EXTENSIONS OF REMARKS

HONORING ROBERT CROISSANT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to celebrate the life of a truly remarkable human being, Robert Croissant. Bob recently passed away after a battle with heart troubles. He lived every day to its fullest and truly enjoyed the gifts life had to offer. As family and friends mourn this immense loss, I would like to pay tribute to this great Coloradan.

Bob was born in Kuner, Colorado, a small farming town on the eastern plains. The communities where he grew up were wholly dependent upon agriculture, and growing up he very quickly learned to appreciate the importance of this trade. After graduating from Greeley High School, he attended Colorado A&M, which is known today as Colorado State University. Attending college was not Bob's original plan in life, but after realizing the possibilities it held for his future in the agricultural profession, he was hooked. Eventually, he earned his degree in Agronomy.

Bob's love and fascination for farming soon drew him back to eastern Colorado. Soon after graduating, the university's agricultural extension office was in need of an Assistant County Agent, and he took the position. After helping the farmers of Logan County in this position, he moved to Burlington, Colorado, where he was promoted to County Director.

Bob's knowledge of agriculture was unparalleled in eastern Colorado and his aid to farmers was immeasurable. He was well known for meeting farmers at breakfast where he would examine the crops that were brought in onsight. Bob's widespread efforts in the agricultural arena were slowed down significantly when a heart condition required him to stop his extensive travels. He and his wife then moved to Ft. Collins, where Bob continued to work at Colorado State University as a professor.

Although he may not have been as agile as he once was, he still found a way to stay involved in the profession he loved. He could also be found at nearby 4–H events, where he passed along his expertise in agriculture to young people.

Bob Croissant was a truly remarkable person and he will be greatly missed. He leaves behind a wonderful and loving family. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress I ask that we take this moment to honor a beloved and cherished Coloradan.

INTRODUCTION OF THE BUSINESS METHOD PATENT IMPROVEMENT ACT OF 2000

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BOUCHER. Mr. Speaker, I am pleased to join my colleague from California, Mr. Berman, in introducing the Business Method Patent Improvement Act of 2000. As we look forward to shaping intellectual property law for the 21th Century, few issues in the 107th Congress will be more important than deciding whether, and under what conditions, the government should be issuing ''business method'' patents.

Two years ago, the U.S. Court of Appeals for the Federal Circuit ruled in the State Street Bank decision that a patent could be issued on a method of doing business. Since then, the Patent and Trademark Office has been deluged with applications for business method patents. Unfortunately, the PTO has granted some highly questionable ones. Last year, it awarded a patent to Amazon.com for its ''one-click'' method of shopping at a web site. The press recently reported that the PTO is now on the verge of awarding a patent covering any computer-to-computer international commercial transaction.

Something is fundamentally wrong with a system that allows individuals to get patents for doing the seemingly obvious. The root of the problem is that the PTO does not have adequate information—what is called ''prior art''—upon which to determine whether a business method is truly non-obvious and therefore entitled to patent protection. We're introducing this legislation in an effort to repair the system before the PTO awards more monopoly power to people doing the patently obvious.

Not surprisingly, there has been a great deal of concern in the high-tech community that the continued award of business method patents could lead to a significant amount of wasteful litigation, could stifle the development of new technology, and could retard the development of the Internet. Consider for a moment a few of the more extreme cases now in the courts:

Amazon.com has sued Barnesandnoble.com, alleging that it infringed its ''one click'' shopping method, forcing its principal rival and other website merchants either to pay Amazon.com royalties for the use of any one click method or to use a ''two click'' means of selling books and records;

Priceline has sued Microsoft for offering a ''name your price'' service on its Expedia travel site, even though the market economy of the Western world and the theory of microeconomics is predicated on individuals setting a price at which they are willing to purchase something; and

The Red Cross has been sued for using computers to solicit contributions and donations from the public at large, even though philanthropy in this country has always depended on organizations making requests for contributions, whether by phone, in person, or through other means.

It should be said that in these instances, the patent covers the basic concept of the business method, such as the one click to checkout or using computers to solicit donations or accomplish commercial transactions across international borders. The creator of the intellectual property can always obtain a copyright on the software that implements a particular method of doing these things, and no one would complain. What is new and disturbing is obtaining ownership of the entire concept of performing seemingly obvious acts whatever individual method of implementation is used, foreclosing the opportunity for competitors to develop new and different means of entering the business.

I am hard-pressed to understand how the award of these kinds of patents will advance the greater public good. Under the Constitution, Congress has the power to grant inventors exclusive rights to their discoveries ''[t]o promote the Progress of Science and useful Arts. . . .'' Rewarding someone for ''inventing'' a method of doing something obvious on its face hardly seems to meet standard. In fact, rather than encouraging innovation, which is the purpose of the patent laws, it has the opposite effect by foreclosing entire markets to competition.

Our purpose in introducing this bill today is threefold. First, given the importance of the subject and the critical need to support the development of new technology and the growth of the Internet, we believe it is important to begin a public debate now about how Congress should respond to the State Street Bank decision. Second, we want to develop through legislation an appropriate framework for the PTO to assess the claims asserted by would-be business method inventors and to give the public a meaningful opportunity to participate before—not just after—a patent is awarded. And finally, we hope to force business method patent applicants to disclose all the relevant prior art to the PTO, rather than hiding the ball as some do now.

I want to stress that our bill does not outlaw or prohibit the award of business method patents. Rather, it is designed to ensure that these kinds of patents will only be issued when they truly represent something new and innovative—in other words, something that deserves protection.

Our bill makes one important substantive change to the law and addresses two fundamental procedural defects in the current system. And in doing so, it will help create an urgently needed database of prior art so that patent examiners will have a better basis for evaluating claims made by applicants in the future.

On substance, our bill would create the presumption that the computer-assisted implementation of an analog-world business method is obvious and thus is not patentable. In these

cases, the burden would be on the applicant to rebut the presumption of obviousness.

On procedure, we would add new protections at the beginning and at the end of the current process. Unfortunately, the public rarely knows when the PTO is evaluating a proposed business method patent application, and thus has no opportunity to bring prior art and other information to the attention of a patent examiner or to argue that the statutory criteria for the award of a patent is for other reasons not met before it is too late to do any good. We, therefore, would require the PTO to give the public at large an opportunity early in the patent review process to submit prior art information and evidence that the claimed invention is already in public use or is obvious. In addition, if asked, the PTO would be required to conduct a proceeding comparable to the discretionary public use proceeding already on the books.

At the end of the process, we would establish an opposition procedure so that the public at large would have one additional opportunity to challenge the award of a business method patent short of having to file a lawsuit. Decisions in these proceedings would be made by an administrative opposition judge chosen from a panel of examiners with special expertise in evaluating business method patents.

The bill makes two other important procedural changes. In cases involving business method patents, the burden of proof on the party seeking to show invalidity would be lowered from the current ''clear and convincing evidence standard'' to the ''preponderance of the evidence'' standard. And because we share the concern the PTO has about the lack of prior art being accessible to examiners, our bill would require an applicant for a business method patent to disclose the extent to which the applicant has searched for prior art.

Taken together, these changes will enable the PTO to do a better job when examining business method patent applications, and they will ensure that the American public has an opportunity to participate more fully in the process, which should reduce the risk of the PTO awarding any more patents on the patently obvious.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. WOOLSEY. Mr. Speaker, due to an event in my District, I missed roll call votes #503–505. Had I been present, I would have voted:

Roll Call #503—Yea.

Roll Call #504—Yea.

Roll Call #505—No.

Regarding H.R. 3088, I wholeheartedly agree that victims of rape should be able to learn whether their assailant could have passed on the HIV virus to them. That's why I support addressing this issue in the Violence Against Women Act, and support women who have been raped and want to undergo an HIV test. However, H.R. 3088 could force innocent individuals to undergo HIV tests and have that information involuntarily disclosed to others. This Congress should not force the accused to undergo an HIV test until he has been proven guilty. Under this legislation, an individual who is indicted and may be able to prove his innocence would still be forced to undergo an HIV test. This bill has not been considered by the Judiciary Committee, and I believe that it strongly violates the principle that Americans are innocent until proven guilty.

PRIVACY COMMISSION ACT

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to voice my strong opposition to H.R. 4049, the Privacy Commission Act.

H.R. 4049 will establish a commission to study how best to protect individual privacy. In eighteen months this commission will provide its findings to Congress and the President.

Congress is already well aware of the ability of public and private institutions to gather and share data. While the gathering of personal data has heralded improvements in customer services and national security efforts, it threatens to undermine an individual's ability to protect their most private medical and financial information. Internationally, an individual's ability to control their most private information is considered a human right.

I am very concerned about the invasion of our private rights and that is why Congress should act now, not postpone action for another eighteen months when the commission's report is completed.

There is legislation before this body that would provide adequate protection for individual privacy. I am a cosponsor of three such bills: H.R. 1941, H.R. 2447, and H.R. 3320. These three bills will protect personal health information by limiting use and disclosure of such information, prohibit employment or health insurance discrimination based on genetic information, and amend the privacy provisions in the Gramm-Leach-Bliley Act to prohibit financial institutions from disclosing, or making use of, nonpublic personal credit information. On May 1, 2000, President Clinton announced his consumer privacy plan which he presented to Congress stating ''we cannot allow new opportunities to erode old and fundamental rights.''

These bills and the President's plan should be considered by the full House. Individual privacy protection greatly concerns individuals in my district. They deserve to have this issue debated in full and addressed immediately. H.R. 4049 will serve only to delay this process, and in the end inform us and the American people what is already abundantly apparent: Congress must act immediately to protect individual privacy.

RECOGNIZING EMMA BEATRICE TAYLOR—95 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. TOWNS. Mr. Speaker, today I honor Emma Beatrice Taylor, a resident of Brooklyn, on her 95th birthday. I ask my colleagues assembled here today to please join me in acknowledging Mrs. Taylor's remarkable life.

On this day, October 3, 1905, here in Washington, D.C., her father, an immigrant from Africa, and her mother, an immigrant from England, were blessed with the birth of their daughter, Emma. As a young girl, Emma possessed excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. Emma married Elbert James Robinson, and their union was blessed with three beautiful daughters, including my very good friend, Delores Chainey. Mr. Speaker, all of the amazing blessings bestowed upon Emma Taylor are the result of a God-centered life.

Mr. Speaker, Emma Beatrice Taylor is more than worthy of receiving our birthday wishes, and I hope that all of my colleagues will join me today in honoring this outstanding woman.

HONORING THE HUMBOLDT COUNTY, CALIFORNIA BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize the 50th anniversary of the Humboldt County, California Branch of the American Association of University Women (AAUW).

The AAUW's mission is to promote equity, lifelong education, and positive change for all women. This vision has made a significant impact on the lives of Humboldt County women.

The American Association of University Women is committed to promoting diversity, undertaking research, and providing scholarships, grants and awards. This admirable association takes action on behalf of women in the educational system. For America to prosper we must be sure to foster a learning environment that is accessible to young women and the American Association of University Women has always served as an advocate in this cause. The AAUW is one of the largest private sources of educational grants for women.

During the past 50 years the Humboldt chapter of the AAUW has benefited the community in countless ways. Thanks to community action projects, fundraising and special activities—including an educational foundation, cross cultural exchange, and book and food drives—the Humboldt Branch has provided service as well as a forum for policy discussion and community building.

Mr. Speaker, it is appropriate at this time that we acknowledge the outstanding efforts of the Humboldt County, California Branch of the American Association of University Women.

HONORING FLORENCE WALTON RICHARDSON WYCKOFF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FARR of California. Mr. Speaker, today I pay tribute to a woman who helped shape

the history of the State of California, and in the process touched the lives of countless individuals. Ms. Florence Walton Richardson Wyckoff, who would have been 95 this week, died in her sleep on September 20, 2000 in her Watsonville, California home.

Florence was born on October 5, 1905, to Leon J. Richardson and Maud Wilkinson Richardson in Berkeley, California. She earned a B.A. in fine arts at the University of California, Berkeley, in 1926, and it was there that she met her future husband, Hubert Coke Wyckoff. In 1931 they married and moved to San Francisco, where Florence became involved with politics and what would become her life's work, activism. While in San Francisco, she worked with the San Francisco Theater Union and the National Consumers League for Fair Labor Standards. She also worked with the gubernatorial campaign of Cuthbert L. Olsen, and was appointed by Governor Olsen as Director of Community Relations for the California State Relief Administration. It was in this position that she began traveling and investigating the living conditions of farm laborers in this country.

