

of the Joint Chiefs of Staff led him to serve the United States of America with character and integrity, a testimony both to his Christian faith and to his unselfish sense of public service.

We in the United States Congress should be pleased to have this opportunity to stand with a man who has stood for what America is all about through his concern, his commitment, and his courage.

May God bless us with more leaders like Hugh Shelton, and may we honor General Shelton here tonight with this legislation that is pending before us.

Mrs. MALONEY of New York. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 2751, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2751, GENERAL SHELTON CONGRESSIONAL GOLD MEDAL ACT

Mr. KING. Madam Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2751) the Clerk be authorized to correct section numbers, punctuation, and make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### AMENDING PUBLIC HEALTH SERVICE ACT WITH RESPECT TO ORGAN PROCUREMENT ORGANIZATIONS

Mr. BILIRAKIS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3504) to amend the Public Health Service Act with respect to qualified organ procurement organizations.

The Clerk read as follows:

H.R. 3504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended by striking subparagraph (D) and all that follows and inserting the following:

“(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary as meeting the per-

formance standards to be a qualified organ procurement organization through a process that granted certification or recertification with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the completion of certification or recertification, no earlier than July 31, 2004, as is defined through regulations that are promulgated by the Secretary that—

“(i) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years,

“(ii) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations,

“(iii) use multiple outcome measures as part of the certification process, and

“(iv) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds,

“(E) has procedures to obtain payment for non-renal organs provided to transplant centers,

“(F) has a defined service area that is of sufficient size to assure maximum effectiveness in the procurement and equitable distribution of organs, and that either includes an entire metropolitan statistical area (as specified by the Director of the Office of Management and Budget) or does not include any part of the area,

“(G) has a director and such other staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area, and

“(H) has a board of directors or an advisory board which—

“(i) is composed of—

“(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health associations in its service area,

“(II) members who represent the public residing in such area,

“(III) a physician with knowledge, experience, or skill in the field of histocompatibility or an individual with a doctorate degree in a biological science with knowledge, experience, or skill in the field of histocompatibility,

“(IV) a physician with knowledge or skill in the field of neurology, and

“(V) from each transplant center in its service area which has arrangements described in paragraph (3)(G) with the organization, a member who is a surgeon who has practicing privileges in such center and who performs organ transplant surgery,

“(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (3), and

“(iii) has no authority over any other activity of the organization.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

#### GENERAL LEAVE

Mr. BILIRAKIS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of H.R. 3504, a bill to clarify certification requirements for organ procurement organizations, OPOs as we refer to them. Last Congress, the House of Representatives approved a bill to address concerns regarding our national organ transplant system. As we all know, we do not have enough organs in this country to satisfy the needs of those awaiting a transplant. This legislation recognized the importance of the vital network of organ procurement organizations which are responsible for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation.

Today the House will consider legislation to clarify that important measure. Last year's legislation changed the 2-year organ procurement organization certification cycle to a 4-year cycle. Switching to a 4-year cycle allows the OPOs to focus on recovering donated organs. Today's legislation will make a technical change to define the start date for the 4-year OPO certification cycle adopted last year by Congress.

This legislation, Madam Speaker, is important for guaranteeing that the 4-year cycle is implemented as quickly as possible to allow for organ procurement organizations to concentrate on organ donation and on serving those Americans in need of organ transplants. Madam Speaker, this is a technical correction to a very important organ donation bill. I urge my colleagues to join me in supporting H.R. 3504.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Last year Congress passed a bill sponsored by my friend and colleague from New Jersey (Mr. PALLONE), a valuable member of the Subcommittee on Health, to allow organ procurement organizations to better obtain their recertification. Current practice is causing OPOs to lose their certification due to an inaccurate way of assessing their performance. This process is disruptive to obtaining organs and tissue for transplant.

The gentleman from New Jersey's bill corrected the existing problems, ensuring the smooth recertification of these important organizations. But to implement the OPO organization language, the Centers for Medicare and Medicaid Services requested clarification from Congress.

This language, Madam Speaker, will ensure that OPO certification will be conducted fairly and will improve the system of procuring organs for transplant and tissue.

Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Madam Speaker, I thank the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), for the excellent work he has done here and the gentleman from North Carolina (Mr. BURR) and the gentleman from New Jersey (Mr. PALLONE) for putting this important bill together, because this bill literally will protect the operations of the organ donor organizations and continue their certification through the year 2004 or 2005, which is extremely important if we are going to keep up the business by which Americans contribute organs to the ongoing living needs of those who need organ transplants in our society.

This is the season of giving; and while we pass this important bill to improve the organ transplant structure in this country by ensuring the certification of these organizations, I wanted to give you a good Christmas-giving story that is ongoing at this moment.

Just this afternoon, the children of my State in Louisiana, recognizing this incredible time of year when Americans care for one another and appreciate the coming of the Christ child with gifts to one another, the children of my State came together in a very loving and wonderful way. This afternoon at the White House, the Governor of my State, Governor Foster, arrived with the former Speaker of the House, Hunt Downer, who headed up the project, along with National Guardsmen and State troopers who accompanied them with a brand new fire truck that the children of Louisiana raised in the last several months with nickels and dimes and pennies they collected. They forgave the right to Christmas gifts this year, many of them, to contribute to this fund.

This all began when the Governor of our State, Governor Foster, in his weekly live network of talk on radio that he carries on with the citizens of my State was delivered with the suggestion that the State do this as a gesture of our support in Louisiana for the victims of the awful atrocities that occurred here in Washington and in Pennsylvania and, of course, most dramatically in New York where we saw the heroes, the firemen and the other rescue workers, who were killed in trying to save others' lives in that horrible tragedy.

□ 1915

So the children of my State, with their little nickels and dimes and quarters, and the other folks in our State, got together and contracted with Ferrara Industries in Louisiana, which is one of the largest manufacturers of fire engines, the workers of that plant gave up their overtime, free, to make sure

that the project could be conducted under cost, and today they stopped by the White House with this brand new fire engine that the children of Louisiana are presenting to the people of New York and to the brave firemen of that great State who suffered such great losses on September 11.

Not only did they generously raise the money to build that fire engine, but it turns out that they raised twice as much as they expected, and it looks like they may be able to buy and deliver a second fire engine to the fire company in New York and to the citizens of that great State.

This is a beautiful Christmas story. It is a story that I wanted to tell when we took up this organ transplant bill, because it is all about giving. It is all about us remembering our obligations as citizens of this great land to care for one another, particularly when we find ourselves in trouble.

So, from one of the poorest states in America, the State that has some of the highest unemployment and the highest uninsured, one of the lowest per capita income States, the children of one of the poorest states in America, reacting generously at a time of need for fellow citizens in New York, I bring you the greetings of that great State, of our Governor, of our legislature, of our National Guard, of our workers, of our citizens, and, most importantly, of our children, who extend to the folks in New York our sincerest sorrow for what they have gone through, and our sense of bonding with them and this gift that our citizens and our children are making to that great State.

It is in that same spirit that Americans donate organs and that the organ donor organizations work. That is why this bill is so important.

In another minute we will take up another bill dealing with a nursing shortage in this country, a nursing shortage that is going to be felt in New York and was felt in this community when care personnel were unfortunately short and unavailable when so many people were in need. This nursing shortage has to be addressed, and I want to congratulate the gentlewoman from California (Mrs. CAPPS) and the gentleman from Florida (Mr. BILIRAKIS) again for the extraordinary work they did on that bill to begin addressing that great need in our country.

So as we get closer and closer to Christmas Day, when all of us will gather with our families and celebrate the coming of the Christ Child and the spirit of giving, these two bills come before us, one to make sure the organ transplant system continues to work, the second to beef up and to strengthen our nursing corps in America, and on this day the children of Louisiana make this gift to the citizens of New York.

