

added as cosponsors of S. 2122, a bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids.

S. 2184

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2184, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 2633

At the request of Mr. LEAHY, his name was withdrawn as a cosponsor of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. BREAUX), the Senator from Wisconsin (Mr. KOHL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2869, *supra*.

S.J. RES. 35

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.J. Res. 35, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 326

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 326, A resolution designating October 18, 2002, as "National Mammography Day".

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 107, A concurrent resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment", as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 129

At the request of Mr. CRAPO, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as "Chronic Obstructive Pulmonary Disease Awareness Month".

S. CON. RES. 136

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 136, A concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the International Association of Fish and Wildlife Agencies.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4518

At the request of Mr. CRAIG, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. CAMPBELL), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 4518 proposed to H.R. 5093, a bill making ap-

propriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 2934. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

Mr. JOHNSON. Mr. President, I rise today to introduce the American Legion Amendment Act to make technical changes to the membership qualifications in the Federal charter of the American Legion.

Under the American Legion's current charter, a veteran who leaves the Armed Services may become a member of the American Legion if he or she served since "August 2, 1990 through the date of cessation of hostilities, as decided by the United States Government" and "was honorably discharged or separated from that service or continues to serve honorably after that period." At this point, the United States Government has not issued a cessation of hostilities decision for U.S. military operations during this period. For those military men and women who are no longer serving, they have discharge papers stating they served honorably during that period which makes them qualified for American Legion membership. Yet, servicemembers who served since August 2, 1990, and are still on active duty, have no discharge papers for the period, and are not officially serving after the cessation of hostilities. Therefore, they are not eligible for membership in the American Legion despite their dedicated service in our nation's Armed Forces.

The bill that I am introducing today would change the standard for a veteran to qualify for membership in the American Legion to "continues to serve during or after that period." This change would make it clear that membership is open to the thousands of active duty personnel who served during operations Desert Shield and Desert Storm, in addition to the operations that followed in Iraq, Bosnia, Kosovo, and Afghanistan.

As my colleagues in the Senate know, the American Legion continues to be one of our Nation's most effective advocates on behalf of America's veterans, as well as a pre-eminent service organization. The American Legion has grown to nearly 3 million members whose efforts are truly making a difference in communities throughout our country. As the father of a son who served in Bosnia, Kosovo, and Afghanistan, I am pleased to offer the American Legion Amendment Act that will offer him and his military colleagues the opportunity and the honor to join the American Legion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2934

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

**SECTION 1. CLARIFICATION OF REQUIREMENTS FOR ELIGIBILITY IN THE AMERICAN LEGION.**

Section 21703(2) of title 36, United States Code, is amended by inserting "during or" after "continues to serve honorably".

By Ms. LANDRIEU:

S. 2935. A bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, as you know, the State of Louisiana, along with many other States, has for the past several months been under siege. The enemy is small, but powerful, and great in number. Hard to detect, they sneak up on you and with one attack, they can change your life forever. To date, 10 Louisianans have lost their lives in our war against mosquitos and the West Nile virus that they carry and 222 more have been injured. In Baton Rouge, our State capital, 42 people have been reported to have been infected with the disease and three have died. Only Illinois, with 292 human cases and 11 deaths, has experienced more casualties from the virus than Louisiana.

I am here this morning to introduce legislation that asks for Federal assistance for States to "M.A.S.H." out this predator and stop the spread of this disease. Throughout the history of Louisiana, spraying for mosquitos and dredging the water they breed in has been a common occurrence. Until now, however, it was done because mosquitos were pests and they could carry deadly germs. Now, our State and local officials are spraying around the clock in a desperate race to control the worst outbreak of West Nile the Western hemisphere has ever seen. There is no specific treatment for West Nile, nor a vaccine. The most effective way to protect our citizens against this deadly virus is to stop it before it happens.

