

DOE has proposed to the EM science and technology program.

The hearing will be held on Thursday, July 11, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should e-mail it to amanda_goldman@energy.senate.gov or fax it to 202-224-9026.

For further information, please contact Jonathan Epstein at 202-224-3357 or John Kotek at 202-224-6385.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, June 25, 2002. The purpose of this hearing will be to consider nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. on reauthorization of the National Transportation Safety Board.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 25, 2002, at 9:30 a.m. to hold a hearing to conduct oversight of the Environmental Protection Agency Inspector General's actions with respect to the Ombudsman and evaluate S. 606, a bill to provide additional authority to the Office of the Ombudsman of EPA.

The hearing will be held in SD-406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 10:15 a.m. to hold a nominations hearing.

Agenda

Nominees: Mr. James Jeffrey, of Virginia, to be Ambassador to the Republic of Albania; Mr. Michael Klosson, of Maryland, to be Ambassador to the Republic of Cyprus; Mr. James Gadsden, of Maryland, to be Ambassador to the Republic of Iceland; and Mr. Randolph

Bell, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 2002 at 2:30 p.m. to hold a hearing on the Peace Corps.

Agenda

Witnesses

Panel 1: The Honorable Gaddi Vasquez, Director, The Peace Corps, Washington, DC.

Panel 2: The Honorable Mark Schneider, Former Director of the Peace Corps, Vice President, International Crisis Group, Washington, DC.

Panel 3—Returned Peace Corps Volunteers: Mr. Dane Smith, Peace Corps volunteer in Ethiopia 1963-65, President, National Peace Corps Association, Washington, DC; Mrs. Barbara Ferris, Volunteer in Morocco (1980-1982), Women in Development Coordinator (1987-1993), Peace Corps, Washington, DC; and Mr. John Coyne Pelham, Volunteer in Ethiopia/Eritrea (1962-1964), NYC Regional Manager (1994-2000), Peace Corps, New York City, New York.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the reauthorization of the Office of Education Research and Improvement during the session of the Senate on Tuesday, June 25, 2002, at 10 a.m. in SD-430.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Submitted on Public Health, be authorized to meet for a hearing on "The Crisis in Children's Dental Health: A Silent Epidemic" during the session of the Senate on Tuesday, June 25, 2002, at 2:30 p.m. in SD-430.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space and the House Subcommittee on Science and Space be authorized to meet on Tuesday, June 25, 2002, at 1 p.m. in 2318 Rayburn Building.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Protecting the Homeland: The President's Proposal for Reorganizing Our Homeland Security Infrastructure" on Tuesday, June 25, 2002, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda

Tentative witness list

Panel I: The Honorable Warren B. Rudman, Co-Chair, United States Commission on National Security/21st Century, Washington, DC; the Honorable James S. Gilmore III, Former Governor of the Commonwealth of Virginia and Chairman, Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving Weapons of Mass Destruction, Richmond, VA; and the Honorable David M. Walker, Comptroller General, General Accounting Office, Washington, DC.

Panel II: Paul C. Light, Vice President and Director, Governmental Studies, the Brookings Institution, Washington, DC; Ivo H. Daalder, Senior Fellow, Foreign Policy Studies, the Brookings Institution, Washington, DC; and Ivan Eland, Director, Defense Policy Studies, CATO Institute, Washington, DC.

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

MEASURE READ THE FIRST TIME—H.R. 3971

Mr. REID. I believe that H.R. 3971, which was recently received from the House, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 3971) to provide for independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover.

Mr. REID. I now ask for its second reading but object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 430, S. 2621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2621) to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President. I am pleased the Senate is considering today S. 2621, a bill I introduced earlier this month with Senator BIDEN that is also cosponsored by Senators HATCH and SCHUMER. This bill is intended to clarify that an airplane is a vehicle for purposes of terrorist and other violent acts against mass transportation systems. A significant question about this point has been raised in an important criminal case and deserves our prompt attention.

