

EXTENSIONS OF REMARKS

INTRODUCTION OF THE MILITARY TRIBUNALS ACT OF 2003

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Mr. SCHIFF. Mr. Speaker, today I am introducing, with my colleague Mr. FRANK of Massachusetts, the Military Tribunals Act of 2003 to provide congressional authorization for tribunals to try unlawful combatants against the United States in the war on terrorism.

As the war on terrorism continues and more suspected al Qaeda terrorists are arrested, Congress must ensure that justice is delivered swiftly and responsibly in order to punish the terrorists as well as to prevent future attacks.

Article 1, Section 8 of the Constitution provides that it is the Congress that has the power to establish tribunals inferior to the Supreme Court. Up until now, however, there has been no congressional authorization for military tribunals. Efforts to form such tribunals, to date, have been performed solely by executive order of the President with clarifying regulations promulgated by the Secretary of Defense.

Some would argue, not implausibly, that despite the clear language of Article 1, Section 8, congressional authorization is not necessary; that as Commander-in-Chief, the President has the authority to regulate the affairs of the military which extends to the adjudication of unlawful combatants. However, if Congress fails to act, any adjudications by military tribunal will likely be challenged in court on the basis that the tribunals were improperly constituted.

The Military Tribunals Act of 2003 establishes the jurisdiction of these new courts to quickly and efficiently prosecute suspected al Qaeda terrorists who are not U.S. citizens or lawful residents. The bill preserves the basic rights of habeas corpus, appeal, and due process. Furthermore, this legislation protects the confidentiality of sources of information, protects classified information, and also protects ordinary citizens from being exposed to the dangers of trying these suspects.

Perhaps of most importance, in the context of a war without a clear end and against an enemy without uniform or nation, this bill requires the President to report to Congress on who is detained, for how long, and on what basis.

Mr. Speaker, in sum, the Military Tribunals Act of 2003 gives the Commander-in-Chief the power to try unlawful combatants, provides the confidence that these judgments will be upheld, establishes clear rules of due process, and ensures that the hallmarks of our democracy are not compromised.

STATE HIGH-RISK POOL DRUG ASSISTANCE PROGRAM ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the State High-risk Pool Drug Assistance Program Act. The bill provides much needed relief on prescription drug costs for those individuals who get health insurance coverage through a qualified state high-risk pool insurance program.

While much of the debate on prescription drugs has focused on older Americans, there is another group of Americans who need affordable access to prescription drugs. These people are the 153,000 individuals who get health care coverage through a state high-risk pool insurance program.

Thirty states have established high-risk pools for individuals who cannot obtain or afford health insurance in the individual market. High-risk pools generally cover people who have been denied coverage because of a pre-existing condition or who have received quotes from insurers that are higher than the premiums offered by the risk pools. Their premiums range from 124 percent to 200 percent of the standard market rates in their state.

For example, a female, non-smoker who lives in Adams County in Colorado may pay \$850 a month in premiums to obtain coverage through Cover Colorado, my state's high-risk pool. If this woman takes medications to manage a chronic disease, she will have fewer dollars to spend on them. I have heard stories about people with chronic conditions cutting their pills in half, choosing between paying for drugs and paying for food, or forgoing the medications altogether. These folks shouldn't be forced to make these choices at all. I think it's time for Congress to do something to help state high-risk pools, consumers, employers and state legislatures control the cost of healthcare.

My bill would add qualified state high-risk pool programs to the list of entities that participate in the Public Health Service's 340B pricing program, which was created in 1992 to help safety net providers purchase outpatient drugs at discounted rates. The 340B program has expanded access to care to low-income and vulnerable populations without increasing the financial burden on taxpayers. The program has saved safety net providers and the taxpayers hundreds of millions of dollars in outpatient drug costs. We should extend the program to include high-risk pools.

My bill uses the National Association of Insurance Commissioners definition of qualified state high-risk pool so that all risk pools would be able to participate in the program. It gives the Secretary of Health and Human Services the power to promulgate regulations to carry out the program so that it is run similarly to the successful AIDS Drug Assistance Program; however it sets minimum regulations for

the operation of the program. People who are enrolled in a risk pool and who take maintenance drugs for chronic conditions could save 40 percent on their prescriptions.

The bill uses the federal government's purchasing power to provide discounts to drugs for high-risk pools nationwide. If individuals in high-risk pools can't get the drugs they need to manage their condition, they could end up in the emergency room and cost the taxpayers millions of dollars. If they weren't covered under the risk pool, they would most likely end up in Medicaid or uninsured, which would cost the taxpayers millions of dollars. Ironically, many consumers in risk pools have conditions that would qualify them for one of the public programs currently covered under the 340B drug discount program. But their income level is too high for public health programs and too low to afford coverage in the individual market, and that's only if they aren't denied coverage due to a pre-existing condition.

Some may ask what the federal interest is in this issue. Congress has already determined that interest by guaranteeing that people have access to high-risk pools through the Health Insurance Portability and Accessibility Act of 1996 and the Trade Act of 2002, both of which are federal laws. Since the federal government is requiring high-risk pools to cover more people, it should make high-risk pools covered entities under the 340B program to save taxpayer dollars.

The legislation is good for the insurance market, consumers, employers and states. It is good for the insurance market and for consumers because high-risk pools stabilize health insurance coverage and reduce the number of uninsured.

It is good for the risk pools because the savings that they experience from the drug discount can be used to provide more affordable coverage and better health plans.

It is good for consumers because it will give people in high-risk pools access to affordable maintenance medications for chronic conditions and keep them out of the emergency room.

It is good for employers because if we control the costs of the high-risk programs, it will keep down the assessments that insurers and employers pay to fund the program.

And it is good for states because if we control the costs of the program, cash-strapped states won't have to find additional funds to stabilize the risk pool, and the state's contribution will go a lot further.

Mr. Speaker, a small but not insignificant number of people would benefit from my legislation, and it would save millions of dollars in health care costs and uncompensated care. This is a prevention bill, a cost savings bill, a pro-business bill and a taxpayer savings bill. I look forward to working with my colleagues and all interested parties to pass meaningful drug assistance legislation for our nation's state high-risk pools.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO THE LATE JOHN FOSTER,
SHERIFF OF JOHNSON COUNTY,
KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Mr. MOORE of Kansas. Mr. Speaker, I rise to pay tribute to a dedicated public servant, the late John Foster, Sheriff of Johnson County, Kansas, who passed away on March 6th after a brief but valiant battle with pancreatic cancer.

John Foster, who died at age 67, began his career in the Johnson County Sheriff's Department in 1956, then took the post of assistant police chief in Fairway, Kansas, four years later. He became chief of police in Lenexa, Kansas, in 1971 and retired briefly twenty years later. A year later, in 1992, he returned to the Sheriff's Department as undersheriff. He was elected to a four-year term as Sheriff in 2000.

Doctors diagnosed Sheriff Foster's cancer in January. On February 21st, two weeks after they told him he might live from two weeks to a year, John told county officials that his disease was terminal. Undersheriff Frank Denning assumed Foster's duties on an acting basis the following week.

I got to know John Foster well during my twelve years as Johnson County District Attorney. John was my friend. He had a wonderful sense of humor. He always stayed close to the people he served, and was a profile in humane, progressive law enforcement at the local level. He mentored scores of younger law enforcement officers during his forty-six years of public service and leaves his home county, and its residents, a much better place as a result of the time he spent serving and fostering it.

Mr. Speaker, John Foster is survived by his wife, Karen Foster, five children—Margaret, Diane, Susie, Jan and Todd—and four granddaughters. I join with them in mourning this profound loss and place into the RECORD an article from the Kansas City Star that memorializes a dedicated and valuable law enforcement and public safety official.

[From the Kansas City (KS) Star, Mar. 7, 2003]

JOHNSON COUNTY SHERIFF DIES OF
PANCREATIC CANCER

(By Richard Espinoza)

Johnson County Sheriff John Foster, who spent almost half a century in law enforcement, died at home early Thursday of pancreatic cancer.

Doctors diagnosed Foster, 67, in January. On Feb. 21, two weeks after doctors told Foster he might live two weeks to a year, he told county officials that the disease was terminal. Undersheriff Frank Denning assumed Foster's duties the following week.

Voters elected Foster, a Republican, to a four-year term in 2000. Now Johnson County Republicans must nominate a successor and send the person's name to Gov. Kathleen Sebelius, a Democrat.

He began his career at the Sheriff's Department in 1956, then took the post of assistant police chief in Fairway four years later. He became chief in Lenexa in 1971 and briefly retired in 1991. The following year, he returned to the Sheriff's Department as undersheriff.

Colleagues said Foster's main goal was keeping fellow law enforcement officers

happy and well-trained so they could take good care of their community.

"He loved officers," Fairway Police Chief Kevin Cavanaugh said. "He loved what they stood for and what they represent. He did everything in his power to teach people and be an example of how to put their best foot forward in the best possible way."

Foster helped the Sheriff's Department win raises to reduce the number of deputies who left for better-paying jobs, switched to better-looking uniforms and constantly trained a new generation of law-enforcement leaders. "He'd accomplished a lot, but I know he wasn't done," Johnson County District Attorney Paul Morrison said.

