

15. Provide authority for the Secretary to study, and then if determined feasible, obtain personal emergency-notification and response systems for service-disabled veterans.

16. Extend VA's authority to provide health care for those who served in the Persian Gulf until December 31, 2002.

Mr. FILNER. Mr. Speaker, I rise in support of the "Department of Veterans Affairs Health Care Programs Enhancement Act of 2001". I want to thank Chairman CHRISTOPHER SMITH, Ranking Member LANE EVANS and Chairman JERRY MORAN of the Health Subcommittee for addressing some of the concerns I raised about earlier versions of the bill. We now have a bill to which I am pleased to lend my support.

Mr. Speaker, as a long-time advocate of chiropractic and a user of its services, I am, perhaps, most gratified that we have agreed to a comprehensive proposal to create a permanent chiropractic program within the Department of Veterans Affairs. This legislation will require VA to establish a national chiropractic program that will make chiropractic services available in each geographic service area. VA has rebuffed Congress and the chiropractic profession time and time again in an attempt to bring better access to chiropractic services under the VA's umbrella. We asked VA to develop a policy under the Veterans Millennium Health Care and Benefits Act, but leaving the policy development in VA's hands, veterans' access to chiropractic services has worsened. We simply cannot allow VA to keep barring the door to chiropractic care.

Today is a fresh start for chiropractic care in VA. While I prefer the chiropractic care version this House approved in H.R. 2792, as amended, the provision in the bill before us today ensures that chiropractic care will be available in every VA network. To ensure that this program's implementation is smooth, the conference agreement establishes a chiropractic advisory committee that will provide VA the expertise and advocacy needed to address the issues involved in hiring chiropractors and ensuring that chiropractors are able to participate in its workforce using their skills and training to their fullest potential. I believe that this bill offers the fundamentals from which VA can begin to develop a sound chiropractic program. Eventually, I believe it will be necessary for VA to establish a director of chiropractic service and for Congress to specify, in law, an established number of sites for chiropractic care. Still, for the first time, this law will ensure that veterans have a real opportunity to access this important part of the health care continuum.

In our Subcommittee hearing this Fall, we heard from many of the veterans' service organizations and animal trainers on the invaluable assistance provided by service dogs to severely disabled people. I am pleased that this bill retains this provision.

We have strengthened the requirements for VA to report to Congress on programs that serve some of our most vulnerable veterans. We have focused these reporting requirements on VA's mental health programs. I believe this will give Congress a much clearer idea about what types of valuable specialized services are eroding. I am also pleased that these reports will make geographic service areas accountable for maintaining programs

under their authority. For too long, we have heard VA's central office indicate that they are helpless over controlling the activities of their field managers. Making the networks accountable for the maintenance of specialized programs to serve disabled veterans puts the responsibility where the authority lies.

Mr. Speaker, I believe thousands of veterans will benefit from a provision in this bill, strongly advocated by Chairman SMITH, that adjusts VA copayments for acute hospital inpatient care to the cost-of-living veterans experience in different areas of the country. Salaries, food, and housing costs vary greatly across this Nation. This legislation permits VA to use a widely employed index of geographic variances in cost of living—one already used by the Department of Housing and Urban Development to assess a family's ability to afford housing—to gauge veterans' ability to pay for health care services. This legislation ensures that veterans, who are eligible for low-income housing in a given geographic location, but who are not considered medically indigent under the national Department of Veterans Affairs means-test, are given a break on the acute inpatient hospital copayments they would otherwise have to make.

I want to extend a special thanks to Congresswoman LOIS CAPPAS for introducing H.R. 1435. This bill raised the Committee's awareness of the need for a round-the-clock telephone crisis and referral service. We intend to have the VA investigate its current resources and recommend a strategy for enhancing its current capabilities.

This measure contains a charter for a new Commission on VA Nursing. As we know, the nursing profession, inside and outside of VA has changed and VA must be prepared to be an "employer of choice" in the future. This Commission can give expert advice on where VA must position itself now and in the future to attract the best nurses available to treat our veterans. In addition, it contains provisions from S. 1188, and its companion introduced in the House by TOM UDALL, H.R. 3017. These provisions will provide additional opportunities for VA to recruit and retain nurses—an invaluable component of its health care staff.

The Health Care Programs Enhancement Act is a strong measure and I urge my colleagues to support the bill.

Mr. EVANS. Mr. Speaker, I yield back the balance of my time.

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Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3447.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT H.R. 3443, FAIRNESS TO ALL VIETNAM VETERANS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I rise to introduce the Fairness to All Vietnam Veterans Act, H.R. 3443. This legislation directs the Secretary of Defense to report to Congress an appropriate way to recognize and honor Vietnam veterans who died in service of our Nation, but whose names are not listed on the Vietnam Veterans Memorial Wall.

Constituents began contacting my District Office regarding 74 members who died on the destroyer USS *Frank E. Evans* who are not listed on the Vietnam Veterans Memorial Wall. The names of these 74 brave Americans, and many others who have lost their lives serving the United States during the Vietnam conflict, deserve proper recognition. Some have been excluded due to technicalities. We should honor all the men and women of the Vietnam conflict who gave their lives serving our country.

The destroyer *Evans* was first launched near the end of the Second World War and was recommissioned for Korea and again for Vietnam. The *Evans* sailed from the Port of Long Beach for the last time in the spring of 1969. After seeing serious combat off the coast of Vietnam, the *Evans* was sent to a brief training exercise called Operation Sea Spirit in the South China Sea. This operation involved over 40 ships of the Southeast Asia Treaty Organization.

On the morning of June 3, 1969, the crew of the *Evans* awoke to the sounds of the Australian carrier, *Melbourne*, splitting in half the American destroyer *Evans*. The forward half, where all 74 deaths took place, sank in 3 minutes. Although they were in the South China Sea, these sailors have been excluded from the wall because their downed vessel was just outside the designated combat zone which determines

inclusion on the Vietnam Veterans Memorial Wall.

Although these men did not die in direct combat, they were instrumental in forwarding American objectives in Vietnam and participated in conflict just days before the collision that claimed their lives. The historical and personal records of the *Evans* tell a story of valor and patriotism, and, for some, the ultimate sacrifice for their country.

I believe that after examining the important role these men played in the Vietnam conflict, I hope you will agree that those who died deserve the honor of being listed on the Vietnam Veterans Memorial Wall.

Unfortunately, the case of the *Evans* does not stand alone. There are many families across the United States whose loved ones have been excluded from proper recognition.

I believe it is time for the Department of Defense to examine current policies for placement on the Vietnam Veterans Memorial Wall. H.R. 3443 asks for a complete study of the current standards and for an examination of those who died, such as those 74 on the *Evans*, that seem appropriate for inclusion on the wall.

The Fairness to All Vietnam Veterans Act has the support of the United States Ship *Frank E. Evans* Association, as well as hundreds of family members across the country, hoping to see loved ones properly recognized. I urge my colleagues to support and pass this much-needed and overdue piece of legislation.

Mr. Speaker, I include for the RECORD the bill, as well as various comments from Mr. Hennessy, a distinguished columnist of the Press Telegram in Long Beach, California.

H.R. 3443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness to All Vietnam Veterans Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Public Law 96-297 (94 Stat. 827) authorized the Vietnam Veterans Memorial Fund, Inc., (the "Memorial Fund") to construct a memorial "in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war".

(2) The Memorial Fund determined that the most fitting tribute to those who served in the Vietnam war would be to permanently inscribe the names of the members of the Armed Forces who died during the Vietnam war, or who remained missing at the conclusion of the war, on a memorial wall.

(3) The Memorial Fund relied on the Department of Defense to compile the list of individuals whose names would be inscribed on the memorial wall and the criteria for inclusion on such list.

(4) The Memorial Fund established procedures under which mistakes and omissions in the inscription of names on the memorial wall could be corrected.

(5) Under such procedures, the Department of Defense established eligibility requirements that must be met before the Memorial Fund will make arrangements for the name of a veteran to be inscribed on the memorial wall.

(6) The Department of Defense determines the eligibility requirements and has periodically modified such requirements.

(7) As of February 1981, in order for the name of a veteran to be eligible for inscription on the memorial wall, the veteran must have—

(A) died in Vietnam between November 1, 1955, and December 31, 1960;

(B) died in a specified geographic combat zone on or after January 1, 1961;

(C) died as a result of physical wounds sustained in such combat zone; or

(D) died while participating in, or providing direct support to, a combat mission immediately en route to or returning from such combat zone.

(8) Public Law 106-214 (114 Stat. 335) authorizes the American Battle Monuments Commission to provide for the placement of a plaque within the Vietnam Veterans Memorial "to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall".

(9) The names of a number of veterans who died during the Vietnam war are not eligible for inscription on the memorial wall or the plaque.

(10) Examples of such names include the names of the 74 servicemembers who died aboard the USS *Frank E. Evans* (DD-174) on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise.