This, unfortunately, while we are still in session waiting for Christmas to come, and hopefully we will get out in time for it, this is still a good day,

and it is a good story, and bears repeating and bears mentioning on the floor of the House today. I am proud of my State and the children in Louisiana, as all of us in our delegation are, and we are equally proud of the people of New York and the heroes we saw in New York responding to the awful tragedy and atrocities of September 11. We stand together as one great people, and we stand together as a strong Nation that cares about one another. That is what this bill is about, and that is what the kids in Louisiana are about.

Madam Speaker, I rise in support of H.R. 3504, which makes technical corrections to organ procurement organization legislation the House passed in October 2000. Mr. BURR and Mr. PALLONE are to be commended for their hard work in drafting this bill.

Last year the House passed, and the President signed into law, the Public Health Improvement Act. Among other things, that legislation addressed a very important need in the area of organ donation and procurement. The law recognizes the importance of the vital network of organ procurement organizations, otherwise known as "O-P-O's", around the country and clarified in law the process the Department of Health and Human Services should use in certifying these OPO's and to measure their performance. Members on both sides of the aisle, and in both bodies, worked hard to ensure that HHS's process and procedures will keep pace with change and with technological improvements in the organ donation area.

Our intent last year was clear, Madam Speaker. We intended to create a four-year re-certification cycle for the OPO's. Now, however, we are told by the accrediting agency, CMS, that the statute is unclear on one of the most important provisions of law. Under their interpretation, CMS believes they may have the authority to de-certify OPO's even though CMS has yet to develop the new criteria for judging OPO's.

Madam Speaker, this is a vitally important issue for our OPO's. They need clarity on the process by which they will be reviewed by HHS. Without this technical correction language, OPO's believe that ambiguity will once again dictate the circumstances under which they are certified and later recertified. This language will ensure all OPO's which were certified as of 2000 will be certified through mid-2004.

Let's let the OPO's do what they do best: increasing the supply of organs to meet our organ transplantation needs. Vote yes on this bill.

Mr. BROWN of Ohio. Madam Speaker, in the bipartisan spirit of the evening, I yield 3 minutes to my friend, the gentleman from North Carolina (Mr. BURR), who has helped write this bill with the gentleman from New Jersey (Mr. PALLONE).

Mr. BURR of North Carolina. Madam Speaker, I thank my good friend for the 3 minutes, and I give my 3 minutes that the subcommittee chairman was going to allow me back to him.

Madam Speaker, it is tough to get up after the chairman of my committee so eloquently told the story of the children in Louisiana, but, you know, I believe every Member of this body can

tell a story about some group that reaches out to folks in New York or folks at the Pentagon, whether it is King Elementary School, where the kids just donated \$16,000 to charities in New York, or Pinnacle Elementary, that wrote a check to people that they did not see, had never seen and will never know.

But the fact is that it tells us that we are doing something right in this country; that we are raising the next generation of leaders in the right way, where they are giving and not necessarily taking.

We are here today to make sure that the American people understand that there is a system to give life to individuals who need it. We are here to make sure that there is a 4-year certification for those organizations that make sure that organs are provided to individuals whose difference in life is the receipt of that organ, that their ability to continue a normal life, and sometimes to continue life, is the difference between whether they receive the organ or whether they do not.

As the chairman said, this is a technical change to make sure that these organizations have 4 years between certification. Four years makes a tremendous difference in their ability to function in the job that they carry out.

My only hope today, Madam Speaker, is that all Members will take the opportunity as we begin to fix this bill, that they will start a massive campaign in their districts and across this country to get more and more people to donate organs, to make sure that the organs are available for the individuals that need them today. The only way that we will let the American people down is if we cannot promote organ donation in a bigger and more effective way than we do today.

So I think the gentleman from Florida (Mr. BILIRAKIS), the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Ohio (Mr. BROWN). This is truly a bipartisan effort to make a technical change to a piece of legislation, but it will touch many, many lives.