Shocked by the standards she saw, and by the lack of access to such basic necessities as education and healthcare for migrant workers, she became a powerful lobbyist for social change in these areas. During World War II, her husband, Hubert, recruited my father, the late Senator Farr, to work at his side in Washington, DC as a Deputy Administrator in the War Shipping Administration. While in Washington, Florence testified before congressional committees for minimum wages and public health improvements for farm workers. It was at this time that she also served on the Boards of Directors of the National Consumers League and Food For Freedom.

After returning to California, she worked to begin the first citizen's health council in Santa Cruz County, and was appointed by Governor Earl Warren to the Advisory Committee on Children and Youth. She served on this board for twenty years under four governors, and worked to establish health-care clinics for farm workers along the migrant routes used in the nation. Additionally, she was appointed by Governor Edmund G. ''Pat'' Brown to the State Board of Public Health in 1961, and it was during this time that Florence was integral to the creation and passage of the Federal Migrant Health Act, which remains in effect today.

Never one to sit down when she was needed, she continued to work tirelessly almost until the day she passed away. She helped found organizations that would assist migrant children in attending college, and was a crusader in promoting reading and education among all children. Her last project was the successful recent opening of the Freedom Branch Library, which began as a small library for the children of migrant workers. Florence was also active in many organizations, including Migration, Adaptation in the Americas (MAIA), The Friends of the Freedom Library, The Corralitos Valley Community Council, the Coastal Resource Management Project, the Migrant Agricultural History Archive at the University of California, Santa Cruz, and the Santa Cruz County Community Foundation Board.

I will really miss one of my late mother and father's best friends. I will miss her smile, charm, love for friends and never ending support and stories of my parents as young activists. As described to me, she was a leader in her life in creating a more compassionate and just society. We have lost a person of history who made this country a better place because of her deeds.

Described by friends and family as ''tenacious and determined,'' ''influential'' and ''caring,'' and ''A woman that made a difference,'' Florence Wyckoff will be sorely missed by her sister, Jane R. Hanks of North Bennington, Vermont, as well as the many nephews, nieces, friends and the California community, in general.

RECOGNITION OF THE QUEENS COURIER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to the Queens Courier, a weekly community newspaper in the borough Queens, New York, which is celebrating its 15th anniversary.

The Queens Courier was launched late in the last century by Victoria Schneps and John Toscano. Victoria was a school teacher who teamed-up with then WABC–TV reporter Geraldo Rivera to expose abhorrent conditions at the Willowbrook State School for the Mentally Retarded. Victoria's daughter Lara had resided at the facility. John meanwhile, a former political editor at the New York Daily News published the weekly newspaper Queens Week. The two entrepreneurs invested a mere $250 each to embark on their journalistic quest where in the beginning they worked out of Victoria's living room and did not take salaries for the first year.

The first issue of the newspaper hit the streets on May 9, 1985 as the Whitestone/College Point Courier. The front page headline read ''Whitestone-College Point Courier: First Issue Today.'' That first edition included stories on traffic tie-ups on the Throgs Neck Bridge, local school news and political and gardening columns. Within the next few years, Victoria bought John out and the newspaper attracted many loyal readers and established a strong identity in the area. Then as readership increased, Victoria Schneps expanded the newspaper to cover most communities throughout Queens and subsequently renamed the paper to the Queens Courier.

Today the borough-wide publication includes five newspapers serving 36 neighborhoods in Queens. The newspaper features quality writing and reporting in a contemporary and easy to read format. It is available both by paid subscription and can be obtained at hundreds of outlets throughout Queens.

The Queens Courier has also won numerous awards for excellence in community journalism while affording local businesses and merchants, the opportunities to reach their customers in an efficient and cost-effective manner. In addition, the publication has ventured into the broadcasting and Internet domain with the weekly public affairs show ''Queens on the Air'' on local cable and an informative site on the world wide web at www.queenscourier.com. I encourage everybody to log onto this site to see what community journalism is all about.

Yes, from humble beginnings—including that stint until 4 a.m. to get the very first edition out—to obtaining the respect and trust of thousands of Queens citizens, the Queens Courier has become a newspaper heavyweight in the new millennium. Yet the publication continues to stay on the original mission that it set 15 years ago—to provide local news coverage in a fair, accurate and balanced manner. Whether through the breadth of its stories, the quality of its editorials, the informative advertisements, special features and insightful columns—the Queens Courier remains on the cutting edge of community journalism.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating Victoria Schneps and the entire staff of the Queens Courier for a terrific 15 years of service to the Queens community. I am confident that the Queens Courier will continue to enjoy success for many more years to come.

FOR BREAD AND FOR FREEDOM: THE 20TH ANNIVERSARY OF THE FOUNDING OF SOLIDARITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SMITH of New Jersey. Mr. Speaker, I want to add my voice to those who commemorate the 20'' anniversary of the founding of Solidarity and join as a co-sponsor of this resolution, H. Con. Res 416. Significantly, one of the original 21 demands of the Gdansk workers was a call for the implementation of the Helsinki Final Act. As Chairman of the Helsinki Commission, I therefore take special satisfaction in hailing one of the success stories of the Helsinki process.

Stalin is reputed to have once said that trying to impose communism on Poland was like trying to put a saddle on a cow. Certainly, there were few places in Central Europe where communism was more unwelcome and unnatural. The peaceful dismantlement of a totalitarian system imposed by force is testimony to the heroism, ingenuity, and integrity of Solidarity activists and the millions of Solidarity's supporters throughout the country.

Of course, the events at the Gdansk shipyard in the summer of 1980 were the continuation—and elevation—of the opposition to communism that was the inevitable by-product of communism itself in Poland, from the workers' strikes in Poznan in 1956, to the university dissent in 1968, to the Gdansk riots of 1970. But Solidarity was unique in two critical ways. First, it established an unprecedented union between workers and intellectuals, making the whole more than the sum of the parts. Second, it evolved into a mass movement, drawing support from all segments of society. With the critical support of the Catholic Church, Solidarity came to embody the hopes and aspirations not only of the people of Poland, but of dissidents and democrats throughout the region. When Lech Walesa was awarded the Nobel Peace prize, that award rightly recognized the achievements of an extraordinary individual as well as the historic role of the Solidarity movement itself and the people who comprised it.

