

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 329—AUTHORIZING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE TO ASCERTAIN AND SETTLE CLAIMS ARISING OUT OF ANTHRAX EXPOSURE IN THE SENATE COMPLEX

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

S. RES. 329

Resolved, That (a) the Sergeant at Arms and Doorkeeper of the Senate—

(1) in accordance with such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain any claim incident to service by a Member, officer, or employee of the Senate for any damage to, or loss of, personal property, for which the Member, officer, or employee has not been reimbursed, resulting from the anthrax incident of October 15, 2001, or the related remediation efforts undertaken from such date through March 15, 2002; and

(2) may, with the approval of the Committee on Rules and Administration and in accordance with the provisions of section 3721 of title 31, United States Code, determine, compromise, adjust, and settle such claim in an amount not exceeding \$4,000 per claimant.

(b) Claimants shall file claims pursuant to this resolution with the Sergeant at Arms not later than December 31, 2002.

(c) Any compromise, adjustment, or settlement of any such claim pursuant to this resolution shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

SENATE RESOLUTION 330—DESIGNATING THE MONTH OF OCTOBER 2002, AS “FAMILY HISTORY MONTH”

Mr. HATCH (for himself, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. LOTT, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINVOICH, Mr. WYDEN, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2002, as “Family History Month”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 144—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing two significant cases before the United States Supreme Court, one criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serv-

ing as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, set out to craft legislation seeking to ensure that these Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world in the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 7,800,000 men and women, including 2,200,000 in college, 3,400,000 in other schools, 1,400,000 in vocational education, and 690,000 in farm training;

Whereas as a result of the benefits available to veterans through the initial GI Bill, the Nation gained over 800,000 professionals as the GI Bill transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas 2,100,000 World War II veterans purchased homes through the GI Bill;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963 President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order 11085, the Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to “(1) the security or national interests of the United States, or (2) world peace, or (3) cultural or other significant public or private endeavors”; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4695. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, and Ms. CANTWELL) 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.

SA 4696. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4697. Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill H.R. 2121, An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

TEXT OF AMENDMENTS

SA 4695. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, and Ms. CANTWELL) 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 347, after line 5, add the following:

DIVISION D—EXEMPT COMMODITIES TRANSACTIONS

SEC. 3101. SHORT TITLE.

This division may be cited as the “Exempt Commodities Transactions Act”.

SEC. 3102. OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (g) and (h) and inserting the following:

“(g) OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED ENTITY.—The term ‘covered entity’ means—

“(i) an electronic trading facility; and

“(ii) a dealer market.

“(B) DEALER MARKET.—

“(i) IN GENERAL.—The term ‘dealer market’ has the meaning given the term by the Commission.

“(ii) INCLUSIONS.—The term ‘dealer market’ includes each bilateral or multilateral agreement, contract, or transaction determined by the Commission, regardless of the means of execution of the agreement, contract, or transaction.

“(2) EXEMPTION FOR TRANSACTIONS NOT ON TRADING FACILITIES.—Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that—

“(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

“(B) is not entered into on a trading facility.

“(3) EXEMPTION FOR TRANSACTIONS ON COVERED ENTITIES.—Except as provided in paragraphs (4), (5), and (6), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that is—

“(A) entered into on a principal-to-principal basis solely between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

“(B) executed or traded on a covered entity.

“(4) REGULATORY AND OVERSIGHT REQUIREMENTS.—

“(A) IN GENERAL.—An agreement, contract, or transaction described in paragraph (2) or (3) and the covered entity on which the agreement, contract, or transaction is executed shall be subject to—

“(i) sections 5b, 12(e)(2)(B), and 22(a)(4);

“(ii) the provisions relating to manipulation and misleading transactions under sec-

tions 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2);

“(iii) the provisions relating to fraud and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, and 8a; and

“(iv) in the case of a transaction or covered entity performing a significant pricing or price discovery function for transactions in the cash market for the underlying commodity, the requirements (to the extent the Commission determines appropriate by regulation) that—

“(I) notice be provided to the Commission in such form as the Commission may require;

“(II)(aa) reports be filed with the Commission (including large trader position reports); and

“(bb) timely dissemination of price, trading volume, and other trading data be provided; and

“(III) consistent with section 4i, books and records be maintained relating to each transaction in such form as the Commission may require for a period of at least 5 years after the date of the transaction.

