

EXTENSIONS OF REMARKS

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF
HON. THOMAS M. DAVIS
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for purposes:

Mr. DAVIS. Mr. Chairman, I want to thank my colleagues, Mr. EDWARDS, Mr. BATEMAN, Mr. SAXTON, Mr. CHRISTENSEN and others for their work on restoring money to the Impact Aid Program. By funding this program at the amounts mentioned by the majority leader, Prince William County could gain \$1.5 million and Fairfax County would gain an additional \$800,000. Both of these school systems are spending far more in educating children of active duty military personnel on bases than they receive from the Government. And just as homeowners and businesses pay their local taxes annually, the Federal Government has an obligation to pay its fair share. Anything less amounts to an unfunded Federal mandate on localities.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF
HON. VIC FAZIO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making ap-

propriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, I agree with Mr. OBEY. If he's said it once, he's said it a thousand times: This language has no place in an appropriations bill. It should not be hidden in an appropriations bill.

That said, I rise in support of Mr. GANSKE's amendment to strike this language. First, this language is completely unnecessary. Its supporters will say that it protects those who have moral and religious reservations about abortion from discrimination. But the Accreditation Council for Graduate Medical Education—the independent organization of medical professionals who set the standards for medical education—does not mandate abortion training. Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

I would argue that the language in this bill serves a different purpose. It serves to restrict academic freedom. It serves to restrict knowledge about a legal medical procedure its supporters find personally unacceptable.

In order to satisfy their personal priorities, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization. As Dr. James Todd, executive vice president of the American Medical Association has said, accreditation is a "private sector, professional process."

I don't know about you, but I do not pretend to know the first thing about the ins and outs of a medical education. Congress has no business regulating medical curriculum. Not only do we not know enough about it, it is not within our jurisdiction. To again repeat the words of Dr. Todd, "The curriculum of educational programs, and the standards by which these programs are evaluated, should not be subject to Federal or State legislative initiatives, and should not be politicized by governmental regulation."

Listen to the experts. Support the Ganske amendment.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF
HON. PATSY T. MINK
OF HAWAII

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my deep disappointment in the Committee's decision to eliminate the Native Hawaiian Health Care Act. The program was established in 1988 because of the poor health conditions of Native Hawaiians and the many cultural barriers that prevent them from receiving adequate care.

The Native Hawaiian people currently suffer from extraordinarily high rates of heart disease, cancer and chronic conditions, such as diabetes.

A Office of Technology Assessment Study authorized by the Congress in 1984, which compared both Native Hawaiians and part-Hawaiians to other populations in the United States, found that overall Native Hawaiians have a death rate that averages 34 percent higher than all other races in the United States.

Pure-blooded Native Hawaiians have a death rate that is an astounding 146 percent higher than other Americans. The study also revealed that Native Hawaiians die from diabetes at a rate that is 222 percent higher than for all races in the United States.

Recent studies in the State of Hawaii show that 44 percent of all infant deaths in the State are Native Hawaiian children, cancer rates among Native Hawaiians far exceed other ethnic populations in our State, and health care services are often lacking in Native Hawaiian communities.

NOTICE

Issues of the Congressional Record during the August District Work Period will be published each day the Senate is in session in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 2:00 p.m.

None of the material printed in the Congressional Record may contain subject matter, or relate to any event, that occurred after the House adjournment date.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Record Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The high incidences of mental illness and emotional disorders among Native Hawaiians is attributed to the cultural isolation and alienation in a statewide population in which they now constitute about 20 percent.

Disenfranchised from their land, culture, and ability to self-govern, the Native Hawaiian people have suffered a plight similar to that of the Native American Indians on the continental United States. And it is the responsibility of the Federal Government to assist in our efforts to improve the health status of the native people of Hawaii.

In 1988 the Congress recognized this tremendous need and the Federal Government's responsibility to the Native Hawaiians. We enacted the National Hawaiian Health Care Act, which has provided the Native Hawaiian community the opportunity to assess its own health needs and find solutions that its native population can understand and relate to.

Since 1990 the Congress has funded this program. Native Hawaiian Health Care Centers have been established on each major island to provide primary, preventive and mental health care services in a culturally appropriate manner. These centers have also been able to combine the use of western and traditional health methods and encourage Native Hawaiians to return to their traditional foods as a basis for a healthy diet.

The elimination of this program is a severe blow to the progress we have made in improving the health of the Native Hawaiian people.

The bill currently also does not include funds for the Hansen's disease patients of Kalaupapa on the Island of Molokai. I want to take this opportunity to acknowledge the agreement of Chair PORTER to restore funds to this program during the conference.

I understand that the committee did not fund this program because of incorrect information provided by committee staff which indicated that there are no longer any patients at Kalaupapa. Once we pointed out to the Chair that there are 77 patients still living at Kalaupapa and 134 who receive outpatient services at other facilities in Hawaii, he agreed to restore these funds. While he could not do it in Committee, he would resolve the situation in conference.

Kalaupapa is a small peninsula on the Island of Molokai, accessible only by boat, plane or by traversing rugged cliffs. This geographically isolated place was chosen in 1866 as an area of banishment for those in Hawaii who had Hansen's disease, or Leprosy, as it was known then. For many years people with Hansen's disease were literally discarded at Kalaupapa doomed to live out their short lives in isolation and misery. They were branded as outcasts by the rest of society because of the horrible disfigurement and social stigma attached to Hansen's disease.

Over time, with care and commitment of such individuals as Father Damien deVeuster, whose statue the State of Hawaii has placed in the Halls of this building, the patients at Kalaupapa came to live their lives in dignity. With the advance of medicine sulfone drugs were discovered in the 1940s which were able to cure Hansen's disease, however even until 1969 isolation laws still segregated Hansen's disease patients from the rest of the world.

In 1954 the Federal Government made a commitment to assist in the treatment and care of Hansen's disease patients, the most ignored and outcast in our society at that time.

Since then Congress has provided payments to assist the patients at Kalaupapa.

In 1980 Kalaupapa was designated as a National Historical Park. This designation allowed the patients to continue to live at Kalaupapa for as long as they wish. Today 77 people chose to live their lives at Kalaupapa, the place that was once a place of abandonment and suffering, is now their home which they do not want to leave.

Federal assistance helps to provide medical care and other services the patients require. Last year the State of Hawaii received \$2.9 million. I recognize it was not the intention of the committee to cut off assistance to the patients, but simply a misunderstanding of this situation. I appreciate the agreement to resolve this situation in conference.

Following is a letter from Hawaii's State Department of health clarifying that these funds are essential in the State's ability to address the needs of the Hansen's disease patients at Kalaupapa.

STATE OF HAWAII,
DEPARTMENT OF HEALTH,
Honolulu, HI, July 21, 1995.

Hon. PATSY MINK,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MINK: Per your request of July 21, 1995, regarding information on Hansen's Disease (HD) funds received from the United States Department of Health and Human Services.

The federal reimbursement to Hawaii for its HD program was originally authorized by Public Law 411 by the 82nd Congress on June 25, 1954; authorizations continue today through P.L. 99-117 (99 Stat. 49). Currently, the federal reimbursement amounts to \$2.9 million.

Federal reimbursements currently have covered 60% of operating costs since FY 1986. The federal receipts are deposited as reimbursements into the State General Fund.

Authorization for the State's budget is provided through the State Legislature. The HD program budget is funded 100 percent through the general fund appropriation which is then federally reimbursed in part as described above.

Federal HD funds do affect programmatic efforts and do have an impact on the level of services available. Declining levels of federal support would affect the program's ability to continue program enhancements for Hale Mohalu and Kalaupapa and for the outpatient program. Budget increases are authorized by the State Legislature.

The levels are based in part on the program's reimbursement capability, allowing us to provide enhanced levels of program benefits for the State's HD patients; i.e., various special operating repair and maintenance projects, needed equipment, position restorations from the State across-the-board budget cuts, and the conversion of temporary positions to permanent.

