

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

may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Clara Kircher, Phil Toomajian, Donald Wilson, Katherine Dillingham, Craig Spilsbury, and any other employee of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the case of *United States v. Milton Thomas Black*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Senate in connection with the testimony and document production authorized in section one of this resolution.

ORDERS FOR WEDNESDAY, JUNE
26, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak for

up to 10 minutes each, with the first 30 minutes of the time under the control of the majority leader or his designee, and the second 30 minutes of the time under the control of the Republican leader or his designee; that at 11 o'clock the Senate resume consideration of the Department of Defense authorization bill; further that the live quorum with respect to the cloture motion filed earlier today be waived.

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

Mr. REID. Madam President, I have been corrected. There will be some time left in the final block after the prayer and the pledge, and whatever time is taken up. That time—20 or 25 minutes—will be equally divided under the standard that we have used here on many occasions. I so ask unanimous consent.

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

PROGRAM

Mr. REID. Madam President, cloture was filed today by the majority leader. Therefore, all first-degree amendments must be filed prior to 1 p.m. tomorrow, Wednesday.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Madam President, 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 6:58 p.m., adjourned until, Wednesday, June 26, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 25, 2002:

DEPARTMENT OF STATE

DAVID L. LYON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHELLE GUILLERMIN, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE ANTHONY MUSICK.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD H. CARMONA, OF ARIZONA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE DAVID SATCHER, TERM EXPIRED.