percent of respondents had up to 10 patients who were denied insurance coverage for breast reconstruction of the amputated breast. Of those surgeons who support State legislation to address this problem and reported denied coverage, the top three procedures denied most often were symmetry surgery on a nondiseased breast, revision of breast reconstruction, and nipple areola reconstruction. The top five States of residence of those patients reporting denied coverage are Florida, California, Texas, Pennsylvania, and New York.

California and Florida also are among the 13 States that have passed laws requiring breast reconstruction coverage after mastectomy. However, State laws alone, such as the California and Florida laws, do not provide adequate protection for women because States do not have jurisdiction over interstate insurance policies provided by large companies under the Employee Retirement Income Security Act [ERISA]. As a result, even women in States that have attempted to address this issue are still at risk of being denied coverage for reconstructive surgery.

The Reconstructive Breast Surgery Benefits Act would amend the Public Health Service Act and ERISA to do the following: require health insurance companies that provide coverage for mastectomies to cover reconstructive breast surgery that results from those mastectomies, including surgery to establish symmetry between breasts; prohibit insurance companies from denying coverage for breast reconstruction resulting from mastectomies on the basis that the coverage is for cosmetic surgery; prohibit insurance companies from denying a woman eligibility or continued eligibility for coverage solely to avoid providing payment for breast reconstruction; prohibit insurance companies from providing monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this act; prohibit insurance companies from penalizing an attending care provider because such care provider gave care to an individual participant or beneficiary in accordance with this act; and prohibit insurance companies from providing incentives to an attending care provider to induce such care provider to give care to an individual participant or beneficiary in a manner inconsistent with this act.

On the other hand, the Reconstructive Breast Surgery Benefits Act would not: Require a woman to undergo reconstructive breast surgery; apply to any insurance company that does not offer benefits for mastectomies; prevent an insurance company from imposing reasonable deductibles, coinsurance, or other cost-sharing in relation to reconstructive breast surgery benefits; prevent insurance companies from negotiating the level and type of reimbursement with a care provider for care given in accordance with this act; and preempt State laws that require coverage for reconstructive breast surgery at least equal to the level of coverage provided in this act.

Mr. Speaker, women who have breast cancer suffer enough without having to worry about whether or not their insurance companies will cover reconstructive surgery. I urge my colleagues in helping to give these women peace of mind and the coverage they need by supporting the Reconstructive Breast Surgery Benefits Act.

CONCERNING A CONGRESSIONAL FAILURE TO COMPLY WITH THE CONSTITUTION DURING THE 104TH CONGRESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. SKAGGS. Mr. Speaker, I want to call to the attention of the House what appears to be a failure of the Congress to comply with a clear and basic constitutional mandate.

Section 7 of article I—known as the presentment clause—says ''Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States'' for approval or veto. Nothing could be clearer—if a bill is passed by both bodies, it must be presented to the President. The Constitution does not allow for any exceptions. Yet during the 104th Congress, an exception was made on one occasion, the constitutional mandate notwithstanding.

As Members who served in the last Congress will remember, last year the leadership of both the House and Senate decided to expedite our adjournment by combining various 1997 appropriations usually dealt with in separate measures into a single omnibus appropriations bill. It was also decided, for tactical reasons, to have two versions of that omnibus bill—one being a conference report on a 1997 defense appropriations measure, the other being a new, freestanding bill, H.R. 4278. H.R. 4278 came to be known in Capitol parlance as the ''clone'' omnibus appropriations bill.

Accordingly, on September 28, 1996, the House agreed to consider the conference report and also agreed that if the conference report was adopted, H.R. 4278, the clone bill, also would be deemed passed.

The House did pass the conference report on September 28, and on September 30, 1996, both that conference report and H.R. 4278 were considered and approved by the Senate as well. In fact, the Senate passed the clone bill, without amendment, by a separate rollcall vote of 84 to 15.

In short, last year two omnibus 1997 appropriations bills were passed in identical form by both the House and the Senate. Constitutionally, both bills had equal standing, and both should have been presented to the President. Even though the President predictably would have let one die by pocket veto.

This requirement was not met. The conference report was presented to the President and was signed into law. But the normal, constitutional procedures were not followed with respect to the other bill, H.R. 4278.

Before a bill can be presented to the President, it must be enrolled and signed by the Speaker and by the President of the Senate, or others empowered to act for them, to attest that it has in fact been passed by both bodies. And, before a House bill—such as H.R. 4278—can be enrolled, the bill and related papers must be returned to the House by the Senate. In the case of H.R. 4278, evidently, this normally routine step was not taken. The bill was not returned to the House, and so it was never enrolled, never signed by the Speaker or anyone else authorized to sign it, and never presented to the President—despite the clear mandate of the Constitution.

We should see this failure to comply with the Constitution as a serious and troubling matter.

Because I understood that the breakdown had occurred on the other side of the Capitol, I raised the matter with the majority leader of the Senate in a telephone conversation and, subsequently, in a letter which I ask unanimous consent be included in the RECORD at the conclusion of my remarks.

As I noted then, I can understand why, as a practical matter, it might seem redundant to send two identical bills to the President. But the Constitution doesn't give Members of Congress—even leaders—the authority to selectively withhold from the President any bill that has passed both Houses. And while in this case refusing to send H.R. 4278 to the President won't make a practical difference—since an identical measure has been signed into law—it is easy to imagine how it could set a bad, even a dangerous precedent in other circumstances.

It was my hope, Mr. President, that when this matter was called to the attention of the leadership, steps would be taken to make sure that H.R. 4278 was duly enrolled, signed, and presented to the President. Unfortunately, that did not occur and, now that a new Congress has begun, it evidently cannot occur.

That is very regrettable and, as I've already said, something that I think we need to take seriously. As Members of Congress, we have each sworn to uphold the Constitution. If we are to be faithful to that oath, we must make sure that Congress in the future meets its constitutional requirements, including those imposed by the presentment clause.

Mr. Speaker, for the information of the House, I include at this point my letter of December 23, 1996, to the majority leader of the Senate concerning this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 1996.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR TRENT: Thanks very much for calling me at home a second time last week; sorry to have missed your first try. I greatly appreciate having been able to talk with you about the so-called ''clone'' omnibus appropriations bill. As I mentioned, I have some serious concerns about the way the bill has been handled.

On September 28, the House agreed to consider the conference report regarding H.R. 3610 (the omnibus consolidated appropriations bill for fiscal 1997) and agreed that, upon adoption of that conference report, H.R. 4278 (a separate, identical measure) would also be considered as passed.

As you know, the House did pass the conference report, and on September 30, both the conference report and H.R. 4278 were considered and approved by the Senate as well, the latter being passed without amendment by a vote of 84–15 (rollcall number 302). However, while H.R. 3610 was presented to the President on September 30 (and signed into law as P.L. 104–208), I understand that the Senate has not yet returned to the House the papers related to H.R. 4278, and as a consequence the House (where the bill originated) has been unable to take the steps necessary for the bill to be presented to the President in accordance with Section 7 of Article I of the Constitution (the ''presentment clause'').

It's true that enactment of P.L. 104–208 means that enactment of H.R. 4278 would be redundant. However, the presentment

clause's requirement that ''Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States'' does not provide an exception for such circumstances. I am unaware of any Constitutional authority for a measure passed in identical form by both the House and Senate to be selectively withheld from presentment to the President for his approval or veto.

It seems to me that any failure to fulfill the requirements of the Constitution in this case would set a troublesome precedent. While it has no practical consequence in this instance, a decision here not to complete the mandated administrative steps after passage could be cited later as precedent for a similar inaction carrying more problematic results. Therefore, I urge you to take all necessary steps to ensure that H.R. 4278 can be properly enrolled and presented to the President, as required by the Constitution.

Thank you very much for you attention and assistance.

With best personal regards,

Sincerely yours,

DAVID E. SKAGGS.

PERSIAN GULF SYNDROME HEALTH BENEFITS EXTENSION ACT OF 1997

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. QUINN. Mr. Speaker, I rise today to introduce legislation which extends priority healthcare to Persian Gulf war veterans who served in Israel and Turkey. My bill is entitled the ''Persian Gulf Syndrome Health Benefits Extension Act of 1997.'' The bill has received bipartisan support and passed the House of Representatives by voice vote in 1996.

Men and women who served during the Persian Gulf war in Israel and Turkey were originally excluded from the definition of in-theatre operations. Many of these soldiers suffer from similar undiagnosed medical problems that may be related to service during the Persian Gulf war.

Throughout my service on the House Committee on Veterans' Affairs, I have emphasized the need to alleviate the suffering of those individuals afflicted with Persian Gulf war illnesses. It is time to simply care for our veterans who so bravely fought for our country.

CHRIS LEWIS—A POSITIVE FORCE IN OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. FILNER. Mr. Speaker, I rise today to pay special tribute to Chris Lewis, president of the Chula Vista Chamber of Commerce for this past year, 1996.

Throughout the past year, Chris urged local business and community leaders to ''accentuate the positive.'' That spirit helped bring more than twenty new businesses to the city of Chula Vista in 1996, and it laid the groundwork for continued economic development.

During Chris' term as president, the Chula Vista Chamber of Commerce expanded its involvement in the education of our children, the training of our Olympic athletes, and the training of our future civic leaders.

Indeed, Chris Lewis has accentuated the positive by creating and fostering a positive atmosphere for local residents and local businesses. The Chula Vista Chamber of Commerce has laid the framework for long-term economic expansion with the founding of the Chula Vista Convention and Visitors Bureau and the renovation of the Chula Vista Visitors' Information Center.

Mr. Speaker, on behalf of the residents of Chula Vista and the 50th Congressional District, I thank Chris Lewis for his service to our community, and I ask the citizens of our community to continue to work for its betterment.

REDUCE LEGAL IMMIGRATION LEVELS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STUMP. Mr. Speaker, a reduction in immigration is essential to improving the country's economy and social weaknesses. With this in mind, I am today introducing legislation to cut the number of legal immigrants who enter our country each year.

Once again, I am sponsoring the Immigration Moratorium Act. The legislation provides for a significant, but temporary, reduction in legal immigration levels. Under my bill, immigration would be limited to the spouses and minor children of U.S. citizens, a reduced number of refugees and employment-based immigrants, and a limited number of immigrants who are currently waiting in the immigration backlog. Total immigration under my proposed moratorium would be less than 300,000 per year. The moratorium would end after approximately 5 years, provided no adverse impact would result from an immigration increase.

A temporary moratorium is a sound response to our present situation that allows for unprecedented and unmanageable levels of immigrants. Currently, the United States admits about 1 million legal immigrants annually, more than any other industrialized nation in the world. Based upon recent trends, this number will continue to climb unless we take the necessary steps to restore immigration to reasonable levels. I am extremely troubled by the fact that study after study has shown that the excessive immigration we are experiencing exacerbates many of the country's most disturbing problems, such as overcrowded jails, inadequately funded schools and hospitals, violent crime and unemployment. Moreover, legal immigration is costly and has a significant impact on our ability to balance the budget. For example, the projected net cost to taxpayers of legal immigration will be $330 billion over the next 10 years.

Mr. speaker, Americans have repeatedly voiced their concerns about the potentially grave consequences associated with unrestrained immigration. A recent Wall Street Journal/NBC News poll showed 52 percent support a 5-year moratorium on legal immigration. A Roper poll shows the majority of Americans prefer no more than 100,000 annually. A host of additional polls consistently show a similar sentiment. We would be negligent in our roles as Federal legislators to ignore such compelling public demand for change.

Last Congress, we enacted legislation that addressed some of the country's most pressing illegal immigration problems. Unfortunately, an attempt to improve our legal immigration policies was thwarted. The 105th Congress should not repeat last year's mistake. We should, instead, finish the immigration reform job by evaluating America's immigration needs and devising a policy that will allow us to meet these needs without further burdening American taxpayers.

INTRODUCTION OF THE HMONG VETERANS NATURALIZATION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

January 7, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the Hmong Veterans Naturalization Act, which would ease naturalization requirements for the Hmong, of Laos, who fought alongside the United States Armed Forces during the Vietnam war. Hmong of all ages fought and died alongside U.S. soldiers, and as a result of the brave position they took and their loyalty to the United States, the Hmong, tragically, lost their homeland. Between 10,000 and 20,000 Hmong were killed in combat and over 100,000 had to flee to refugee camps to survive.

Although it wasn't apparent then, their actions had a major impact on achieving today's global order and the positive changes of the past decade. Extreme sacrifices were made by those engaged in the jungles and the highlands, whether in uniform or in peasant clothing and for those whose homeland became the battlefield. For their heroic efforts, the Lao-Hmong veterans deserve this recognition and consideration.

Many Hmong who survived the conflict were welcomed to the United States and today should be honored for the contributions they are making to our communities in my Minnesota district and to our Nation. Their success in rebuilding their families and communities in the United States stands as a tribute to their strength, but their cause would be greatly helped by passage of the legislation I am introducing today, the Hmong Veterans Naturalization Act.

While it is clear that the Hmong served bravely and sacrificed dearly in the Vietnam war, many of those who did survive and made it to the United States, are separated from other family members and are having a difficult time adjusting to life in the United States. Fortunately, there is something we can do to speed up the process of family reunification and ease the adjustment of the Hmong into U.S. society, at no cost to the Federal Government.

My legislation makes the attainment of citizenship easier for those who served in the special guerrilla units by waiving the English language test and residency requirement. The greatest obstacle for the Hmong in becoming a citizen is passing the English test. Written characters for Hmong have only been introduced recently, and whatever changes most Hmong who served may have had to learn a written language were disrupted by the war.