

Mr. Speaker, I rise today to express my support for H.R. 5083, a bill which I introduced which will name the United States Courthouse in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. I would like to thank the gentleman from Alaska (Chairman YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the committee for favorably reporting this bill to the floor. I would also like to thank the eight members of the Hispanic Caucus who lent their names as original co-sponsors of this bill.

Born on Christmas of 1926 in Santa Rosa, New Mexico, Santiago Campos served in the United States Navy and eventually received his law degree from the University of New Mexico in 1953, graduating first in his class.

From 1954 to 1957, Santiago worked as the Assistant and First Assistant Attorney General for the State of New Mexico. In 1978, Santiago Campos was appointed to the Federal Bench by President Jimmy Carter. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and took senior status December 26, 1992.

Judge Campos stood as a pillar, both in the community and on the bench, and was the moving force in reviving the Federal Courthouse in Santa Fe. Judge Campos worked closely with the General Services Administration in Fort Worth, Texas, and with the Santa Fe Historical Preservation Office to transform the Santa Fe U.S. Courthouse into the beautiful, active place it is today.

Judge Campos' dedication and fairness were widely recognized throughout the State of New Mexico. As the first Hispanic in New Mexico to be appointed to the Federal bench, Judge Campos broke barriers and became a role model to aspiring lawyers, especially Hispanic lawyers, throughout the State. His colleagues remember him as a supportive friend, a cheerful mentor and a first class judge.

As a Federal prosecutor I argued cases before Judge Campos on a number of occasions. He was very active in his courtroom and often became more involved in his cases than other judges, while still allowing a lawyer to try his own case. Just as he balanced the scales of justice, he balanced the scales of life, never void of humor, courage, humility and respect.

Even when Judge Campos was diagnosed with cancer, he continued to fight. He fought with reason and he fought with laughter. He remained resolute until his death in January 2001.

To Judge Campos' daughters, Teresa, Tina, Miquela and Rebecca, I would like to say that your father's name will never be forgotten. To his wife, Patsy, your husband's legacy will live on through this courthouse bearing his name. To his grandchildren and great-grandchildren, it is my hope that your generation will continue to uphold the ideals, standards and compassion of Judge Campos.

Mr. Speaker, it was a great privilege and honor for me to introduce this legislation which received the unanimous endorsement of the Judges of the Tenth Circuit Court, District Judges of the District Court of New Mexico, and a bipartisan group of New Mexico State legislators.

Like the clerks who served with him, the lawyers who argued cases in front of him, and his friends and family, I look forward to seeing the name of Judge Santiago E. Campos inscribed in the stone of the U.S. Courthouse in Santa Fe.

I urge my friends and colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5083. H.R. 5083 honors Judge Santiago Campos by designating the United States Courthouse at South Federal Place in Santa Fe, New Mexico, the courthouse where Judge Campos served for more than 22 years, as the "Santiago E. Campos United States Courthouse."

Judge Campos was born on Christmas Day in 1926 in Santa Rosa, New Mexico. A lifelong resident of New Mexico, he received his law degree from the University of New Mexico, graduating first in his class. His distinguished career in public service began in 1944, when he served in the U.S. Navy as a seaman first class. In 1954, he joined the New Mexico State Attorney General's Office as an Assistant Attorney General and, in 1971, became a state district court judge in New Mexico's First District. President Carter appointed him to the Federal bench in 1978. Upon his appointment, he became the first Hispanic to sit on the Federal district court in New Mexico.

Judge Campos served as a U.S. District Court Judge from his appointment in 1978 until his death in 2001. He served as Chief Judge of the Court from 1987 through 1989.

Throughout his career, Judge Campos was an outstanding role model and mentor of other jurists and lawyers. Well liked and admired for his sense of humor and outgoing manner, Judge Campo's dedication to public service served as an inspiration to his colleagues. Indeed, the naming of this courthouse after Judge Campos has received wide support from those who knew him. The New Mexico State Legislature passed a joint memorial declaration requesting that Congress name this Federal courthouse in Judge Campos's honor. In addition, the United States district and appellate judges who reside in New Mexico have expressed their unanimous support for this designation.

This bill is a fitting tribute to Judge Campos. I urge my colleagues to support H.R. 5083.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5083.

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.

