

disbursed without any vote of the House. Committees devised their plans for partisan investigations, often without even informing the minority. If Speaker Gingrich approved of a plan, the majority of the House Oversight Committee rubber stamped it in a "ministerial" act, and the money flowed.

There was no floor debate, vote, or accountability to the American people for how millions of dollars were to be spent.

To improve accountability and bring the process into the open, last March I introduced House Resolution 387, to require a House vote before any disbursements could be made from the reserve fund.

Unfortunately, the Rules Committee did not approve this reform. Today, I reintroduce it with the cosponsorship of the ranking Democrat on every legislative committee of this House.

I had hoped that with a new Speaker who spoke so eloquently on opening day about bipartisanship and meeting the Democratic minority half way, reintroducing this resolution might be unnecessary.

But the rules adopted by the majority that same day again permit creation of a slush fund, from which disbursements may be made without a floor vote, thereby signaling the majority's intention to proceed as before.

Until it is clear that the reserve fund will be used solely as a hedge against unforeseen contingencies, rather than as petty cash for political sideshows, then the House should debate and vote on how those funds will be used.

When Democrats controlled this House, the only way committees could get more funds for unanticipated needs was through debate and approval of a supplemental expense resolution on this floor. That is the time-honored, open process that lets the public see what's going on and know whom to hold accountable.

By contrast, under Republican control, committees can get more money through a process essentially hidden from public view and for which most Members are not accountable.

The lack of openness and scrutiny creates an opportunity for partisan mischief, and the majority yielded to temptation in the last Congress.

In this new Congress, let's not repeat our mistake. Let's follow through on the Speaker's promise of bipartisanship and cooperation.

#### INTRODUCTION OF LEGISLATION

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. MARKEY. Mr. Speaker, I rise today to introduce a bill to eliminate the preemption of State prescription drug benefit laws in connection with Medicare+Choice plans. I am pleased to be joined in this endeavor by every member of the Massachusetts congressional delegation.

Mr. Speaker, on January 1, 1999 many seniors in Massachusetts lost the unlimited prescription drug benefit available from their Medicare HMO due to a provision in Federal law that was interpreted by a court to override

Massachusetts state law. Massachusetts is the only state which had a law of this kind—one which required Medicare+Choice plans doing business in the state to provide an unlimited prescription drug benefit to seniors. Despite the efforts of the entire Massachusetts congressional delegation, the Administration, and the Governor of Massachusetts to find a legislative or administrative fix at the end of last year, which included making it possible for the HMOs to do the right thing and extend the benefit, the HMOs refused to provide the unlimited benefit. This vital benefit must be restored, and the legislation I am filing today will restore the coverage this year.

Mr. Speaker, my Massachusetts colleagues and I believe that Congress did not intend to pre-empt the Massachusetts prescription drug benefit law and force seniors in Massachusetts to choose between prescription drugs and food or other necessities when it passed the Balanced Budget Act of 1997. Congress can clarify its intent by passing the bill we are introducing today, and correct the gross injustice perpetrated upon Massachusetts seniors enrolled in these plans.

#### INTRODUCTION OF H.R. 520—THE DEVIL'S SLIDE TUNNEL ACT

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. LANTOS. Mr. Speaker, we on the Pacific Coast of our Nation face the periodic wrath of nature when the El Niño storms lash our coast. We faced that last year. We faced a similar series of El Niño winter storms in 1983 which wreaked havoc with our coast. I am sure my colleagues remember the images of Pacifica, California, in my Congressional District of homes sliding down cliffs into the pounding surf below.

One of the most serious concerns along the Pacific Coast 12 miles south of San Francisco is the impact of these periodic storms upon a section of the Coast Highway, Highway 1, which is known locally as Devil's Slide. This part of the highway precariously hugs a cliff high above the pounding surf of the Pacific Ocean 600 feet below.

In 1983, the winter storms forced the closure of Highway 1 at Devil's Slide for six months after a section of the roadway slipped into the ocean. In the winter of 1998 another series of winter storms resulted in the closure of the highway for several weeks.

The closure of the highway at Devil's Slide has left residents and businesses dangerously isolated. Perennial closures of Devil's Slide have had a devastating effect on coastal communities and residents. Residents have endured unbearable commutes; access to emergency medical care and other services have been threatened; businesses have lost thousands of customers; and some businesses have failed as a result of the closure of the highway. For residents and businesses along the San Mateo County coast, it is vital to maintain the integrity of Highway 1 in this area.

Mr. Speaker, 16 years ago, in 1983, heavy winter rains left a 250-foot-long crevice in the

road which made the road impassible for 4 months. Then Chairman of the Surface Transportation Subcommittee, Glenn Anderson, held a series of field hearings in Half Moon Bay and Pacifica, CA, and committee members carefully surveyed the unstable roadway which was sliding into the sea at a rate of 3 inches a day. Committee members viewed 8-foot-deep cracks and fissures in the roadbed and determined that this vital transportation link was eligible for emergency Federal funds. At my request, the Congress provided funding for the permanent repair of Highway 1 at Devil's Slide.

The California Department of Transportation [CALTRANS] made temporary repairs to the roadway and proposed building a controversial 4.5 mile long bypass around Devil's Slide as the permanent repair. Many of the residents opposed the bypass on environmental and other grounds, and construction was delayed in the courts for over a decade. More recently, a false sense of security, brought on by 10 years of drought, ended in January 1995, when heavy rains again closed Devil's Slide for extended periods, disrupting the lives and livelihoods of tens of thousands of residents and businesses.

Mr. Speaker, after public debate and lengthy lawsuits, the voters of San Mateo County resolved the conflict in a referendum in which the voters decided overwhelmingly in favor of the construction of a mile-long tunnel at Devil's Slide rather than the earlier proposal for a bypass which would involve extensive cutting and filling of Montara Mountain. The referendum amends the local coastal plan, substituting a tunnel as the preferred permanent repair alternative for Highway 1 at Devil's Slide, and prohibits any other alternative unless approved by the voters. Following the release of a Federal Highway Administration sponsored study which found that the tunnel is environmentally feasible and its costs would not differ significantly from the costs of a bypass, CALTRANS reversed its opposition to a tunnel at Devil's Slide.

Mr. Speaker, today I have introduced H.R. 520, the Devil's Slide Tunnel Act, to ensure that funds already appropriated and obligated for Devil's Slide will remain available to CALTRANS to build the tunnel at Devil's Slide. This legislation will provide greater flexibility to State transportation officials to use Federal funds already appropriated by Congress to fix this vital transportation link.

Joining me as cosponsors of this legislation are bipartisan members of the Bay Area congressional delegation whose constituents are most affected by the Devil's Slide highway problem—my colleagues, TOM CAMPBELL of San Jose, ANNA ESHOO of Atherton, and NANCY PELOSI of San Francisco.

Mr. Speaker, if local and state agencies and the citizens of a region determine that a better transportation alternative exists than the alternative for which funds have been obligated, as was the case for Highway 1 at Devil's Slide, then the Federal Government should provide greater funding flexibility, as long as all other Federal laws are complied with. It is important that we not permit these funds to lapse. The rebuilding of a severely damaged highway in its existing location may no longer be feasible, and in such cases funds already available to a community should continue to be available.