Indeed, there are many well known heroes of this movement, in addition to Lech Walesa:

Bronislaw Geremek, Adam Michnik, Wladislaw Frasyniuk, Bogdan Lis, Jacek Kuron, Anna Walentynowicz, Janusz Onyszkiewicz, to name but a few of the legions of Solidarity's activists. There were also martyrs, including Father Jerzy Popieluszko, and the miners and others who died when martial law was imposed in 1981. Millions of other Poles, in small ways and large, contributed to world freedom through their support of freedom in Poland.

Mr. Speaker, the resolution we support today seeks to honor them and their movement.

A NEW DAY FOR THE NATIONAL ENVIRONMENTAL POLICY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. DINGELL. Mr. Speaker, more than 30 years ago, I was the co-author of one of the strongest federal laws to protect our air, water and lands. The National Environmental Policy Act recognized that many federal activities, and many federally supported activities, affect the quality of our air, waters, and lands. As a result, federal agencies have been required for more than three decades to report on their activities' impact on the human environment in environmental impact statements.

NEPA was passed by a Democratic Congress and signed by a Republican President. It has withstood years of attack from many special interests and has contributed greatly to improvements in our environment and human health. I have been a stalwart defender of NEPA throughout its history and even defended the Act when different administrations tried to undermine its intent.

One continuing focus of concern was over the role of the President's Council On Environmental Quality (CEQ), about which I helped several administrations, including the current one, understand the benefits of having a single Presidential agency coordinate environmental policy for very diverse interests within the Executive Branch.

I was proud to have fought on behalf of CEQ in the past. However, as occasionally happens with some government agencies, I have come to realize that CEQ has outlived its usefulness now that federal agencies have instilled a stronger environmental ethic in their decision making. I fact, CEQ's role has evolved from one of facilitation to one of obfuscation. It has become an assemblage of irksome meddlers who cost much and do little. In my opinion, their recent efforts on behalf of the environment have been counterproductive from the standpoint of sound conservation practices.

Mr. Speaker, I am therefore proposing legislation today that abolishes the CEQ and leaves the protections of NEPA in place for coordination within each federal agency. This will allow the Appropriations Committee next year to have another $2.9 million every year for much more valuable conservation purposes.

ORIENTATION AND MOBILITY SECTION, WESTERN BLIND REHABILITATION CENTER, VA PALO ALTO HEALTH CARE FACILITY, PALO ALTO, CALIFORNIA RECEIVES OLIN E. TEAGUE AWARD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. STUMP. Mr. Speaker, in a ceremony on Wednesday, September 13, 2000, in the House Veterans' Affairs Committee hearing room, the Orientation and Mobility Section, Western Blind Rehabilitation Center, VA Palo Alto Health Care Facility, Palo Alto, California, received on Olin E. Teague Award for their efforts on behalf of disabled veterans.

The Teague Award is presented annually to VA employees whose achievements have been of extraordinary benefit to veterans with service-connected disabilities, and is the highest honor at VA in the field of rehabilitation.

The Orientation and Mobility Section was selected to receive this prestigious award in honor of their work to develop the first power scooter training program for low vision blinded veterans with ambulatory problems. Realizing that current support items such as canes, walkers and scooters did not meet the needs of the less mobile, blind veteran, the team determined to find a solution. The team worked with specialists in Physical Therapy, Physical Medicine, and Prosthetics Service to study the various types of power scooters available for sighted individuals. In addition to their full daily schedules, the team members made the time to actually become power scooter travelers to learn to navigate on the scooters as sighted individuals. When they became fully knowledgeable of power scooter travel, they began to develop options to adapt the power scooter for use by blind veterans. Their enthusiasm, persistence and creativity paid off. Two distinct power scooter programs were developed to meet the differing needs and capabilities of legally blind low vision veterans. These programs offer veterans a higher quality of life and a highly valued commodity—their independence.

Mr. Speaker, the name Olin E. ''Tiger'' Teague is synonymous with exemplary service to the Nation's veterans. The late Congressman Teague served on the House Veterans Affairs Committee for 32 years, 18 of those years as its distinguished chairman. No one who opposed him on veterans' issues ever had to ask why he was called Tiger. He set the standards by which we can best serve all veterans. I know my colleagues join me in offering our deep appreciation to the Orientation and Mobility Section for their concern, dedication, and innovation in meeting the special rehabilitation needs of disabled veterans. We congratulate them for the excellence of their work and for the distinguished award they received.

IN HONOR OF JOSEPH ROE CRAWFORD SMITH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ROGERS. Mr. Speaker, today, as I speak, in Brentwood, Tennessee, the family, friends, and loved ones of Joseph Roe Crawford Smith are celebrating his life, which was so tragically and prematurely ended this past Friday in a freak outdoor accident.

Mr. Speaker, I am taking the unusual step of bringing before the U.S. Congress the news of Crawford's passing because Crawford was such an extraordinary 22-year-old young man and because his death seems so senseless and inexplicable. In fact, this was a double, horrible tragedy, because the same accident took the life of his friend and fellow University of Tennessee senior Chris Dowdle, also of Brentwood.

Mr. Speaker, perhaps one day we will know why these model young men were taken, in their prime, just as their preparation for adult life was so nearly complete. Maybe, ''in the sweet by and by'' in the words of that hymn. But, for now, we are hurting and terribly saddened.

I knew young Crawford. He was handsome, personable and brilliant. He was a devout Christian. He was devoted to his parents Joe and Claudette and to his sister, Frances. He was a model of good behavior and courtesy. He was an inspiration to his colleagues and to adults like this Member who had the good fortune to know him. Why, oh why, did he have to go so soon?

Mr. Speaker, in special tribute to Crawford Smith, I have requested that an American flag be flown over the United States Capitol this day in his honor.