On June 11, 2002, a U.S. district judge in Boston dismissed one of the nine charges against Richard Reid stemming from his alleged attempt to detonate an explosive device in his shoe while onboard an international flight from Paris to Miami on December 22, 2001. The dismissed count charged defendant Reid with violating section 1993 of title 18, United States Code, by attempting to "wreck, set fire to, and disable a mass transportation vehicle."

Section 1993 is a new criminal law that was added, as section 801, to the USA PATRIOT Act to punish terrorist attacks and other acts of violence against, inter alia, a "mass transportation" vehicle or ferry, or against a passenger or employee of a mass transportation provider. I had urged that this provision be included in the final anti-terrorism law considered by the Congress. A similar provision was originally part of S. 2783, the "21st Century Law Enforcement and Public Safety Act," that I introduced in the last Congress in June, 2000 at the request of the Clinton administration.

The district court rejected defendant Reid's arguments to dismiss the section 1993 charge on grounds that (1) the penalty provision does not apply to an "attempt," and (2) an airplane is not engaged in "mass transportation." "Mass transportation" is defined in section 1993 by reference to the "the meaning given to that term in section 5302(a)(7) of title 49, U.S.C., except that the term shall include schoolbus, charter and sightseeing transportation.

Section 5302(a)(7), in turn, provides the following definition: "mass transportation" means "transportation by conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter or sightseeing transportation." The court explained that "commercial aircraft transport large numbers of people every day" and that the definition of "mass transportation" "when read in an ordinary or natural way, encompasses aircraft of the kind at issue here," *U.S. v. Reid*, CR No. 02-10013, at p. 10, 12 (D. MA, June 11, 2002).

Defendant Reid also argued that the section 1993 charge should be dismissed because an airplane is not a "vehicle." The court agreed, citing the fact that the term "vehicle" is not defined in section 1993 and that the Dictionary Act, 1 U.S.C. §4, narrowly defines "ve-

hicle" to include "every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation *on land*." The emphasis in the original opinion.

Notwithstanding common parlance, the district court relied on the narrow definition to conclude that an aircraft is not a "vehicle" within the meaning of section 1993.

The new section 1993 was intended to provide broad Federal criminal jurisdiction over terrorist and violent acts against all mass transportation systems, not only bus services, but also commercial airplanes, cruise ships, railroads and other forms of transportation available for public carriage.

The bill the committee reports today would add a definition of "vehicle" to section 1993 and clarify that an airplane is a "vehicle" both in common parlance and under this new criminal law to protect mass transportation systems. Specifically, the bill would define this term to mean "any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water or through the air."

On June 20, 2002, less than two weeks after the bill was introduced, the Judiciary Committee favorably reported this bill for consideration by the Senate. I urge the Senate to act promptly and pass this legislation.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

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

The bill (S. 2621) was read the third time and passed, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION.

Section 1993(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air."

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106-170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel:

Vincent Randazzo of Virginia, vice Stephanie Lee Smith, resigned, and

Katie Beckett of Iowa, for a term of 4 years.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 291 submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) to authorize testimony, document production, and legal representation in *United States v. Milton Thomas Black*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, a Federal grand jury in Nevada has indicated an individual on four counts of mailing a threaten communication and one count of transmitting a threatening communication in interstate commerce for a series of threats to kill public officials and others in written communications sent last year to the offices of Senators PATRICK J. LEAHY and ORRIN G. HATCH, among others.

The U.S. attorney has issued subpoenas for testimony at trial by employees on the staffs of Senators LEAHY and HATCH who received the communications and an employee on Senator HARRY REID's staff who had contact with the defendant. The testimony is necessary to establish the receipt of the threatening communications in Washington, DC.

This resolution would authorize the Senate employees to testify and produce documents in this case with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, with the above occurring without intervening action or debate.

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

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, in the case of *United States v. Milton Thomas Black*, Cr. No. S-02-016-PMP, pending in the United States District Court for the District of Nevada, subpoenas for testimony have been issued to Clara Kircher and Phil Toomajian, employees in the office of Senator Patrick J. Leahy; Donald Wilson, an employee in the office of Senator Harry Reid; and Katherine Dillingham and Craig Spilsbury, employees in the office of Senator Orrin G. Hatch;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate