



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, MONDAY, OCTOBER 28, 2002

No. 140

House of Representatives

The House met at 11 a.m.

The Reverend Emmett J. Gavin, Prior, Whitefriars Hall, Washington, DC, offered the following prayer:

Gracious and loving God, Author of all creation and Source of all wisdom, we once again come to You this day to seek the grace and guidance we need to be a faithful people. Help us to use wisely the many gifts and blessings You have given us as a Nation. Loving God, may we always be grateful for Your goodness and generosity to us and always use the blessings You have showered upon us to help bring peace, unity, and prosperity to all Your people throughout the world.

It is with deep gratitude that we recognize Your saving hand in the restoration of peace and security in this region surrounding our Nation's Capitol. We continue to mourn the loss of the men and women who lost their lives in the senseless rampage of killing that held our people hostage in these recent days. We offer our prayers and our support to their loved ones who have been left to bear the heavy burden of their loss.

We also recognize with profound sorrow the loss of the distinguished Senator from Minnesota, and his wife and daughter and staff. Our hearts go out to those who mourn their untimely passing.

It serves to remind us, Lord, that we live in a world where terror and danger in many forms threaten the peace and the security of Your children every-

where. Let us always have the courage and wisdom to lead the way in eradicating this scourge upon the human family. Bring men and women of good will together in all corners of our world so that we might in our own ways and in our own traditions worship and serve You, our one true God.

We make these prayers, Lord, confident that You will hear and answer them today and always. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The Speaker led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO THURSDAY, OCTOBER 31, 2002

The SPEAKER. Without objection, when the House adjourns today, it shall stand adjourned until 11 a.m. on Thursday, October 31, 2002; and further, when the House adjourns on that day, it shall stand adjourned until 11 a.m. on Monday, November 4, 2002.

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 25, 2002 he pre-

sented to the President of the United States, for his approval, the following bills.

H.R. 5651. To amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned until 11 a.m. on Thursday, October 31, 2002, in respect of the memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Thursday, October 31, 2002, at 11 a.m. in memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9753. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Codification of Poultry Substitution and Modification of Commodity Inventory Controls for Recipient Agencies (RIN: 0584-AD08) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

NOTICE

Effective January 1, 2003, the subscription price of the Congressional Record will be \$434 per year or \$217 for six months. Individual issues may be purchased for \$6.00 per copy. Subscriptions in microfiche format will be \$141 per year with single copies priced at \$1.50. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H8043

9754. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment of Fruits [Docket No. 02-071-1] received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9755. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (RIN: 1210-AA90) received October 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9756. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Compliance Alternatives for Provision of Uncompensated Services (RIN: 0906-AA52) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9757. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Protection of Human Research Subjects (RIN: 0925-AA14) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9758. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals Under Age 21 [HCFA-2065-IFC] (RIN: 0938-AJ96) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9759. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — White Chocolate; Establishment of a Standard of Identity [Docket Nos. 86P-0297 and 93P-0091] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9760. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question covering the period August 1, 2002 through September 30, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

9761. A letter from the Chief Judge, United States Claims Court, transmitting certified copies of the Court's reports regarding the Alabama-Coushatta Tribe of Texas, et al; to the Committee on the Judiciary.

9762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Great Lakes Maritime Academy — Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses [USCG-2002-13213] (RIN: 2115-AG43) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Passaic River, NJ [CGD01-02-116] (RIN: 2115-AE47) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort,

TX; Port of Corpus Christi Inner Harbor, Corpus Christi, TX [COTF Corpus Christi-02-003] (RIN: 2115-AA97) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Natural Resource Damage Assessments [Docket No. 990608154-2213-02] (RIN: 0648-AM80) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premium for 2003 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8015-N] (RIN: 0938-AL69) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9767. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Impatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2003 [CMS-8013-N] (RIN: 0938-AL56) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9768. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Shelter Disclosure Statements [TD 9017] (RIN: 1545-BB32) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9769. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Requirement to Maintain a List of Investors in Potentially Abusive Tax Shelters [TD 9018] (RIN: 1545-BB33) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9770. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Negotiated Rulemaking: Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services [CMS-3250-F] (RIN: 0938-AL03) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9771. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2003 [CMS-8014-N] (RIN: 0938-AL63) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9772. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services [HCFA-3049-F] (RIN: 0938-AK08) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Problems with the Presidential Gifts System (Rept. 107-768). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself and Mr. ROHRBACHER):

H.R. 5702. A bill to provide for the privatization of the United States Postal Service; to the Committee on Government Reform.

