

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S311–S381

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1910–1912, and S. Res. 204. **Page S348**

Adoption Tax Credit: Senate continued consideration of H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, taking action on the following amendments proposed there-to: **Pages S322–35**

Adopted:

Bunning/Inhofe Modified Amendment No. 2699 (to the language proposed to be stricken by Amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies. **Pages S322–23**

Pending:

Daschle/Baucus Amendment No. 2698, in the nature of a substitute. **Pages S322–35**

Reid (for Baucus) Amendment No. 2721 (to Amendment No. 2698), to provide emergency agriculture assistance. **Page S322**

Hatch/Bennett Amendment No. 2724 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years. **Page S322**

Domenici Amendment No. 2723 (to the language proposed to be stricken by Amendment No. 2698), to provide for a payroll tax holiday. **Page S322**

Allard/Hatch/Allen Amendment No. 2722 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit. **Page S322**

Smith (NH) Amendment No. 2732 (to the language proposed to be stricken by Amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001. **Page S322**

Smith (NH) Amendment No. 2733 (to the language proposed to be stricken by Amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State. **Page S322**

Smith (NH) Amendment No. 2734 (to the language proposed to be stricken by Amendment No. 2698), to provide that tips received for certain services shall not be subject to income or employment taxes. **Pages S322–23**

Smith (NH) Amendment No. 2735 (to the language proposed to be stricken by Amendment No. 2698), to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions. **Page S323**

Sessions Amendment No. 2736 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and provide for the payment of emergency extended unemployment compensation. **Page S323**

Grassley (for McCain) Amendment No. 2700 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence. **Page S323**

Kyl Amendment No. 2758 (to the language proposed to be stricken by Amendment No. 2698), to remove the sunset on the repeal of the estate tax. **Page S323**

Reid Modified Amendment No. 2764 (to Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a refundable credit for recreational travel, and to modify the business expense limits. **Page S323**

Reid (for Durbin) Amendment No. 2766 (to Amendment No. 2698), to provide enhanced unemployment compensation benefits. **Page S323**

Lincoln Amendment No. 2767 (to Amendment No. 2698), to delay until at least June 30, 2002, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals. **Page S323**

Thomas Amendment No. 2728 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

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Craig Amendment No. 2770 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

Page S323

Grassley Amendment No. 2773 (to the language proposed to be stricken by Amendment No. 2698), to provide tax incentives for economic recovery and assistance to displaced workers.

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Sessions (for Kyl) Amendment No. 2807 (to Amendment No. 2721), to remove the sunset on the repeal of the estate tax.

Pages S323, S324–35

Dorgan Amendment No. 2808 (to Amendment No. 2764), to preserve the continued viability of the United States travel industry.

Pages S323–24

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:30 a.m., on Wednesday, February 6, 2002, with a vote to occur on the motion to close further debate on Daschle/Baucus Amendment No. 2698 (listed above).

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Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Economic Report of the President dated February 2002 with the Annual Report of the Council of Economic Advisers for 2002; to the Joint Economic Committee. (PM–69)

Pages S347–48

Nominations Confirmed: Senate confirmed the following nominations:

By a unanimous vote of 93 yeas (Vote No. EX. 12), Philip R. Martinez, of Texas, to be United States District Judge for the Western District of Texas.

Pages S312–314, S381

Nominations Received: Senate received the following nominations:

Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration.

Jose A. Fourquet, of New Jersey, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2004.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 2002.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008. (Reappointment)

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

1 Coast Guard nomination in the rank of admiral.

A routine list in the Navy.

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Executive Communications:

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Additional Cosponsors:

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Statements on Introduced Bills/Resolutions:

Pages S349–51

Additional Statements:

Pages S343–47

Amendments Submitted:

Pages S351–80

Notices of Hearings/Meetings:

Page S380

Authority for Committees to Meet:

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Record Votes: One record vote was taken today. (Total—12)

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Adjournment: Senate met at 10 a.m., and adjourned at 6:26 p.m., until 10:30 a.m., on Wednesday, February 6, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S381).

Committee Meetings

(Committees not listed did not meet)

FIREFIGHTING

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings to examine firefighting issues, focusing on urban search and rescue task forces response requirements, and funding needs for firefighting training, equipment, apparatus, communications, safety and health issues, and staffing, receiving testimony from Stephen D. Paulsell, Boone County Fire Protection District/Missouri Task Force 1, Columbia; Carlos P. Olaguer, Baltimore City Fire Department, Baltimore, Maryland; Peter H. Morris, CNN, Chevy Chase, Maryland, on behalf of the Bethesda-Chevy Chase Rescue Squad; Philip C. Stittleburg, LaFarge, Wisconsin, on behalf of the National Volunteer Fire Council; Harold A. Schaitberger, International Association of Fire Fighters, Washington, D.C.; and John M. Buckman III, German Township Volunteer Fire Department, Evansville, Indiana, on behalf of the International Association of Fire Chiefs.

