

Harry Augustus Cole was educated in the Baltimore City Public School System and graduated from Morgan State University in 1943. He served our Nation with distinction during World War II and then graduated from the University of Maryland School of Law, after which he practiced criminal and civil rights law.

Judge Cole is a man of many firsts. He was the first African American assistant attorney general in Baltimore City, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first African American to be named to the Maryland Court of Appeals.

Mr. Speaker, Judge Cole is most deserving of being honored by having a post office named after him in the city to which he has contributed so much for so long and where he has spent much of his life.

I urge our colleagues to support H.R. 4450, and I commend the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 4450. This legislation is the product of the work of my good friend, the gentleman from Maryland (Mr. CUMMINGS), who represents both the State of Maryland and the City of Baltimore.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the prime sponsor of this legislation, to allow him to articulate to the House his reasons to commend it for passage.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I also want to thank the gentleman from New York (Chairman MCHUGH) and certainly the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, the gentleman from Georgia (Mr. BARR), and to all those on the Subcommittee on Postal Service for their support in bringing this bill to the floor of the House.

I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual.

H.R. 4450 designates the United States Post Office building located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building."

Judge Harry Augustus Cole was a man of many firsts. Judge Cole was the first African American assistant attorney general in Maryland, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first Afri-

can American to be named to Maryland's highest court, the Maryland Court of Appeals.

Educated in Baltimore City Public Schools, Judge Cole graduated from Morgan State University in 1943. I might add that he later served as the chairman of the Board of Regents of that institution. While at Morgan, however, he served as the president of the student council and the founder and the first editor in chief of the Spokesman College Newspaper.

A World War II veteran, Judge Cole graduated from the University of Maryland Law School, my alma mater, and practiced criminal and civil rights law for many years. He was a member of the Alpha Phi Alpha Fraternity, the oldest African American fraternity in the country.

Unfortunately, he passed away on February 14, 1999.

Harry Cole, who is one of my role models, is fondly remembered for his quick wit and sharp sense of humor. He was a man who always helped those in need and was always there for the indigent. He offered his services free of charge and was not looking for any kind of fame or thanks. Judge Cole extended his hand without ever seeking acknowledgment. I think it is time he is honored for the contributions he gave not only to the City of Baltimore, but to the State of Maryland and to this country.

He was also a distinguished veteran and served proudly in our United States Army. He is survived by his wife, Doris, and his three daughters, Susan, Harriette and Stephanie.

I urge my colleagues to support this postal naming bill that salutes a person from my district who was an outstanding veteran, an outstanding jurist, and spent his life providing service to others.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4450.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess for 10 minutes.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. ISAKSON) at 12 o'clock and 30 minutes p.m.

FEDERAL EMPLOYEES HEALTH BENEFITS—CHILDREN'S EQUITY ACT OF 2000

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2842) to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, as amended.

The Clerk read as follows:

H.R. 2842

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 "Federal Employees Health Benefits Children's Equity Act of 2000".

SEC. 2. HEALTH INSURANCE COVERAGE FOR CHILDREN.

Section 8905 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter. If such employee fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides, and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the Service Benefit Plan.

"(2) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in the same or another health benefits plan under this chapter. If such employee fails to change to a self and family enrollment and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if that plan provides full benefits and services in the location where the child resides. If the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides, or, if the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides, the employing agency shall change the coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the Service Benefits Plan.

"(3) The employee may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for so long as the court or administrative order remains in effect and the child continues to meet the requirements of section 8901(5), unless the employee provides documentation showing that such coverage has been provided through other health insurance."

SEC. 3. ANNUITY SUPPLEMENT.

(a) *IN GENERAL.*—Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following:

“(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective with respect to the annuity supplement payable for each month in the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to reductions required to be made in calendar years beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2842.

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

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill accomplishes two objectives. First, it protects children who are entitled to health insurance under a court order. Second, the bill changes the timing of certain adjustments to annuities to allow OPM, that is the Office of Personnel Management, to make more accurate calculations.

Federal agencies currently cannot guarantee that a Federal employee's child is covered in accordance with a court or administrative order. Ironically, Mr. Speaker, Federal law already requires that protection for children whose parents work for an employer other than the Federal Government. Current law provides that Federal employees may enroll in an FEHBP plan, that is the Federal Employee Health Benefit Plan, either as an individual or for self and family coverage. They are under no obligation to do so however.

