

on the administration's initiative to curb anti-trust violations by some companies. We can do better, Mr. Speaker.

Some of my colleagues have already emphasized that the U.S. Department of Justice cannot bring antitrust action against these corporations giants because federal law reserves that responsibility for the Department of Agriculture. At the same time, no one has ever given the Agriculture Department adequate resources to meet its antitrust responsibilities.

In addition, the bill rejects the administration's request for FDA's tobacco program. Unfortunately, some still oppose the FDA's valid jurisdiction to include the regulation of tobacco. This is regrettable and ill-advised at this time. At times, there are those who seek to entangle controversial issues that should not be contained in an appropriations measure. This is one of those times.

Mr. Speaker, I urge my colleagues to oppose the legislation.

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### VETERANS' HEALTH CARE

SPEECH OF

**HON. ROBIN HAYES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HAYES. Mr. Chairman, I rise today to urge my colleagues to oppose this amendment. This amendment jeopardizes the appropriations authority granted to Congress by the Constitution and will set a precedent that the administration and the President will determine spending instead of the U.S. Congress. I ask my colleagues to consider the precedent that this amendment will set with respect to our authority in Congress to determine spending levels for our country. This amendment is not about tobacco companies, it's about protecting funds for veterans' health care and whether or not you believe in the rule of law. Don't take \$20 million from veterans' health care or any other agency to pay for a lawsuit that history and legal precedent say you will not win. That would be a tremendous disservice to our veterans and our taxpayers. In today's Washington Times, Professor Michael Krauss argued the very same thing. "In 1997, Miss Reno herself testified before the Senate that the Federal Government had no legal basis to recover health care expenditures from tobacco companies." The Master Settlement Agreement between the states and the companies was supposed to remedy this situation. Mr. Krauss continues, the "White House had failed to enact its desired 55-cent-per-pack federal cigarette, Miss Reno shamelessly filed the very same lawsuit she had explicitly admitted was groundless."

As Mr. Krauss continues to argue, "the tobacco manufacturers never duped the Federal Government. Washington has known for decades that smoking is dangerous. Since 1964, every pack of cigarettes sold in the United States has carried a federally mandated warning of the health risks of smoking. So Washington has no direct fraud suit against Big Tobacco." In 1997 the Department of Veterans Affairs rejected former soldiers' allegations that they were sickened by cigarettes which

were given to them by the government at no cost until 1974; a full ten years after Washington required health warnings. Krauss asserts that the Federal Government cannot assume the rights of individual smokers to sue for damages.

In 1947, the United States Supreme Court, in *U.S. v. Standard Oil*, concluded that the Federal Government may not, unless it has expressed statutory to do so, sue third parties to recover health care costs. Following the ruling, Congress passed the Medical Care Recovery Act (MCRA), which allows the Government to recover the medical treatment costs given to individual military and federal employees injured by a third party's negligence. MARA, however, does not allow the recovery of general Medicare costs. Since its passage, not once has Washington made claims for costs incurred by Medicare.

The Secondary Payer provisions added to MARA in 1980 and 1984 give the Federal Government authority to recover Medicare costs previously promised to be paid by insurance companies. However, as noted by Krauss, the Secondary Payer provision has never been interpreted to allow the Federal Government to sue alleged wrongdoers, only insurers are allowed. To make recoveries under the Secondary Payer provisions, the Government must be able to prove the sales of tobacco, alone, are responsible for wrongdoing. Considering that Washington has played an active part in regulating, subsidizing, promoting and profiting from tobacco products while completely aware of its health risks, such proof of autonomous wrongdoing is difficult to find. Krauss concludes his article, describing the federal tobacco lawsuit as a "thinly veiled quest for billions in federal revenue," unobtainable through the U.S.'s constitutional taxing process.

For my friends on the other side who bemoan any kind of reduction in government spending, it's almost amazing they are working to cut funding for veteran health care and for military families, just to advance the political agenda of the administration. I strongly urge my colleagues to vote against this amendment.

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### COMMEMORATING THE HEROISM OF STANLEY T. ADAMS, RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 29, 2000*

Mr. WALDEN of Oregon. Mr. Speaker, it is not necessary for me to explain the significance of the Congressional Medal of Honor. Its storied history, and the legend of the heroes who have won it, is well known to most Americans. With this decoration, the nation pays tribute to the bravest among its warriors, the men whose courage serves as a timeless inspiration to their comrades and a reminder of the fierceness of the American people to our enemies.

Among its winners is Stanley T. Adams, a veteran of the Korean war. Serving as a mem-

ber of Company A, 19th Infantry Regiment, then-Sergeant First Class Adams distinguished himself above and beyond the call of duty in action against an overwhelming hostile force. On February 4, 1951, Adams and his company came under intense attack by an estimated 250 enemy troops. Against this daunting force, Adams led a valiant bayonet charge, supported by only a handful of his own men. Despite sustaining painful wounds, he charged the enemy position and engaged in vicious hand-to-hand combat for more than an hour without rest. Due to the determination of Adams and the men under his charge, the surviving enemy retreated in confusion, removing the threat to the larger American force in the area.

Perhaps no greater testament to his gallant service exists than the freedom Adams and his fellow soldiers bequeathed to the people of South Korea. They remain a free people today because men of courage and principle would not yield to the forces of tyranny.

I will share the pride of his family, his community, and his nation on this Fourth of July, when Stan Adams' widow presents his Medal of Honor to the Oregon Veterans Home in The Dalles, Oregon. There it will remain for posterity, a permanent tribute to the bravery and dedication of one of America's greatest heroes.

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### THE FAMILY HEALTH TAX CUT ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 29, 2000*

Mr. PAUL. Mr. Speaker, today I attempted to help working Americans provide for their children's health care needs by introducing the Family Health Tax Cut Act. The Family Health Tax Cut Act provides parents with a tax credit of up to \$500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to \$3,000 to help cover their child's health care expenses. The tax credit would be available to all citizens regardless of whether or not they itemize their deductions.

The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide their employees health insurance. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition, such as cancer or a physical disability, which requires long-term or specialized health care.

As an OB-GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code: Congress' failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct