

substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under this title shall take effect unless it is promulgated by the Secretary by regulation under paragraph (1).”

I find it troubling that those charged with enforcing the law ignore the law and proceed as though the law does not apply to their actions, but only to the actions of others. We must change the culture in HCFA and in HHS that repeatedly issues manual instructions in violation of the law.

The substance of the 1996 HCFA ruling was also inconsistent with the law. Nothing in section 1861(ff) limits the partial hospitalization benefit to services “in lieu of either:

- Admission to an inpatient hospital; or
- A continued inpatient hospitalization.”

However, in issuing this new ruling, HCFA relied on a technical inconsistency in the statute. Although the partial hospitalization benefit is defined in section 1861(ff), section 1835(a)(2)(F) provides that a physician must certify that the individual would require inpatient psychiatric care in the absence of such services. Despite HCFA’s February 11, 1994 regulation to the contrary, HCFA issued a manual instruction limiting the benefit to the level of the physician certification requirement provided in section 1835.

Based on the new HCFA instruction that severely limited the benefit, HCFA and the Inspector General began intensive investigations of partial hospitalization claims, and not surprisingly, they found that high percentages of the claims did not meet the new standards. When HCFA severely restricted the benefit, programs suddenly found themselves out of compliance. HCFA and the Inspector General then proclaimed that there was widespread “fraud and abuse” in the partial hospitalization benefit. HCFA has been seeking repayments of substantial amounts paid to mental health programs that had been operating on the basis of the earlier published regulation and the manual instructions that were consistent with the regulation and the law.

We need to refocus our attention on the beneficiaries who use the partial hospitalization benefit. In 1997, about 88,000 Medicare beneficiaries were using this benefit. About 60 percent of them were disabled beneficiaries, under the age of 65, and about 60 percent of them were dually eligible for both Medicare and Medicaid. The beneficiaries who need and use this benefit are among the poorest and most disabled beneficiaries in the entire Medicare program. They need our help and our protection, and they need these services.

My record of fighting fraud and abuse in Medicare is long. I hate fraud. We must do everything we can to eliminate fraud in Medicare, including any fraud in the partial hospitalization benefit. But the way to eliminate fraud is not to eliminate the benefit itself. By that standard, it would be easy to eliminate all fraud in Medicare. We would simply eliminate the program! No, instead, we must take steps to address those areas of the benefit where fraud has been found, but we must also restore this benefit for those Medicare beneficiaries who need it.

Today, I am introducing legislation, “The Medicare Partial Hospitalization Services Res-

## EXTENSIONS OF REMARKS

toration and Integrity Act of 2000,” that would restore the partial hospitalization benefit as the Congress intended, while also taking steps to limit fraud in the benefit.

First, the bill would require a face-to-face visit with a physician to certify the need for the services.

Second, the bill would tighten the language regarding “individual activity therapies” ((ff)(2)(E)), using limits already in the statute for other approved services (requiring the services to be directly related to the therapy program).

Third, the bill would tighten the survey and certification requirements in (ff)(3) for community mental health centers.

And fourth, the bill would correct the technical flaw in the statute, which HCFA has used to limit the benefit, making the physician certification language under section 1835 the same as that defining the benefit in section 1861(ff).

To address HCFA’s lack of publishing regulations, the bill would require a negotiated rule making process to define the benefit, establish quality of care standards, and establish survey and certification standards for CMHCs.

I am introducing this bill now so that interested parties can study it over the adjournment period and suggest improvements. I will reintroduce the bill early in the new Congress, with appropriate refinements. For the sake of some of the most vulnerable in our society, I hope we can enact this kind of legislation early in 2001.

## PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 10, 2000*

Mr. BLUMENAUER. Mr. Speaker, pipeline safety is literally a matter of life and death. Legislation this important must be crafted carefully, allowing for the input of every member of Congress, since pipeline safety impacts every American community. Legislation this important must be brought through committee and to the Floor of the House of Representatives in an inclusive, nonpartisan manner. Sadly, this was not the case for yesterday’s consideration of the Pipeline Safety Improvement Act.

S. 2438 faced significant opposition from consumer, environmental and labor groups, and was opposed by my own committee leadership. The bill did not ensure that pipelines would be inspected and did not do enough to help local emergency management agencies react to pipeline emergencies. Given these, and other concerns, and given the considerable opposition the bill faced, S. 2438 should not have been brought to the floor as a suspension calendar item. Mr. Speaker, we all know that the suspension calendar is meant to move noncontroversial, routine items. As such, these items are given little time for debate and no opportunity for amendment.