In Topeka, the Kansas House approved a resolution Thursday honoring Foster for his nearly 50 years of public service in law enforcement. A copy will be given to his family. It was sponsored by House members from Johnson County.

Sen. Karin Brownlee, an Olathe Republican, said a similar resolution would be introduced in the Senate next week.

Johnson County Commission Chairwoman Annabeth Surbaugh issued a statement praising Foster's encouragement and support.

"The county has lost a great man," Surbaugh wrote, "a man whose strong and steady step never wavered, a man whose dedication and commitment to this community was unshakable, a man whose wisdom and guidance were a source of inspiration and comfort to so many."

Many law officers visited Foster at home during his last days to tell him how he had encouraged them in their careers.

Lenexa Police Chief Ellen Hanson, whom Foster hired in 1975, recalled the way he helped people succeed.

"He was a confidence builder, but not falsely," Hanson said. "I think he had a great ability to see people's strengths and build on them."

Colleagues remembered his love for teaching, and several said he passed on some piece of wisdom in nearly every conversation.

"Every time I spoke to him," Cavanaugh said, "whether it was something to do with law enforcement or on a personal level, I always learned something. It seemed as if he always wanted to teach."

Some of it was serious, like the sharp distinction he drew between mistakes of the head—those that are rectified easily—and mistakes of the heart, which show a troubling lack of ethics.

Other times he couched a lesson in humorous "Fosterisms," like the warning he frequently issued on what he called the "three Bs of booze, broads and bills."

"The one thing that can cause you trouble if you don't handle them correctly is that," Hanson quoted Foster. "If you handle those things with honesty and integrity, you're not going to have a problem."

Foster was a life member of the International Association of Chiefs of Police and the Kansas City Metropolitan Chiefs and Sheriffs Association. He was a member of the Kansas Association of Police Chiefs, the Johnson County Chiefs and Sheriffs Association and the Kansas Sheriffs Association.

Foster taught as an adjunct instructor at Johnson County Community College, and he was a graduate of the FBI National Academy.

He lived in Johnson County all his life. He attended Hickory Grove Grade School in Shawnee and Shawnee Mission Rural High School, now Shawnee Mission North. He earned a bachelor's degree in criminal justice and a master's in administration of justice, both from Wichita State University.

He was a member and past president of the Lenexa Rotary Club.

Foster is survived by his wife, Karen M. Foster; five children, Margaret, Diane, Susie, Jan and Todd; and four granddaughters.

Instead of flowers, Foster's family suggests donations to a scholarship fund for law-enforcement families that they plan to establish soon.

The family was making funeral plans Thursday.

OUR PATRIOT SAILORS: HONORING
CAPTAIN JAMES PARESE

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2003

Mr. FOSSELLA. Mr. Speaker, we wake up every morning to our newspapers filled with stories of possible war, of tragic loss of our astronauts, of heightened warnings of terrorist attacks and of dangerous international dictators. In all, Americans are finding it a difficult time to be confronted every day with these tragedies, uncertainties and fears.

Therefore, Mr. Speaker, during times like these, it is all the more vital to our national spirit to tell Americans about uplifting and comforting stories. We need to remind ourselves of our national qualities for which we are so unique—patriotism, courage and generosity for our fellow man.

The story I tell you today, you will not have read about in your local paper, nor watched on TV, because this is the story of an unsung hero, a man who showed unwavering bravery during the terrorist attacks in New York on September 11, 2001.

I rise today to honor one of my constituents, James Parese, who is the Captain of the Staten Island Ferry, "Samuel I Newhouse". On that terrible morning on September 11, Captain Parese was one of the countless private citizens on maritime vessels around Manhattan who immediately responded to an emergency message. Cackling across marine radios in New York's harbor—the Coast Guard summoned all boats and their crews to abandon their usual duties and respond to extraordinary needs in the New York waterways.

Captain Parese explains that day himself best when he said, quote, The subways were down, and they closed the bridges. We were basically the only way out. Us and the smaller ferries, the police boats and the tugs. I couldn't believe the amount of tugs; there were a sea of tugboats coming from Staten Island heading for Manhattan.

Since September 11th, we have heard so many human stories of tragedy, heroism, loss and miracles. We've heard the brave deeds of the New York firefighters and police officers. We will forever owe them our deepest gratitude.

And today we honor one of America's maritime heroes—one of hundreds of private men and women who selflessly and quietly answered the call from the Coast Guard for "all available boats". The miraculous rescue and response effort by water has also permanently altered our nation's official approach to defending our homeland security along our coastline.

The South Street Seaport Museum in New York City put together an exhibit to bring to light the historic maritime evacuation of Manhattan on September 11. I learned of these