By Ms. ROYBAL-ALLARD (for herself, Mr. SERRANO, Mr. FROST, Ms. MILLENDER-McDONALD, Mr. SANDERS, Ms. SOLIS, Ms. NORTON, Mr. WAXMAN, Ms. MCCOLLUM, Mr. PAYNE, Mr. OWENS, Ms. LEE, Mr. CROWLEY, Mr. McDERMOTT, Ms. DELAUBRO, Mr. WEXLER, Mr. MENENDEZ, and Mrs. NAPOLITANO):

H.R. 5703. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated follow-up care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

372. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 15 memorializing the United States Congress to urge Utah public school districts to ensure that school curriculums promote financial literacy among students; to the Committee on Education and the Workforce.

373. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 22 memorializing the United States Congress to urge school and recreational sports officials, parents, and participants to work together to curb the escalating incidences of violence against sports officials; to the Committee on Education and the Workforce.

374. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 4 memorializing the United States Congress that this act designates the second week of September 2002 as Adult Lifelong Learning and Literacy week in the state of Utah; to the Committee on Education and the Workforce.

375. Also, a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to urge the Federal Bureau of Land Management to allow broad-based vegetation management practices on Bureau of Land Management lands; to the Committee on Resources.

376. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 27 memorializing the United States Congress to approve the settlement agreement to be reached between the state of Utah, through the Department of Natural Resources, and the United States Department of the Interior, through the Fish and Wildlife Service, regarding the disposition of lands in question within the boundaries of the Bear River Migratory Bird Refuge; to the Committee on Resources.

377. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 3 memorializing the United States

Congress that this resolution modifies House Rules eliminating the requirement of standing committee review for certain bills; to the Committee on Rules.

378. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 9 memorializing the United States Congress that this act modifies interim committee responsibilities relating to legislative audits, clarifies the germaneness rule, modifies rules relating to reservation of bill numbers, and modifies rules governing legislative expenses for the Olympics recess; to the Committee on Rules.

379. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 15 memorializing the United States Congress that the Legislative Management Committee assign to the appropriate interim committee the duty to study and make recommendations for legislative action it considers necessary to the 55th Legislature prior to the 2003 Annual General Session; to the Committee on Rules.

380. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 1 memorializing the United States Congress that this act modifies the Senate Rules changing standing committee names to bring them into greater coordination with the interim structure; to the Committee on Rules.

381. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 1 memorializing the United States Congress that this resolution modifies House

Rules changing standing committee names to bring them into compliance with the current structure; to the Committee on Rules.

382. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 2 memorializing the United States Congress that this act modifies the powers of the House Rules Committee, provides standards and requirements for the motion to lift a bill from committee, and makes technical corrections; to the Committee on Rules.

383. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 2 memorializing the United States Congress that this joint resolution of the Legislature revises joint rules by more precisely defining which committees qualify to have their recommendations printed on bills as committee notes; to the Committee on Rules.

384. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 7 memorializing the United States Congress that this resolution modifies joint rules by amending the name of an appropriations subcommittee; to the Committee on Rules.

385. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 2 memorializing the United States Congress that this act modifies Senate Rules by modifying requirements governing standing committee review of bills; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. HOSTETTLER.
 H.R. 303: Mr. PORTMAN.
 H.R. 408: Mr. RANGEL and Ms. WOOLSEY.
 H.R. 536: Mr. KENNEDY of Rhode Island.
 H.R. 975: Ms. MCCOLLUM.
 H.R. 1307: Mr. CROWLEY.
 H.R. 2908: Ms. MILLENDER-MCDONALD.
 H.R. 3337: Mr. MCINTYRE.
 H.R. 4646: Mr. SHOWS.
 H.R. 4720: Mr. COMBEST, Mr. CUNNINGHAM, and Mrs. BONO.
 H.R. 4728: Mr. QUINN.
 H.R. 4803: Mr. STUPAK.
 H.R. 5089: Mr. LARSEN of Washington.
 H.R. 5250: Mr. SCHAFFER.
 H.R. 5359: Mr. CROWLEY.
 H.R. 5383: Mr. STRICKLAND.
 H.R. 5458: Mr. ENGLISH, Mr. UPTON, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. OLVER, Mr. QUINN, Mr. FRANK, Mr. CARSON of Oklahoma, and Mr. LARSEN of Washington.
 H.R. 5491: Mr. VISCLOSKY.
 H.R. 5613: Mr. FROST and Mr. KENNEDY of Rhode Island.
 H.R. 5662: Mr. INSLEE.
 H. Con. Res. 164: Mr. LANTOS.
 H. Con. Res. 495: Ms. LOFGREN, Mr. MCNULTY, Mr. FROST, Mr. RYUN of Kansas, Mr. COSTELLO, Mr. KIND, Mr. HONDA, Ms. NORTON, and Mrs. MCCARTHY of New York.