CONGRESS OF THE UNITED STATES,
*Washington, DC, July 10, 2002.*

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

JAMES D. CARSTENSEN,
*Washington Operations Director, Office of Congressman Tom Latham (IA–05).*

## GENERAL LEAVE

Mrs. BIGGERT. 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. 2733.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

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.

## RECONSTRUCTIVE SURGERY ACT OF 2002

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

Mr. ROSS. Mr. Speaker, I rise this afternoon to share with my colleagues the heartbreaking story of a constituent of mine. After hearing of the challenges she has faced and still faces today in order to try and live a normal life, I introduced the Reconstructive Surgery Act of 2002, H.R. 4959.

This bill requires health insurance plans to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, infection, trauma or disease.

As an infant, Wendelyn Osborne was diagnosed with a rare, congenital bone disease, craniometaphysial dysplasia, or CMD, which involves an overgrowth of facial bone that never deteriorates.

At the time of her diagnosis, she was the sixteenth CMD case in the world in medical history. Doctors told her parents that she would not live past the age of 10. After many surgeries, starting at the age of 6, Wendelyn has lived to be 36 years old. But she is not free of the harmful effects of her disease. Her facial muscles are paralyzed. Her optic nerve is damaged, and she must wear a hearing aid in order to hear properly. The severity of her abnormalities requires further orthognathic surgeries so she may continue to be able to eat properly. Yet, Mrs. Osborne's insurance company will not cover this procedure because it is considered cosmetic.

Mr. Speaker, I am pleased to have my colleague from Arkansas (Mr. BERRY) as a cosponsor on this legislation with me. I yield to the gentleman.

Mr. BERRY. Mr. Speaker, I want to thank my colleague from the Fourth District of Arkansas (Mr. ROSS) for his leadership on this matter. Clearly, the bill that he has introduced and I cosponsored, H.R. 4959, that requires health insurance to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, trauma or disease is the right thing to do.

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People that are so unfortunate that they would be faced with a situation like this and desperately need insurance coverage should be respected by the insurance companies that choose to take advantage of a situation and refuse to pay for the care that these people need.

My colleague from the 4th District has already referred to Ms. Osborne, an Arkansas resident who was diagnosed with a rare, life-threatening congenital bone disease as a child. This should not be something that the insurance companies are allowed to take advantage of. It is time that this House does the right thing. It is time that we make it possible for Ms. Osborne and others that have been unfortunate enough to need this kind of treatment, that they will be allowed and that they will have the opportunity and that the insurance companies will provide the necessary coverage for their treatment.

Mr. ROSS. Mr. Speaker, I appreciate the gentleman from Arkansas (Mr. BERRY) for joining me here today in our fight in trying to correct the wrong by the big insurance companies.

They covered the surgeries that Wendelyn needed until she was about 18, maybe 21. Then it is like they are saying she was not supposed to live this long so we will not cover her operations any more. That is wrong.

The Reconstructive Surgery Act that we have written defines medically necessary reconstructive surgery as surgery performed to correct or repair abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease. The surgery must be designed to improve functions or to give the patient a normal appearance to the extent possible in the judgment of the physician performing the surgery.

It specifically excludes cosmetic procedures defined as surgery that is performed to alter or reshape the normal structures of the body in order to improve appearance.

This bill draws a line between improving looks and improving life, oftentimes, as in Wendelyn's case, perhaps saving a life. Several States have a law requiring insurance coverage of medically necessary reconstructive surgery up to the age of 18. The Reconstructive Surgery Act is an effort to build upon what the States have started as well as address the apparent arbitrary decision-making of some big insurance plans that refuse coverage and question physicians' judgments when patients like Wendelyn Osborne try to get coverage under the plan for which they pay premiums every month.

The Reconstructive Surgery Act is endorsed by the National Organization for Rare Disorders, National Foundation for Facial Reconstruction, Easter Seals and the March of Dimes.

I am going to fight to move this legislation forward, to help people like Wendelyn Osborne get the reconstructive surgeries that they must have to stay alive and to live as normal and healthy a life as possible, and I urge my colleagues to join me in this fight.

According to one Harvard researcher, there have been CMD sufferers in their 50's and 60's who continue to need surgery to prevent conditions such as this, procedures that will allow them to continue eating and breathing, yet orthognathic surgery is considered cosmetic.

Many of you remember the movie "Mask" in which Cher played the mother of a boy named Rocky who died from a disease similar to CMD. That movie was based on a true story. Rocky died because his mother couldn't afford the life-saving reconstructive surgeries he needed.

Ms. Osborne has never met another person who suffers from CMD, but she has met countless people who struggle with trying to get the reconstructive surgeries they need. People born with cleft lips and palates, with missing pectoral muscles that cause chest deformities, even burn victims—all cases where reconstructive surgery is considered merely cosmetic.

For these people, falling into the wrong category means denial of coverage for their medical needs.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4600

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4600.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## SECURITIES AND EXCHANGE COMMISSION

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

Mr. DEFAZIO. Mr. Speaker, the President gave a stunning speech the other day and talked about corporate responsibility. This is the new face of corporate responsibility, the chief law enforcement officer of the Securities and Exchange Commission. His name is Harvey Pitt. He is a former lobbyist for securities firms and accounting firms, and as a lobbyist, he opposed all reforms and tightening of regulations.

He was not there at the President's speech and some would say, well, the President's trying to kind of hide this guy because he is an embarrassment. Well, no, despite the fact that some of us think there is a crisis in corporate ethics and the meltdown and the bankruptcies and the pension losses and the tanking of the stock market and all the basic outright thievery that was going on, he was at the beach on vacation, but it really does not matter much because Harvey Pitt is so conflicted he cannot vote as the chief law enforcement officer of the Securities and Exchange Commission.

They were recently undertaking an enforcement action against an accounting firm. There were three commissioners present. They heard the evidence of the staff. It was compelling. They wanted to prosecute that firm, but Mr. Pitt had to say, oh, excuse me, they are my former clients, I represent them, I cannot vote. The other woman commissioner there said, gee, actually, I represented them, too; I cannot vote. So there was one commissioner left who could vote, a Clinton appointee, who did not have a conflict of interest. He voted to prosecute them, but then they appealed to an administrative law judge and said, hey, you cannot convict us with one vote, and in fact, the administrative law judge said you are right.

So here we have the new push for corporate accountability and responsibility, and we have a Securities and Exchange Commission that cannot prosecute anybody because two of the three sitting members named by President Bush are so conflicted because these are their former clients and their future clients when they leave their so-called public service they cannot vote.

So this is wonderful. We can talk about getting tough, but nobody is going to be prosecuted, fined or go to jail. It is a very interesting sort of turn of events.

Mr. Pitt has had and said some pretty interesting things. Here is his philosophy as the chief law enforcement officer of the Securities and Exchange Commission. In general, Mr. Pitt said in November, My preferred approach to any regulatory issue is one in which the government's participation is as limited as reasonably possible.

Well, he is at the beach and he cannot vote so I guess he is following his own provisos here.

Then we have his other famous statement when he was first sworn in. He went up to his buddies on Wall Street, had lunch, had a great time, lot of champagne and stuff. They are celebrating his becoming their regulator because they knew they would not have to worry much, and he said and promised, ''a kinder and gentler place for accountants.'' The crooks could come to Harvey, share lunch, and it would be a kinder and gentler SEC.

If my colleagues saw the President's speech, there was this wonderful backdrop. Corporate responsibility, it said time and time and time again so one would not miss the message, even though, of course, the President was not advocating anything new or anything stringent or anything that might really jeopardize any of his corporate friends and contributors. Actually, what most people in the public do not know is actually that was the punishment. There was already very stiff punishment levied on those Wall Street tycoons. They had had to write 1,000 times on the wall ''corporate responsibility'' before the President's speech. That was their punishment, and that is about the only punishment they are going to get out of this administration.

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

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## RESTRICTION ON OCEAN DUMPING OFF NEW JERSEY COAST

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

Mr. PALLONE. Mr. Speaker, I just wanted to mention that I just introduced H.R. 5092 along with my cosponsors, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from New Jersey (Mr. HOLT), and the purpose of this legislation is to put in place as a matter of law a restriction on ocean dumping off the coast of New Jersey, actually at a site about 6 miles off the coast of my hometown in the 6th Congressional District, where several years ago myself and the two senators from New Jersey, Mr. TORRICELLI played a major role in this as well, worked out an agreement with the Federal Environmental Protection Agency that ocean dumping of toxic dredge materials would cease being dumped at this site called the mud dump site off the Jersey shore and that henceforth the site would be closed and the only thing that could be placed there would be clean fill material in order to remediate the site and serve as a cap for the toxic dredge materials that had been dumped there for so many years.

I was very disappointed last week when the EPA announced they were going to allow dredging once again of toxic materials from the Earl Naval Weapons Depot in my district in Leonardo, New Jersey, to be dumped at this site, contrary to this agreement that had been worked out. The agreement specifically said that nothing could be used as remediation material and dumped at the mud dump site that exceeded what was called a standard or guideline of 113 parts per billion in terms of PCBs.

We know that PCBs are very damaging to human health, particularly when they get into the marine life, and they ultimately pass up through the food chain, and we had all agreed pursuant to this understanding several years ago that this standard or guideline of 113 would be the standard for any kind of materials that would have to be placed at the mud dump site.

Unfortunately, last week the EPA decided to give a waiver so that the Navy at Earl could dump materials that exceeded the 113 at the site, and yesterday, pursuant to a court action that was taken by U.S. Gypsum Company, the Federal court in New York ruled that because the EPA had not properly promulgated the 113 standard, that it could not be applied any more for ocean dumping, and now there is some concern about whether U.S. Gypsum and other companies would be able to dump again off the coast of New Jersey.

So this legislation is necessary in order to guarantee that ocean dumping does not continue. Myself, the two Senators from New Jersey and other Members of Congress have called upon the administrator of the EPA, Mrs. Whitman, our former governor, to put the 113 standard into regulation as a matter of law, and hopefully she will do that, but at the same time, in order to back that up, I think it is necessary for us to introduce legislation in the House that would accomplish the same goal, and that is what this legislation would attempt to do.

Mr. Speaker, I do not have to tell my colleagues how important it is that we not continue to dump any kind of toxic material off the coast of New Jersey or anywhere else in the country. New Jersey's number one industry is tourism, and particularly now in July, after the July 4 holiday, there are so many people using the beaches, coming down to the Jersey Shore, both from New Jersey as well as New York and the State of Pennsylvania and even other States. If people do not feel or do not have the guarantee that the ocean water will be clean, obviously they are not going to swim and they should not swim.

The issue of ocean dumping does not just affect bathers. It affects marine life. It affects people who eat fish. It affects so many things along the coast of New Jersey and around the country, and I think it really is imperative that we stick to this standard of 113 parts per billion to make sure that human health is safeguarded and that we do not go back into the trend that we had so many years ago of continuing to dump everything in the ocean with the theory that somehow nobody would know about it and it would not make a difference.