This is especially helpful for Kalaupapa, where recruitment and professional staff retention have always been difficult.

We hope this information is helpful, and we appreciate your commitment and continuing efforts in support of the current Federal/State partnership which well serves Hawaii's persons with Hansen's Disease.

Sincerely,

LAWRENCE MIKE,
Director of Health.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong support of the Bateman-Edwards proposal in conference and its efforts to restore funding to the Impact Aid Program. Today we are faced with an \$83 million gap in one of our countries most vital functions: the ability to educate our children and ensure our Nation's prosperity for generations to come.

For the past 45 years the Federal Government recognized its obligation to compensate school districts for the costs of educating children whose parents live or work on federally owned land. I ask my colleagues today, what has happened to that obligation? Has the Federal Government become so single-minded in its attempt to reduce the deficit that it has become blind to the needs of our Nation's children?

Many of these children are those of the men and women who serve in our Nation's armed services. Is cutting their children's education how we choose to pay back the people who faithfully serve our country? In my opinion it's a crime to tell the children of military impacted communities that they have to receive a sub-standard education because the Federal Government does not want to pay its fair share.

Many schools have had to close due to cutbacks in the Impact Aid Program. Many more have had to incur huge deficits just to keep operating. From Nebraska and South Dakota to New Jersey and New York schools of all sizes have had major difficulty keeping their doors open.

But the necessity of impact aid goes far beyond the 1.8 million children who are eligible under the program. Terminating the program will also have a significant impact on the 20 million students who attend schools that are dependent on impact aid funding. In my own district, thousands of children in the Middletown, Newport, and Portsmouth school districts are largely affected by the Impact Aid Program. What will happen to these children if this program goes unfunded? Where will they go if their school closes down?

Impact aid is about more than education, it is also about the strength of our communities. The people of Middletown, RI, tell me they are particularly proud of their community, their schools, and their military population. For over 200 years these same people have extended themselves to the military and have achieved an excellent reputation that is passed from generation to generation of servicemen and

women at the naval base on Aquidneck Island. But there are limits to these relationships. It is unreasonable to expect local taxpayers to increasingly subsidize the education of military students.

Even with full funding of impact aid, Middletown Public Schools still experience over a \$4 million loss in tax revenue from land occupied by the Navy instead of private housing or businesses. With this year's reductions, a bad situation will become undoubtedly worse.

Mr. Speaker, the choice is ours. We can fund the future of America's students today or be prepared to pay the costs of uneducated and unskilled work force tomorrow.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. RAHALL. Mr. Chairman, I am deeply concerned over the impact of funding cuts in title I compensatory education programs contained in this bill.

In West Virginia, in my district alone, title I children will lose more than \$5 million in the coming year—and much more over 7 years.

Let me tell you about Kimball Elementary School, in Welch, WV, McDowell County. At this school, there are 350 children dependent upon title I remedial education services so that they will learn to read and to do math at their appropriate age and grade levels.

Of the 19 schools in McDowell County, and of the 6,900 children in those schools, 4,700 of those children are eligible for title I services based on the low income of their families, and based on the breadth and scope of distress in the county—which still has double-digit unemployment rates, and most families live well below the poverty level.

McDowell County children will lose \$565,700, over \$½ million, of their title I funds in fiscal year 1996.

Kimball Elementary School spends a mere \$94,000 a year on children—not just elementary-age children in need of services, but on dropouts who are brought back to school and guided to graduation.

Teen mothers are brought back to school to complete their high school degrees. I am told by the title I director at Kimball Elementary School that five of those teen mothers are now in college, and one of them is on the dean's list.

How's that for a success story for title I program services to children at risk of growing up and leaving school unable to read or compute, or write?

Mr. Chairman, don't vote for this bill that cuts 1.2 billion out of title I—affecting 1.1 mil-

lion children nationwide. Just think of the 350 kids at Kimball Elementary School who need only a mere \$94,000 a year.

Think of how it will affect 4,700 children in McDowell County West Virginia, who may grow up illiterate, without high school degrees, without these extraordinary remedial education services.

Vote "no" on H.R. 2127.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. SCHROEDER. Mr. Chairman, it is an outrage this issue is even being discussed. It shows how far backward the Republicans are willing to push women. It winks at rape and incest victims, saying too bad. To say in 1995 that rape and incest victims are at the mercy of where they happen to live. They have to be very careful where they live if they think they'll be raped. This is ludicrous.

DEPARTMENT OF LABOR, HEALTH
AND HUMAN SERVICES, AND
EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. COLEMAN. Mr. Chairman, I would like to go on record by stating my opposition to the removal of all \$193 million for title X of the Public Health Service Act and the transfer of those funds to maternal and child block grants and community migrant health centers. The services provided by the family planning program reduce the amount of people on welfare, reduce the amount of unintended pregnancies, and reduce the spread of sexually transmitted diseases. An estimated 4 million patients, primarily low-income women and adolescents, receive services through more than 4,000 title X clinics nationwide. Since the creation of title X funding in 1970, there has been a decline in unintended pregnancies, particularly among teenagers. In addition, nearly 1 in 4 American

women who use a reversible form of contraception rely on a publicly funded source of care. It is estimated that, if these services were not available, women would have between 1.2 and 2.1 million unintended pregnancies a year instead of the 400,000 now currently experienced. However, my colleagues have seen fit to eliminate a program that saves this country money and promotes our public health.

Title X funding provides training for nurse practitioners, clinical personnel, educational programs for family planning, exams, counseling, contraceptives, and screening for sexually transmitted diseases. The effect of this measure, in my district alone, will be calamitous. One hospital in El Paso receives about half a million dollars from title X funds annually. This hospital provides services to about 5,000 women. These women will be left with only one limited alternative—to seek health care at Planned Parenthood. The El Paso Planned Parenthood has indicated that its services are stretched to its capacity right now. Therefore, the potential that these 5,000 women will go without the necessary care is great.

Not only will lack of services affect my community severely, so will the loss of jobs due to the reduction of title X funds. El Paso Job Corps would be required to cut staff due to this reduction.

This type of action is simply dangerous to Americans and communities like El Paso. The transfer of funds to block grants certainly does not guarantee that the money will be spent for the purposes of sound family planning or that poor communities will receive their fair share of the funds. I understand that every public dollar spent for family planning services under the current title X saves an estimated \$4.40 in medical welfare, and nutritional services provided by Federal and State governments. As a nation, we either pay the cost now and provide these women with the health care they need, or we will undoubtedly pay later and at a quadrupled rate.

[From the White House Office of Media Affairs]

HOUSE REPUBLICANS CUT \$36 BILLION FROM
CURRENT EDUCATION AND TRAINING INVEST-
MENTS

ESTIMATED STATE-BY-STATE REDUCTIONS FROM
FY 1995 FUNDING LEVELS FOR EDUCATION AND
TRAINING FOR FY 1996-2002 BASED ON ACTION
BY THE HOUSE APPROPRIATIONS COMMITTEE

Alabama	\$575 million
Alaska	102 million
Arizona	524 million
Arkansas	317 million
California	4.3 billion
Colorado	457 million
Connecticut	325 million
Delaware	88 million
Florida	1.5 billion
Georgia	805 million
Hawaii	98 million
Idaho	137 million
Illinois	1.5 billion
Indiana	639 million
Iowa	357 million
Kansas	321 million
Kentucky	520 million
Louisiana	789 million
Maine	157 million
Maryland	540 million
Massachusetts	884 million
Michigan	1.3 billion
Minnesota	530 million
Mississippi	472 million
Missouri	669 million
Montana	141 million

Nebraska	184 million
Nevada	124 million
New Hampshire	137 million
New Jersey	837 million
New Mexico	250 million
New York	2.9 billion
North Carolina	651 million
North Dakota	116 million
Ohio	1.4 billion
Oklahoma	437 million
Oregon	385 million
Pennsylvania	1.7 billion
Rhode Island	174 million
South Carolina	503 million
South Dakota	121 million
Tennessee	607 million
Texas	2.5 billion
Utah	215 million
Vermont	108 million
Virginia	610 million
Washington	635 million
West Virginia	316 million
Wisconsin	581 million
Wyoming	88 million
Washington, DC	179 million
All Other	1.9 billion
Total	\$36 billion

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. NADLER. Mr. Chairman, I rise in opposition to the mean-spirited provision in this bill that would cut funding for senior meals programs.