Mr. Speaker, our hearts are hurting for Joe and Claudette and to Chris Dowdle's parents, Douglas and Anita. They are living through a parent's worst nightmare. I know all my colleagues join me in praying God's most merciful presence with them as they travel through this valley of the shadow of death.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. EVERETT. Mr. Speaker, due to sickness and the inability to arrive in Washington, DC yesterday, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 503 (H.R. 4049, Privacy Commission Act)—''yea'';

Rollcall No. 504 (H.R. 4147, Stop Material Unsuitable for Teens Act)—''yea'';

Rollcall No. 505 (H.R. 3088, Victims of Rape Health Protection Act)—''yea''.

HONORING DR. JULIAN SEBASTIAN AS A MEMBER OF THE RWJ EXECUTIVE NURSE FELLOW PROGRAM

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize a distinguished member of the medical community of Central Kentucky. Dr. Juliann Sebastian is an Associate Professor and Assistant Dean for advanced practice nursing as well as the Director of Graduate Studies for the MSN degree program of the College of Nursing at the University of Kentucky. Dr. Sebastian is a dedicated medical professional who has educated countless students during their journey through nursing school.

Recently, Dr. Sebastian was honored by the Robert Wood Johnson Nurse Fellows Program at the Friends of the National Institute of Nursing Research's Annual Gala. This honor will allow Dr. Sebastian to embark on a three year self-study program while continuing her current duties at the University of Kentucky.

It is a pleasure to recognize Dr. Juliann Sebastian in the United States House of Representatives today, on her prestigious achievement. It is clear that the Fellows program recognized Dr. Sebastian's many talents and abilities to contribute so much to the medical community. As a fellow member of the medical community, I salute you, Dr. Sebastian.

RETIREMENT OF SANDY GOSS, DEPUTY CHIEF OF COBB COUNTY FIRE AND EMERGENCY SERVICES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize Sandy Goss, Deputy Chief of Cobb County Fire and Emergency Services, for his dedication and commitment to the entire Cobb community, and to congratulate him on his retirement after 37 years of service.

Mr. Goss, who grew up around the fire department and following in his father's footsteps, joined the fire department full time immediately following his graduation from high school, in 1965.

Over the years, he worked his way through the ranks. In 1968, he was promoted to lieutenant; he made captain in 1983; he became the battalion chief in 1996; the following year he made colonel; and in 1998, he became deputy chief. While deputy chief, he was in charge of 85 percent of the department, with special operations, the HAZMAT team, technical rescue, vehicle maintenance, armored guards, and the fire suppression division all under his supervision.

He will be sorely missed, and will leave behind a legacy hard to match. I join many others in wishing Sandy and his family the very best.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mrs. MORELLA. Mr. Speaker, today I ask my colleagues to join me in supporting the passage of H.R. 2392, a bill to reauthorize the Small Business Innovation Research Program, or SBIR.

Last year around this time, the House passed H.R. 2392. After months of work by the House and Senate, the Senate took action and passed H.R. 2392, with an amendment in July of this year. Their amendment incorporated both changes to the House provisions and new Senate provisions.

Now, H.R. 2392 is to go back to the Senate with additional Small Business provisions attached to the bill, but with the agreed-to provisions relating to SBIR untouched, These include: extending the program through fiscal year 2007; requiring small businesses to submit a concise commercialization plan with their proposals; requiring agencies participating in SBIR to provide an annual performance plan in accordance with the Government Performance and Results Act; requiring the collection and maintenance of data which will allow program evaluation; and a National Research Council report on how SBIR has used small businesses to stimulate technological innovation and how agencies have used SBIR in meeting their research and development needs.

The above are the main provisions that emanated from the House. The Senate has added provisions, including: a partnership grant program between small businesses and states (FAST, Federal and State Technology Partnership Program), and a mentoring network developed through the funds provided for in the FAST program.

Overall, the provisions contained in this bill improve upon the SBIR program and I am confident that we can again work with the Senate to reach an agreement allowing for the continuation of this excellent program. I urge my colleagues to support this important reauthorization.

NEW YORK'S MOST OUTSTANDING OLDER WORKER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I name Bernard Tzall, a microbiologist at a research laboratory in Nassau County, as New York's Most Outstanding Older Worker for the year 2000.

I admire Bernard's dedication and commitment. At the age of 85, he is still working tirelessly to improve the lives of those around him through his research.

Bernard began working at the laboratory in the 1940s, after serving his country in the Army. Over his six decades of service, he has received awards from national, state, and local organizations for his outstanding research and contributions to the community. In 1953, he was promoted to managing director of the Lab.

About ten years ago, Bernard was diagnosed with throat cancer and was forced to stop working. Miraculously, he was able to successfully fight off the cancer and he returned to work after his surgery.

Even with the handicap of using a voice-assisting prosthesis, he played an instrumental role in discovering the cure for an unknown virus in New York waters. Mr. Tzall is currently enrolled as a PhD. Candidate, becoming one of the oldest engineering students in the country. He continues to work at his laboratory, training new employees and managing its library.

The Prime Time 2000 award, sponsored by Green Thumb, was presented to an outstanding senior over the age of 65 from each state who works more than 20 hours per week. Mr. Tzall demonstrated excellence and commitment that put him in a class with a select few Prime Time recipients.

I commend Bernard for all he has overcome and all he has accomplished. I am honored to give him this recognition he well deserves.

PHARMACIA & UPJOHN ABUSE OF AVERGE WHOLESALE PRICE SYSTEM: STARK CALLS FOR FDA INVESTIGATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. STARK. Mr. Speaker, I have today sent the following letter to Pharmacia & Upjohn, highlighting the extent to which this company has been inflating its drug prices and engaging in other deceptive business practices.

The evidence I have been provided shows that Pharmacia & Upjohn has knowingly and deliberately inflated their representations of the average wholesale price (''AWP''), wholesale acquisition cost (''WAC'') and direct price (''DP'') which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers.

In doing so, Pharmacia & Upjohn is abusing the public trust, endangering patients by affecting physician prescribing practices, and exploiting America's seniors and disabled who are forced to pay 20% of these inflated drug costs. American taxpayers pick up the rest of the tab.

These findings are particularly timely as the Ways and Means Subcommittee on Health will today markup a Medicare bill that seeks to delay any administrative action by the Department of Health and Human Services (HHS) to alleviate this problem. This is bad policy. And I strongly oppose this provision of the bill. Reform of current Medicare drug reimbursement policy is needed now to protect taxpayer funds and public health.

