

Congress recognized this years ago with the enactment of the Temporary Emergency Wild-fire Suppression Act, where it authorized the Secretaries of Interior and Agriculture to enter into reciprocal arrangements that, in essence, amount to a foreign firefighter exchange program. These reciprocal agreements allow us to borrow on the expertise of foreign firefighters when a need arises, and vice-versa.

In 2000, this authority was particularly useful. Firefighters from Australia and New Zealand fought shoulder-to-shoulder with American firefighters at a time when we quite frankly needed the help. By all accounts the exchange program was a huge success.

Which brings us to today. While the Wildfire Suppression Act has been a huge help and major success, new exchange agreements have been stalled because of legitimate liability concerns on the part of Australia and other countries with whom we have historically partnered. Our bill would address those concerns in straightforward fashion by eliminating the risk of tort liability to foreign firefighters and their governments while foreign personnel are providing assistance to the United States. It requires that foreign nations extend a reciprocal tort claims benefit to United States firefighters in the event the United States provides similar assistance to them. The proposed legislation would also deem foreign firefighters to be federal employees for the limited purpose of securing them coverage under the Federal Tort Claims Act. Finally, it would make the laws of the host country the only source of remedies available for acts and omissions in firefighting activities in the host country.

Mr. Speaker, I've been told that there are 100 or so Australian firefighters all but on the tarmac ready to fly out to the United States to join our firefighting forces pending the enactment of this legislation. This highly skilled group will provide support in the place that it's needed the most right now—management caliber firefighters directing and overseeing rank-and-file firefighters on the front lines. This bill will ensure that this area of need is met in a meaningful way for the duration of this and future fire seasons.

Mr. Speaker, this is a commonsense bill that is a real priority for Secretary Norton and Secretary Veneman, just as it is for me. I hope and trust that my colleagues will join with me in supporting it.

Mr. STENHOLM. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

The other State that was referenced by the gentleman from Colorado that has been absolutely devastated by wildfires this summer is the State of Arizona, and I thank very much the gentleman from Arizona (Mr. FLAKE) for his contribution to this legislation and his efforts to make sure that firefighting capabilities in the State of Arizona, as well as the rest of the country, are supplemented with foreign firefighters as we need them, and I thank him for that effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

(Mr. FLAKE asked and was given permission to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do come from the State of Arizona where we have had 450,000 acres burn already this year. The entire West, as mentioned by the gentleman from Colorado, is a tinderbox at this point. We are at level 5, the first time we have reached level 5 this early in the year.

Arizona, as mentioned, lost about 600 square miles to fire. We still have a lot of Ponderosa pine forest left. We have the largest stand of Ponderosa pine forest in the country. Many of my colleagues, particularly from the East Coast, were surprised to hear that we had forests in Arizona, let alone that they were burning.

We had a horrible fire that was finally contained after 2 weeks, contained fully on Sunday. That fire is contained, but I can tell my colleagues that this season is not done, and this legislation recognizes the need to have firefighters, particularly in a management capacity, come here and to ensure that we have the forces necessary to put out these fires.

When the lightning seasons hit, we had some lightning just a couple of days ago, five new fires started quickly, had to be suppressed, and we are going to see a lot more of that this year. So it is very important that we pass this legislation.

I thank the gentleman from Colorado for introducing it and for the chairmen, as he mentioned, who moved it so quickly to this point.

We have a situation in Arizona and throughout the West where we have far too much fuel that allows these fires to burn far hotter and spread far faster than they would otherwise. These are things that we need to address as we look to the future, but for now, we need to ensure the firefighters are on the ready. That is what this legislation does.

I urge my colleagues to support it when it comes to the floor.

Mr. Speaker, In August of 2000, 68 firefighters from Australia arrived in Montana to help their American counterparts bring wildfires under control. At that time more than 70 fires were burning in 12 U.S. states that prompted the call for assistance.

After devastating wildfires in 2000, long-term agreements were negotiated with Australia and New Zealand. These agreements have not been implemented, however, due to concerns that the foreign firefighting personnel would face liability for alleged torts committed while their personnel were furnishing assistance to the U.S. Over 450,000 acres of land burned in the widely publicized fire of Arizona.

The National Interagency Fire Center has declared a state of "Preparedness Level 5"—indicating the highest level of risk and the need for the greatest degree of preparedness due to the severity of fire season conditions. For safety purposes, for every twenty firefighters on the front line of a fire there must be one management level firefighter to supervise and ensure the safety of the men in the field. Fourteen days ago when this legislation

was introduced, the Hayman fire was still burning in Colorado and the Rodeo-Chedeski fires were raging in Arizona. Various other fires were also burning; together they were almost expending the resources we have available to fight these blazes.

At that point there was a strong concern that there wouldn't be enough management level personnel to keep all the necessary frontline firefighters fighting the blazes. This legislation prevents that from occurring. The legislation before us makes it possible to ensure sufficient management level firefighters in the event of catastrophic fires by providing protections to firefighters, sending countries and any organization associated with the firefighter from any liability resulting from actions taking place while fighting fires here in the United States.

Also provided within the legislation is a reciprocal agreement providing the same protection to American firefighters who go to other countries to assist in fire suppression or firefighting. With the West experiencing a severe drought and one of the worst fire seasons it has ever seen on record, fire managers are expecting a busy summer.

Remove the constraints that prevent management level firefighters from ensuring we can meet the demands of this season. Support this legislation.

□ 1400

Mr. STENHOLM. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5017.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5017, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

IMPROPER PAYMENTS INFORMATION ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4878) to provide for reduction of improper payments by Federal agencies, as amended.

The Clerk read as follows:

H.R. 4878

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Information Act of 2002".

SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) ESTIMATION OF IMPROPER PAYMENT.—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) include that estimate in its annual budget submission.

(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed one percent of the total program or activity budget or \$1,000,000 annually (whichever is less), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(2) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(3) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) DEFINITIONS.—For the purposes of this section:

(1) AGENCY.—The term “agency” means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) IMPROPER PAYMENT.—The term “improper payment”—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) PAYMENT.—The term “payment” means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) APPLICATION.—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall pre-

scribe guidance to implement the requirements of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) will each control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4878.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4878, the proposed Improper Payments Information Act of 2002, is intended to get a handle on the vexing problem of improper payments made by Federal agencies. The few agencies that do make estimates for some of their programs report improper payments of about \$20 billion.

Each year, the Federal Government wastes countless billions of taxpayer funds on improper payments. Some of these payments result from fraud or abuse. Many others represent simple mistakes. What all of these improper payments have in common is that they should never have been made.

I refer to countless billions of dollars in improper payments because no one really knows the magnitude of the problem. Incredible as it may seem, Federal agencies are not required on any kind of government-wide or systematic basis to estimate how much money they spend improperly. Therefore, most do not even try. The few agencies that do make estimates for some of their programs report improper payments of about \$20 billion annually, and I will say that again, \$20 billion, not million dollars, billion dollars, every single year in just a handful of Federal programs.

Staggering as that figure is, it represents the tip of a very large iceberg. For example, during fiscal year 2000, the Department of Health and Human Services estimated it made more than \$12 billion in improper payments in its Medicare fee-for-service program, but the figure did not include any improper payments that might have been made in the Medicaid. No one, including the General Accounting Office, has estimated that figure.

The obvious starting point toward reducing improper payments made by the Federal Government is to understand the nature and extent of the problem. The agencies and Congress must find out which programs are at risk and what causes those risks. Only then can we find effective remedies.

The President's Management Agenda for fiscal year 2002 has made the reduction of improper payments a real priority. H.R. 4878 builds upon that very

first step by the Bush administration by requiring Federal agencies to identify the programs that are vulnerable to significant improper payments.

Currently, only eight agencies report on improper payments made in 13 programs out of hundreds of Federal agencies and programs. This bill would require all agencies to include in their budget submissions an estimate of improper payments for each program that might be susceptible to significant improper payments. If an agency estimates that improper payments in a program exceed \$1 million a year, or 1 percent of the total program budget, whichever is lower, the agency would also have to explain what it is doing to reduce them.

Since the 104th Congress, the subcommittees I have chaired have held approximately 100 hearings on wasteful spending within the Federal Government. Time and again witnesses from the General Accounting Office and agency inspectors general have told the subcommittee that poor accounting systems and procedures have contributed to the government's serious and long-term problems involving improper payments. These hearings have clearly demonstrated the need for H.R. 4878.

In fact, at a recent subcommittee hearing, General Accounting Office witnesses stated that this legislation is critically important. Based on these hearings, the subcommittee marked up H.R. 4878 on June 18, 2002.

H.R. 4878 is a bipartisan and common-sense bill. I am pleased that the ranking member of the subcommittee, the gentlewoman from Illinois (Mr. SCHAKOWSKY), and our full committee chairman, the gentleman from Indiana (Mr. BURTON), and the gentlewoman from New York (Mrs. MALONEY) are among those cosponsoring the bill, and I urge all my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be on the floor today with the gentleman from California to support passage of this bill. I thank the chairman for his willingness to work with the Democrats on the committee to produce a bill that we can all support.

As the chairman pointed out, this is a bill to make agencies more keenly aware of the problem of improper payments and to get the agencies to address the problem at the front end. We have learned from our work on debt collection that collecting improper payments is more difficult than avoiding the mistakes in the first place. The problem is that there is no incentive for agencies either to collect debt or to avoid improper payments.

Improper payments occur in a number of ways: Agencies pay invoices more than once, some unscrupulous merchants bill agency credit cards when no purchase has been made, and

the agency does not adequately monitor the bills.

Medicare is a large source of improper payments because of the conflict between the deadline for making payments and the length of time it takes to determine if the patient has private insurance. Medicaid is also a source of improper payments, in part from unscrupulous providers. However, Medicaid has yet to estimate the extent of the problem.