□ 2130

WAYNE LYMAN MORSE UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2672) to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

The Clerk read as follows:

H.R. 2672

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

SECTION 1. DESIGNATION OF WAYNE LYMAN MORSE UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, shall be known and designated as the "Wayne Lyman Morse United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Wayne Lyman Morse United States Courthouse.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 2672 designates the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

Born in 1900 in Dane County, Wisconsin, Senator Morse graduated from the University of Wisconsin in 1924, from the law department at the University of Minnesota in 1928, and from Columbia University Law School in 1932. Senator Morse was a professor of law and later dean at the University of Oregon Law School until his election to the United States Senate in 1944.

Early in his career, Senator Morse witnessed America's rapid urban and industrial development; specifically, its effects on the rural lives of the farmers in his home State of Wisconsin. Influenced by such progressive change, Senator Morse worked to maintain a balanced connection between political democracy and the citizens of that democracy, upholding the belief that this country's true wealth, its people, would flourish in such an environment. Throughout his career, Senator Morse held the conviction of "principle over politics," made evident by his serving as a Republican, an Independent, and as a Democrat prior to his defeat in the election of 1968.

Senator Morse died while campaigning for a return to the Senate in 1974. The designation of this courthouse is a fitting tribute to a dedicated public servant.

Mr. Speaker, I want to congratulate the sponsor of the bill, the gentleman from Oregon (Mr. DEFAZIO), of our committee. The gentleman from Oregon (Mr. DEFAZIO) is not known as one of the more retiring members of our body, and it does not matter whether it is disparate user fees in the national Forest Service on behalf of his constituents or this particular piece of legislation. I had the pleasure of being in the full committee markup on other matters this week, and this bill was not only a matter of interest to the gentleman, but he fought hard with the leadership of our committee and received the acclamation of the leadership of our committee in convincing the leadership of this Congress to put this piece of legislation on the floor tonight, and it is his tenacity which I am sure his constituents not only appreciate, but for which they reward him with consistent reelection.

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, I thank the gentleman for his generous remarks. I would say that my tenacity and outspoken nature are but a mere shadow of that of Wayne L. Morse. Actually, the highest compliment that any of my older constituents who remember Wayne Morse can pay me is to say, "That reminds me of Wayne Morse. You seem a lot like him."

There could be virtually no more appropriate time to bring this bill forward, not only because this month will mark the 100 anniversary of Wayne Morse's birth; born in Wisconsin in 1900, raised as a populace progressive and in a tradition that focused on the democratic rights of the working class and disenfranchised. He first moved to Oregon in 1931 and became a law professor within 9 months. He was dean, and he served until 1943 and was elected to the United States Senate in 1944. He served there until 1968. He was often known for lonely stands he took on a number of issues. He changed from Republican to Independent in 1952 and to a Democrat in 1955.

Now, why I feel this is a particularly important time to do this is because one of Wayne Morse's most famous moments was his lengthy speech in opposition and adamant opposition to the Gulf of Tonkin resolution, one of only two votes in the United States Senate, and one of only two to oppose that war as unwise, as this House is rushing, and the Senate is rushing, to rubber stamp an extraordinarily broad grant of power to the President that eerily echoes the Gulf of Tonkin resolution with even fewer underpinnings and, in fact, this time, marking a preemptive war, perhaps unilateral preemptive war by the United States, the first in our history. I think if Wayne Morse were still with us, even if he were with us at the age of 100, his voice would be heard loud and clear expressing concern

about that resolution and this new rush to war by the Congress.

He also was known as one who exercised an extraordinary independence of judgment on many issues. In fact, there is the Wayne Morse Pledge, which I have posted in my office. I hope that it will be incorporated at some appropriate place into the new courthouse. The pledge was: "I will exercise an independence of judgment on the basis of facts and evidence as I find them on each issue. I will weigh the views of my constituents and my party. But I will cast my vote free of political pressure and unmoved by threats of loss of political support if I do not do the bidding of some pressure group." If only, if only we had more Members of Congress like that today, this would be a much different place and the policies of this country would be very different.

President Truman, who once actually offered to make Wayne Morse Attorney General said, "Wayne Morse is one of the great dissenters, and we need dissenters, not only in the Senate, we ought to have them in the House. We should have them in the legislatures of various States. Many of the great things we have were voted down by the majority and finally had to be adopted for the benefit and welfare of the people. You may not agree with Senator Morse, you do not have to agree with him when he is right, but what he advocates usually becomes what the people want."

