

(64)Page 40, line 5, strike out **[, aircraft, or land carrier]** and insert: *or aircraft*

(65)Page 40, line 16, strike out **[prescribe.]** and insert: *prescribe.*

(66)Page 40, after line 16, insert:

*“(i) UNITED STATES BORDER OFFICER DEFINED.—In this section, the term ‘United States border officer’ means, with respect to a particular port of entry into the United States, any United States official who is performing duties at that port of entry.”*

(67)Page 40, line 17, strike out all after **“CARRIERS.—”** down to and including **“the ”** the second time it appears in line 18 and insert:

*(1) STUDY.—The*

(68)Page 41, after line 2, insert:

*(2) REPORT.—Not later than two years after the date of enactment of this Act, the President shall submit to Congress a report setting forth the findings of the study conducted under paragraph (1).*

(69)Page 41, after line 22, insert:

**SEC. 404. JOINT UNITED STATES-CANADA PROJECTS FOR ALTERNATIVE INSPECTIONS SERVICES.**

*(a) IN GENERAL.—United States border inspections agencies, including the Immigration and Naturalization Service, acting jointly and under an agreement of cooperation with the Government of Canada, may conduct joint United States-Canada inspections projects on the international border between the two countries. Each such project may provide alternative inspections services and shall undertake to harmonize the criteria for inspections applied by the two countries in implementing those projects.*

*(b) ANNUAL REPORT.—The Attorney General and the Secretary of the Treasury shall prepare and submit annually to Congress a report on the joint United States-Canada inspections projects conducted under subsection (a).*

*(c) EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT AND PAPERWORK REDUCTION ACT.—Subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the “Administrative Procedure Act”) and chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”) shall not apply to fee setting for services and other administrative requirements relating to projects described in subsection (a), except that fees and forms established for such projects shall be published as a notice in the Federal Register.*

(70)Page 48, line 16, strike out **[or]** and insert: *and*

(71)Page 49, line 4, strike out all after **“COMPLIANCE.—”** down to and including **“reviews”** in line 7 and insert: *Not later than two years after the date of enactment of this Act, and every two years thereafter, the Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct a review*

(72)Page 49, line 22, strike out all after **“REVIEWS.—”** down to and including **“reviews”** in line 23 and insert: *Not later than two years after the date of enactment of this Act, and every two years thereafter, the Secretary of State shall conduct a review*

(73)Page 50, line 16, strike out **[(c) EFFECT OF FAILURE TO COMPLY.—Failure]** and insert: *(c) EFFECT OF MATERIAL FAILURE TO COMPLY.—Material failure*

(74)Page 50, line 24, strike out all after **“(172).”** over to and including **“be.”** in line 5 on page 51 and insert: *shall result in the suspension for at least one year or termination, at the election of the Commissioner of Immigration and Naturalization, of the institution’s approval to receive such students, or result in the suspension for at least one year or termination, at the election of the Secretary of State, of the other entity’s designation to sponsor exchange visitor program participants, as the case may be.*

(75)Page 54, lines 24 and 25, strike out **[proceeding]** and insert: *proceedings*

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 774, 775, and 782 through 787; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate’s action; that any statements relating to the nominations be printed in the Record; and that the Senate return to legislative session, without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF JUSTICE

Debra W. Yang, of California, to be United States Attorney for the Central District of California for a term of four years.

Frank DeArmon Whitney, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for a term of four years.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Barry D. Crane, of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Mary Ann Solberg, of Michigan, to be Deputy Director of National Drug Control Policy.

#### COAST GUARD

The following named officer for appointment as Chief of Staff of the United States Coast Guard under Title 14, U.S.C., Section 50a:

*To be chief of staff*

Vice Adm. Thad W. Allen, 0000

The following named officer for appointment as Vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

*To be vice admiral*

Rear Adm. Thomas J. Barrett, 0000

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

*To be vice admiral*

Rear Adm. James D. Hull, 0000

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

*To be vice admiral*

Rear Adm. Terry M. Cross, 0000

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### DISCHARGE AND REFERRAL—S. 1644

Mr. REID. Mr. President, I ask unanimous consent that S. 1644, the Veterans Memorial Preservation Recognition Act of 2001, be discharged from the Veterans Affairs Committee and that measure then be referred to the Committee on the Judiciary.

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

### ORDERS FOR TUESDAY, APRIL 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10:30 a.m., Tuesday, April 23; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 11:30 a.m. the Senate resume consideration of the energy reform bill and vote on cloture on the Daschle-Bingaman substitute amendment; further, that the Senators have until 11 a.m. on Tuesday to file second-degree amendments to the energy reform bill; and that the Senate recess from 12:30 to 2:15 p.m. tomorrow for their weekly party conferences.

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

### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:56 p.m., adjourned until Tuesday, April 23, 2002, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 22, 2002:

#### DEPARTMENT OF DEFENSE

THOMAS FORREST HALL, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DEBORAH ROCHE LEE, RESIGNED.

#### NATIONAL INSTITUTE FOR LITERACY

MARK G. YUDOF, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

CAROL C. GAMBILL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006. VICE JAMES CHARLES RILEY.

#### DEPARTMENT OF JUSTICE

G. WAYNE PIKE, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE LARRY REED MATTOX, TERM EXPIRED.

#### THE JUDICIARY

JAMES KNOLL GARDNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE JAN E. DUBOIS, RETIRED.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271: