

I urge all Members of the Senate to join me and Senator LANDRIEU in support of the Military Spouse Physician Choice Act.

I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1096

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouse Physician Choice Act".

SEC. 2. ELIMINATION OF REQUIREMENT TO OBTAIN NONAVAILABILITY-OF-HEALTHCARE STATEMENT IN CASES OF PREGNANCY.

(a) **ELIMINATION OF REQUIREMENT.**—Section 1080(b) of title 10, United States Code, is amended by striking the second sentence.

(b) **EXPANSION OF NONAVAILABILITY STATEMENT WAIVER AUTHORITY.**—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-446) is amended—

(1) in subsection (a), by inserting ", or with respect to obstetrics and gynecological care related to the pregnancy of such a beneficiary who is enrolled in TRICARE Extra," after "TRICARE Standard"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by inserting "(1)" after "(c) EXCEPTIONS.—"; and

(C) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply in the case of obstetrics and gynecological care related to the pregnancy of a covered beneficiary."

Ms. LANDRIEU. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001 with my distinguished colleague, the junior Senator from Maine. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to restore equity to the families of our servicemembers. Simply put, this bill would delete the requirement for a servicemember's spouse to obtain a non-availability statement from the commanding officer of the nearest military treatment facility in order to receive maternity care from a civilian doctor.

Under current legislation, military dependents choosing to enroll and pay for TRICARE Standard, the program in which enrollees accept higher co-payments in exchange for the option of choosing their own doctors, are still required to obtain a military non-availability statement before seeing their choice of civilian physician. This practice continues despite the fact they are already paying for just that option. Our bill eliminates the requirement for maternity patients enrolled in TRICARE Standard to get that non-availability statement before being seen by the civilian physician of their choice for all maternity care throughout the pregnancy.

I am committed to the quality of life of the men and women in uniform who

sacrifice to serve their Nation. All too often we forget that families and their treatment are key to the quality of life and retention of those servicemembers. Our military and their families deserve better treatment than what they receive today. If they choose to accept the higher costs of TRICARE Standard in exchange for greater control over their healthcare choices, then they should have that control over all healthcare choices. Pregnancy should not force a spouse to get permission from the military to receive her prenatal, delivery, and postnatal care from the same doctor who she paid to see prior to the pregnancy. Anything less is fundamentally unfair and is something none of us would accept from any medical plan in the civilian community.

This body has worked hard to improve military healthcare for our servicemembers, their families and retirees. With the creation of TRICARE, we gave them control over their medical treatment by allowing them to pay additional costs out of pocket in exchange for greater flexibility, the same choice anyone outside of the military has the opportunity to make. If we want to continue to recruit and retain the best and brightest people our Nation has, we owe them equitable treatment. Any other course is a disservice to them and disrespectful of the choices and financial commitments they have made to the military healthcare system. I urge my colleagues to support this bill and send a message to our military: You and your families will be treated fairly and with respect when making healthcare decisions. The Military Coalition representing more than 5.5 million servicemembers and their families supports this legislation. So does The Retired Officers' Association, TROA. Fellow members of the Senate, support of this bill should be common sense for all of us. This bill should pass unanimously because it does what is right, what is fair, and keeps faith with our military.

I am proud to cosponsor this legislation with Senator COLLINS and urge all of you to join us in supporting the Military Spouse Physician Choice Act.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1097

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

SECTION 1. NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

(a) **PERMIT FOR NATURAL GAS PIPELINES.**—

(1) **AUTHORIZATION.**—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that are—

(A) within the boundary of the Great Smoky Mountains National Park (as of the date of enactment of this Act);

(B) not otherwise authorized by Federal law; and

(C) not subject to valid rights of property ownership.

(2) **CONDITIONS.**—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary.

(b) **PERMIT FOR PROPOSED NATURAL GAS PIPELINES.**—

(1) **AUTHORIZATION.**—The Secretary may issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park that are proposed for construction in—

(A) the Foothills Parkway;

(B) the Foothills Parkway Spur between Pigeon Forge and Gatlinburg; and

(C) the Gatlinburg Bypass.