It is also the case that improper payments are made to individuals. These cases often arise because of difficulties in determining eligibility for a program like food stamps or Social Security disability. Often those problems are not the fault of the recipient, but come from errors in administering the program.

These programs serve the weak and downtrodden. The program rules are such that most tax accountants would have a difficult time figuring them out. It is especially important in these cases that we make sure the agency gets it right the first time. If it does not, then months or years later the agency discovers the error and tries to recapture the mispayments from the individual. This is an extreme hardship on those individuals. We must not let agency mistakes become another burden on the poor.

I hope this bill will help those agencies develop a better understanding of how these mistakes come about and correct the mistakes before they happen.

Again, Mr. Speaker, I thank the chairman for working with us to bring this bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), who is a hard-working member of the subcommittee and who we are delighted to have; and before he begins, I wish to thank the gentlewoman for her kind comments and her work on this particular bill.

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for all his hard work in making this bill possible and making the government accountable to the people in America.

This bill is extremely important. When we talk about accountability from the Federal Government, this is exactly the kind of bill that America thinks of. An improper payment, as defined by the bill, includes overpayments, underpayments, duplicate payments, payments to ineligible recipients, payments for ineligible services, and payments for services not received.

Countless billions of dollars of taxpayer funds are wasted each year through improper payments. However, the extent of improper payments in the Federal Government is unknown since Federal agencies are not required by law to estimate or report them.

In 1990 and 1994, Congress passed important pieces of legislation to make

government more transparent to its stockholders, the American people. Twenty-four agencies are required to prepare audited financial statements, and several agencies voluntarily prepare such statements. H.R. 4878 will require executive agencies to identify all spending programs that may be vulnerable to significant improper payments and to annually estimate the amount of improper payments involving those programs.

This is an extremely important topic, given the tightening of the Federal belt of late and the need to keep our country strong during this time of war and economic concern.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just really want to end with this. H.R. 4878 tightens up the Federal Government's accounting practices. This is a good thing. We need to be sure that the way we do business is on the up-and-up, and we clearly need to do more to require corporate America to do the same.

We are asking government agencies to improve the management and accountability of the agencies. We must ask the same of corporate leaders. They must be accountable for the company's financial health, be honest with the public, and there must be consequences for breaching those trusts. For years, we have asked government to act more like a business. We need to turn that around and ask businesses to be as accountable as the government.

H.R. 4878 is based on the principle that making information publicly available will change the way people and agencies behave. This is underscored by the activities of Enron and WorldCom. They knew that if the public was aware of what they were doing, the company would falter, and so they tried to spin their way out of trouble.

I think the steps that we are taking today in terms of government accountability are important, and that we should seek unanimous support from our colleagues, but also we need to think about ways that we can extend these practices and make sure that corporate America abides by these same government rules.

Mr. Speaker, I reserve the balance of my time.

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Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the staff that worked very hard, night and day, on this particular bill. That is staff director Russell George; deputy staff director Bonnie Heald; senior counsel Henry Wray; and we are proud to have a very fine young lady from the General Accounting Office, Rosa Harris, who is a detailee to our subcommittee, and she has done a great job on all things related to financial management.

I also thank David McMillian, the professional staff member for the gen-

tlewoman from Illinois (Ms. SCHAKOWSKY). We also are delighted with his ideas. This is a bipartisan bill.

Mr. Speaker, I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I would like to thank the chairman for his willingness and openness and cooperation with the Democrats, and I would also like to take a moment of personal privilege to commend the chairman for always thanking the hard-working staff of both parties for the hard work that they do, both in committee and on the floor. I think it is a wonderful thing to acknowledge that work. I would like to join him and associate myself with his appreciation and congratulations for the hard work of our staff.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4878, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for estimates and reports of improper payments by Federal agencies."

A motion to reconsider was laid on the table.

CONCERNING RISE IN ANTI-SEMITISM IN EUROPE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 393) concerning the rise in anti-Semitism in Europe, as amended.

The Clerk read as follows:

Whereas there can be no justification for violence or intolerance against minorities;

Whereas the 1993 Helsinki Declaration expressed the commitment of its signatories, including all European member states, to the promotion of tolerance toward minorities;

Whereas there has been a significant rise in anti-Semitic verbal incitement and physical attacks on Jewish people and Jewish institutions throughout Europe during the last 18 months with as many as 400 incidents reported in France;

Whereas anti-Semitism is defined as hostility towards Jews;

Whereas certain groups in Europe have exploited the situation in the Middle East as an excuse to carry out violent acts against Jews;

Whereas, although the continued violence in the Middle East is disturbing and must be resolved, exploiting that violence to fuel hostility or violence against Jews and Jewish institutions is reprehensible;

Whereas, according to news reports, the following anti-Semitic attacks are among those which have taken place in Europe in recent weeks—

- (1) on March 3, Molotov cocktails were thrown at a synagogue in Antwerp, Belgium,
- (2) on March 16, an explosive device was thrown into a Jewish cemetery in Berlin, Germany,