Mr. BROWN of Ohio, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 3504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BROWN of Ohio, Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### NURSE REINVESTMENT ACT

Mr. BILIRAKIS, Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3487) to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

The Clerk read as follows:

H.R. 3487

*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 "Nurse Reinvestment Act".

#### SEC. 2. PUBLIC SERVICE ANNOUNCEMENTS REGARDING NURSING PROFESSION.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

##### "PART H—PUBLIC SERVICE ANNOUNCEMENTS

##### "SEC. 851. PUBLIC SERVICE ANNOUNCEMENTS.

"(a) IN GENERAL.—The Secretary shall develop and issue public service announcements that advertise and promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals to enter the nursing profession.

"(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

##### "SEC. 852. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities to support State and local advertising campaigns via appropriate media outlets to promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals from disadvantaged backgrounds to enter the nursing profession.

"(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to acquire local television and radio time, place advertisements in local newspapers, and post information on billboards or on the Internet, in order to—

"(1) advertise and promote the nursing profession;

"(2) promote nursing education programs;

"(3) inform the public of public assistance regarding such education programs;

"(4) highlight individuals in the community that are presently practicing nursing in order to recruit new nurses; and

"(5) provide any other information to recruit individuals for the nursing profession.

"(c) METHOD.—The campaigns described in subsection (a) shall be broadcast on television or radio, or placed in newspapers as advertisements, or posted on billboards or the Internet, in a manner intended to reach as wide and diverse an audience as possible."

##### SEC. 3. LOAN REPAYMENT PROGRAM; SCHOLARSHIPS.

(a) LOAN REPAYMENT PROGRAM; ADDITIONAL ASSIGNMENT AUTHORITIES.—Section 846(a) of the Public Health Service Act (42 U.S.C. 297n(a)) is amended—

(1) in paragraph (3)—

(A) by striking "in a public hospital," and inserting "in a public or private hospital (including a critical access hospital or a rural hospital);" and

(B) by inserting after "rural health clinic," the following: "in a State or local department of public health, in a skilled nursing facility, in a home health agency, in a hospice program (including home settings), in an ambulatory surgical center,"; and

(2) by adding at the end the following: "In the case of a private entity that is not a non-profit entity and is pursuant to paragraph (3) eligible for an assignment of a nurse, the Secretary may not assign a nurse to such an entity after the expiration of the three-year period beginning on the date of the enactment of the Nurse Reinvestment Act."

(b) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended—

(1) in the heading for the section, by striking "PROGRAM" and inserting "AND SCHOLARSHIP PROGRAMS";

(2) by redesignating subsections (d), (f), (g), and (h) as subsections (f), (h), (i), and (g), respectively;

(3) by transferring subsections (f) and (g) (as so redesignated) from their current placements, by inserting subsection (f) after subsection (e), and by inserting subsection (g) after subsection (f) (as so inserted); and

(4) by inserting after subsection (c) the following subsection:

"(d) SCHOLARSHIP PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as nurses in designated health facilities in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance at schools of nursing.

"(2) ELIGIBLE INDIVIDUALS; DESIGNATED HEALTH FACILITIES.—For purposes of this subsection:

"(A) The term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time student in a school of nursing.

"(B) The term 'designated health facility' means any entity that is eligible under subsection (a) for an assignment of a nurse, subject to the provisions of such subsection relating to private entities that are not non-profit entities.

"(3) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Scholarship Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in paragraph (1) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart."

(c) PREFERENCES REGARDING PARTICIPANTS.—Section 846(e) of the Public Health Service Act (42 U.S.C. 297n(e)) is amended in the matter preceding paragraph (1) by striking "subsection (a)" and inserting "subsection (a) or (d)".

(d) DEFINITIONS.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended in subsection (h) (as redesignated by subsection (b)(2) of this section) by amending the subsection to read as follows:

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'ambulatory surgical center' has the meaning applicable to such term under title XVIII of the Social Security Act.

"(2) The term 'community health center' has the meaning applicable to such term under section 330.