To help bring an end to these harmful, misleading practices, I have today called on the FDA to conduct a full investigation into Pharmacia & Upjohn business practices.

These practices must stop and these companies must return the money that is owed to the public because of their abusive practices.

I would like to submit the following letter to Pharmacia & Upjohn into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2000.

Mr. FRED HASSAN,
Chief Executive Officer, Pharmacia & Upjohn Co., Inc., Peapack, NJ.

DEAR MR. HASSAN: You should by now be aware of Congressional investigations suggesting that Pharmacia & Upjohn has for many years been reporting and publishing inflated and misleading price data and has engaged in other deceptive business practices in order to manipulate and inflate the prices of certain drugs. The price manipulation scheme is executed through Pharmacia & Upjohn's inflated representations of average wholesale price (''AWP'') and direct price (''DP''), which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The difference between the inflated representations of AWP and DP versus the true prices that providers pay is regularly referred to in your industry as ''the spread.'' In turn, this has caused the Medicare and Medicaid Programs to expend excessive amounts in paying claims for certain drugs. The evidence amassed by Congress clearly shows that Pharmacia & Upjohn has reported inflated prices and has engaged in other improper business practices in order to cause its customers to receive a windfall profit from Medicare and Medicaid.

The manipulated disparities between your company's reported AWPs and DPs are staggering. For example, in 1997, Pharmacia & Upjohn reported an AWP of $946.94 for 200 mg. of Adriamycin PFS while offering to sell it to American Oncology Resources (AOR) for $168.00 and to Comprehensive Cancer Center for $152.00 (Composite Exhibit 1''). Your company then aggressively marketed its cancer drugs to health care providers by touting financial inducements and other types of incentives. Pharmacia & Upjohn created and marketed the financial inducements for the express purpose of influencing the professional judgment of doctors and other health care providers in order to increase the company's market share.

Pharmacia & Upjohn's strategy of increasing the sales of its drugs by enriching with taxpayer dollars, the doctors and others who administer the drugs is reprehensible and a blatant abuse of the privileges that Pharmacia & Upjohn enjoys as a major pharmaceutical manufacturer in the United States. This is perhaps best illustrated by Pharmacia & Upjohn's own internal documents which reveal that the company abused its position as a drug innovator in an initial Phase III FDA clinical trial for a cancer drug used to treat lymphoma (Composite Exhibit ''2'').

''. . . Clinical Research Trials

Initial Phase III Protocol trial for ''Oral Idamycin'' in lymphomas. This trial will offer AOR $1.1M [million] in additional revenues. Two hundred twenty-five (225) patients at $5,000 per patient. . . .

The above . . . items are contingent on the signing of the AOR Disease Management Partner Program. AOR's exclusive compliance to the purchase of the products listed in the contract product attachment is also necessary for the above items to be in effect.''

The linking of doctor participation in FDA clinical drug trials to their purchase and administration of profit-generating oncology drugs is entirely inconsistent with the objective scientific testing that is essential to the integrity of the trial. I am hopeful that the FDA will take immediate action to stop such behavior by your company. The FDA's inability to act to ensure the validity of drug trials will necessitate legislative action.

Doctors must be free to choose drugs based on what is medically best for their patients. It is highly unethical for drug companies to provide physicians with payments for FDA clinical trials and inflated price reports that financially induce doctors to administer Pharmacia & Upjohn's drugs to patients. In particular, Pharmacia & Upjohn's conduct, along with the conduct of other drug companies, is estimated to have cost taxpayers over a billion dollars. It also has a corrupting influence on the exercise of independent medical judgment both in the treatment of severely ill cancer patients and in the medical evaluation of new oncological drugs.

In addition to Pharmacia & Upjohn's action in the context of the Phase III FDA clinical trial, internal Pharmacia & Upjohn documents secured through Congressional investigations clearly establish that Pharmacia & Upjohn created and then exploited misleading information about its prices. Following is one example: ''Some of the drugs on the multi-source list offer you savings of over 75% below list price of the drug. For a drug like Adriamycin, the reduced pricing offers AOR a reimbursement of over $8,000,000 profit when reimbursed at AWP. The spread from acquisition cost to reimbursement on the multi-source products offered on the contract give AOR a wide margin for profit'' (Exhibit ''3'').

It is clear that Pharmacia & Upjohn targeted health care providers, who might be potential purchasers, by creating and then touting the windfall profits arising from the price manipulation. For example, Pharmacia & Upjohn routinely reported inflated average wholesale prices for its cancer drug Bleomycin, 15u, as well as direct prices. The actual prices paid by industry insiders was in many years less than half of what Pharmacia & Upjohn represented. Pharmacia & Upjohn reported that the average wholesale price for Bleomycin, 15u, rose from $292.43 to $309.98, while the price charged to industry insiders fell by $43.15 (Composite Exhibit ''4'').

Congress attempted to address the issue of inflated drug reimbursement, in part, in 1997 legislation requiring Medicare to reimburse drug costs at 95% of AWP.

Unfortunately, Congress was unaware that, while it intended to improve Medicare's solvency, Pharmacia & Upjohn was submitting false price reports to further inflate reimbursement amounts for both Medicare and Medicaid that would nullify the effects of Congressional action. Composite Exhibit ''5'' demonstrates that Pharmacia & Upjohn increased its price representations for its cancer drug Toposar by 5% in October 1997 while taking care to ensure customers that the change in reported prices would not have any impact on the lower, true prices being paid, but would increase government reimbursement.

The following excerpt, addressing Medicaid reimbursement, is illustrative of the steps Pharmacia & Upjohn took to ensure that government health programs paid the inflated reimbursement resulting from false price reports: ''FYI—Heads up. The following P&U price increases may create a spread between purchase price and Medicaid reimbursement that may create sales complaints if not resolved in reasonable time period by customary Medicaid updates. Therefore, your action may be required in some instances if over the next few months Medicaid does not automatically pick up the price changes'' (Exhibit ''6'').

Pharmacia & Upjohn reported price increases in October 1997 with full knowledge that the true prices of the drugs were falling. For example, Composite Exhibit ''7'' reveals that Pharmacia & Upjohn voluntarily lowered its price of Adriamycin PFS 200 mg to $152.00 while reporting an AWP of $946.94: ''Dear Willie, A (VPR) Voluntary Price Reduction will become effective May 9, 1997. The wholesalers have been notified, however it may take two weeks to complete the transition. . . .''

Additionally, internal Pharmacia & Upjohn documents secured through the Congressional investigations show that Pharmacia & Upjohn also utilized a large array of other inducements to stimulate product sales. These inducements, including ''educational grants'' and free goods, were designed to result in a lower net cost to the purchaser while concealing the actual price beneath a high invoice price. Through these means, drug purchasers were provided substantial discounts that induced their patronage while maintaining the fiction of a higher invoice price—the price that corresponded to reported AWPs and inflated reimbursements from the government. Composite Exhibit ''8'' highlights these inducements:

AOR/PHARMACIA & UPJOHN PARTNERSHIP PROPOSAL: Medical Education Grants. A $55,000 grant has been committed for 1997 for the AOR Partnership for excellence package including: Education/Disease Management, Research Task Force, AOR Annual Yearbook. A $40,000 grant to sponsor the AOR monthly teleconference. This sponsorship was committed and complete in February 1997. . . .

PHARMACIA & UPJOHN, INC. INTER-OFFICE MEMO: If needed, you have a ''free goods'' program to support your efforts against other forms of generic doxorubicin. . . .

Use your ''free goods,'' wisely to compete against other generic forms of Adriamycin, not to shift the customer to direct shipments. The higher we can keep the price of Adriamycin, the easier it is for you to meet your sales goals for Adriamycin.

My reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to Pharmacia & Upjohn's misleading price reports. Accordingly, I am today requesting that the Commissioner of the FDA, Dr. Jane Henney, conduct a full investigation into Pharmacia & Upjohn's business practices.

I urge Pharmacia & Upjohn to immediately cease these acts and make arrangements to compensate taxpayers for the financial injury caused to federally funded programs. Any refusal to accept responsibility will most certainly be indicative of the need for Congress to control drug prices. If we cannot rely upon drug companies to make honest and truthful representations about their prices, then Congress will be left with no alternative but to take decisive action to protect the public.

Please share this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,
Member of Congress.

INTRODUCTION OF H.R. 5361, THE PIPELINE SAFETY ACT OF 2000

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. OBERSTAR. Mr. Speaker, before we adjourn we need to pass legislation to improve pipeline safety. The recent explosions in Bellingham, Washington (three fatalities) and Carlsbad, New Mexico (12 fatalities) are the most visible indications of a serious, long-term

problem. Today I am introducing H.R. 5361, the Pipeline Safety Act of 2000, a bill that I believe will help us to go forward quickly and pass this badly needed legislation. The bill is cosponsored by Congressmen DINGELL, INSLEE, UDALL (NM), PASCRELL, LEWIS (GA), PALLONE, SMITH (WA), and TIERNEY; many of the cosponsors represent citizens in States that have had serious pipeline accidents.

Our Nation has 2.2 million miles of pipeline carrying 617 million ton-miles of oil and refined oil products, and 20 trillion cubic feet of natural gas. The pipeline system and the volume of products transported continue to grow. In the last ten years, pipeline mileage has grown by ten percent—at the same time that our Nation's suburbanization continues to bring more families near pipelines.

Regrettably, as the industry has grown, safety has declined. In the last decade, there were 2,241 major pipeline accidents resulting in death, serious injury, or substantial property damage. These explosions killed 226 people and caused more than $700 million of damage to property and the environment. And pipeline safety is deteriorating: the General Accounting Office (GAO) has found that the rate of pipeline accidents is increasing by four percent a year.

To exacerbate the problem, we are dealing with an aging pipeline system. About 24 percent of gas pipelines are now more than 50 years old. The section of pipeline involved in the recent Carlsbad, New Mexico tragedy was almost 50 years old and had suffered substantial internal corrosion.

Congress and the National Transportation Safety Board (NTSB) have long been aware of the unacceptable state of pipeline safety. A series of laws and NTSB recommendations have given the responsible federal agency, the Office of Pipeline Safety (OPS) of the Department of Transportation, direction as to the steps that need to be taken. Regrettably, OPS has not been responsive.

A recent GAO study found that OPS has failed to implement 22 statutory directives for regulations and studies. Twelve of these provisions date from 1992 or earlier. OPS has the lowest rate of any transportation agency for compliance with NTSB recommendations. In addition, GAO has challenged OPS'new policy of reduced reliance on enforcement fines.

During the past year, we have made progress in developing legislation to improve pipeline safety. The Senate has passed a bill, S. 2438, that includes some provisions that would enhance safety but, at the same time, the bill fails to deal satisfactorily with the most important safety issues. It is my judgment that it would be a serious mistake to adopt the Senate bill unchanged. The minimal contributions that the bill would make to safety are outweighed by the legislative reality that passage of this bill would make it extremely difficult to pass additional pipeline safety legislation during the period of the three-year authorization Provided by the bill.

The Senate bill, as passed, is opposed by the families of the victims of the Bellingham, Washington, pipeline explosion, and the following organizations: the National Pipeline Reform Coalition; League of Conservation Voters; Environmental Defense; Clean Water Action; National Environmental Trust; Natural Resources Defense Council; Physicians for Social Responsibility; U.S. Public Interest Research Group; AFL–CIO Transportation Trades Department; the International Brotherhood of Teamsters; and the AFL–CIO Building and Construction Trades Department.

I believe that the House should go forward with its own legislation and then work with the Senate to develop a joint product that would make an effective contribution to pipeline safety.

Until a few weeks ago, this was the path we were following in the House. Several good pipeline safety bills had been introduced, including H.R. 4792, a bill sponsored by Congressman INSLEE and 15 other Members. Within the Transportation and Infrastructure Committee, the Committee with primary jurisdiction over this issue, there had been extensive bipartisan discussions and staff work, and draft legislation had been prepared and was within days of being ready for a markup in early

I find the industries' assessment of the legislative situation to be obviously selfserving. When was the last time we heard an industry demand that a ''tough'' bill be passed to Improve its safety? How could anyone, three weeks ago, say with a straight face that the last five weeks, or the last two weeks, of this Congress provide insufficient time for negotiations on this relatively limited issue, when during the last two weeks the House and the Senate will have to resolve all the major issues associated with 11 of the 13 appropriation bills?