For a very small Federal investment, senior means programs provide immeasurable nutritional and social benefits for seniors nationwide. For many seniors, federally funded nutritional programs are their only source of hot, nutritious meals. For others, a daily visit to the lunch program at the local senior center reduces the isolation often associated with our later years. These are benefits that cannot be measured.

I have, in my office, hundreds of truly heartfelt letters from seniors expressing how much these programs mean to them. One of my constituents writes:

I am unable to cook for myself being infirm. The Meals on Wheels is the only hot meal I eat daily. I am 91 years old. Before I retired at the age of 58, I worked as a flower maker. I went blind. I live on a fixed income and the healthy lunches provided help me get through the month. These meals make my life worth living. I could not manage without the Meals on Wheels program.

Such sentiments are echoed in the hundreds of letters I have received from seniors opposed to cuts in congregate and home-delivered senior meals programs. We cannot turn our backs on seniors who rely on these

programs. I urge my colleagues to join me in opposing these cuts.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in defense of title IX and to oppose the language in H.R. 2127 that prevents the Department of Education from enforcing title IX's gender equity requirements for women in college athletics. To me, this language represents an attack on title IX and an effort to ensure that it is not enforced. We should strike this language from H.R. 2127 completely, as Representative PATSY MINK sought to do.

Members trying to undermine title IX will argue that it is an unfair quota system that hurts men's sports teams. This is simply not true, not even close. In fact, it is athletic directors and coaches who regularly establish quotas at colleges and universities. They decide, often arbitrarily, how many men and women get to play sports and how many men and women will receive athletic scholarships. Almost always, this means that women get sloppy seconds and women's sports teams get a small portion of the school's athletic and scholarship budgets.

Today, the number of girls and young women participating in sports is increasing in leaps and bounds. Vast numbers of girls and young women are now playing sports with the same enthusiasm that generations of boys and young men have shown. They play all kinds of sports, and they play them well. Whether title IX has been responsible for generating this enthusiasm, or instead, has been a force to make schools react this interest is irrelevant. What is relevant is that women want the same opportunities as men and title IX guarantees them that right. H.R. 2127's sneak attack on title IX is unfair and unjustified and should be defeated.

Mr. Speaker, I appreciate the work that Representative NANCY JOHNSON has done in trying to improve H.R. 2127's title IX language and Representative DENNIS HASTERT's good faith efforts to find compromise language. However, I am convinced that we should support title IX and I will continue to make sure that title IX is defended and upheld.

DEPARTMENTS OF LABOR, HEALTH
AND HUMAN SERVICES, AND EDU-
CATION, AND RELATED AGENCIES
APPROPRIATIONS ACT, 1996

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, this is a terribly unjust piece of legislation that targets the most vulnerable members of our society. Many of the most onerous aspects of this bill—particularly cuts in programs that help working families—have been highlighted by my colleagues on the floor today.

Unfortunately for all of us, the Devil is also in the details.

The same Republican majority that promised to relieve us of burdensome Federal regulations is now advancing regulatory requirements that jeopardize academic freedom and freedom of expression.

Contained in this bill is a provision that would radically limit the constitutionally protected free speech of Federal grant recipients.

This "Orwellian" provision will have a chilling effect on political discourse, and prevent legitimate organizations—including universities and nonprofit groups—from participating in the democratic process.

Unless we reject this language and repudiate this bill, these organizations will be unable to express their views on those Federal issues in which they have a vested interest.

Instead, they would find themselves subject to substantial regulatory requirements and intrusive and burdensome restrictions—subject to the impossibly complex web of regulations necessary to enforce this provision.

These requirements range from the reasonable to the outright ludicrous. For example, grant recipients, not the Federal Government, would be required to shoulder the burden of proof regarding compliance with the limits imposed by this bill.

Innocent until proven guilty. Forget it. The bedrock principles of the Bill of Rights are thrown right out the window.

The personal disclosure requirements are particularly grievous. Employees will be so busy calculating time spent on political activities, providing the names and i.d. numbers of those involved, and listing the types of activities undertaken, and reporting all this to the Census Bureau, that they won't possibly find the time to do anything else.

Has the right of the individual to express his or her political beliefs and opinions become a danger rather than a privilege? Have we truly realized Orwell's dark, totalitarian vision? Do we have the courage to reject this disturbing, dangerous provision?

This restriction raises a host of other, nettlesome questions related to financial liability, and it does not adequately guard against the potential harassment and intimidation of legitimate organizations.

Let's go after the bad apples in the grant community, but reject the wholly invasive and suffocating approach presented in this bill. Let's demonstrate our good sense and reason and repeal this bold, beyond-the-pale attempt to micromanage the grant community and inhibit our basic civil rights.

Support the Skaggs amendment.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. STOKES. Mr. Chairman, generation after generation of children have been told that a college education is the key to the American dream. Well, perhaps we were wrong, or perhaps it is that we did not realize that that advice is outdated. Just look at what the majority is doing to financial aid. Then, my colleagues you determine what is the best advice you have for America's over 6 million college students who must depend on financial aid to attend college.

The \$158 million cut in Perkins loans would eliminate support to approximately 150,000 needy college students. The elimination of funding for the State Student Incentive Grant Program, means that over 200,000 college students would be denied the financial assistance they need. And, if this injury is not enough, the Republicans are working to derail the direct student loan program.

I guess my colleagues would tell these students that the States will pitch in, well the students and the States are too smart to fall for that one. In fact, 18 percent of the States expect to have to eliminate their need-based student aid program, and 82 percent expect to be forced to reduce the number and amount of awards.

Mr. Chairman, I strongly urge my colleagues not to derail our young people's future, vote "no" against H.R. 2127.

INTRODUCTION OF THE SUBSTANCE ABUSE AND MENTAL HEALTH PERFORMANCE PARTNERSHIP ACT OF 1995

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DINGELL. Mr. Speaker, today, my colleague Mr. WAXMAN and I are introducing, at the request of the administration, the Substance Abuse and Mental Health Performance Partnership Act of 1995.

The proposal involves a consolidation of categorical grants into two partnerships, one for mental health and one for substance abuse. The performance partnership grant establishes a new framework for cooperation between the Federal Government and the States. Instead of using an application process partnership grants would be based on a negotiated multi-year agreement between States and the secretary of HHS, which would define objectives and ways to achieve specific health outcomes.

This proposal offers an alternative that avoids both the downsides of pure block grants—which were well documented in a February 1985 GAO study—and those of categorical grants, including multiple grant applications, spending restrictions and set-asides, and overlapping data requirements and reports. Grants such as those proposed in this bill could streamline or eliminate such requirements. Under this approach, States would have increased flexibility to set priorities and objectives and determine the means to address them.

The administration is making a serious attempt to propose a system that avoids the pitfalls of pure block grants while reducing undesirable and burdensome aspects of some categorical grants. The proposal deserves consideration, as one approach to a decision about the best way to reauthorize certain important programs of the Substance Abuse and Mental Health Services Administration [SAMHSA].

OPPOSITION TO FDA COMMISSIONER DAVID KESSLER'S MOVE TO REGULATE TOBACCO PRODUCTS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GORDON. Mr. Speaker, I rise to express my opposition to Food and Drug Administration [FDA] Commissioner David Kessler's unilateral move to regulate tobacco products. Thirteen Federal agencies already regulate the growth, manufacture, and use of tobacco.

The President has said he wants to address the underage use of tobacco. Everyone is in agreement with this goal. But the answer is not FDA regulation. Instead, the President should use the tools he already has at his disposal.

Congress has already spoken on the matter of youth access to tobacco products. The Alcohol, Drug, and Mental Health Administration Act of 1992 [ADAMHA], is the best mechanism to restrict minors' access to tobacco.

The President should direct HHS to release the final ADAMHA regulations and allow the program to work. The statute was signed into law by President Bush. Draft implementing regulations were not promulgated until August 1993. It is now August 4, 1995, and HHS has yet to release the final regulations. All 50 states have put laws on the books prohibiting the sale of tobacco products to minors and ADAMHA is the vehicle to enforce these laws and discourage youth smoking. Clearly the answer to is not FDA regulation.

Mr. Speaker, I encourage the President to take a very positive step toward restricting

youth access to tobacco by releasing the final ADAMHA regulations. Congress has spoken on this issue and now it is time to implement the Federal policy set out in ADAMHA.

COMMENDING SANFORD RUBENSTEIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TOWNS. Mr. Speaker, it is my pleasure to rise for the purpose of commending Sanford A. Rubenstein for his work as a delegate to the 1995 White House Conference on Small Business. This conference provided the forum to formulate a small business policy agenda for the 21st century. The conference discussed the most critical issues facing small business, including the need for access to capital, regulatory reform, and pro-growth tax policies. The recommendations of this conference will form the basis for important new legislation which will be considered by the Congress and the President. My thanks to Sanford A. Rubenstein for his dedication and hard work in making the 1995 White House Conference on Small Business the best ever.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Lowey amendment to restore needed funding to the Perkins Loan Program.

Supporters of this bill say that the extreme budget cuts it contains are necessary to ensure a bright future for our Nation's young people. I share the commitment to deficit reduction, but I have to wonder what kind of future our children will have if they can't afford a college education.

Student loans help prepare a new generation of scientists, teachers, doctors, entrepreneurs, and, yes, elected leaders. Many of us in this body would not be here were it not for the college education we received through student loans.

Student loans give young men and women born into poverty the means to become productive members of society. Too many lower-income families strive to send their children to college but are forced to choose between paying tuition and paying for basic necessities.

We've heard so much rhetoric in this body about personal responsibility—about making people pull themselves up by their bootstraps.

Cutting off student loans would take those bootstraps away from millions of Americans.

Most importantly, student loans are a downpayment on a strong American economy that will lead the world into the next century. By gutting our student loan program, we consign our Nation to a less-educated populace and a less-productive future.

I urge a "yes" vote on the Lowey amendment.

INTRODUCTION OF THE GUAM WAR RESTITUTION ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. UNDERWOOD. Mr. Speaker, I have introduced legislation on July 13 to address the mistakes that were made immediately following the occupation and liberation of Guam in World War II. My bill, the Guam War Restitution Act, H.R. 2041, would authorize the payment of claims for the people of Guam who endured the atrocities of the occupation, including death, personal injury, forced labor, forced march, and internment in concentration camps. The bill was reintroduced last month in honor of Mrs. Beatrice Flores Emsley, a great American and advocate of the Chamorro people, the indigenous people of Guam, and their struggle for recognition of their sacrifices on behalf of this great Nation during occupation of our island.

Mrs. Beatrice Flores Emsley has been a leader in this effort, and the Guam War Restitution Act was made possible to a large degree by her work over decades to see that justice is done. She is a legend on our island, and her story of courage and survival against all odds is an inspiration to our people. Mrs. Emsley miraculously survived an attempted beheading in the closing days of the Japanese occupation.

I respectfully acknowledge the work and contributions of Mrs. Beatrice Flores Emsley as I call on my colleagues to enact the Guam War Restitution Act.

This is a year of commemoration as we look back 50 years to the Allied victory in Europe and the Pacific and as we approach the 50th anniversary of the end of the war in the Pacific. This is also a year of healing for the remaining survivors and descendants of victims of wartime atrocities.

From the invasion day of December 10, 1941, to liberation day on July 21, 1944, Guam was the only American soil with American nationals occupied by an enemy; something that had not happened on American soil since the War of 1812. Throughout the occupation, the loyalty of our people to the United States would not bend.

In the months prior to the liberation, thousands of Chamorros were made to perform forced labor by building defenses and runways for the enemy or working in the rice paddies. Thousands were forced to march from their villages in northern and central Guam to internment camps in southern Guam at Maimai, Malojloj, and Manengon, where they awaited their fate—many did not live to see liberation. Once the Japanese realized the end of their occupation was close at hand, they began to commit horrendous atrocities including mass executions at Fena, Faha, and Tinta.

There have been several opportunities in the past for Guam to receive war reparations; however, all failed to include Guam or did not provide ample opportunity for the people of Guam to make their claims.

The Guam Meritorious Claims Act of 1946 contained several serious flaws that were brought to Congress's attention in 1947 by the Hopkins Commission and by Secretary of the Interior Harold Ickes. Both the Hopkins Commission and Secretary Ickes recommended that the Guam Act be amended to correct serious problems. Both also noted that Guam was a unique case and that Guam deserved special consideration due to the loyalty of the people of Guam during the occupation.

These flaws could have been rectified had Guam been included in the 1948 War Claims Act or the 1962 amendment to that act. Unfortunately for the Chamorros, Guam was not included.

The Treaty of Peace with Japan, signed on September 8, 1951, by the United States, effectively precluded the just settlement of war reparations for the people of Guam against their former occupiers. In the treaty, the United States waived all claims of reparations against Japan by United States citizens. The bitter irony then is that the loyalty of the people of Guam to the United States has resulted in Guam being left out in war reparations.

So while the United States provided over \$2.0 billion to Japan and \$390 million to the Philippines after the war, Guam's total war claims have amounted to \$8.1 million, and the Guam War Reparations Commission has on file 3,365 cases of filed claims that were never settled.

The Guam War Restitution Act, H.R. 2041, will compensate the victims and survivors of the occupation, and it will assure them that the United States recognizes the true loyalty of the people of Guam.

Luisa Santos, a survivor of the Tinta Masacre, once told me,

I have fought hard and suffered, and no one has ever been able to help me or my children, but justice must be done. Even if you have to go to the president of the United States, let him know that the Japanese invaded Guam not because they hated the Chamorro people. The Japanese invaded Guam because we were part of the United States, and we were proud of it.

Mrs. Santos passed away shortly after our conversation.

Mrs. Emsley, in testifying before a House subcommittee on May 27, 1993, ended her statement with the powerful plea of one who has survived and who daily bears witness to the suffering of the Chamorro people. Mrs. Emsley simply ended by saying, "All we ask Mr. Chairman, is recognize us please, we are Americans."

We cannot wait and hope that the last survivors will pass away before any action is taken. This event will never be forgotten by the people of Guam, and the Government's unwillingness to compensate victims such as Mrs. Santos and Mrs. Emsley will only serve to deepen the wounds they have already incurred, and deepen the bitterness of the Chamorro people.

I believe it is time to truly begin the healing process, and passage of the Guam War Restitution Act is the first step.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, the reason I stand here today is because I believe that every American should have the right to go to college. We all know that earning a college degree is one of the best investments that an individual can make. With this appropriations bill, the Republicans are making the difficult task of earning that degree even tougher.

In the Republican tax plan, people who make \$200,000 a year will get a tax break. And who do you think will pay for it? You guessed it—our children, our neighbors' children, and their classmates through cuts to student aid.

This bill cuts financial aid by \$701 million. That is \$701 million too much. Over half of those cuts come from Pell grants; \$482 million, to be exact. The Republicans say that they are improving this program by raising the maximum grant level by \$100. But to do this, they have to eliminate 250,000 students from the program.

The cut to the Pell grant program is just one example of shortsighted Republican planning.

INTRODUCING THE HEALTH CENTERS
CONSOLIDATION ACT OF
1995

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DINGELL. Mr. Speaker, I am pleased today to introduce, with my colleague Mr. WAXMAN, the Health Centers Consolidation Act of 1995.

This legislation reduces administrative costs, simplifies and reduces paperwork, and lets health services programs focus more effectively on what they really are about—providing health care for the poor and medically needy, migrant farmworkers and their families, homeless people, and individuals who live in public housing. Without reducing the emphasis currently placed on any important aspects of health care, this bill allows programs that currently are authorized separately to consolidate, coordinate their efforts, and work as a real health care team to ensure better health and well-being for some of our most needy and fragile citizens. Today, health centers provide care and give hope for a better life to approximately 7.7 million of our citizens. They do this efficiently, cost effectively, and with a deep understanding and true dedication to the unique

needs of the diverse and vulnerable populations they serve.

The bill consolidates into a single legislative authority, authorities for community health centers, migrant health centers, health services for the homeless, and health services for residents of public housing. It streamlines the statutory definition of basic and required health services for these centers; replaces detailed application requirements by a general requirement that applicants identify their service populations, describe the scope of services, and show how service needs will be met; and reduces the number of grant applications and awards while maintaining the level of services provided by these centers and establishing an incentive award grant program for grantees with high or greatly improved performance.

This is a good bill, and I commend it to my colleagues.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. WAXMAN. Mr. Chairman, I rise in support of the Skaggs amendment.

This amendment would eliminate the overly broad, confusing, and unconstitutional provisions in the bill about limiting advocacy with private money.

Don't make a mistake. This is not a debate about Federal funds. This is a debate about private groups and private speech.

Federal grants already contain prohibitions on using Federal money for advocacy. This bill goes far beyond that and limits what private groups do with private money.

The provisions are so broad that they would limit advocacy not just by groups that relieve money, but by groups that, within the next 5 years, hope to receive money.

So if you hope to get money for a soup kitchen, you better not talk about feeding the hungry for 5 years.

And if you hope to get money for literacy, you better not talk about whether people should be able to read.

And the provisions are so broad that they would limit a grantee from even buying things or employing a contractor who does political advocacy.

So if you hope to buy soup from the Sisters of Charity, you better check to see if they advocate for the poor.

If you want to contract with a visiting nurses association for a community health center, you have to see their political records for the last 5 years.

And even groups that don't come anywhere close to the prohibitions of this bill will have to keep records and disclose records to prove it.

If a church thinks that someday it might run a homeless shelter, it better start keeping records showing that the priest hasn't testified before a school board too much.

If a synagogue is running a drug treatment program, it will have to show records of how much private money went for the rabbi's salary and whether the rabbi carried a banner in a peace march.

This is ridiculous.

You know and I know that for some in this body, this amendment is about pro-choice agencies getting Federal funds for family planning services and advocating with private funds for abortion rights.

I support the right of these agencies to do anything they wish with their private funds.

But this bill has gone so far that not only are the pro-choice groups opposed to this amendment but so is the Bishop's Conference on Pro-Life Activities. Cardinal Mahony himself has written to the Congress to ask that these provisions be deleted, saying that they will intrude into private activity that is unrelated to public funding.

As Catholic Charities said to the Appropriations Committee: "Churches and charities have a moral responsibility to stand up for the poor and vulnerable, and this plan appears designed to 'muzzle' the voices of these groups."

Many other groups feel this same moral responsibility.

I urge Members to vote for the amendment.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in opposition to the political advocacy gag provisions contained in H.R. 2127, and to those that my colleagues may attempt to attach to the bill. In its current form, the bill contains provisions which seriously restrict and threaten the political advocacy rights of the American people. Such provisions are a blatant attack on the most vulnerable in our society, and are designed to silence the voice of those who are committed to speaking out on their behalf.

These provisions would restrict the fundamental rights of the American people by placing limitations on Federal grantees regarding the use of their own hard-earned money when engaging in activities that are protected by the first amendment. Activities include participation in public debate on issues of public concern, communication with elected representatives, and litigation against the Government.

Mr. Speaker, perhaps the Republicans believe an extensive political advocacy gag law

is just what it takes to force the American people to stomach the pill of bitter pain, hurt, and suffering that will result from the devastating cuts in Healthy Start, Meals for the Elderly, energy assistance, financial aid, Education for the Disadvantaged, employment training, Head Start, Safe and Drug Free Schools, the list goes on and on.

If I were party to inflicting such hardship and pain, I too, would be in search of a hiding place or a cover up. And, I, too, would fear being held accountable by the American people. It will take more than a legislative silencer to quiet the cry of children, the elderly, and families that would result from the devastating cuts contained in H.R. 2127.

Mr. Speaker, I am absolutely opposed to any measure that authorizes such unconscionable attacks on the American people's rights. I strongly urge my colleagues to vote "no" to all measures and provisions that attempt to gag the American people. Vote "no" to H.R. 2127.

RECOGNITION OF THE PEE DEE
CONFERENCE OF THE AFRICAN
METHODIST EPISCOPAL ZION
CHURCH

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SPRATT. Mr. Speaker, it is my privilege today to recognize an important event in my congressional district. On October 1, 1995, the Pee Dee Conference of the African Methodist Episcopal Zion Church in South Carolina will commemorate and celebrate the Bicentennial of the African Methodist Episcopal Zion Church.

Nearly 200 years ago, a group of individuals decided to leave the John Street Methodist Church in New York because of discrimination and denial of religious liberties. These individuals organized what was to become the African Methodist Episcopal Zion Church. Zion was added to the name in 1848 to distinguish this denomination from other African Methodist bodies. The Right Reverend George E. Battle, Jr., Bishop of the Pee Dee conference, has declared a week of celebration of this anniversary for the week of October 1-8, 1995.

I would like to recognize and congratulate the many African Methodist Episcopal Zion Churches of the Pee Dee conference as they celebrate their 200 years and to commend these congregations for the vital work they provide families within their communities. I would also like to extend to them my best wishes for their next century of faithful service.

CUBA'S WORSENING ECONOMY
AND CASTRO'S BRUTAL OPPRES-
SION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DIAZ-BALART. Mr. Speaker, please submit for the RECORD the following article brought to my attention by Frank Calzon of Freedom House.

Last year, many apologists for the Castro dictatorship argued the Cuba's economy was rebounding and that the dictator had survived his latest economic crisis. The following analysis by University of Pittsburgh economist and Cuba specialist Carmelo Mesa-Lago clearly illustrates the fallacy of these optimistic predictions.

The truth is that with each passing day, Cuba's economy worsens and Castro's brutal oppression of the Cuban people increases.

CUBA'S ECONOMIC RECOVERY, HOW GOOD ARE THOSE 1995 PREDICTIONS?
(By Carmelo Mesa-Lago)

Judging from Fidel Castro's pronouncements and recent CNN coverage, Havana's recovery is already on its way. "Trust but verify" is the old Russian proverb; and to assess the situation Freedom House sent its Latin American specialist, Douglas Payne to Cuba in late April. His appraisal appears here, together with an article by the dean of Cuban economic analysts, Professor Carmelo Mesa-Lago.

Dr. Mesa-Lago advises caution. "Statistical series were halted in 1989," he says. Adding: "... an economy that has declined by one-half in five years could eventually bottom out and show signs of improvement, but unless a vigorous growth rate occurs it will take decades to recover to the previous economic level." According to him, "even a modest growth rate of two percent (one percent per capita) will be difficult to achieve in 1995." His article follows.

Most Cuban and foreign economists agree that the island's national product declined by one half in 1990-1993, but there is no consensus on whether the economic deterioration was halted in 1994 and a recovery will occur in 1995. Carlos Lage, vice president of the State Council, declared to Granma January 25 that the economy had bottomed out in mid-1994. Three days later (at an international economic forum held in Switzerland) he reported to a group of potential foreign investors that the growth rate in 1994 was 0.7 percent. Furthermore, Alfonso Casanova, director of the Center of Economic Research at the University of Havana, predicted last February a two percent rate of growth for 1995.

