, 0000  
Col. William T. Grisoli, 0000  
Col. Carter F. Ham, 0000  
Col. Jeffery W. Hammond, 0000  
Col. Thomas M. Jordan, 0000  
Col. Francis H. Kearney, III, 0000  
Col. Daniel J. Keefe, 0000  
Col. Stephen R. Layfield, 0000  
Col. John A. MacDonald, 0000  
Col. Richard L. McCabe, 0000  
Col. William H. McCoy, Jr., 0000  
Col. Marvin K. McNamara, 0000  
Col. John W. Morgan, III, 0000  
Col. Stephen D. Mundt, 0000  
Col. Michael L. Oates, 0000  
Col. Mark E. O'Neill, 0000  
Col. Joseph E. Orr, 0000  
Col. Robert M. Radin, 0000  
Col. Jose D. Riojas, 0000  
Col. Curtis M. Scaparrotti, 0000  
Col. Mark E. Scheid, 0000  
Col. James H. Schwitters, 0000  
Col. John F. Shortal, 0000  
Col. Joseph A. Smith, 0000  
Col. Meredith W. Temple, 0000  
Col. Louis W. Weber, 0000  
Col. Scott G. West, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Timothy M. Haake, 0000

## MARINE CORPS

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

*To be brigadier general*

Col. George J. Flynn, 0000

Col. John F. Kelly, 0000  
Col. MaryAnn Krasadossin, 0000  
Col. Frank A. Panter, Jr., 0000  
Col. Charles S. Patton, 0000  
Col. Mastin M. Robeson, 0000  
Col. Terry G. Robling, 0000  
Col. Richard T. Tryon, 0000

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

*To be major general*

Brig. Gen. Emerson N. Gardner, Jr., 0000  
Brig. Gen. Richard A. Huck, 0000  
Brig. Gen. Stephen T. Johnson, 0000  
Brig. Gen. Bradley M. Lott, 0000  
Brig. Gen. Keith J. Stalder, 0000  
Brig. Gen. Joseph F. Weber, 0000

## NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (1h) Duret S. Smith, 0000  
Rear Adm. (1h) Jerry D. West, 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (1h) Robert M. Clark, 0000  
Rear Adm. (1h) John R. Hines, Jr., 0000  
Rear Adm. (1h) Noel G. Preston, 0000

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

*To be rear admiral*

Rear Adm. (1h) Linda J. Bird, 0000

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

*To be rear admiral*

Rear Adm. (1h) Richard E. Brooks, 0000  
Rear Adm. (1h) Evan M. Chanik, Jr., 0000  
Rear Adm. (1h) Barry M. Costello, 0000  
Rear Adm. (1h) Kirkland H. Donald, 0000  
Rear Adm. (1h) Mark J. Edwards, 0000  
Rear Adm. (1h) Joseph E. Enright, 0000  
Rear Adm. (1h) James B. Godwin, III, 0000  
Rear Adm. (1h) John M. Kelly, 0000  
Rear Adm. (1h) Michael G. Mathis, 0000  
Rear Adm. (1h) George E. Mayer, 0000  
Rear Adm. (1h) John G. Morgan, Jr., 0000  
Rear Adm. (1h) Eric T. Olson, 0000  
Rear Adm. (1h) Ann E. Rondeau, 0000  
Rear Adm. (1h) Frederic R. Ruehe, 0000  
Rear Adm. (1h) John D. Stufflebeem, 0000  
Rear Adm. (1h) William D. Sullivan, 0000  
Rear Adm. (1h) Gerald L. Talbot, Jr., 0000  
Rear Adm. (1h) Hamlin B. Tallent, 0000  
Rear Adm. (1h) James M. Zortman, 0000

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. William D. Masters, Jr., 0000

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. David L. Maserang, 0000

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

*To be rear admiral (lower half)*

Capt. Mark D. Harnitchek, 0000  
Capt. Michael S. Roesner, 0000

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