

EC-9638. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of licensing and regulatory duties for August 2002; to the Committee on Environment and Public Works.

EC-9639. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to section 417 of the USA-PATRIOT Act (P.L. 107-56), the report relative to the "status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program" received on November 7, 2002; to the Committee on the Judiciary.

EC-9640. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report relative to Reports, Testimony, Correspondence, and Other Publications for August 2002; to the Committee on Governmental Affairs.

EC-9641. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report relative to the U.S. consumer Product Safety Commission's (CPSC) inventory of commercial activities for 2002; to the Committee on Governmental Affairs.

EC-9642. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report relative to Reports, Testimony, Correspondence, and Other Publications for September 2002; to the Committee on Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-360. A joint resolution adopted by the Alaska State Legislature relative to the desecration of the United States Flag; to the Committee on the Judiciary.

##### LEGISLATIVE RESOLVE No. 59

Be it resolved by the Legislature of the State of Alaska:

Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

Whereas, in the War of 1812, the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day and, in its courageous resilience, inspired our national anthem; and

Whereas, in the Second World War, the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

Whereas Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

Whereas the American Flag symbolizes the ideals that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

Whereas the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

Whereas the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

Whereas the American Flag was raised by New York City fire fighters atop the rubble of the World Trade Center and became the symbol of a nation challenged as it had never been before; and

Whereas the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas House Joint Resolution 36, which passed the United States House of Representatives and has been referred to the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas Senate Joint Resolution 7, introduced in the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have LR 59 power to prohibit the physical desecration of the flag of the United States"; and

Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; be it

*Resolved by the Alaska State Legislature,* That the Congress of the United States is requested to pass House Joint Resolution 36 or Senate Resolution 7, or comparable legislation, and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress power to prohibit the physical desecration of the Flag of the United States; this request does not constitute a call for a constitutional convention; and be it further

*Resolved,* That the legislatures of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2862: A bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes. (Rept. No. 107-344).

#### NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Envi-

ronment and Public Works pursuant to the order of November 18, 2002:

##### APPALACHIAN REGIONAL COMMISSION

Anne B. Pope, of Tennessee, to be Federal Cochairman of the Appalachian Regional Commission.

Richard J. Peltz, of Pennsylvania, to be Alternative Federal Cochairman of the Appalachian Regional Commission.

The following nomination was discharged from the Committee on Commerce, Science, and Transportation pursuant to the order of November 18, 2002:

##### DEPARTMENT OF TRANSPORTATION

James M. Loy, of Virginia, to be Under Secretary of Transportation for Security for a term of five years.

#### ADDITIONAL COSPONSORS

S. 549

At the request of Mr. CRAPO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2581

At the request of Mr. MILLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2581, a bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool.

S. 2721

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2721, a bill to improve the voucher rental assistance program under the United States Housing Act of 1937, and for other purposes.

S. 3000

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 3000, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3114

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 3114, a bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 4965. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing anti-trust laws regarding brand name drugs and generic drugs.

SA 4966. Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. MCCAIN, and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2951, to authorize appropriations for the Federal Aviation Administration, and for other purposes.

SA 4967. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4070, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

SA 4968. Mrs. HUTCHISON (for Mr. HOLLINGS (for herself and Mr. MCCAIN)) proposed an amendment to the bill S. 2949, to provide for enhanced aviation security, and for other purposes.

SA 4969. Mrs. HUTCHISON (for Mr. HOLLINGS (for herself, Mr. ROCKEFELLER, and Mr. MCCAIN)) proposed an amendment to amendment SA 4968 proposed by Mrs. HUTCHISON (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) to the bill S. 2949, supra.

#### TEXT OF AMENDMENTS

**SA 4965.** Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; as follows:

On page 11, line 17, strike "or".

On page 11, line 18, strike the period and insert "; or".

On page 11, after line 18, insert the following:

(D) packaging and labeling contracts.

On page 13, line 17, strike all beginning with "Equitable" through line 23.

**SA 4966.** Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. HOLLINGS, Mr. MCCAIN, and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2951, to authorize appropriations for the Federal Aviation Administration, and for other purposes; as follows:

On page 3, beginning in line 21, strike "Transportation and" and insert "Transportation,".

On page 3, line 23, strike "Infrastructure." and insert "Infrastructure, and the House of Representatives Committee on Science.".

On page 4, strike lines 18 through 23, and insert the following:

The Federal Aviation Administration Administrator shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of concrete and asphalt airfield pavements to aid in the development of safer, more cost-effective, and more durable airfield pavements.

On page 5, beginning in line 22, strike "Transportation and" and insert "Transportation,".

On page 5, line 24, strike "Infrastructure." and insert "Infrastructure, and the House of Representatives Committee on Science.".

On page 8, strike lines 9 through 13, and insert the following:

(b) REPORT.—A report containing the results of the assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science not later than 1 year after the date of enactment of this Act.

**SA 4967.** Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4070, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Program Protection Act of 2002".

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

Sec. 1. Short title and table of contents.

#### TITLE I—PROTECTION OF BENEFICIARIES

##### Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year, of persons fleeing prosecution, custody, or confinement, and of persons violating probation or parole.

Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.

Sec. 105. Liability of representative payees for misused benefits.

Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

##### Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

#### TITLE II—PROGRAM PROTECTIONS

Sec. 201. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.

Sec. 202. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.

Sec. 203. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.

Sec. 204. Refusal to recognize certain individuals as claimant representatives.

Sec. 205. Penalty for corrupt or forcible interference with administration of Social Security Act.

Sec. 206. Use of symbols, emblems, or names in reference to social security or medicare.

Sec. 207. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.

#### TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.

#### TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.

Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.

Sec. 404. Availability of Federal and State work incentive services to additional individuals.

Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

##### Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.

Sec. 412. Nonpayment of benefits upon removal from the United States.

Sec. 413. Reinstatement of certain reporting requirements.

Sec. 414. Clarification of definitions regarding certain survivor benefits.

Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.

Sec. 416. Coverage under divided retirement system for public employees in Kentucky.

Sec. 417. Compensation for the Social Security Advisory Board.

Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.

##### Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.