The bill I am introducing today does not include all the provisions that I would like to see included in a pipeline safety bill. In the interest of facilitating prompt House action on pipeline safety, my bill is based largely on the House bipartisan staff draft bill that had been developed for an early September markup.

I believe that this bill is a major improvement over the Senate product and can make important contributions to pipeline safety. In accordance with a joint statement of principles for improving pipeline safety endorsed by Congressman JOHN DINGELL, Ranking Democratic Member of the Committee on Commerce which also has jurisdiction over pipeline safety, and me, the bill requires pipeline integrity management programs; requires periodic pipeline inspections; ensures that pipeline employees are qualified, well trained, and certified; expands the public's right to know; provides environmental accountability and increases enforcement; expands States' role in pipeline safety; enables more citizen involvement; and increases funding to improve pipeline safety. A summary of the bill may be found at the end of this statement. Although the Senate bill includes provisions on some of these issues, in most cases they are not effective to deal with the problem.

Let me just focus on a couple of issues to illustrate the difference between my objectives and the Senate bill. I believe that any pipeline safety bill must require pipeline operators to adopt integrity management programs and must require periodic inspections of pipelines at least once every five years.

Why is that so important?—two reasons: First, required inspections will prevent tragedy. The need for regular inspections is particularly acute because of the age of our pipeline system. As I have already said, about 24 percent of gas pipelines are now more than 50 years old. The section of pipeline involved in the recent Carlsbad, New Mexico tragedy was almost 50 years old, and the National Transportation Safety Board (NTSB) has found that the failed sections had significant internal corrosion and pipe wall loss in some areas of more than 50 percent. The NTSB stated that, based on their initial investigation, the 50-year-old pipeline was never properly tested. The company never conducted an internal inspection of the pipeline involved in the explosion. I believe that inspections probably would have uncovered these corrosion problems before they led to a tragedy. Without requiring pipeline inspections, there will be more tragedies. We don't need another Carlsbad, New Mexico, Bellingham, Washington, Edison, New Jersey or Mounds View, Minnesota.

Second, a subtle, but important, distinction between this bill and the Senate bill is that the Senate bill does not require the pipeline companies to do anything. The Senate bill only requires the Office of Pipeline Safety to adopt regulations dealing with the issue. This approach has been tried and failed. In 1992, Congress passed legislation that directed OPS to adopt regulations requiring inspections by 1995. Now, 13 years after the NTSB recommended required periodic inspections and eight years after the statutory mandate, the Office of Pipeline Safety has not issued a single regulation imposing pipeline inspection requirements. For important parts of the industry NTSB has not even issued a Notice of Proposed Rulemaking.

The failure of the Office of Pipeline Safety's failure to comply with statutory inspections mandates is just one example of OPS' lack of responsiveness to Congressional directives and NTSB recommendations when it comes to pipeline safety. The GAO has found that the Office of Pipeline Safety has not complied with 22 existing statutory requirements regarding pipeline safety, many of which had statutory deadlines that have long since past. We should not pass a bill, like S. 2438, that imposes a 23rd statutory requirement telling OPS to do the right thing.

It is time for the House to lead; it is time for these needless pipeline tragedies to stop. The House should go forward with its own pipeline safety legislation and we should get a truly effective pipeline safety bill on the President's desk before we adjourn.

Summary of H.R. 5361, The Pipeline Safety Act of 2000

1. Requires pipeline integrity management programs

Statutorily requires that hazardous liquid and natural gas pipeline operators adopt integrity management programs, regardless of whether the Department of Transportation's Office of Pipeline Safety (OPS) completes pending and planned rulemakings to require these programs.

The Department of Transportation (DOT) must review each operator's integrity management program, and either accept it or require changes.

2. Requires Periodic Inspections (at least once every five years)

Statutorily requires periodic inspections of pipelines at least once every five years in areas of high population or environmental sensitivity; methods for monitoring cathodic protection on the operator's entire system; follow-up actions which will be taken if inspections reveal deficiencies; and programs for installing emergency flow restricting devices.

3. Ensures that pipeline employees are qualified, well trained, and certified

Statutorily requires that each pipeline operator develop and implement a program for ensuring that all employees performing safety sensitive functions are qualified.

Qualifications of employees must be established by testing and may not be established by observing on-the-job performance only (as would be permitted under a recent OPS regulation).

Requires DOT to review all pipeline operator programs, and either accept them or require changes.

Establishes a pilot program in which DOT will develop a test for certifying persons who operate computer-based systems which control pipeline operations. OPS will use its test to certify these employees at three companies.

4. Expands the public's right to know

Requires pipeline operators to establish programs to educate the public on the use of the one call program prior to excavation, and on how to identify and respond to a pipeline release.

Requires pipeline operators to make useful information available to state emergency response committee and local emergency planning committees, and to make maps of pipelines available to municipalities.

Requires pipeline operators to provide DOT, and DOT to provide the public, with pipeline segment reports including histories of incidents and inspection, enforcement actions affecting the segment, and the results of periodic testing of the segment.

5. Provides environmental accountability and increases enforcement

Establishes a new penalty with strict liability (no fault required) for oil spills, of $1,000 per barrel of hazardous liquid (e.g., oil) discharged. This is the same penalty as is currently imposed for oil spills in water.

Raises maximum civil penalties from the current law level of $25,000 per violation and $500,000 for a related series of violations to $100,000 per violation and $1,000,000 for a series of violations.

Expands the Attorney General's authority to pursue civil actions and get appropriate relief.

6. Expands States' role in pipeline

Authorizes the Department of Transportation to enter into agreements with states to enable the states to participate in pipeline safety inspections and oversight, and to comment on pipeline operators' integrity management programs.

7. Enables more citizen involvement

Establishes a pilot program to establish and fund nine Regional Advisory Councils to enable public and local government representatives to make substantive recommendations to the pipeline industry and regulators regarding improving pipeline safety.

8. Increases funding to improve pipeline safety

Significantly increases authorizations for pipeline safety programs to enable the Office of Pipeline Safety to carry out an active, aggressive inspection program.