



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, MONDAY, OCTOBER 7, 2002

No. 130

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KERNS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 7, 2002.

I hereby appoint the Honorable BRIAN D. KERNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o'clock and 32 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 11 a.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, God, You guide all creation with providential care and establish an order that governs all the ages.

Hear our prayer and enlighten the Members of the 107th Congress of these United States throughout this week in their deliberations and decisions.

Make them strong in their convictions of human rights and in protecting this Nation.

Overall lead them by Your grace to be responsive to Your inspiration, and take responsible action in the cause of justice and truth.

May those who are at peace with one another hold fast to the good will that unites them.

May those who are enemies forget hatred and be healed; that the fruits of Your kingdom may fall upon the earth and take root in human hearts around the world, until there is true and lasting peace.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. BLUMENAUER) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUMENAUER 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.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5063, An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1806. An act to amend the Public Health Service Act with respect to health professionals programs regarding the practice of pharmacy.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. Con. Res. 139. Concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 4, 2002.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 4, 2002 at 10:18 a.m.

□ 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.

H7021

That the Senate passed without amendment H. Con. Res. 388.

With best wishes, I am  
Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 3, 2002.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 3, 2002 at 5:40 p.m.

That the Senate passed without amendment H. Con. Res. 112;

That the Senate agreed to conference report H.R. 2215.

With best wishes, I am  
Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, October 3, 2002:

H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on motions to suspend the rules ordered prior to 6:30 p.m. today may be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

#### WASTEWATER TREATMENT WORKS SECURITY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5169) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 5169

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Wastewater Treatment Works Security Act of 2002".

#### SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

#### "SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

"(a) GRANTS FOR VULNERABILITY ASSESSMENTS AND SECURITY ENHANCEMENTS.—The Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

"(1) to conduct a vulnerability assessment of a publicly owned treatment works;

"(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

"(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

"(b) VULNERABILITY ASSESSMENTS.—

"(1) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

"(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

"(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

"(2) IDENTIFICATION OF METHODS TO REDUCE VULNERABILITIES.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

"(3) REVIEW.—A vulnerability assessment shall include a review of the vulnerability of the treatment work's—

"(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

"(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

"(C) electronic, computer, and other automated systems;

"(D) pumping, power, and other equipment;

"(E) use, storage, and handling of various chemicals; and

"(F) operation and maintenance procedures.

"(c) GRANTS FOR SECURITY ENHANCEMENTS.—

"(1) PREAPPROVED SECURITY ENHANCEMENTS.—Upon certification by an applicant that the applicant has completed a vulnerability assessment for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

"(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

"(i) barriers, fencing, and gates;

"(ii) security lighting and cameras;

"(iii) metal grates, wire mesh, and outfall entry barriers;

"(iv) securing of manhole covers and fill and vent pipes;

"(v) installation and re-keying of doors and locks; and

"(vi) smoke, chemical, and explosive mixture detection systems.

"(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

"(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

"(D) Security screening of employees or contractor support services.

"(2) ADDITIONAL SECURITY ENHANCEMENTS.—

"(A) GRANTS.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

"(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

"(3) LIMITATIONS.—

"(A) USE OF FUNDS.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

"(B) DISCLOSURE OF VULNERABILITY ASSESSMENT.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

"(d) GRANT AMOUNTS.—

"(1) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

"(2) MAXIMUM AMOUNT.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed \$150,000.

"(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY OWNED TREATMENT WORKS.—

"(1) SECURITY ASSESSMENT AND PLANNING ASSISTANCE.—The Administrator, in coordination the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

"(2) PARTICIPATION BY NONPROFIT ORGANIZATIONS.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

"(3) SMALL PUBLICLY OWNED TREATMENT WORKS DEFINED.—In this subsection, the term 'small publicly owned treatment works' means a publicly owned treatment works that services a population of fewer than 20,000 persons.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator—

"(1) \$200,000,000 for making grants under subsection (a); and

"(2) \$15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended."

#### SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.

(a) GRANTS.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) ELIGIBLE ACTIVITIES.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.