

NOMINATION OF JAMES GARDNER

Mr. SPECTER. Mr. President, I seek recognition today to express my strong support for Judge James Gardner who President Bush nominated for the United States District Court for the Eastern District of Pennsylvania. The American Bar Association has rated Judge Gardner "well-qualified" to sit on the bench.

Judge Gardner graduated magna cum laude with a B.A. degree from Yale University and received his J.D. degree from Harvard University Law School. After graduating from law school, Judge Gardner joined the law firm of Duane, Morris & Hecksher as an Associate. After leaving that prestigious firm, he became a partner in the law firm of Gardner, Gardner, & Racines in Allentown, Pennsylvania.

He began his career in public service as Solicitor to the Lehigh County Treasurer and later as an Assistant District Attorney in Lehigh County. Judge Gardner served his country on active duty with the United States Navy Judge Advocate General's Corps and in the Navy Reserve. Currently, Judge Gardner serves as a Judge on the Court of Common Pleas of Lehigh County, Pennsylvania. He has served in all divisions of that court and has presided over 265 jury trials and innumerable hearings. He has also written over 1,000 legal opinions and adjudications, 138 of which have been published.

Judge Gardner is very active in his community. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States and the Pennsylvania Bar Association's Special Achievement Award.

I thank my colleagues for their vote for the confirmation of Judge Gardner to sit on the United States District Court for the Eastern District of Pennsylvania.

Mr. REID. Mr. President, I simply note that this is clearance of 10 ambassadors, all in one fell swoop. It is very important that we have ambassadors to these countries. I am glad we have accomplished that.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AMENDING CHARTER OF VETERANS OF FOREIGN WARS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, H.R. 3838.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3838) to amend the charter for Veterans of Foreign Wars of the United

States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements on this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3838) was read the third time and passed.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 564, S. 1972.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:
A bill (S. 1972) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1972) was read the third time and passed, as follows:

S. 1972

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 568, H.R. 3214.

The legislative clerk read as follows:

A bill (H.R. 3214) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3214) was read the third time and passed.

POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1226 and that we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.
The legislative clerk read as follows:

A bill (S. 1226) to require the display of the POW/MIA flag at the World War II Memorial, the Korean Memorial, and the Vietnam Vets Memorial.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1226) was read the third time and passed, as follows:

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 "POW/MIA Memorial Flag Act of 2001".

SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking "The Korean War Veterans Memorial and the Vietnam Veterans Memorial" and inserting "The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial".

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before the subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section),

any day on which the United States flag is displayed.”

(C) **DISPLAY ON EXISTING FLAGPOLE.**—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

STAR PRINT—S. 3011

Mr. REID. Mr. President, I ask unanimous consent that S. 3011 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 2980.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2980) to revise and extend the Birth Defect Prevention Act of 1998.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and, insert the part printed in italic.]

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 “Birth Defects and Developmental Disabilities Prevention Act of 2002”.

[SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

[Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

[(1) in subsection (a)(2)—

[(A) in subparagraph (A)—

[(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and

[(ii) by striking “subsection (d)(2)” and inserting “subsection (c)(2)”;

[(B) in subparagraph (B), by striking “and” at the end;

[(C) in subparagraph (C), by striking the period; and

[(D) by adding at the end the following:

“(D) to conduct research on and to promote the prevention (including the prevention of secondary conditions) of such birth defects and disabilities; and

“(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation’s most common permanently disabling birth defect.”;

[(2) by striking subsection (b);

[(3) in subsection (d)—

[(A) in the matter preceding paragraph (1), by striking “1999” and inserting “2004”;

[(B) in paragraph (1)—

[(i) by inserting “and developmental disabilities” after “defects” each place that such appears; and

[(ii) by inserting “and affected quality of life” before the semicolon;

[(C) in paragraph (3), by inserting “and developmental disabilities” after “defects”;

[(D) in paragraph (4), by striking “and” at the end;

[(E) by redesignating paragraph (5) as paragraph (7); and

[(F) by inserting after paragraph (4), the following:

“(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

“(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and”;

[(4) in subsection (e)—

[(A) by inserting “, including section 444 of the General Education Provisions Act,” after “privacy of information”; and

[(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(1) of this section and shall otherwise comply with all other requirements of such section 444”;

[(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

[(6) by inserting after subsection (d) (as so redesignated), the following:

“(e) **ADVISORY COMMITTEE.**—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to the National Center on Birth Defects on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and

[(7) in subsection (f), by striking “\$30,000,000” and all that follows and inserting “such sums as may be necessary for each of fiscal years 2003 through 2007.”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Birth Defects and Developmental Disabilities Prevention Act of 2002”.

SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and

(ii) by striking “subsection (d)(2)” and inserting “subsection (c)(2)”;

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking the period; and

(D) by adding at the end the following:

“(D) to conduct research on and to promote the prevention of such birth defects, disabilities, and the prevention of secondary health conditions among individuals with disabilities; and

“(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation’s most common permanently disabling birth defect.”;

(2) by striking subsection (b);

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “1999” and inserting “2004”;

(B) by striking paragraph (1) and inserting the following:

“(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of in-

dividuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life.”;

(C) in paragraph (3), by inserting “, developmental disabilities, and secondary health conditions among individuals with disabilities” after “defects”;

(D) in paragraph (4), by striking “and” at the end;

(E) by redesignating paragraph (5) as paragraph (7); and

(F) by inserting after paragraph (4), the following:

“(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, developmental disabilities, and the health status of individuals with disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

“(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and”;

(4) in subsection (e)—

(A) by inserting “, including section 444 of the General Education Provisions Act,” after “privacy of information”; and

(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(2) of this section and shall otherwise comply with all other requirements of such section 444”;

(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

(6) by inserting after subsection (d) (as so redesignated), the following:

*“(e) **ADVISORY COMMITTEE.**—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and*

(7) in subsection (f), by striking “\$30,000,000” and all that follows and inserting “such sums as may be necessary for each of fiscal years 2003 through 2007.”.

SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS ON DEVELOPMENTAL DISABILITIES

Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A)(ii), by inserting before the period the following: “, the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater”; and

(2) in paragraph (4)(A)(ii), by inserting before the period the following: “, the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater”.

Mr. KENNEDY. Mr. President, birth defects are the leading cause of infant mortality in the United States. They account for more than 20 percent of all infant deaths. Of the nearly 120,000 babies born in the United States each year with a birth defect, 8,000 will die during their first year of life. This tragic loss of life is unconscionable and unacceptable when so many birth defects are preventable.

This legislation will provide new hope for families across the country by