Hearings recessed subject to call.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program, after receiving testimony from Donald H. Rumsfeld, Secretary, and Dov S. Zakheim, Under Secretary, (Comptroller), both of the Department of Defense; and General Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff.

BUSINESS MEETING

Committee on Armed Services: Committee met with Members of the Canadian Senate Committee on National Security Defense.

FINANCIAL LITERACY

Committee on Banking, Housing, and Urban Affairs: Committee held hearings to examine the need to improve financial literacy and learning for American consumers, focusing on Federal efforts to increase familiarity with new technological and financial tools to promote economic prosperity, receiving testimony from Paul H. O'Neill, Secretary, and Sheila C. Bair, Assistant Secretary for Financial Institutions, both of the Department of the Treasury; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; and Harvey L. Pitt, Chairman, U.S. Securities and Exchange Commission.

Hearings continue tomorrow.

2003 BUDGET

Committee on the Budget: Committee held hearings on the President's proposed budget request for fiscal year 2003, focusing on the cost of the recession, homeland security, and economic stimulus, receiving testimony from Mitchell E. Daniels, Jr., Director, Office of Management and Budget.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee met and approved the issuance of a subpoena to compel testimony from Kenneth Lay, former CEO and current board member of the Enron Corporation.

AVIATION AND TRANSPORTATION SECURITY ACT

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the implementation of the Aviation and Transportation Security (TSA) Act (P.L. 107-71), focusing on the hiring of tens of thousands of new employees, additional employee background screening tools, airport security operations studies, test TSA deployment techniques and technology, and begin senior man-

agement training, after receiving testimony from Michael P. Jackson, Deputy Secretary, John W. Magaw, Under Secretary, and Kenneth M. Mead, Inspector General, all of the Department of Transportation.

BIOTERRORISM

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine issues concerning bioterrorism, focusing on harnessing American scientific and entrepreneurial expertise to develop effective defense capabilities to protect our forces and nation, after receiving testimony from Anna Johnson-Winegar, Deputy Assistant Secretary to the Defense for Chemical and Biological Defense; Lisa A. Simpson, Deputy Director, Agency for Healthcare Research and Quality, Department of Health and Human Services; Richard Klausner, Special Advisor for Counterterrorism, National Academy of Sciences; Georges C. Benjamin, Maryland Department of Health and Mental Hygiene, Baltimore; John G. Edwards, Photonic Sensor, Atlanta, Georgia; Richard J. Hatchett, Memorial Hospital/Sloan-Kettering Cancer Center, New York, New York, on behalf of the Civilian Medical Reserve Working Group; Una Ryan, AVANT Immunotherapeutics, Inc., Neeham, Massachusetts; and Bruno W. S. Sobral, Virginia Polytechnic Institute and State University/Bioinformatics Institute, Blacksburg.

PRESIDENT'S BUDGET REQUEST

Committee on Finance: Committee concluded hearings to examine certain revenue proposals within the President's proposed budget request for fiscal year 2003, after receiving testimony from Paul O'Neill, Secretary of the Treasury.

FOREIGN AFFAIRS BUDGET

Committee on Foreign Relations: Committee concluded hearings to examine United States foreign policy and the President's proposed budget request for fiscal year 2003 for foreign affairs, after receiving testimony from Colin L. Powell, Secretary of State.

RETIREMENT INSECURITY/ENRON COLLAPSE

Committee on Governmental Affairs: Committee concluded hearings to examine the impact of the Enron Corporation collapse on the company's 401(k) retirement investors, after receiving testimony from William D. Miller, Jr., International Brotherhood of Electrical Workers, Portland, Oregon; Catheryn Graham, Hewitt Associates, The Woodlands, Texas; Cindy Olson and Mikie Rath, both of Enron Corporation, Houston, Texas; Joseph P. Szathmary, Northern Trust Retirement Consulting, Atlanta,

Georgia; Karen W. Ferguson, Pension Rights Center, James A. Klein, American Benefits Council, Erik Olsen, American Association of Retired Persons, and Stephen M. Saxon, Groom Law Group, on behalf of the Society of Professional Administrators and Record Keepers (SPARK Institute), all of Washington, D.C.; Susan J. Stabile, St. John's University School of Law, New York, New York; and Deborah G. Perrotta, Kingwood, Texas.