“(B) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an agreement, contract, or transaction described in paragraph (2) or (3) shall be subject to the authorities in clauses (i), (ii), and (iii) of subparagraph (A).

“(5) COVERED ENTITIES.—An agreement, contract, or transaction described in paragraph (3) and the covered entity on which the agreement, contract, or transaction is executed, shall be subject to (to the extent the Commission determines appropriate)—

“(A) section 5a, to the extent provided in section 5a(g) and 5d;

“(B) consistent with section 4i, a requirement that books and records relating to the business of the covered entity on which the agreement, contract, or transaction is executed be made available to representatives of the Commission and the Department of Justice for inspection for a period of at least 5 years after the date of each transaction, including—

“(i) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the covered entity; and

“(ii) the name and address of each participant on the covered entity authorized to enter into transactions; and

“(C) a requirement that information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure be made available to the public on a daily basis, except that the Commission shall not—

“(i) require the real-time publication of proprietary information; or

“(ii) prohibit the commercial sale of real-time proprietary information.

“(6) NOTIFICATION, DISCLOSURES, AND OTHER REQUIREMENTS FOR COVERED ENTITIES.—A covered entity subject to the exemption under paragraph (3) shall (to the extent the Commission determines appropriate)—

“(A) notify the Commission of the intention of the covered entity to operate as a covered entity subject to the exemption under paragraph (3), which notice shall include—

“(i) the name and address of the covered entity and a person designated to receive communications from the Commission;

“(ii) the commodity categories that the covered entity intends to list or otherwise make available for trading on the covered entity in reliance on the exemption under paragraph (3);

“(iii) certifications that—

“(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the covered entity is a person described in any of subparagraphs (A) through (H) of section 8a(2);

“(II) the covered entity will comply with the conditions for exemption under this subsection; and

“(III) the covered entity will notify the Commission of any material change in the information previously provided by the covered entity to the Commission under this paragraph; and

“(iv) the identity of any derivatives clearing organization to which the covered entity transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the covered entity subject to the exemption under paragraph (3);

“(B)(i) provide the Commission with access to the trading protocols of the covered entity and electronic access to the covered entity with respect to transactions conducted in reliance on the exemption under paragraph (3); and

“(ii) on special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information relating to the business of the covered entity as a covered entity exempt under paragraph (3), including information relating to data entry and transaction details with respect to transactions entered into in reliance on the exemption under paragraph (3), as the Commission may determine appropriate—

“(I) to enforce the provisions specified in paragraph (4);

“(II) to evaluate a systemic market event; or

“(III) to obtain information requested by a Federal financial regulatory authority to enable the authority to fulfill the regulatory or supervisory responsibilities of the authority;

“(C)(i) on receipt of any subpoena issued by or on behalf of the Commission to any foreign person that the Commission believes is conducting or has conducted transactions in reliance on the exemption under paragraph (3) on or through the covered entity relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner that is reasonable under the circumstances, or as specified by the Commission; and

“(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission under clause (i), and the Commission in writing directs that a covered entity relying on the exemption under paragraph (3) deny or limit further transactions by the person, deny that person further trading access to the covered entity or, as applicable, limit that access of the person to the covered entity for liquidation trading only;

“(D) comply with the requirements of this subsection applicable to the covered entity and require that each participant, as a condition of trading on the covered entity in reliance on the exemption under paragraph (3), agree to comply with all applicable law;

“(E) certify to the Commission that the covered entity has a reasonable basis for believing that participants authorized to conduct transactions on the covered entity in reliance on the exemption under paragraph (3) are eligible contract participants;

“(F) maintain sufficient capital, commensurate with the risk associated with the transaction; and

“(G) not represent to any person that the covered entity is registered with, or designated, recognized, licensed, or approved by the Commission.