Optimistic, but ultimately erroneous forecasts of Cuba's economic recovery have been common in recent years. For instance, early in 1993, Andrew Zimbalist (Smith College) and Pedro Monreal (CEA-Havana) predicted a growth rate of 0.4 percent that year; later in 1993 Zimbalist changes his estimate to a decline of 10 to 15 percent, while Monreal postponed the elusive recovery to 1994 or thereafter. Jose Luis Rodriguez, Cuba's minister of finance, and Raul Talarid, the vice-minister of foreign investment, assured at the end of 1994 and the beginning of 1995 that the economy had bottomed out in 1993 and that some "signs" of recovery were present in 1994. Even more cautious were Osvaldo Martinez, the minister of Economics and Planning, and Julio Carranza, the deputy director of CEA, who, respectively, foresaw either stagnation or slowdown in the rate of decline in 1994 and "modest possibilities" of recovery in 1995.

The growth forecasts have been based on the following arguments: the end of the recession in 18 out of 21 industries; cuts in the monetary hangover, state subsidies and the fiscal deficit; higher prices for sugar and nickel in the world market; greater foreign investment, and a growing number of tourists and hard-currency revenue in that industry.

And yet some of the forecasters have candidly pinpointed persisting problems and obstacles to the recovery, such as:

1) inability to increase sugar and agricultural output.

2) a significant labor surplus maintained through huge state subsidies to two-thirds of non-profitable enterprises.

3) insufficient export revenue which precluded buying imports needs to expand both domestic production and exports.

4) not enough foreign investment in spite of the acceleration reported in 1993-94.

Members of the Cuban Association of Independent Economists, located in Havana, have argued that continuous stagnation or decline is due to the slow and piece-meal implementation of timid market-oriented reforms; according to them, the reduction in the monetary hangover has not generated an increase in output.

Three notes of caution are important in the assessment of the previous forecasts of growth.

First, today it is extremely difficult to measure Cuba's national product, because the state sector is shrinking while the informal-private sector is expanding and the value of goods and service generated by the latter is unknown. (For instance, only 170,000 self-employed workers have registered, thus the value of their output can be measured, but possible 500,000 or more are working without registration and the government does not have any idea of the value of their output.)

Second, statistical series were halted in 1989 and subsequent data collection has been harmed by the virtual demise of central planning. If official growth rates were difficult to check before the crisis, the situation is worse now.

Third, an economy that has declined by one-half in five years could eventually bottom out and show signs of improvement, but unless a vigorous growth rate occurs it will take decades to recover the previous economic level.

In my opinion, even a modest growth rate of two percent (one percent per capita) will be difficult to achieve in 1995 for several reasons. The 1995 sugar harvest is officially expected at best to reach 3.5 million tons. A compensatory factor could be the increasing world market price of sugar in 1994 and early 1995, largely boosted by the sharp decline in Cuban exports since 1993; but such prices are leveling off as other sugar producing nations have increased their exports.

A more difficult problem is the 500,000 tons of the 1995 sugar harvest that Cuba has mortgaged to finance last year's imports of Russian oil. In addition, Cuba was 500,000 tons of sugar short in committed exports to China in 1994, vital for the import of rice, bicycles and other Chinese products. This will cut availability of sugar for new exports. The actual availability of sugar for export in 1995 should be from 2 to 2.5 million tons.

Minister of Agriculture Alfredo Jordan has acknowledged that the new cooperatives (UBPC) that replaced most state farms in 1993-94 are not efficient and have failed to increase both sugar and non-sugar agricultural output. He has reported a decline of 36 percent in the production of grains, fruits, vegetables and tubers in 1992-94. Tobacco leaf production decreased 57 percent in 1989-93 and torrential rains harmed the 1995 crop in Pinar del Rio province. Jordan announced an increase of cattle heads to 4.5 million in 1994, but this actually was an eight percent decline in relation to the 4.9 million head officially reported in 1989.

Nickel output reached a peak of 46,000 tons in 1989 and declined to 33,349 in 1991 due to the obsolete technology of the Soviet-made plant in Punta Gorda, problems in the old U.S.-made plants, and lack of world demand. In spite of Canadian investment, nickel output in 1994 declined, although Cuba is hoping for improvement this year. (See *Cubanews*, April 1995)

In 1994, the number of tourists reached a record of 630,000 and generated \$850 million in revenue, but actual profit was only \$255 million because of the high costs of imports required to cater to tourists. Even as the number of tourists increase in 1995 at the previous pace, the target of 1.5 million tourists will not be met and profits will not exceed \$300 million.

Cumulative foreign investment reached \$1.5 billion in 1990-94, an annual average of \$300 million, equal to 5-6 percent of the \$5-6 billion in annual Soviet aid received by Cuba in the 1980s.

These negative factors will affect foreign investment:

1) the Mexican crisis, which has led to the cancellation or suspension of some Mexican investment projects.

2) the withdrawal of Total, the pioneer French corporation, after two years of unsuccessful oil exploration.

3) the ranking of Cuba as the worst among 167 countries in terms of risk for foreign investment by Euromoney in 1994.

4) the potential enactment of a Republican-endorsed bill to penalize foreign investors in U.S. property confiscated by Cuba in 1959-60.

The value of Cuban exports declined from \$6 billion in 1985 to \$1.8 billion in 1994. Carranza and Monreal forecasted in 1993 exports for \$4-5 billion for 1995, while the government prediction was even higher. But Casanova's estimate for 1995 exports is \$1.5 billion and Talarid acknowledged that "only \$4 billion" more were needed to finance the necessary imports. The 1995 combined hard-currency revenue from exports, tourism and investment can be estimated at \$2.5 billion, 78 percent less than the corresponding figure for 1989.

All the evidence summarized above suggests that the Cuban economy will either stagnate or continue its deterioration in 1995, although at a lower rate of decline. Cuban figures showing a growth rate for 1995 will have to be backed by hard data in order to be credible.

TRIBUTE TO W. LINDSAY LLOYD

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to Mr. W. Lindsay Lloyd, my legislative director, who departs my staff today for a position overseas with the International Republican Institute.

Mr. Lloyd, a native of La Jolla, CA, previously worked for Representative DUNCAN HUNTER, the House Republican Research Committee, and the Jack Kemp for President campaign, before joining my staff as legislative director upon my January 1991 swearing-in. In his relations with Members, staff, constituents, and parties interested in his chief legislative area of defense, Mr. Lloyd built and cultivated a reputation for steadfast and reliable work, vigorous and dispassionate analysis, reliability, responsiveness, and integrity. At all times, he served the American people and this Member with honor.

My staff and I will miss him and his diligence on behalf of the people of San Diego County. Within the next month, he will travel to Bratislava, Slovakia, to train the citizens of that new Central European nation in the techniques and process of representative democracy. I am confident in his success.

Member often feel ambivalent about having excellent staff leave. We miss their contribution to our work. But we also enjoy watching them grow and prosper elsewhere, always in the knowledge that we knew them way back when.

Mr. Lloyd's family is very proud of him. So am I. May God bless him and guide him on his way. And may the permanent RECORD of the Congress of the United States state that Mr. Lloyd served his country with distinction as a member of the staff of the House of Representatives.

REVISING ELECTION PROCEDURES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. UNDERWOOD. Mr. Speaker, today I am being joined by my colleagues from American Samoa and the Virgin Islands in introducing legislation that will revise the election procedures of delegates to Congress from the territories. The bill will repeal the requirement for a separate ballot for elections of delegates from the territories. However, this bill does not distinctly require a single ballot for every election. By amending 48 U.S.C. 1712(a) and 48 U.S.C. 1732(a), an option to either elect their Washington delegates either via single or separate ballot is granted to territorial election commissions.

The provision for Guam and the Virgin Islands was approved in 1972 and the one pertaining to Samoa passed in 1978. Roughly two decades after their respective implementations, these sections of the U.S. Code have somehow become outdated. My colleagues, Mr. FALOMAVAEGA and Mr. FRAZER from the Virgin Islands, agree with me that taking this route would be the most feasible, logical, and timely approach for this type of situation.