HUMAN CLONING

Committee on the Judiciary: Committee held hearings to examine issues surrounding scientific and medical aspects of human reproductive cloning, including the protection of human subjects, and to clarify how human reproductive cloning differs from stem cell

research, receiving testimony from Representatives Weldon and Greenwood; Irving L. Weissman, Stanford Medical School, on behalf of the National Academies Panel on Scientific and Medical Aspects of Human Cloning, and Henry T. Greely, Stanford University Center for Law and the Biosciences, on behalf of the California Advisory Committee on Human Cloning, both of Stanford, California; R. Alta Charo, University of Wisconsin Law School, Madison; and Kris Gulden, on behalf of the Coalition of the Advancement of Medical Research, Andrew Kimbrell, International Center for Technology Assessment, and Father Kevin T. FitzGerald, Georgetown University Medical Center, all of Washington, D.C.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 3673–3686; and 4 resolutions, H.J. Res. 82; H. Con. Res. 312–314, were introduced. **Pages H140–41**

Reports Filed: Reports were filed today as follows:

H. Res. 342, providing for consideration of motions to suspend the rules (H. Rept. 107–356); and

H. Res. 343, providing for consideration of H.R. 3394, to authorize funding for computer and network security research and development and research fellowship programs (H. Rept. 107–357). **Page H140**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Ballenger to act as Speaker pro tempore for today.

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Recess: The House recessed at 12:48 p.m. and reconvened at 2 p.m. **Page H113**

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice, H.R. 392, for the relief of Nancy B. Wilson.

Page H113

Presidential Messages: Read the following messages from the President:

Economic Report of the President: Message wherein he transmitted the Economic Report of the President together with the annual report of the Council of Economic Advisers—referred to the Joint Economic Committee and ordered printed (H. Doc. 107–158);

Page H115

Budget of the United States Government: Message wherein he transmitted the Fiscal Year 2003 Budget of the United States Government—referred to the Committee on Appropriations and ordered printed (H. Doc. 107–159); **Page H114**

National Emergency re Iraq: Message wherein he transmitted a 6-month periodic report on the National Emergency with respect to Iraq—referred to the Committee on International Relations and ordered printed (H. Doc. 107–179); and **Page H121**

Fisheries off the Coast of the United States: Message wherein he transmitted an agreement between the United States and the People's Republic of China extending the agreement of June 24, 1985, concerning Fisheries off the Coasts of the United States—referred to the Committee on Resources and ordered printed (H. Doc. 107–180). **Page H121**

Recess: The House recessed at 3:12 p.m. and reconvened at 6:30 p.m. **Pages H121–22**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Contribution Disclosure for Presidential Libraries: H.R. 577, amended, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised (agreed to by a yeas-and-nays vote of 392 yeas to 3 nays, Roll No. 6); **Pages H115–18, H122**

Horatio King Post Office, Paris Hill, Maine: S. 970, to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris

Hill, Maine, as the “Horatio King Post Office Building” (agreed to by a yea-and-nay vote of 394 yeas with none voting “nay,” Roll No. 7)—clearing the measure for the President; and

Pages H119–20, H122–23

Joseph E. Dini, Jr. Post Office, Yerington, Nevada: S. 737, to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office”—clearing the measure for the President.

Pages H120–21

Suspension Proceedings Postponed—Technical Correction to Protect Olympic Trademarks: The House completed debate on the motion to suspend the rules and pass S. 1888, to amend title 18 of the United States Code to correct a technical error in the codification of title 36 of the United States Code. Further proceedings were postponed until Wednesday, Feb. 6.

Pages H123–25

Amendment: Amendment ordered printed pursuant to the rule appears on page H142.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H122 and H122–23. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:18 p.m.

Committee Meetings

ADMINISTRATION'S BUDGET

Committee on the Budget: Held a hearing on the Administration's Budget for Fiscal Year 2003. Testimony was heard from Mitchell E. Daniels, Jr., Director, OMB.

ENRON FINANCIAL COLLAPSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations began hearings on the Financial Collapse of Enron Corp. Testimony was heard from William C. Powers, Jr., member, Board of Directors and Chairman, Special Investigation Committee, Enron Corporation.

Hearings continue February 7.

ENRON COLLAPSE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises continued hearings on the Enron Collapse. Testimony was heard from Joseph F. Bernardino, Chief Executive Officer, Arthur Andersen LLP.

Hearings continue February 14.

CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3394, Cyber Security Research and Development Act. The rule waives clause 4(a) of rule XIII (requiring a three-day layover of committee reports) against consideration of the bill. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert and Representatives Smith of Michigan and Hastings of Florida.