I think that is clear that there is an urgent need for this bill to become law. If passed, it can have an immediate effect in saving on the lives of people in my State and throughout the nation. I want to be clear, however, that this is not an effort to supplant state's responsibility in this area, but to supplement it. Our State has and will continue to dedicate a great deal of State and local resources toward "Fighting the Bite." On September 5, 2002, the State of Louisiana began distributing \$3.4 million in state funds to support the local governments in their efforts to combat West Nile. The Department of Health and Hospitals is spending over \$200,000 on a public education campaign asking people to do their

share to avoid leaving standing water and other mosquito havens. Two-thirds of Louisiana's population is covered by an active mosquito control program and those without mosquito control programs are using spray trucks provided by the Louisiana Department of Agriculture and Forestry.

One might think that given the national public health threat imposed by the spread of West Nile that there would already be Federal funding of this type available. Natural disasters such as this require the Federal, State and local governments to work together in a coordinated fashion to bring immediate relief to affected citizens, to educate the public, and to prevent the disease from inflicting further harm. Our Nation's first experience with the West Nile Virus taught us that effective treatment and prevention of this deadly disease also requires coordination among the many Federal agencies with expertise and jurisdiction. The formation of a West Nile Virus Coordinating Committee, chaired by CDC and composed of representatives from USDA, the United States Geological Survey's National Wildlife Health Center, the Environmental Protection Agency, and the Defense Department was the first step in this direction.

Louisiana's experience, thus far, has proven the necessity of this coordinated approach. However, Federal leadership must continue to be strengthened, and coordination must continue to be improved between Federal agencies involved in West Nile. One of the shortfalls, and perhaps the easiest to address, is the lack of an effective funding source for mosquito control. In August of this year, the CDC endowed the state of Louisiana with \$3.4 million to use in the fight against West Nile. The CDC money, though, cannot be spent on chemicals or spraying, rather it must be spent on surveillance, education and testing. It is for this reason that our Governor, and the Governor of Mississippi appealed to FEMA for their help in increasing much needed abatement activities. This request was denied.

West Nile is one of many vector borne diseases spread from birds to humans by mosquitos. If our Nation's public health system is to respond accordingly, then they must have the aid of effective mosquito abatement programs. This bill puts that system in place. I am pleased to be joined by my senior Senator from Louisiana, as well as Senators GREGG and HUTCHISON. I am hopeful that before long this bill will be supported by the majority of the Senate. I ask the majority leader for his help in seeing to it that this bill is passed as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2935

*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 "Mosquito Abatement for Safety and Health Act".

**SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107-84 and section 312 of Public Law 107-188, is amended—

(1) by transferring section 317R so as to appear after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

**"SEC. 317S. MOSQUITO-BORNE DISEASES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS; COORDINATION GRANTS TO STATES.**

**"(a) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—**

**"(1) IN GENERAL.—**The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as 'control programs').

**"(2) PREFERENCE IN MAKING GRANTS.—**In making grants under paragraph (1), the Secretary shall give preference to political subdivisions that—

**"(A)** have an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to other political subdivisions;

**"(B)** demonstrate to the Secretary that the political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions; and

**"(C)** demonstrate to the Secretary (directly or through State officials) that the State in which the political subdivision is located has identified or will identify geographic areas in the State that have a significant need for control programs and will effectively coordinate such programs in such areas.

**"(3) REQUIREMENT OF ASSESSMENT AND PLAN.—**A grant may be made under paragraph (1) only if the political subdivision involved—

**"(A)** has conducted an assessment to determine the immediate needs in such subdivision for a control program, including an entomological survey of potential mosquito breeding areas; and

**"(B)** has, on the basis of such assessment, developed a plan for carrying out such a program.

**"(4) REQUIREMENT OF MATCHING FUNDS.—**

**"(A) IN GENERAL.—**With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision, a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 1/3 of such costs (\$1 for each \$2 of Federal funds provided in the grant).

**"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—**Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision involved justify the waiver.

“(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary, and to the State within which the subdivision is located, a report that describes the control program and contains an evaluation of whether the program was effective.