And then finally, when Senator Morse left the Republican Party, he told a reporter from the Detroit Free Press, "I sometimes wonder if I am going at all this too hard, but then I think of all of the men and women who wish there was just one politician in Washington who would speak his mind and cast his vote honestly and freely, with only his conscience to guide him. Maybe it's a bit brash to assume that I am that man, but believe me, I am trying to be."

That was Wayne Morse, and that is something I try to be every day in representing the district from which he was elected to the United States Senate.

So with that, Mr. Speaker, I would hope that the House would unanimously endorse the naming of the new Federal courthouse in Eugene, Oregon. I believe there could be no more appropriate honor in the memory of Wayne Morse on the 100 anniversary of his birth.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time and again congratulate the gentleman from Oregon for not only his legislation, but for his floor statement. I urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2672, a bill to honor the former Senator from Oregon, Wayne L. Morse by designating the new courthouse in Eugene Oregon in his honor.

From 1931 until 1944, Senator Morse served as the dean and professor of law at the University of Oregon at Eugene. In 1944, he was elected to his first term in the United States Senate as a Republican Senator. He was reelected in 1950. In 1956, Senator Morse ran for election to the Senate as a Democrat. He won that election and was again reelected in 1962.

Senator Morse lost his bid for a fifth term when he was defeated in 1968. However, by 1974 he had won the Democratic Senate nomination and was actively engaged in campaigning when he died in Portland, Oregon, in July of that year.

Senator Morse was known as a gifted and principled lawmaker and a dedicated public servant. His tireless advocacy of the rights of organized labor and the collective bargaining process, and his unshakeable belief in the rule of law contributed to Senator Morse being called the "conscience of the Senate". He championed equal access to education and was an outspoken defender of the Constitution's system of checks and balances.

Senator Morse's political philosophy was simply to promote the welfare of the American people. To use his own words: "If you want to understand my political philosophy, here's the basic tenet—I think the job of a U.S. Senator is to seek to translate into legislation values that promote the welfare of people. Because the keystone of the Constitution is the general welfare clause and the wealth of America is its people, not in materialism".

Senator Morse broke with the Republican Party in the 1950's when he led the filibuster against the Taft-Hartley bill, which threatened to erase nearly every fundamental employment right he had secured while on the War Labor Board. In the years preceding the Vietnam War, Senator Morse fiercely opposed the Gulf of Tonkin resolution. He declared that Article I of the Constitution would be violated if Congress surrendered to the President its Constitutional authority to declare war. Throughout the War he took great issue when the Johnson Administration and its handling of the war.

Senator Morse had the courage to speak and vote his convictions during one of the most tumultuous times in our Nation's history. He knew his opinions would be controversial and that they could, and ultimately did, cost him his seat in the U.S. Senate. But Wayne Morse had the strength to look beyond politics and do what he believed to be in the best interest of the American people.

Mr. Speaker, the consideration of H.R. 2672 is particularly timely. As we begin debate tomorrow on a resolution that would authorize the President of the United States to use military force against Iraq, I hope that we could all follow the example of Wayne Morse and have the courage to speak our minds—whatever our particular beliefs—and that this Body will engage in a open and honest debate that will ultimately determine the best course for the American people.

H.R. 2672 is a fitting tribute to a true public servant. I thank the Gentleman from Oregon, Mr. DEFAZIO, for introducing this legislation, and I urge all Members to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr.

LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2672.

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. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5427, H.R. 5335, H.R. 5083, and H.R. 2672, the matters just considered by the House.

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

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 3580

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on H.R. 3580.

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

There was no objection.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

The Clerk read as follows:

H.R. 3580

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medical Device User Fee and Modernization Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEES RELATED TO MEDICAL DEVICES

Sec. 101. Findings.

Sec. 102. Establishment of program.

Sec. 103. Annual reports.

Sec. 104. Postmarket surveillance.

Sec. 105. Consultation.

Sec. 106. Effective date.

Sec. 107. Sunset clause.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

Sec. 201. Inspections by accredited persons.

Sec. 202. Third party review of premarket notification.

Sec. 203. Designation and regulation of combination products.