MOTIONS TO SUSPEND RULES

Committee on Rules: Granted, by voice vote, a resolution providing that certain suspensions will be in order at any time on the legislative day of Wednesday, February 6, 2002.

ADMINISTRATION'S BUDGET PROPOSALS

Committee on Ways and Means: Held a hearing on the Administration's fiscal year 2003 Budget Proposals. Testimony was heard from Paul H. O'Neill, Secretary of the Treasury.

Hearings continue tomorrow.

Joint Meetings

U.S. ECONOMY

Joint Economic Committee: Committee concluded hearings to examine the economic report of the President, after receiving testimony from R. Glenn Hubbard, Chairman, and Mark B. McClellan and Randall S. Kroszner, both Members, all of the Council of Economic Advisers.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 6, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: with the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging, to hold joint hearings to examine women and aging, focusing on long term care, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to continue hearings to examine the state of financial literacy and education in America, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's proposed budget request for fiscal year 2003, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold hearings on S. 1766, to provide for the energy security of the

Nation, focusing on the effects of Subtitle B, amendments to the Public Utility Holding Company Act on energy markets and energy consumers, 9:30 a.m., SD-366.

Committee on Finance: to hold hearings to examine the status of ongoing U.S. trade negotiations, 10 a.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine a new strategic framework, focusing on implications for U.S. security, 10:15 a.m., SD-419.

Subcommittee on African Affairs, to hold hearings to examine U.S. policy options in Somalia, 2:30 p.m., SD-419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging, with the Special Committee on Aging, to hold joint hearings to examine women and aging, focusing on long term care, 9:30 a.m., SD-106.

Select Committee on Intelligence: to hold hearings to examine issues surrounding world threats, 10 a.m., SH-216.

Full Committee, to hold closed hearings to examine issues surrounding world threats, 2:30 p.m., SH-219.

Committee on the Judiciary: to hold hearings to examine accountability issues surrounding the fall of Enron Corporation, 10 a.m., SD-226.

House

Committee on Appropriations, Subcommittee on Military Construction, on Quality of Life in the Military, 9:30 a.m., and on Senior Enlisted from each Service, 2 p.m., 2362A Rayburn.

Subcommittee on Transportation, on the Transportation Security Administration, 10 a.m., 2358 Rayburn.

Committee on Armed Services, hearing on the fiscal year 2003 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the Department of the Treasury Budget Priorities Fiscal Year 2003, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, hearing on "The Enron Collapse and Its Implications for Worker Retirement Security," 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider a resolution authorizing the issuance of subpoenas in connection with the Committee's investigation of the financial collapse of Enron Corp, and related matters; followed by a hearing on developments relating to Enron Corp., including its relationship with Andersen LLP, 12:30 p.m., 345 Cannon.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, hearing entitled "Argentina's Economic Meltdown—Causes and Remedies," 10 a.m., 2220 Rayburn.

Committee on Government Reform, hearing on "The History of Congressional Access to Deliberative Justice Department Documents," 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on the Administration's International Affairs Budget Request for Fiscal Year 2003, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, hearing on H.R. 2341, Class Action Fairness Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on "The Operations of the Executive Office for Immigration Review (EOIR)," 2 p.m., 2237 Rayburn.

Committee on Resources, oversight hearing on Indian Trust Fund Accounts: the Department of the Interior's Restructuring Proposal and the Impacts of the Court Order Closing Access to the Department's Computer System, 10 a.m., 1334 Longworth.

Committee on Small Business, hearing on Small Business Access to Health Care, focusing on H.R. 1774, Small Business Health Fairness Act of 2001, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider pending Committee business, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings on the Administration's fiscal year 2003 Budget Proposals, 10 a.m., and 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on Warfare Support Effort, 3 p.m., H-405 Capitol.

Next Meeting of the SENATE

10:30 a.m., Wednesday, February 6

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 6

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of H.R. 622, Adoption Tax Credit Act, with a vote on the motion to close further debate on Daschle/Baucus Amendment No. 2698.

House Chamber

Program for Wednesday: Consideration of Suspensions:
1. H. Con. Res. 312, expressing the sense of the House of Representatives that the tax relief provided for by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should continue as scheduled;

(2) H. J. Res. 82, recognizing the 91st birthday of Ronald Reagan; and

(3) H. Res. 340, recognizing and honoring Jack Shea, Olympic gold medalist in speed skating.

Consideration of a motion to go to conference on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act; and

Briefing on the War on Terrorism for Members by Deputy Secretary of Defense Paul Wolfowitz, Deputy Secretary of State Richard Armitage, and Vice Chairman of the Joint Chiefs of Staff, General Peter Pace, USMC.

Extensions of Remarks, as inserted in this issue

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