Had S. 2438 been brought for a vote in a more open manner, it could have won my sup-

*October 12, 2000*

port. It is my sincerest hope that the Republican leadership will take pipeline safety seriously and bring S. 2438 back to the House of Representatives in a manner that permits its further debate and possible improvement.

## STATEMENT ON THE IMPORTANCE OF DATABASE PROTECTION

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. BERMAN. Mr. Speaker, I want to take a moment to discuss the importance of legal protection for databases. Databases are extremely important to the continued growth of our hightech based economy. Within databases—organized collections of information—lie the basic tools of the Information Age. The continued development of new and exciting database products depends on adequate legal protection from piracy. Over the past two Congresses we have grappled with the scope of protection that should be afforded database producers. We have worked hard to produce a well balanced approach. Unfortunately, we were unable to bring the development of this legislation to a close in time for consideration before this body. I believe that addressing this issue must be a priority for the 107th Congress and will do all that I can to facilitate passage of database protection legislation in the next Congress.

## PERSONAL EXPLANATION

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. WU. Mr. Speaker, yesterday, October 10, 2000, I was unavoidably detained due to airline mechanical problems. Had I been present, I would have voted the following ways:

No on rollcall No. 519, S. 2438, the Pipeline Safety Act.

Yes on rollcall No. 520, H.R. 208, a bill to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

Yes on rollcall No. 521, H.R. 762, Lupus Research and Care Amendments.

## A TRIBUTE TO JAMES HILL FOR 25 YEARS OF GOVERNMENT SERVICE

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. KLECZKA. Mr. Speaker, I rise today to honor my good friend, Jim Hill, who is celebrating 25 dedicated years of government service.

I've known Jim since he worked as my chief of staff when I served in the Wisconsin State Senate in the 1970s. He came to the job an intelligent, energetic, enthusiastic and strongly principled young man, and quickly became a highly respected name in public service in the Wisconsin legislature. Jim's impressive understanding of issues made him a trusted and valued advisor during my years on the Senate's Joint Finance Committee, and his continued support was critical to my decision to run for Congress in 1984.

Jim remained in Wisconsin, and joined the staff of Wisconsin's Dane County Executive Jonathan Barry, where he gained experience in the challenges of county government. But soon he and I had the opportunity to work together again, this time in Washington, DC, where he became my administrative assistant (AA). Jim was a fast learner and an outstanding AA, quickly developing expertise on a myriad of issues while providing strong leadership to a young and inexperienced DC staff.

And although I know that Jim enjoyed the challenges of working on Capitol Hill, his first priority was and is his family. Knowing that the job of AA was incredibly demanding and meant frequent long hours, Jim decided to go back to Wisconsin, where he joined the staff of the City of Milwaukee's Department of City Development and later worked for the Milwaukee Metropolitan Sewerage District.

Jim's strong sense of social justice and his outstanding management skills then led him to his current employment with Milwaukee County's Department of Human Services, where he serves as administrator of the Division of Management Services. And, after 25 years of public service, he remains a well-respected and active member of our community, a man of unquestioned integrity and dedication.

And despite holding positions of enormous responsibility, Jim has always maintained a healthy balance between his job and his family life. He is a dedicated father of two wonderful and talented sons, Patrick (who I am proud to say is my godson) and Daniel. He's also a devoted and loving husband to his wife, Christine.

Throughout the past 25 years, Jim has remained one of my closest and most valued friends. He's always been there for me, in good times and in bad, and has been a trusted advisor and an ardent, vocal and hard-working supporter. I thank him for his friendship, and commend him for 25 years of outstanding service to our community, our state, and our nation. Congratulations, Jim!

CONGRATULATING THE AFRICA BUREAU OF THE DEPARTMENT OF STATE

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. PAYNE. Mr. Speaker, I rise today to commend and congratulate the Africa Bureau of the Department of State for leading a successful campaign against the candidacy of the government of Sudan to the rotating seat of the United Nations Security Council.

