

Burns (for Thomas) Amendment No. 4529 (to Amendment No. 4472), to provide for an independent and comprehensive management, operational, performance, and financial review of Yellowstone National Park. **Pages S8419–20**

Withdrawn:

Enzi Amendment No. 4517 (to Amendment No. 4480), to provide offsets through payment limitations. **Page S8408**

Pending:

Byrd Amendment No. 4472, in the nature of a substitute. **Pages S8393–S8420**

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. **Page S8393**

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests. **Pages S8408–11 S8414–15**

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures. **Pages S8411–14**

During consideration of this measure today, Senate also took the following action:

By 79 yeas to 16 nays (Vote No. 212), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 306 of the Congressional Budget Act of 1974. Subsequently, the point of order that Daschle Modified Amendment No. 4481 (to Amendment No. 4480), to provide emergency disaster assistance to agricultural producers, was in violation of section 306 of the Congressional Budget Act of 1974, was not sustained. **Page S8407**

Senate will continue consideration of the bill on Thursday, September 12, 2002.

**Homeland Security Act:** Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

**Pages S8420–25, S8431–33**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8420–25, S8431–33**

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats. **Pages S8420, S8431**

Senate will continue consideration of the bill on Thursday, September 12, 2002.

**Nominations Received:** Senate received the following nominations:

Glenn T. Suddaby, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

James M. Stephens, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Coast Guard nomination in the rank of admiral. **Page S8474**

**Messages From the House:** **Page S8453**

**Measures Referred:** **Pages S8453–54**

**Measures Placed on Calendar:** **Page S8454**

**Executive Communications:** **Pages S8454–56**

**Additional Cosponsors:** **Pages S8456–58**

**Statements on Introduced Bills/Resolutions:** **Pages S8458–68**

**Additional Statements:** **Pages S8452–53**

**Amendments Submitted:** **Page S8468**

**Authority for Committees to Meet:** **Page S8472**

**Privilege of the Floor:** **Page S8472**

**Record Votes:** One record vote was taken today. (Total—212) **Page S8407**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 6:57 p.m., until 11 a.m., on Wednesday, September 11, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8474).

## Committee Meetings

(Committees not listed did not meet)

### AVIATION SECURITY

*Committee on Commerce, Science, and Transportation:* Committee held hearings to examine the status of the newly-created Transportation Security Administration in relation to improved aviation security one year after September 11, 2001, receiving testimony from Adm. James Loy, USCG, Acting Under Secretary of Transportation for Security.

Hearings recessed subject to call.

### NO CHILD LEFT BEHIND ACT

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings to examine state and community perspectives of the implementation of Title 1 of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind (P.L. 107–110), after receiving

testimony from Belle S. Wheelan, Virginia Department of Education, Richmond; William J. Moloney, Colorado Department of Education, Denver; and Michael Casserly, Council of the Great City Schools, and Wanda Gaddis, on behalf of the National Parent/Teachers Association, both of Washington, D.C.

### USA PATRIOT ACT

*Committee on the Judiciary:* Committee concluded hearings to examine the implementation of the USA PATRIOT ACT, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), to set up a court to review government applications to conduct secret wiretaps and searches inside the United States for the purpose of collecting foreign intelligence information, after receiving testimony from

David Kris, Associate Deputy Attorney General, Department of Justice; Kenneth C. Bass III, Sterne, Kessler, Goldstein and Fox/Georgetown University Law Center, former Counsel for Intelligence Policy, Department of Justice, and Morton H. Halperin, Open Society Institute, former Counsel for Intelligence Policy, Department of Justice, both of Washington, D.C.; and William C. Banks, Syracuse University College of Law, Syracuse, New York.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

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## House of Representatives

### Chamber Action

**Measures Introduced:** 6 public bills, H.R. 5356–5361; 2 private bills, H.R. 5362–5363; and 2 resolutions, H. Con. Res. 463, and H. Res. 520, were introduced. **Page H6171**

**Reports Filed:** No reports were filed today.

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker pro tempore for today. **Page H6131**

**Recess:** House recessed at 9:02 a.m. and reconvened at 10 a.m. **Page H6131**

**Journal:** Agreed to the Speaker's approval of the Journal of Monday, Sept. 9 by a recorded vote of 335 ayes to 35 noes with 1 voting "present," Roll No. 380. **Pages H6131, H6139–40**

**Motion to Instruct Conferees—Terrorism Risk Protection Act:** Agreed to the Fossella motion to instruct conferees on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism and to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism by a yea-and-nay vote of 373 yeas with none voting "nay," Roll No. 379. **Pages H6133–37, H6138–39**

**Military Construction Appropriations:** The House disagreed with the Senate amendment to H.R. 5011, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending

September 30, 2003, and agreed to a conference. Appointed as conferees: Representative Hobson, Walsh, Dan Miller of Florida, Aderholt, Granger, Goode, Skeen, Vitter, Young of Florida, Olver, Edwards, Farr of California, Boyd, Dicks, and Obey. **Page H6137**

Agreed to the Olver motion to instruct conferees to insist on the higher of House or Senate funding levels, with regard to funding for planning, design, construction, alterations, and improvements of military facilities including environmental remediation, barracks, hospitals, childcare facilities, and family housing. **Page H6137**

**Department of Defense Appropriations:** The House disagreed with the Senate amendment to H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and agreed to a conference. Appointed as conferees: Representatives Lewis of California, Young of Florida, Skeen, Hobson, Bonilla, Nethercutt, Cunningham, Frelinghuysen, Tiahrt, Murtha, Dicks, Sabo, Visclosky, Moran of Virginia and Obey. **Pages H6137–38**

Agreed to the Olver motion to instruct conferees to insist on the higher funding levels permitted within the scope of conference with regard to chemical and biological defense programs, projects, and activities. **Pages H6137–38**

Agreed to close meetings of the conference at such times as classified national security information may be discussed providing that any sitting Member of Congress shall be entitled to attend to attend any