

I rise in support of the Stark amendment. This whole Tom Scully issue is a sorry page in a sordid chapter in congressional history. Think about this whole process of the Medicare bill passing this Congress if this new law that seniors, most seniors I know, think was foisted on them, this bill written by the drug industry and the insurance industry.

The vote to pass Medicare was taken in the middle of the night. The debate started at midnight. The vote was taken at 3 o'clock. The roll call, unprecedented in congressional history, was kept open for 2 hours and 55 minutes until Republican leadership could twist arms all over this House floor back in the cloakroom; waking up the President in the middle of the night; trying to change Republican votes; trying to literally bribe at least one Republican Member of Congress, who talked about it on radio the next day; the millions of dollars in campaign contributions that were used to pass this Medicare bill. Tens of millions of dollars went to President Bush's reelection from the drug industry and the insurance. Tens of millions of dollars went into Republican leadership campaign coffers from the drug industry and insurance industry. And then to top off this sordid chapter in congressional history, Mr. Scully, the gentleman, a good public servant, but the gentleman that was negotiating on behalf of seniors, on behalf of taxpayers, was negotiating this bill, and he was lining himself up for a job soon after the bill was signed by President Bush, a job representing and lobbying for drug companies and for insurance companies. What is wrong with this?

This amendment needs to be passed to at least undo part of this very sordid chapter in congressional history.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I would feel a lot better about this issue if the Republican leadership in the Congress decided to do something when they first heard that Tom Scully, who was the Administrator of the agency, Center for Medicare and Medicaid Services, threatened to fire the actuary if he gave Congress the accurate information about how much the Medicare bill would cost. We were told in the Congress that it was going to cost \$400 billion. It turned out it was \$600 billion. And the actuary knew about it, and Mr. Scully said to him if he told the Congress, he was going to fire him.

I hear no sense of outrage from the Republican leadership of the Congress, of the House. I hear no sense of outrage from Republican Members who voted for this bill because they thought it would only be \$400 billion and would have voted against it if they had known the true facts.

The Government Accountability Office has issued its findings to the investigation in this matter, and they said what Mr. Scully did was improper, and

he should not be paid. So under the amendment offered by the gentleman from California (Mr. STARK), we would take out \$84,500 from the appropriations bill in order to make the point of protest as to what happened. That is not a lot of money given the scope of this appropriations bill, but I would feel more comfortable in deferring to the chairman of the subcommittee if he and other leaders on the Republican side of the aisle had at least expressed some outrage on behalf of this institution that we were treated the way we were.

So I support the Stark amendment at least to do something about this issue.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I have one more speaker, but I did want to repeat that, as far as this gentleman is concerned, the issue here, I know the dollars are not significant, but I rather suspect that the laws that were violated were written by the Republican Party when it was in the minority, and I do not think it is an issue that is partisan. I really believe this is an issue that does not deal with anything other than the very most basic facts which we need to carry out our duties here. And, yes, the \$84,500 is symbolic, but it is the only recourse that we have under the law. The law was clearly broken. It seems to me that we should demand that it be taken and leave it to the Secretary to collect the \$84,500 in any manner that he sees fit.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I think this amendment is very important and should be supported.

There has to be some consequence of the Medicare Administrator giving the wrong information to Congress about such an important bill and knowing full well that he was giving that wrong information to Congress. I mean, keep in mind that Mr. Scully was told by Mr. Foster what the actual cost would be, and knowing full well that information, and knowing that if that accurate information had been given to this body, we would never have passed the bill, but he still refused to give it and actually sought to even penalize Mr. Foster, or threatened him, if the accurate information was given to us.

The Department has said that they are not going to ask Mr. Scully for the money back for his salary. Mr. Scully has said that he has no intention of returning it to the government. So there is simply no penalty for giving inaccurate, false information to this body that they know to be false. That is a terrible thing, no consequences. How can we operate as a body when the actuary's information is not given to us, and there is no consequence for that even though the GAO says it is wrong?

Mr. DINGELL. Mr. Chairman, the Stark Amendment takes direct aim at part of the

Bush Administration's pattern of cover ups, clandestine policy making, and concealment of critical information from the Congress. I urge all my colleagues to support it.

We had DICK CHENEY's secret energy task force. We've seen military records concealed. We had no-bid contracts for Halliburton. We've seen government reports doctored—like the one on minority health disparities. And we've seen more games played with numbers during this Administration than you'd get from an Enron accountant. Tax cuts—they're free! (Yet we've got the largest deficits on record.) Employment—it's up! (Yet, we still have 1.2 million fewer jobs now than when the recession started and more workers than ever looking for work.) The uninsured—we're covering them! (Yet, 5.2 million Americans have been added to the ranks of the uninsured under President Bush's watch.)

The recent HHS Inspector General and the GAO reports on the unsavory activities of Mr. Tom Scully, the Administrator of the Centers for Medicare and Medicaid Services (CMS), during the Medicare debate give us one more example of the Administration's deception of Congress and the American people.

The Administration, through former CMS Administrator Scully, covered up important cost information, particularly the fact that the bill would cost more than 500 billion dollars, that Congress should have seen prior to voting on the Medicare bill. Mr. Scully threatened the Chief Actuary with adverse consequences if he provided requested estimates to Congress, and had his underling threaten the Chief Actuary as well. All the while making sure that the White House had the real information.

Just this week, GAO issued a legal opinion stating that Mr. Scully's actions violated federal law, and is recommending that the money from the Medicare Administrator's salary which he received during these improper activities—\$84,500—be returned to the Treasury. This amendment does that.

Accountability has been lacking throughout the four years of this Bush Presidency. We need to bring accountability back to the government. And we should start right here with this Amendment offered by my colleague Representative STARK.

Mr. STARK. Mr. Chairman, I would, as a matter of prerogative of the House, encourage us all to support this modest amendment, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY).

The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. STARK) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3½ minutes.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, my amendment says that no funds in this bill will be permitted to be used to institute system of universal mental health screening. The New Freedoms Commission on Mental Health, a commission established in 2002, has recommended universal mental health screening for all our children in our public schools as well as adults who work in these schools. As a medical doctor, as a civil libertarian, and a strict constitutionist, I strongly reject this notion, this plan, as dangerous and nonproductive.

This type of screening would surely lead to a lot more treatment of hyperactive kids. We already have an epidemic in our schools today that are overtreated. Too often under these conditions, children are coerced into taking medicine. It has been known that parents who have denied medication for their children have been accused of child abuse. There is already tremendous pressure on parents to allow public school officials to put children on medication like Ritalin.

This amendment would not deny, in the routine course of events, medical treatment for those who are suffering from mental disease. What my concern is for a universal screening test of all children for mental illness.

Diagnosis in psychiatry is mostly subjective. It is very difficult to come up with objective criteria. If we wanted psychiatrists to perform the test to make it more objective, it would be impossible. We are talking about an unbelievable number of psychiatrists that are not available, so nonpsychiatrists would be doing this testing.

One of the worst downsides from a program like this would be for a child to be put on a list as having some type of mental disorder.

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An unruly child is going to be the first one to be determined as mentally disturbed. It is happening all the time. Those are the individuals that are hyperactive even in a normal sense and end up on Ritalin.

But can you imagine a list of this sort? They claim it will be private, but

can you imagine if there is a list that has identified an individual as a possible candidate for violence? And what if he were to be hired by an important industry? What if the post office was to hire this individual and he was on this list and we did not make this information available to the hiring authorities? That means there would be tremendous pressure to make public officials use this list for reasons that I think would be very, very negative.

The whole notion of testing children to me represents a principle even more intrusive than a mandatory blood test. It would make more sense medically to have a blood test for, say, AIDS, if you thought it was the responsibility of the Federal Government to take this job upon themselves. But, no, if we tried to do this in the area of mental diseases, believe me, the criteria would be way too arbitrary. A diagnosis will be too difficult to determine with a set of objective standards.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does any Member rise in opposition to the amendment?

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little baffled by this, because there is nothing in this bill to establish the universal mental health screening. I do not know what the need for the amendment is. I understand what the concern of the gentleman is if this were the case, but we do not have it. There is no requirement, there is no money, there is no action.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, that is correct, there is no money specified for this. But on previous legislation, the authority exists for us to be involved in mental health. The particular bill's mental health services, it is on the books. The legislative authority is there. It could be done by regulation.

I am just saying you are correct, it is not on there, so there should be no objection, is my interpretation. It is just a protection, a statement by the House that we do not like this idea because this is a recommendation from a commission set up by the administration, and I would like to cut it off before it gets very far.

Mr. REGULA. Mr. Chairman, reclaiming my time, I guess you might call this preventive medicine.

Mr. PAUL. I hope the gentleman will join me in this effort for preventive medicine.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is a little inflammatory. You do have a lot of

people who for, one reason or another, maybe family members, maybe in their own case, they do have problems. I think, in a way, to pass an amendment of this type is sort of putting our thumb in their eye or sort of saying, hey, we do not want any part of this.

What the commission did in their report is say this is a problem we need to be thinking about, that we need to address. But I think it is premature, and it is unfair in a way to identify a segment of the population and say under no circumstances are you going to get any help.

For this reason, I would have to oppose the amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the amendment was misconstrued by the previous speaker, because it would not deny medical care. What it does is it denies the authority to the administration to have universal screening of all children in public school. It does not deny care to any individual that may qualify.

Already the SAT tests have now been changed to incorporate having the students write a paragraph about personal beliefs and their world view. Can you not see the connection? If one has a strange world view or a strange personal belief, if you have a prejudice or whatever one may be deemed mentally ill.

This is a dangerous idea and a notion that has been used by totalitarian societies throughout the ages. Just think of the extreme of this if this is not nipped in the bud, as happened in the Soviet system. People were not always convicted of crimes; but they were put in psychiatric hospitals to be retrained, to be conditioned to think differently and politically correct.

When we see a monopoly school system, a universal school system, talking about standardizing what they think is sound mental health, believe me, we are treading on dangerous ground.

I would like to restate once again, this amendment does not deny treatment to any individual that is pointed out to have medical needs. This goes along with the principles of reasonable cause. They cannot go in and search our houses, or at least they are not supposed to, without a reasonable cause. We should not go into these kids' minds without reasonable cause and sort out this kind of information.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that this is the President's new Freedom Commission on Mental Health, and it is titled, "Achieving the Promise. Transforming Mental Health Care in America." But nowhere in this report does it propose universal mental health screening.

So this amendment is totally unnecessary, and I think it is almost a slap in the face to people that have some difficult problems. Therefore, I would be strongly in opposition to it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?