According to Henry Torres, the executive director of the Guam Election Commission, the commission recently acquired access to an AIS 315 Scanner, a computerized tabulation machine that could efficiently recorded votes printed on both sides of a ballot. The utilization a single ballot promises to save the commission thousands of dollars every election in overtime, programming, printing, postage and handline, and paper costs. The only thing stopping them is a phrase in 48 U.S.C. 1712(a) that reads, by separate ballot.

Two decades worth of technological advances have brought about means that now enable us to perform tasks with increased efficiency and lower costs. This motion to repeal the separate ballot requirement for delegate votes stands to take advantage of these advances. I ask my colleagues to support this bill that is designed to take territorial election procedures into the 21st century.

TRIBUTE TO ED NIEDERMAIER

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BRYANT. Mr. Speaker, I call this body's attention to the anniversary of the birth of one

of the truly distinguished residents of the Fifth Congressional District of Texas. July 5, marks the 100 anniversary of the birth of Mr. Ed Niedermaier, who was born during the second term of Grover Cleveland's Presidency of these United States and who has lived to see the administration of 19 of our 42 heads of state.

As remarkable as that is, it is one of the lesser feats of this man who left home as a teenage boy to serve in the Army in what was then referred to as the Great War.

Ed Niedermaier returned home a man and we in Dallas and Texas have been most fortunate that thanks to the love of a young lady, Mr. Niedermaier chose to live a large portion of his life among us.

This first-generation American was called into the Army on February 22, 1918, first as an infantryman, later transferring to the 55th Corps of Engineers while stationed at Chateauroux, 75 miles southwest of Paris.

Back home from the war to end all wars, Mr. Niedermaier moved to Oklahoma City, married and began raising a family of three children. Tragedy struck in 1939 with the death of his wife. But Ed Niedermaier persisted and raised all three.

Three fine children, he told interviewers at his home at the Buckner Baptist Village in Southeast Dallas. When World War II came along, I was obligated to take care of my children, so I didn't join the service. A 45-year-old widowed father of three wouldn't have been expected to fight for his country—for a second time in 23 years—but Ed Niedermaier would have expected that of himself, and he would have again gone to the defense of our Nation if not for being the sole provider for his family of three growing youngsters.

But his involvement in civic and patriotic projects never waned. Ed Niedermaier became commander of the Oklahoma City chapter of the Veterans of World War I and held that position until 1966.

He might still be the Oklahoma City commander today, except for a chance meeting in 1966. While attending a regional meeting in Duncan, OK, he met the widow of one of his fellow World War I soldiers. Eight months later he was married to Louise and they were sharing a home in Dallas—with one proviso:

Louise said she would marry me if, after she retired, I agreed to move to Buckner Retirement Village where she had lots of friends.

After living in their home in Dallas for 17 years, they have been together in their retirement home the last 12.

"So many older fellers just sit around and let their minds go," Mr. Niedermaier told Mike Slaughter in an interview for the Buckner Today magazine. "I don't want my mind to leave because I might not be able to find it again, so I stay active."

Ed Niedermaier has been active for a century now, all to the good of his family, friends, neighbors and country. He said, "There are three principles which I live by—faith in God, love of my country, and service to my fellow man."

I think it is safe to say that everyone in our country who knows Ed and Louise Niedermaier, or knows of their work and life together, join in wishing him a happy 100th birthday and expressing thanks for a century that has made these United States a better home for us all.

THE RAIL INFRASTRUCTURE PRESERVATION ACT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CLEMENT. Mr. Speaker, I rise today to introduce the Rail Infrastructure Preservation Act of 1995 a bill to reauthorize a small assistance program for short line and regional railroads that serve local and rural America. These railroads have become a critical factor in whether smaller communities and smaller shippers have access to the national rail system and the economic future that such access ensures.

The Rail Infrastructure Preservation Act will reauthorize the local rail freight assistance program at a \$25 million per year level. This program provides matching fund grants, through the States, to short line and regional railroads. The funds are used primarily for rehabilitation of track and bridge structures that these smaller carriers inherited from the major railroads which sold them the properties. In most cases the grants are one-time events and represent the seed money that the small carriers need to achieve safe and efficient operating conditions.

In addition, the legislation will clarify that the local rail assistance program can be used to assist small railroads restore facilities destroyed in a major natural disaster, such as the 1993 floods in the Mississippi and Missouri River valleys. It also includes technical revisions to the section 511 loan guarantee program, that is currently authorized, in order to make these funds more accessible to small carriers. Together both programs, LRFA grants and section 511 loan guarantees, will continue to ensure a growing and efficient feeder line railroad system in all States.

I am pleased to note that the Senate Committee on Commerce, Science and Transportation, in a strong bipartisan vote—17 to 2—on July 20, reported out a bill—S. 920—to reauthorize LRFA grants and modify the loan guarantee provisions as reflected in my bill. The bipartisan support demonstrated in the Senate illustrates the widespread value of this modest program throughout the States. My own State of Tennessee has nine short line railroads operating over tracks which otherwise would have been abandoned.

I urge my colleagues to review the Rail Infrastructure Preservation Act of 1995 and consider supporting it when it is considered in the House of Representatives.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union and under consideration the bill (H.R. 2127 making appropriations for the Departments of Labor,

Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. RICHARDSON. Mr. Chairman, there is no a way to vote for this amendment and claim that you are in favor of public broadcasting.

Public broadcasting has the overwhelming support of the America people. In fact a recent Roper poll placed public television third on a list of excellent values for tax dollars.

Funds for the Corporation for Public Broadcasting are forward funded so stations can raise the matching funds that are required in order to receive matching grants.

Forward funding has no bearing on how much the CPB is funded. Even with forward funding intact CPB's 1996 appropriation was reduced by \$37 million. That is an 11 percent cut from original funding.

I understand that in times of tight Federal budgets, each program must be willing to take some cuts and the CPB has taken its share. May I remind my colleagues that public broadcasting stations have already taken a 25 percent or \$92 million cut. Public television stations have implemented many cost-saving initiatives in order to tighten their belts during these fiscally tough times.

Mr. Chairman, I urge my colleagues to oppose the Hoekstra amendment.

TRIBUTE TO DEPUTY FRANK
TREJO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Sonoma County Sheriff Deputy Frank Trejo, who lost his life in the line of duty. In March 1995, Sonoma County Sheriff's Deputy Frank Trejo made a supreme sacrifice while serving of the community of Sebastopol, CA, which is located within the congressional district I am privileged to represent. Deputy Trejo was far more than a deputy. He was a dedicated peace officer who deeply cared about people, and in turn was well respected by the entire community. Deputy Trejo joined the Sonoma County Sheriff's Department in 1980 and served Sebastopol area residents on the graveyard shift for the last 4 years. Deputy Trejo was a devoted family man who loved his job. His tranquil and sincere manner of performing his job was admired by all of his colleagues, and is already missed in the department. Without a doubt, the tragic loss of Deputy Trejo will resonate in the community for many years to come.

I commend the Latino Peace Officers Association of Sonoma County for establishing a memorial scholarship in his honor. The scholarship, called "Forever and a Day," will be announced and celebrated on August 19, 1995, and will continue to provide scholarships for Latino students interested in law enforcement. The Sonoma County chapter of the Latino Peace Officers Association, started only 4 years ago, is part of a national organization whose goals are to encourage Latinos to enter into law enforcement professions, to provide scholarships for these candidates, and to work with our youth to prevent crime and provide alternatives to gang association.

Mr. Speaker, Deputy Trejo was a superb example of the excellence and dedication of our Sonoma County Sheriff Deputies who are on the front line everyday fighting to help make our communities a safer place to live. It is appropriate that we offer sincere thanks to the Sonoma County Latino Peace Officers Association for their dedication and commitment to the community and for establishing this fine memorial scholarship entitled "Forever and a Day" in memory of Frank Trejo.