This important legislation will enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

In addition, Mr. Speaker, this bill delays adjustments to annuity supplements received by certain FERS retirees. No one will be denied a benefit as a result of this delay, but the additional time will permit OPM to calculate these annuity supplements more accurately and ensure that the correct level of benefits is being paid.

Mr. Speaker, I am very proud to be an original cosponsor of this bill, it

was introduced by the gentleman from Maryland (Mr. CUMMINGS).

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

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

Mr. Speaker, I and the children who will receive health care under this bill, thank the gentleman from Indiana (Chairman BURTON) and the gentleman from California (Mr. WAXMAN); the ranking member, the gentleman from Florida (Mr. SCARBOROUGH); and also we extend our appreciation to the members of our Subcommittee on Civil Service, the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maine (Mr. ALLEN), who have affirmed their commitment to children by cosponsoring this legislation.

H.R. 2842 also enjoys the support of Senator LEVIN who introduced the companion Senate bill, S. 1688, in the Senate.

According to the 1990 United States Census, 78 percent of noncustodial parents had health coverage available through their employers, but only 23 percent had their children covered voluntarily. The legal right to health care was denied to children by absentee parents, even though they had the option to include them in their medical insurance plan for little or no cost.

The Department of Agriculture estimates that in 1998, over 10 million children had no health care coverage. H.R. 2842 will allow the Federal agencies to join States and provide health insurance for children of its employees.

The Omnibus Budget Reconciliation Act of 1993 required States to enact legislation requiring employers to enroll a child in an employee's group health plan when a court orders the employee to provide health insurance for the child but the employee fails to do so.

The Federal Employee Health Benefits Program law provided that a Federal employee may enroll in a FEHB Plan. The law does not allow an employing agency to elect coverage on the employee's behalf.

Further, FEHB law generally preempts State law with regards to coverage and benefits; therefore, a Federal agency is unable to ensure that a child is covered in accordance with a court order.

To correct this inequity, H.R. 2842, would enable the Federal Government to enroll an employee in his or her family in the FEHB program when a State court orders the employee to provide health insurance coverage for a child of the employee.

If the affected employee is already enrolled for self-only coverage, the employing agency would be authorized to change the enrollment to self and family. If the affected employee is not enrolled in the FEHB Program, the employing agency would be required to enroll him or her under the standard option of the service benefit plan Blue Cross/Blue Shield.

Finally, the employee would be barred from discontinuing the self and family enrollment as long as the court order remains in effect, the child meets the statutory definition of family member, and the employee cannot show that the child has other insurance.

I am pleased that H.R. 2842 is supported by the Association for Children for Enforcement of Support. ACES is the largest child support organization dedicated to assisting disadvantaged families entitled to support.

Mr. Speaker, someone once said that children are the living messages we send to a future we may never see, and when we think about what we are doing here, it is a very important deed providing children with health care coverage. I have often said it is not the deed, but it is the memory, and if we can have children that can gain health care when they need it and can look back on their lives and had access to doctors and could get well throughout their lives, I think they will be able to look back, not only on pleasant memories, but they will be able to look back on a healthy life.

Mr. Speaker, I urge my colleagues to support this legislation and by doing so, we send a very powerful message to this future that we may never see.

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

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), my distinguished colleague and one who has been at the forefront of issues regarding Federal employees and children.

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

Mr. HOYER. Mr. Speaker, I thank my friend, the distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS) for yielding the time to me and, Mr. Speaker, I also want to join with my other friend, the distinguished gentlewoman from Montgomery County, Maryland (Mrs. MORELLA) in strong support of this Federal Employee Health Benefits Equity Act of 2000.

The gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Maryland (Mrs. MORELLA) have explained very well the purposes of this legislation.

Mr. Speaker, I rise to, perhaps, discuss this in a little different perspective, but I think an important one. Many pieces of legislation come to this floor and we focus on them because they seek to focus on personal responsibility. Unfortunately, in America today too many people believe that having children is not a personal responsibility. They believe that perhaps it is biologically their child, but somehow not their responsibility.

We have passed legislation and the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary is on the floor,

and he and I have cosponsored legislation which seeks to ensure that once somebody is blessed with a child that they will meet their responsibilities to that child. We passed legislation, as the gentleman from Baltimore pointed out, in 1993 which said that we were going to ensure that children would be covered under the health care policies of their parents. However, we did not also include Federal employees, the Federal Employee Health Benefit Plan, under that provision. We thought we had.

I think that was our concept but we had not and this legislation seeks to cure that defect in the language.

