

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

developing better ways to identify the causes of birth defects, better ways to prevent them, and better ways to apply what we already know.

The legislation gives strong new support to the National Center on Birth Defects and Developmental Disabilities in the ongoing effort to improve the health of the nation's children. The Center's leadership in reducing birth defects by educating pregnant women about the benefits of folic acid and the dangers of alcohol and drugs, can save thousands of children from suffering the lifelong effects of preventable birth defects.

I urge the Senate to approve this bipartisan legislation, and I commend Senator BOND and Senator DODD for their leadership and their continuing commitment to improving the health of children.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 2980), as amended, was read the third time and passed.

#### MEASURE READ THE FIRST TIME—H.R. 4793

Mr. REID. Mr. President, I understand H.R. 4793 is now at the desk, having come over from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### MEASURE READ THE FIRST TIME—H.R. 3534

Mr. REID. Mr. President, H.R. 3534 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR THURSDAY, OCTOBER 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Thursday, October 3; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee, and the second half of the time under the control of the majority leader or his designee; that at 11:30 a.m., the Senate resume consideration of the Department of Justice authorization conference report and vote on cloture; further, that the live quorums with respect to the filed cloture motions be waived.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, October 3, 2002, at 10 a.m.

#### NOMINATIONS

Executive nomination received by the Senate October 2, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARK B. MCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANE E. HENNEY, RESIGNED.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 2, 2002:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JAMES IRVIN GADSDEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

VICKI HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

J. ANTHONY HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

AURELIA E. BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### THE JUDICIARY

JAMES KNOLL GARDNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

RONALD H. CLARK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

LAWRENCE J. BLOCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES E. ERDMANN, OF COLORADO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

#### DEPARTMENT OF DEFENSE

THOMAS FORREST HALL, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.