SEC. 3. STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) identifies the veterans (as defined in section 101(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial;

(2) evaluates the feasibility and equitability of revising the eligibility requirements applicable to the inscription of names on the memorial wall to be more inclusive of such veterans; and

(3) evaluates the feasibility and equitability of creating an appropriate alternative means of recognition for such veterans.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report based on the study conducted under subsection (a). Such report shall include—

(1) the reasons (organized by category) that the names of the veterans identified under subsection (a)(1) are not eligible for inscription on the memorial wall under current eligibility requirements, and the number of veterans affected in each category;

(2) a list of the alternative eligibility requirements considered under subsection (a)(2);

(3) a list of the alternative means of recognition considered under subsection (a)(3); and

(4) the conclusions and recommendations of the Secretary of Defense with regard to the feasibility and equitability of each alternative considered.

(c) CONSULTATIONS.—In conducting the study under subsection (a) and preparing the

report under subsection (b), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;

(2) the Secretary of the Interior;

(3) the Vietnam Veterans Memorial Fund, Inc.;

(4) the American Battle Monuments Commission;

(5) the Vietnam Women's Memorial, Inc.; and

(6) the National Capital Planning Commission.

THEY MUST BE REMEMBERED

(By Tom Hennessy)

There will be speeches this weekend; Memorial Day remembrances of heroic people and hallowed names.

But those hallowed names are not likely to include the USS *Frank E. Evans*. Or the 74 largely forgotten crew members who died aboard the destroyer at the height of the Vietnam War.

And whose names are not listed on the Vietnam Wall.

This is their story.

Launched near the end of World War II, recommissioned for Korea and again for Vietnam, the *Evans* sailed from her home port, Long Beach, in the spring of 1969. It would be her last voyage.

After combat off the coast of Vietnam, she and her 272-man crew were ordered to join "Operation Sea Spirit," a training exercise involving 40-plus ships of the Southeast Asia Treaty Organization.

On the morning of June 3, she was in the South China Sea with companion ships that included the *Melbourne*, an Australian carrier.

"I had watched a movie the night before," says Tom Manley of Long Beach. "I'd left my clothes on because I had the early morning watch and had gone to sleep about midnight."

At 3:30 a.m., Manley and shipmates were awakened in terrifying fashion.

"The whole ship turned over on its side," says Manley. "Everybody fell down. A guy came down the ladder with a flashlight and said . . . that we needed to get out."

A boilerman 3rd class, Manley helped shipmates to their feet. One, Pete Taylor, had broken his arm. Together, he and Manley managed to reach the ship's fantail.

"A lot of guys were jumping in the water," says Manley. "Pete was worried. Because of his broken arm, he couldn't swim. I said I'd try to find a life jacket in case we had to go into the water. I walked toward the front of the ship where they kept the life jackets."

Manley was stunned by what he saw. "There was no front of the ship. It was gone."

HORRIFIC MESSAGE

Aboard the American carrier *Kearsage*, Doug Care of Santa Clarita was working the *Sea Spirit* radio circuit.

"I had been on the circuit about five minutes when the radio came to life with a fellow with an Australian accent and impeccable radio procedure. He gave a message I'll never forget:

"Melbourne has just collided with *Evans*. Envision many casualties. Request all possible assistance."

Care thought it was "a stupid time" for a drill. But as he read the message back to the *Melbourne*, he knew it was no drill. For one thing, "the admiral aboard the *Kearsage* was looking over my shoulder still in his bathrobe."

In the forward engine room of the *Evans*, Roy "Pete" Peters also knew it was no drill.

He had been standing messenger mid-watch when an order came to increase speed, followed by a second order to throttle down and stop.

We immediately stopped all forward movement and were all thrown forward and down," he recalls. "All the lights went out. Steam immediately filled the compartment and made it hard to breathe."

As Peters was slammed to the deck and burned by the steam, the ocean began entering the engine room. It was a mixed blessing.

"The cold water felt good, but I was a noqualified swimmer in boot camp and barely made it around the pool to qualify as a swimmer," he said.

Peters began working his way toward the top of the engine room, hoping to find an air pocket.

"I felt the water rising up my chest toward my face. I knew I was going to die . . . I heard guys praying and crying. I remember hearing Terry Baughman (a shipmate) crying, 'God, please help us!'"

"As the water rose, I could see the faces of my mother and father and I saw the face of my girlfriend, Karen. I promised that if I got out of there, I would go back and marry her if she would have me."

CHAOS ABOVE

Crew member Bill Thibeault of Norwich, Conn., managed to get topside.

"There were helicopters flying around and lights all over. I didn't really realize what had happened until I got onto the ship's uppermost deck. Then I saw all the torn-up metal and pipes and everything, and I thought, 'Where's the rest of the ship?'"

