

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.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, I rise in strong support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002.

The terrorist attacks of September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's crucial infrastructure is now under way as a result of those tragic events.

Only limited attention has been given to security issues associated with our Nation's wastewater treatment plants. Sewer pipes form a vast underground network that can provide a terrorist with access to many public buildings, metropolitan centers, private businesses, residential neighborhoods, military installations, transportation systems and urban centers.

A wastewater treatment system itself could also be a target of an attack, with significant public health and environmental impacts.

H.R. 5169 will help communities address these security concerns by authorizing \$200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities, \$15 million for technical assistance to small wastewater facilities on security measures, \$5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities. These authorizations are designed to help wastewater treatment utilities take immediate and necessary steps to improve security at their facilities.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. I urge all Members to support this very bipartisan bill.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, today I rise in support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002. This is a bipartisan bill that would authorize \$200 million in grants from the EPA to States and local government entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities. The legislation is similar to the approach taken for vulnerability assessments of drinking water

facilities in the bioterrorism legislation signed into law earlier this summer.

Mr. Speaker, in the wake of September 11, we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist activities. Many plants have treatment redundancies, but, often, they have single points of failure. These plants, in addition to the possibility of disruption and environmental catastrophe, often use hazardous materials in the treatment process, and those things certainly also need to be safeguarded.

In order to alleviate these concerns, under H.R. 5169 the EPA would be authorized to provide grants for three purposes: conduct vulnerability assessments to publicly-owned treatment works; to implement certain pre-approved security enhancements that have been identified in a vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize \$15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and \$1 million annually for 5 years development and dissemination of computer software, data and vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction. This approach has been confirmed through staff conversations with representatives of the Environmental Protection Agency, and I certainly would urge my colleagues to support this legislation.

Mr. Speaker, we had also hoped to bring up under regular order other legislation which would go to the water infrastructure and economic security particularly of our Nation, the Water Resources Development Act of 2002. The bill itself is in pretty good form in terms of projects. Many Members have vital infrastructure projects included in that bill.

The bill did not, because of some controversy and concern on the committee, include any amendments to the current authority of the Corps of Engineers to conduct these projects and did not go to concerns a number of Members have regarding the need for independent peer review of projects and better cost benefit analyses.

That bill was scheduled to come up just prior to this legislation under suspension of the rules which would have been opposed on this side by the minority, and I am pleased to see that the bill has been pulled, but, hopefully, it has only been pulled to be brought up later in the week during regular order with amendments allowed from Mem-

bers on this side of the aisle who have expressed concerns regarding, again, the peer review and independent analysis of projects.

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

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

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my fellow Oregonian's courtesy in allowing me to speak on this; and I would rise first to express my appreciation for the leadership of our subcommittee, the gentleman from Tennessee (Mr. DUNCAN), the chairman, for the gentleman from Oregon (Mr. DEFAZIO), for work that has been done on our subcommittee this session.

This is important work, Mr. Speaker, dealing with the water resources of this country. The bill we have before us today, H.R. 5169, is an example of where we have been able to hone in on a problem to be able to deal with meaningful solutions, advance them in a bipartisan and expeditious fashion. I plan on supporting it today.

I wanted to add my voice here publicly on the floor to what I have said before our full committee and before the subcommittee, where I have expressed my appreciation for the way in which the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) have been able to bring together the disparate voices dealing with water resources. These are areas that are not without controversy. They are complex, they are expensive, and they touch the lives and livelihoods of virtually every family and every business in America. I think because of my colleagues' good work it has been given more of the attention that it deserves, not just in the aftermath of some horrendous tropical storm where maybe we have dodged a bullet or in the course of some sad scandal that appears in a newspaper where the process has broken down and it brings disrepute on our system here, and my colleagues have focused the attention of the subcommittee on how to fix the problem.

I am here today not just to support the bill and to thank them but to hope that the leadership of the full committee and of the House is mindful of what they have done, is mindful of the legislation that is in, if my colleagues will pardon the expression, the pipeline from the Subcommittee on Water Resources and Environment.

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The most significant example of that is the Water Resources Development Act, which is 90 percent finished; and we were promised in subcommittee, at the staff level and at the full committee, an opportunity to bring these issues to the floor, to have a fair and honest debate and let the chips fall where they may.

Mr. Speaker, I am absolutely convinced that as a result of the record that the chairman and ranking member have compiled before our subcommittee, as a result of the hard work that has been done throughout the Congress and frankly in the outside world with our friends, not just in the environmental community, I have had these conversations with General Flowers since soon after his appointment, he too wants to change the way that business is done; he wants to make sure that we are respectful of the tax dollar and of the environmental concerns to bring forward a new era of water resources activities with the Corps of Engineers and with the Federal Government. But in order for that to happen, we have got to bring these issues to the floor, and we need to realign what Congress is doing.

I reject the notion that problems with water resources lie solely at the feet of the Corps of Engineers. There is over a 200-year history of that agency performing admirably. There have been problems. Some of the problems on the floor we are dealing with. Again we did this with our committee last session, dealing with the problems in the Everglades. But frankly we are putting \$8.5 billion in the Everglades as a down payment to change some of what we did to it in the first place. We need to have this discussion. We need to bring the product of our subcommittee to the floor and be able to deal with these issues meaningfully and honestly.

It is time for Congress to get its act together, because frankly some of what people feel in some instances are scandals and problems with the Corps of Engineers I think are a result of past practices and the traditional cross-currents they face. In no small measure it is pressure from individual Members of Congress. We need to have this discussion here; we need to help the Corps of Engineers; we need to be part of the solution, not continuing to be part of the problem.

I conclude, Mr. Speaker, by expressing again my appreciation to the subcommittee chair and ranking member. I pledge my efforts to continue to work with them, with a group of Members of Congress who have organized the Corps Reform Caucus, to be able to make sure that this Congress does not adjourn without considering the fruits of their hard work. It is time to allow that on the floor. I look forward to working with them so that we can have other successes like we have here with H.R. 5169.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

To conclude this, let me first of all just say that I would like to thank the gentleman from Oregon for his kind comments in regard to this legislation and the WRDA bill. Most of his concerns relate to the WRDA bill, the Water Resources Development Act,

which was pulled; and it is still my hope that we can reach some type of consensus agreement on that bill before this session ends. There are very serious and heartfelt concerns that Chairman YOUNG has concerning that bill and we will have to see if those can be addressed. But certainly the gentleman from Oregon has been one of the most hardworking and dedicated members of our subcommittee, and I appreciate that very much.

Also, I want to thank Chairman YOUNG, ranking member OBERSTAR, and also the gentleman from Oregon (Mr. DEFAZIO) for their work on this legislation. This is an example of the bipartisan legislation of which our full committee is so proud. We have worked together to produce a very good bill, a very necessary bill that will help wastewater treatment facilities and municipalities and local governments all over this country. I think this is legislation that all of us can support.

Mr. Speaker, I urge the passage of this bill.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5169.

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. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5169.

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

There was no objection.

MORTGAGE SERVICING CLARIFICATION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 163) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 163

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 "Mortgage Servicing Clarification Act".

SEC. 2. MORTGAGE SERVICING CLARIFICATION.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

"§ 818. Mortgage servicer exemption

"(a) EXEMPTION.—A covered mortgage servicer who, whether by assignment, sale or transfer, becomes the person responsible for servicing federally related mortgage loans secured by first liens that include loans that were in default at the time such person became responsible for the servicing of such federally related mortgage loans shall be exempt from the requirements of section 807(11) in connection with the collection of any debt arising from such defaulted federally related mortgage loans.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COVERED MORTGAGE SERVICER.—The term 'covered mortgage servicer' means any servicer of federally related mortgage loans—secured by first liens—

"(A) who is also debt collector; and

"(B) for whom the collection of delinquent debts is incidental to—the servicer's primary function of servicing current federally related—mortgage loans.

"(2) FEDERALLY RELATED MORTGAGE LOAN.—The term 'federally related mortgage loan' has the meaning given to such term in section 3(1) of the Real Estate Settlement Procedures Act of 1974, except that, for purposes of this section, such term includes only loans secured by first liens.

"(3) PERSON.—The term 'person' has the meaning given to such term in section 3(5) of the Real Estate Settlement Procedures Act of 1974.

"(4) SERVICER; SERVICING.—The terms 'servicer' and 'servicing' have the meanings given to such terms in section 6(i) of the Real Estate Settlement Procedures Act of 1974."

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

"818. Mortgage servicer exemption."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD on this legislation.

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

There was no objection.

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

I rise today in strong support of my bipartisan legislation, H.R. 163, the Mortgage Servicing Clarification Act. This carefully written legislation addresses a specific problem for consumers and businesses involved in the mortgage servicing industry by simply clarifying the existing law governing mortgage servicing. This uncontroversial bill enjoys the support