“(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed \$100,000. A political subdivision may not receive more than one grant under such paragraph.

“(b) ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States to conduct the assessments and to develop the plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

“(2) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed \$10,000. A political subdivision may not receive more than one grant under such paragraph.

“(c) COORDINATION GRANTS TO STATES.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of coordinating control programs in the State.

“(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

“(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

“(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (a)(3) that have been conducted or developed, respectively, by political subdivisions in the State;

“(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs; and

“(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous.

“(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

“(A) describes the activities of the State under the grant; and

“(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (a)(5) from such subdivisions.

“(5) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a

fiscal year may not exceed \$10,000. A State may not receive more than one grant under such paragraph.

“(d) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a), (b), or (c) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(e) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of control programs under subsection (a) and assessments and plans under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

“(f) DEFINITIONS.—For purposes of this section:

“(1) CONTROL PROGRAM.—The term ‘control program’ has the meaning indicated for such term in subsection (a)(1).

“(2) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under the preceding sentence is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.”

### SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

#### “SEC. 463B. METHODS OF CONTROLLING CERTAIN INSECT POPULATIONS.

“The Director of the Institute shall conduct or support research to identify or develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences.”

### SEC. 4. SENSE OF THE SENATE CONCERNING THE WEST NILE VIRUS.

It is the sense of the Senate that—

(1) the West Nile virus raises concerns about the safety of the nation's blood supply and every effort should be made to protect blood and blood products recipients from infection with the virus;

(2) the Food and Drug Administration should comprehensively review its protocols and regulations for screening of blood and platelet donors and their donated specimens, and report to Congress on the ability of these protocols to protect the blood supply from West Nile virus;

(3) on the basis of a review conducted as provided for in paragraph (2), the Commissioner of Food and Drugs should revise protocols and regulations to protect the blood supply and blood products supply from West Nile virus to the maximum extent possible;

(4) the Commissioner of Food and Drugs should make recommendations on additional

authorities that are needed to protect the blood supply and blood product supply from the West Nile virus; and

(5) the Commissioner of Food and Drugs, keeping with procedures to maximize the protection of the public health, should expedite review of appropriate blood screening tests for the West Nile virus.

Mr. BREAU. Mr. President, the West Nile virus has reached epidemic proportions. My home State of Louisiana has seen cases of the disease skyrocket in recent months, with 222 cases and 9 deaths reported to date. But this is not a problem isolated in one State or one region. The Centers for Disease Control, CDC, have reported cases of this mosquito-borne illness in humans in 30 States and the District of Columbia. It is clear, as we have seen in Louisiana, that State governments are overtaxed in money and man-power and simply cannot continue to fight the spread of this disease on their own. The Federal Government needs to work hard and fast to combat this potential public health crisis and assist the hardest hit areas in preventing the loss of even more lives.

Earlier this year, my colleagues in the House of Representatives, Congressmen BILLY TAUZIN and CHRIS JOHN, introduced legislation that would make grants available through the CDC to help States in establishing and maintaining mosquito control programs and prevent mosquito-borne illnesses. Today Senator LANDRIEU and I have introduced companion legislation to the House bill, The Mosquito Abatement for Health and Safety Act, H.R. 4793, of the same title in an effort to quickly make resources available to local governments in Louisiana and across the country that have been on the front lines fighting the spread of the West Nile outbreak.

Both bills would provide money to improve assessment tools, including surveys of potential mosquito breeding areas, and support research initiatives to develop methods of controlling insect populations that spread disease and pose a health threat to humans. In disbursing grant monies, the CDC would give priority to those areas with reported instances of mosquito-borne illnesses in humans or animals.

The country is experiencing an outbreak that is both unfortunate and alarming. Only through improved coordination of state and federal agencies can we begin to address this problem and spare further cases of this deadly disease.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 327— HONORING ERNIE HARWELL

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas Ernie Harwell worked as a Major League Baseball broadcaster for 55 years and