(2) **CONDITIONS.**—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary, including—

(A) provisions for the protection and restoration of resources that are disturbed by pipeline construction; and

(B) assurances that construction and operation of the pipeline will be compatible with the purposes of the Park.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 116—CONGRATULATING THE REPUBLIC OF SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. DEWINE, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 116

Whereas on December 23, 1990, the people of Slovenia voted overwhelmingly in favor of independence from the former Yugoslavia in a national referendum;

Whereas, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign nation;

Whereas, on December 23, 1991, the Slovenian parliament adopted a constitution based on the rule of law, respect for human rights, and democratic ideals;

Whereas, during its ten years of independence, Slovenia has been an important United States ally in Central and Eastern Europe and a strong advocate of democracy, the rule of law, and the merits of an open, free market economy;

Whereas the Republic of Slovenia has demonstrated an outstanding record on human rights during the past decade, and the country's market economy has experienced continued growth and success;

Whereas Slovenia has made important contributions to international efforts to promote peace and stability in Southeast Europe and other parts of the world;

Whereas Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe plagued by war and ethnic violence during the 1990s;

Whereas Slovenia has become an active member of international organizations, including the United Nations, the World Trade

Organization, the Council of Europe and the Organization for Security and Cooperation in Europe; and

Whereas the Republic of Slovenia has made significant progress in its work to join the NATO Alliance and the European Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the Republic of Slovenia as the country celebrates ten years of independence on June 25, 2001;

(2) commends the people of Slovenia on the significant progress made during the past decade to advance respect for human rights, the rule of law, free market economies, and democracy;

(3) recognizes the important role played by the Slovenian community in diaspora to promote independence in the Republic of Slovenia; and

(4) encourages the Republic of Slovenia to continue its important work toward membership in the NATO Alliance and the European Union, as well as efforts to further peace, stability, and prosperity in Central and Eastern Europe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table.

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, *supra*.

TEXT OF AMENDMENTS

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 153, strike lines 1 through 14.

On page 159, between lines 12 and 13, insert the following:

“(D) ACTIONS IN FEDERAL COURT.—A cause of action described in subparagraph (A) shall be brought and maintained only in the Federal district court for the district in which the plaintiff resides or in which the alleged injury or death that is the subject of such action occurred. In any such action, the court shall apply the laws of the State involved in determining the liability of the defendants.”

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS.

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not preempt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN, Mr. President, I would like to announce for the information of the Senate and the public that a nominee has been added to the full committee nomination hearing scheduled for Wednesday, June 27, immediately following a 9:30 a.m. business meeting in room 366 of the Dirksen Senate Office Building.

The nomination of John Walton Keys III, to be Commissioner of the Bureau of Reclamation, will be considered, along with the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy) and Frances P. Mainella to be Director of the National Park Service.

Those wishing to submit written testimony on these nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please call Sam Fowler on 202/224-7571.

CONGRATULATING THE PEOPLE OF PERU ON THEIR DEMOCRATIC ELECTIONS ON JUNE 3, 2001

Mr. REID, Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 107, and the Senate then proceed to its consideration.

The PRESIDING OFFICER, Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID, Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER, Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas the people of Peru have courageously struggled to restore democracy and the rule of law following fraudulent elections on May 28, 2000, and after more than a decade of the systematic undermining of democratic institutions by the Government of Alberto Fujimori;

Whereas, in elections on April 8 and June 3, 2001, the people of Peru held democratic multiparty elections to choose their government;

Whereas these elections were determined by domestic and international observers to be free and fair and a legitimate expression of the will of the people of Peru; and

Whereas the 2001 elections form the foundation for a genuinely democratic government that represents the will and sovereignty of the people of Peru and that can be a constructive partner with the United States in advancing common interests in the Americas: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE DEMOCRATIC ELECTIONS IN PERU ON JUNE 3, 2001.

(a) CONGRATULATING THE PEOPLE OF PERU.—The Senate, on behalf of the people of the United States, hereby—

(1) congratulates the people of Peru for the successful completion of free and fair elections held on April 8 and June 3, 2001, as well as for their courageous struggle to restore democracy and the rule of law;

(2) congratulates Alejandro Toledo for his election as President of Peru and his continued strong commitment to democracy;

(3) congratulates Valentin Paniagua, current President of Peru, for his commitment to ensuring a stable and peaceful transition to democracy and the rule of law; and

(4) congratulates the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, for its service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should expand its cooperation with the Government of Peru to promote—

(A) the strengthening of democratic institutions and the rule of law in Peru; and

(B) economic development and an improved quality of life for citizens of both countries;

(2) the governments of the United States and Peru should act in solidarity to promote democracy and respect for human rights in the Western Hemisphere and throughout the world;