Sec. 204. Report on certain devices.

Sec. 205. Electronic labeling.

Sec. 206. Electronic registration.

Sec. 207. Intended use.

Sec. 208. Modular review.

Sec. 209. Pediatric expertise regarding classification-panel review of premarket applications.

Sec. 210. Internet list of class II devices exempted from requirement of premarket notification.

Sec. 211. Study by Institute of Medicine of postmarket surveillance regarding pediatric populations.

Sec. 212. Guidance regarding pediatric devices.

Sec. 213. Breast implants; study by Comptroller General.

Sec. 214. Breast implants; research through National Institutes of Health.

TITLE III—ADDITIONAL AMENDMENTS

Sec. 301. Identification of manufacturer of medical devices.

Sec. 302. Single-use medical devices.

TITLE I—FEES RELATED TO MEDICAL DEVICES

SEC. 101. FINDINGS.

The Congress finds that—

(1) prompt approval and clearance of safe and effective devices is critical to the improvement of the public health so that patients may enjoy the benefits of devices to diagnose, treat, and prevent disease;

(2) the public health will be served by furnishing additional funds for the review of devices so that statutorily mandated deadlines may be met; and

(3) the fees authorized by the amendment made by section 102 will be dedicated to meeting the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379F et seq.) is amended by adding at the end the following part:

“PART 3—FEES RELATING TO DEVICES

“SEC. 737. DEFINITIONS.

“For purposes of this subchapter:

“(1) The term ‘premarket application’ means—

“(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act; or

“(B) a product development protocol described in section 515(f).

Such term does not include a supplement, a premarket report, or a premarket notification submission.

“(2) The term ‘premarket report’ means a report submitted under section 510(o)(3).

“(3) The term ‘premarket notification submission’ means a report submitted under section 510(k).

“(4)(A) The term ‘supplement’, with respect to a panel-track supplement, a 180-day supplement, a real-time supplement, or an efficacy supplement, means a request to the Secretary to approve a change in a device for which—

“(i) an application has been approved under section 515(d) or under section 351 of the Public Health Service Act; or

“(ii) a notice of completion has become effective under section 515(f).

“(B) The term ‘panel-track supplement’ means a supplement to an approved premarket application under section 515 that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness.

“(C) The term ‘180-day supplement’ means a supplement to an approved premarket application under section 515 that is not a panel-track

supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

“(D) The term ‘real-time supplement’ means a supplement to an approved premarket application under section 515 that requests a minor change to the device, such as a minor change to the design of the device, software, manufacturing, sterilization, or labeling, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

“(E) The term ‘efficacy supplement’ means a supplement to an approved premarket application under section 351 of the Public Health Service Act that requires substantive clinical data.

“(5) The term ‘process for the review of device applications’ means the following activities of the Secretary with respect to the review of premarket applications, premarket reports, supplements, and premarket notification submissions:

“(A) The activities necessary for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

“(B) The issuance of action letters that allow the marketing of devices or which set forth in detail the specific deficiencies in such applications, reports, supplements, or submissions and, where appropriate, the actions necessary to place them in condition for approval.

“(C) The inspection of manufacturing establishments and other facilities undertaken as part of the Secretary’s review of pending premarket applications, premarket reports, and supplements.

“(D) Monitoring of research conducted in connection with the review of such applications, reports, supplements, and submissions.

“(E) Review of device applications subject to section 351 of the Public Health Service Act for an investigational new drug application under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of such applications under section 505(i) or 520(g).

“(F) The development of guidance, policy documents, or regulations to improve the process for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

“(G) The development of voluntary test methods, consensus standards, or mandatory performance standards under section 514 in connection with the review of such applications, reports, supplements, or submissions and related activities.

“(H) The provision of technical assistance to device manufacturers in connection with the submission of such applications, reports, supplements, or submissions.

“(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

“(J) Evaluation of postmarket studies required as a condition of an approval of a premarket application under section 515 or section 351 of the Public Health Service Act.

“(K) Compiling, developing, and reviewing information on relevant devices to identify safety and effectiveness issues for devices subject to premarket applications, premarket reports, supplements, or premarket notification submissions.

“(6) The term ‘costs of resources allocated for the process for the review of device applications’ means the expenses incurred in connection with the process for the review of device applications for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;