On October 10th the United Nations voted 113-55 in favor of Mauritius over Sudan to take a seat on the Security Council. I would like to single out Assistant Secretary of State for Africa, Dr. Susan E. Rice, for her courage, determination, and hard work in this campaign. Dr. Susan Rice has stood firm against the brutal dictatorship of the National Islamic Front government in Sudan. In that light, she has exemplified the leadership ability that is required and needed to move those countries on the African continent toward good governance and democratic reform.

For the last five years, both at the National Security Council and the Africa Bureau of the Department of State, she consistently and tirelessly fought for the helpless and the innocent victims of the NIF regime.

TRIBUTE TO JOHN MOULTRIE "MOOT" TRULUCK, III

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. John Moultrie "Moot" Truluck, an outstanding public servant and friend. In celebration of his dedication and hard work. Earlier today, he was honored with the John M. "Moot" Truluck Highway in Lake City, South Carolina in the Sixth Congressional District, which I am proud to represent.

Moot was born in Lake City, South Carolina. He was educated in the public schools and graduated from Lake City High School in 1963. He continued his academic career at the University of South Carolina, where he received a Bachelor of Science in Marketing in 1968.

From 1968 to 1975, Moot served as an educator, administrator, and coach in Florence County, District 3. For twenty-three years, he labored and toiled in the fields, growing tobacco, corn, soybeans and wheat, significantly contributing to South Carolina's agricultural economy. Moot has served in several capacities in the agricultural industry; both as President and Secretary of the South Carolina Tobacco Warehouse Association, Incorporated; President and Chairman of the Bright Belt Warehouse Association, and owner/operator of Partner, Planters, Growers, and Golden Leaf Warehouse.

Moot has served tirelessly and exhibited strong leadership skills as he ably represented the interests of fellow colleagues and local residents as Mayor Pro Tempore of the Lake City County Council. He represented the Twelfth Judicial District as a member of the Department of Transportation Commission, served as Chairman of the Florence County Transportation Committee. Currently, he serves as a member of the Department of Transportation Commission, representing the Sixth Congressional District that comprises seventeen counties.

Moot's community service reaches from his church, area schools, to local businesses. He has served on the advisory boards of First National Bank, South Carolina National Bank,

and Bank of America-Florence. He held previous board positions including Carolina Academy, Florence County Board of Health, and Lake City Development Cooperation.

Moot is married to the former Carol Ann Matthews and they are the proud parents of two children. Mr. Speaker, please join me and my fellow South Carolinians in honoring John Moultrie "Moot" Truluck, III to his outstanding leadership and devoted public service.

PRESERVING ESSENTIAL ANTIBIOTICS FOR HUMAN USE

**HON. SHERROD BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 2000*

Mr. BROWN of Ohio. Mr. Speaker, I rise to commend my colleagues for their recognition of an emerging threat to public health: antibiotic resistance.

All over the world, a silent war is underway between people and infectious diseases. This is not a new struggle. Throughout human history, microbes have preyed on us, and we have fought back. As recently as the 19th century, the average lifespan in Europe and North America was 50 years, and the likelihood of dying prematurely from infectious diseases was as high as 40 percent. With the widespread introduction of penicillin and other antibiotics in the 1940s, we thought we had finally gained the upper hand. Finally, we could cure a whole raft of infectious diseases that routinely took human lives across the whole span of a human lifetime, from infancy, through the prime of life, to old age.

But the struggle is not over. Earlier this year, the World Health Organization issued a warning against antibiotic resistance. Microbes are mutating at an alarming rate into new strains that fail to respond to drugs. We need to develop new antibiotics, but it is too soon to give up the ones we have. By using these precious medications more wisely and more sparingly, we can slow down antibiotic resistance.

We need to change the way drugs are given to people, but we also need to look at the way drugs are given to animals. According to the World Health Organization, about 50% of all antibiotics are used in agriculture, both for animals and plants. In the U.S., livestock producers use drugs to treat sick herds and flocks. They also feed a steady diet of antibiotics to healthy livestock so they will gain weight more quickly and be ready for market sooner.

Many of these drugs are the same ones used to treat infections in people, including erythromycin and tetracycline. Prolonged exposure to antibiotics in farm animals provides a breeding ground for resistant strains of Salmonella, E. coli, Campylobacter, and other bacteria harmful to humans. When transferred to people through food, they can cause dangerous infections.

The Food and Drug Administration's Center for Veterinary Medicine is to be commended for taking steps to address the contribution of animal drugs to the antibiotic resistance problem. In view of the importance of these activities to human health, I offered an amendment