Now, the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and I are unreserved supporters of Federal employees; but Federal employees, like every other individual in our country, need to meet their responsibilities. I believe that I had and continue to have a personal responsibility for my children. It is not the responsibility of the gentleman from Maryland (Mr. CUMMINGS) or the responsibility of the gentlewoman from Maryland (Mrs. MORELLA), it is my responsibility. They are my children. Now, they are all adults now, but I view them as a blessing. I view it as a blessing that I have the opportunity and the wherewithal, very frankly, to help them.

I would hope every parent would do that; not only would I hope they would do it, it is my expectation that they would do it. And this legislation simply says, as the gentleman has pointed out in correct detail, that if a court orders you to carry your child on your policy and provide them with health care coverage, critical to every child in America, then the Federal employer, like every other employer, will comply with the law in making sure that you meet that personal responsibility.

So I rise in very strong support of that. Some will say it is an additional burden on Federal employees; I say it is not. It is an equitable treatment of Federal employees as we want every other employee in America to be treated so that children in America will be better cared for and will grow up more secure and safe and better citizens.

Although this bill will not get national publicity, it is a very important bill, not only for the children that it will immediately affect, but for the principle that it adopts of responsibility of parents for the welfare and well-being of their children.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for his comments, because his comments really go to the crux of why we are doing what we are doing. I think all of us, all of us in this Congress accept the fact that we have to do everything in our power to make sure children have an opportunity to grow up so that they can be the best that they can be.

And when we think about something like health care, a child able to be taken care of if he has the measles or the mumps or has some kind of problem, health problem, just to know that that custodial parent is placed in a position where he or she can take that child to a health care provider and have that child taken care of is so very, very important.

As the gentleman said, this bill may not reach the headlines of our papers; but I can tell my colleagues one thing, it will reach the headlines of a lot of families, a lot of custodial parents who merely want their children to be healthy.

Mr. Speaker, I urge my colleagues to support this very important legislation. I again, thank the gentlewoman from Maryland (Mrs. MORELLA). I want to thank all of the members of our subcommittee for the bipartisan effort in our quest to uplift the children of our great Nation.

Mr. Speaker, I yield back the balance of my time.

□ 1245

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a little bill that goes a long way, a long way as we have heard in terms of helping those children who are most vulnerable to make sure that they are provided health insurance. It is going to enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for sponsoring this bill, for recognizing its importance. I want to thank the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), for helping this bill come forward; the gentleman from Indiana (Mr. BURTON), the chairman of the full Committee on Government Reform; the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the cosponsors and those who have spoken today, the gentleman from Maryland (Mr. HOYER), in effect.

I do want to ask that the Members of this House unanimously, I hope, support this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2842, 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.

The title of the bill was amended so as to read:

“A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.”.

A motion to reconsider was laid on the table.

INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4870) to make technical corrections in patent, copyright, and trademark laws.

The Clerk read as follows:

H.R. 4870

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 “Intellectual Property Technical Amendments Act of 2000”.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking “Director” each place it appears and inserting “Commissioner”; and

(B) by striking “Director’s” each place it appears and inserting “Commissioner’s”.

(2) The Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1051 et seq.) is amended by striking “Director” each place it appears and inserting “Commissioner”.

(3)(A) Title 35, United States Code, is amended by striking “Commissioner for Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking “COMMISSIONERS” and inserting “ASSISTANT COMMISSIONERS”;

(ii) in subparagraph (A), in the last sentence—

(I) by striking “a Commissioner” and inserting “an Assistant Commissioner”; and

(II) by striking “the Commissioner” and inserting “the Assistant Commissioner”;

(iii) in subparagraph (B)—

(I) by striking “Commissioners” each place it appears and inserting “Assistant Commissioners”;

(II) by striking “Commissioners’ ” each place it appears and inserting “Assistant Commissioners’ ”; and

(iii) in subparagraph (C), by striking “Commissioners” and inserting “Assistant Commissioners”.

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking “the Commissioner” each place it appears and inserting “the Assistant Commissioner”.

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking “Commissioner of” each place it appears and inserting “Assistant Commissioner for”; and

(ii) by striking “Commissioners” and inserting “Assistant Commissioners”.

(E) Chapter 17 of title 35, United States Code, is amended by striking “Commissioner of Patents” each place it appears and inserting “Assistant Commissioner for Patents”.

(F) Section 297 of title 35, United States Code, is amended by striking “Commissioner