

to do with patients. Out of a bill that contains 100 percent substance, 2 percent dealt with lawyers and 98 percent dealt with patients.

I look forward to the bill passing in the House. Also, I have such great admiration and respect for Dr. NORWOOD, who has been willing to step beyond the pale. He has been willing to go beyond what most of the time happens in partisan politics. Congressman NORWOOD, a Republican, has said he can't do what his leadership has asked him to do. He believes in a Patients' Bill of Rights, and he has been a leader. I have such great respect for him.

I express my appreciation to the Senator from North Dakota.

#### THE DEPARTURE OF ROBERT D. FOREMAN

Mr. HATCH. Mr. President, I would like to take a moment to pay tribute to Robert D. Foreman who has served as a health advisor to me for the past 8 years. Rob came to my staff after distinguished service in the House of Representatives, in the Executive Branch, and in a national trade association.

I suppose that Rob's experience staffing Medicaid and Medicare issues for me, and earlier for our colleagues on the House Interstate and Foreign Commerce Committee, now called the Energy and Commerce Committee, have prepared him well for his new assignment as President George W. Bush's Director of the Office of Legislative Affairs at the Centers for Medicare and Medicaid Services. I am confident that he will be a great asset to Secretary Thompson, Administrator Scully, and the President as they work to preserve and strengthen Medicare, and confront the many challenges facing the Center for Medicare and Medicaid Services, CMS.

Rob is able to grasp complex issues and use his keen sense of humor to bring together parties with differing views on pending legislation. With his research and command of the legislative process, he has helped us make significant contributions during the past eight years on many key pieces of legislation including the defeat of the Health Security Act and enactment of the Children's Health Insurance Program, the Health Insurance Portability and Accountability Act of 1996, the Balanced Budget Act amendments and subsequent revisions, and the Skilled Nursing Facility legislation.

I also have been able to count on Rob to be a powerful advocate for the disabled, and the less fortunate, and to be my liaison with my Disability Advisory Committee in Utah. He also has been a tireless advocate for Native Americans and has enhanced my work on the Committee on Indian Affairs.

For those who have been blessed to work with Rob, they understand that beneath the soft-spoken, dedicated work of this kind man is the caring heart of a true gentleman. He is a man you can genuinely trust, a man of his

word, a man of integrity. He seeks not just to do his job, but to do it well. He came to his office each morning not to work, but to serve. His gentle nature is equaled only by his loyalty and work ethic.

I am grateful to Rob for his efforts, for his personal sacrifices, and for the many nights and weekends he spent ensuring that work on these vital issues was complete. I want to publicly thank him for all of his many contributions. I wish him the best as he confronts this new challenge.

#### RETIREMENT OF JESS ARAGON

Mr. HARKIN. Mr. President, I rise today to call to your attention the retirement of one of our country's finest public servants. Jess Aragon, the Budget Officer of the Department of Labor's Employment and Training Administration, is leaving after 33 years of Federal service. In his capacity as Budget Officer, he controlled the formulation, justification, and execution of some \$10 billion of our taxpayers' funds in a manner that set him apart for his professionalism and courtesy. He has personally assisted the Appropriations Committee time and time again, and has been especially helpful when the chips were down and information was desperately needed to make our bills and reports come together.

A native of Albuquerque, NM, Jess' career began with a four-year stint in the Air Force. Following this, he entered public service with the New Mexico State Employment Security Agency, after which he joined the Department of Labor. He and his wife, Myra, are retiring to San Juan, PR, and I, and the other members and staff of the Appropriations Committee, wish them all the best, and offer a heartfelt thanks for a career devoted to serving the American people.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 8, 1994 in Medford, OR. A man who said he thought their lifestyle was "sick" killed two prominent lesbian activists, who had been domestic partners for many years.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### RULES OF PROCEDURE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. JEFFORDS. Mr. President, in accordance with the rule XXVI (2) of the Senate. I ask unanimous consent that the rules of the Committee on Environmental and Public Works, adopted by the committee today, July 25, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### RULES OF PROCEDURE

##### RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

##### RULE 2. QUORUMS

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

#### RULE 3. HEARINGS

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a non-governmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

#### RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the

notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

#### RULE 5. BUSINESS MEETINGS: VOTING

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

#### RULE 6. SUBCOMMITTEES

(a) Regularly Established Subcommittees: The committee has four subcommittees: Clean Air, Wetlands, and Climate Change; Transportation, Infrastructure, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund, Toxics, Risk and Waste Management.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

#### RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959,

as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

#### RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

### HEALTH CARE PROFESSIONALS AS VOLUNTEERS

Mr. WYDEN. Mr. President, when Americans see people in need, their first instinct is to help. It is the kind of attitude that makes our Nation great. But imagine if you had the knowledge and the tools to help someone in need—but weren't permitted to lend a hand.

Health care professionals all across our country are prevented from donating their services in the free clinics that serve those most desperate for medical care, because these practitioners do not have malpractice coverage that will cover their work in volunteer clinics. Today, I urge Secretary Tommy Thompson and his Department of Health and Human Services to finish a job that Congress started 5 years ago and solve this problem once and for all.

For several years now, doctors and dentists in Oregon have been calling me, saying they want to give back to their communities by volunteering in free clinics, but are not allowed to do so. I also have been contacted by an organization—Volunteers in Medicine—that operates free clinics across the country. They know of many health care providers who want to volunteer but cannot.

When Congress passed the Health Insurance Portability and Accountability Act, or HIPAA, in 1996, one small provision was included, aimed at helping health care providers who wanted to volunteer in free clinics but were concerned about malpractice claims. Section 194 of HIPAA would let free clinics