The Evans had been struck amidships, and cut in two. The forward half, where all the deaths took place, sank in three minutes. The other half would be destroyed months later in target practice.

"I give the Melbourne credit," says Manley. "They turned the ship around and it was back within minutes even though it had damage to its front. They were trying to help us."

Cargo nets were lowered on the carrier and its crew "came down and helped some of our people."

"We assembled on the fantail of the Melbourne," he says. "They must have broke out their full ration of Foster lager. There were cases all over the place."

Manley and others were transferred to the Kearsage.

"It took three days until we got to Subic Bay (in the Philippines)," he says. "There was no way to tell anyone who was alive and who wasn't. My sister was calling (the Navy) every day and they wouldn't tell her anything. The Navy wouldn't release any information. When I got to Subic, I was able to call."

In New York City, Dorothy Reilly, a Roman Catholic nun, caught the end of a newscast by Walter Cronkite. "He immediately broke in and said that the Frank E. Evans had been sunk . . . I said out loud, 'That's by brother's ship.'"

"I ran to the radio to see if there was more news. I remembered someone saying that there were two ships with almost the same name, but when I heard on the radio that the ship was from Long Beach, I knew it was the ship my brother was on as well as his 20-year-old son."

Lawrence J. Reilly Sr. survived. His son, Lawrence Jr., did not.

There was a memorial service later for young Lawrence Reilly, who had lived in Long Beach. In the middle of it, his son, 15 months old, cried out, "Daddy."

"It was a heart-wrenching moment," says Dorothy. "The newspapers carried that picture and even if it were not in print, it would be indelibly printed in the hearts of all who heard that cry."

Peters, the Evans crew member who had been sure he was going to die, did not. Someone in the engine room had found a hatch leading to safety.

Peters was treated aboard the Melbourne for burns, then airlifted to the Kearsage, where he underwent surgery to remove burned skin. He was hospitalized in Subic Bay.

Of his injuries, he says, "I am sure others had it worse."

Yes, Peters did marry his girlfriend, Karen. They just celebrated their 31st anniversary. Peter has an insurance business in Redondo Beach.

The captain of the Evans was later reprimanded, "but most of us survivors never felt he was guilty of anything," says Peters.

The Melbourne's skipper was acquitted and then resigned from the Australian Navy.

THREE IN FAMILY

Seventy-four men, including five from Long Beach, lost their lives aboard the Evans in the dark, early hours of June 3, 1969. A list appears with this column, and three names on it resonate like the script from "Saving Private Ryan": Gary Loren Sage, Gregory Allen Sage, Kelly Jo Sage.

They were brothers. "They were also my cousins," says Gayle Pierce, of Lincoln, Neb. "Their memorial is in Niobrara, Neb., their hometown. It is a great memorial."

Two years ago, on Memorial Day, a ceremony was held at the Sage Memorial. Eighteen members of the USS Frank E. Evans Association (which will convene in Long Beach in 2003) showed up in Niobrara to honor the three fallen shipmates.

"I think it is just wonderful that so many persons have kept the memories of these men alive," Pierce says.

MISSING NAMES

But on The Vietnam Memorial wall, the nation's most visible reminder of the war, the memory of the lost Evans crew members has not been kept alive. Their names are not listed.

Why not? "Technicalities," Peters says with frustration. "I've done a lot of research on this."

To qualify for the wall, he says, a veteran had to have been killed in the combat zone, en route to it or while returning from a combat mission.

For the 74 lost Evans men that parameter is very thin, as Peters notes.

"We'd been on the gun line for two weeks. We came off the line and rendezvoused with the other ships for Operation Sea Spirit."

(A year earlier, appreciative Army officials had cited the Evans for "Conspicuously outstanding gunfire support in a critical and demanding phase of the war.")

Peters and everyone else interviewed for this column believe the names of the men belong on the wall.

"I think they should be there," says Manley, 54, and accounting manager. "I had three tours in Vietnam, but I knew guys on that ship who died who had more tours than I did. It's just not right."

His wife, Mary, agrees, but more tersely. "It stinks," she says.

Thibeault, the Connecticut survivor, says the lost men should be regarded as combatants.

"They weren't killed in action. But we were there. We had fired our guns. These guys should be remembered."

He has tried to have them remembered in another way.

"I've contacted The History Channel. I've been trying to contact some Hollywood people as well, without any success. There should be a movie about this."

Through the years, Manley has remained somewhat tight-lipped. Mary says he has only begun to talk about it recently.

Yet, a few days ago, they note, their daughter, Jennifer, 24, asked, "What's the Evans?"

Says Manley, "Maybe I haven't talked about it enough."

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2002 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through December 5, 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal years 2002 through 2006. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.