PRAYER FOR KEN SCHWARTZ

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SPRATT. Mr. Speaker, the Boston Globe published an extremely moving article by a courageous young Boston attorney, Ken Schwartz, who recently contracted lung cancer. I would like to share an abridged version of this article with my colleagues. As he battles this dreadful disease, Mr. Schwartz recounts the many acts of kindness displayed by his nurses, physicians, and doctors. Mr. Schwartz explains that "these acts of kindness—have made the unbearable bearable." Reading the article, I was struck by the courage and perseverance Mr. Schwartz displays as he fights the illness. Despite the odds, Mr. Schwartz shows a tenacity and bravery I found inspiring. I was also moved by the kindness exhibited by Mr. Schwartz's caregivers and the importance of these acts in helping sustain Mr. Schwartz. Too often, we take for granted the special efforts of health professionals who give of themselves every day to save lives and cure the sick. I know that every Member of the House join me in praying for Mr. Schwartz's complete recovery.

[From the Boston Globe]

A PATIENT'S STORY

[By Kenneth B. Schwartz]

Until last fall, I had spent a considerable part of my career as a health-care lawyer, first in state government and then in the private sector. I came to know a lot about health-care policy and management, government regulations and contracts. But I knew little about the delivery of care. All that changed on November 7, 1994, when at age 40 I was diagnosed with advanced lung cancer. In the months that followed, I was subjected to chemotherapy, radiation, surgery, and news of all kinds, most of it bad. It has been a harrowing experience for me and for my family. And yet, the ordeal has been punctuated by moments of exquisite compassion. I have been the recipient of an extraordinary array of human and humane responses to my plight. These acts of kindness—the simple human touch from my caregivers—have made the unbearable bearable.

During September and October of 1994, I made several visits to the outpatient clinic of a Boston teaching hospital for treatment of a persistent cough, low-grade fever, malaise, and weakness. The nurse practitioner diagnosed me as having atypical pneumonia and prescribed an antibiotic. Despite continued abnormal blood counts, she assured me that I had a post-viral infection and didn't need an appointment with my physician until mid-November, if then. By mid-October, I felt so bad that I decided I could not wait until November 11 to be seen. Disappointed with the inaccessibility of my

physician, I decided to seek care elsewhere, with the hope that a new doctor might be more responsive.

My brother, a physician who had trained at Massachusetts General Hospital, arranged for an immediate appointment with Dr. Jose Vega, an experienced internist affiliated with MGH. Dr. Vega spent an hour with me and ordered tests, including a chest X-ray. He called within hours to say he was concerned by the results, which showed a "mass" in my right lung, and he ordered a computerized tomography scan for more detail. I remember leaving my office for home, saying quickly to my secretary, Sharyn Wallace, "I think I may have a serious medical problem." Indeed, the CT scan confirmed abnormal developments in my right lung and chest nodes.

The next day, Dr. Vega, assuring me that he would continue to be available to me whenever I needed him, referred me to Dr. Thomas Lynch, a 34-year-old MGH oncologist specializing in lung cancer. Dr. Lynch, who seems driven by the ferocity of the disease he sees every day, told me that I had lung cancer, lymphoma, or some rare lung infection, although it was most likely lung cancer.

My family and I were terrified. For the next several months, my blood pressure, which used to be a normal 124 over 78, went to 150 over 100, and my heart rate, which used to be a low 48, ran around 100.

Within 72 hours of seeing Dr. Lynch, I was scheduled for a bronchoscopy and a mediastinoscopy, exploratory surgical procedures to confirm whether I indeed had lung cancer. Until this point, I had thought that I was at low risk for cancer: I was relatively young, I did not smoke (although I had smoked about a cigarette a day in college and in law school and for several years after that), I worked out every day, and I avoided fatty foods.

The day before surgery, I was scheduled to have a series of tests. The presurgery area of the hospital was mobbed, and the nurses seemed harried. Eventually, a nurse who was to conduct a presurgical interview called my name. Already apprehensive, I was breathing hard.

The nurse was cool and brusque, as if I were just another faceless patient. But once the interview began, and I told her that I had just learned that I probably had advanced lung cancer, she softened, took my hand, and asked how I was doing. We talked about my 2-year-old son, Ben, and she mentioned that her nephew was named Ben. By the end of our conversation, she was wiping tears from her eyes and saying that while she normally was not on the surgical floor, she would come see me before the surgery. Sure enough, the following day, while I was waiting to be wheeled into surgery, she came by, held my hand, and, with moist eyes, wished me luck.

This small gesture was powerful; my apprehension gave way to a much-needed moment of calm. Looking back, I realize that in a high-volume setting, the high-pressure atmosphere tends to stifle a caregiver's inherent compassion and humanity. But the briefest pause in the frenetic pace can bring out the best in a caregiver and do much for a terrified patient.

The nurse left, and my apprehension mounted. An hour later, I was wheeled to surgery for a biopsy of the chest nodes and the mass in my lung. I was greeted by a resident in anesthesiology, Dr. Debra Reich, who took my pulse and blood pressure and said gently, "You're pretty nervous, huh?" She medicated me with tranquilizers, but that did not stop me from asking about where she lived, where she had trained, and whether she was married. I jokingly asked her how

come she was the only Jewish doctor I had met during my time at MGH. When it turned out that she lived down the street from me and liked the sandwiches at the same corner shop, Virginia's, I felt comforted. She squeezed my shoulder, wished me luck, and wheeled me into surgery.

When I awoke, I was told that I had adenocarcinoma in my right lung and in several chest nodes—in other words, advanced lung cancer. I don't remember a lot about those hours, but I remember Dr. Vega's face, with tears in his eyes. I also remember feeling very sad and scared.

It was clear that I would soon begin a new chapter in my illness and undergo the classic treatment for such advanced cancer: intensive chemotherapy and radiation, followed by surgery to remove the tumors, nodes, and entire lung, if necessary. Dr. Lynch told me that this option presented the real possibility of a cure. Over the next week, I had a series of additional radiologic scans to determine if the cancer had spread beyond my chest. These scans are incredibly scary: You are placed in a tube resembling a sarcophagus, with only 6 inches between you and the walls, and you may spend several hours inside, deafened by the clanging machine. And the scans always raise fears about whether more bad news is around the corner.

Dr. Vegas or Dr. Lynch always made it a point, though, to relay results within 24 hours, so my family and I didn't have to endure the anxiety of uncertainty any longer than necessary.

The scans of my body, head, liver, bones, and back were clear. I was relieved.

The doctors soon began an intensive regimen of chemotherapy and radiation, with the goal of destroying the cancer and preparing for surgery to remove my lung.

Before being admitted for my first five-day course of chemotherapy, I had a radiation-simulation session. During such sessions, therapists meticulously map their targets by marking your skin where the radiation should be directed. I was asked to lie on a table in a large, cold chamber. The radiation therapist, Julie Sullivan, offered me a blanket and, mentioning that the staff had a tape deck, asked if I had any requests: I recalled my college days and asked for James Taylor. Listening to "Sweet Baby James" and "Fire and Rain," I thought back to a time when the most serious problem I faced was being jilted by a girlfriend, and tears ran down my cheeks. As therapists came and went, Julie Sullivan held my hand and asked me if I was OK. I thanked her for her gentleness.

After having a Port-o-Cath implanted in my chest—a device that allows chemotherapy to be administered without constant needle sticks in the arm—I was admitted to MGH in mid-November. During that and other hospitalizations either my mother or sister would say overnight, often sleeping in cramped chairs. When I awoke at night in an anxious sweat or nauseated, I would see one of them and feel reassured.

While doctors managed my medical care, my day-to-day quality of life and comfort were in the hands of two or three nurses. These nurses showed competence and pride in their work, but they also took a personal interest in me. It gave me an enormous boost, and while I do not believe that hope and comfort alone can overcome cancer, it certainly made a huge difference to me during my time in the hospital.

During the period between my two chemotherapies, when I also received high-dose radiation twice a day, I came to know a most exceptional caregiver, the outpatient oncology nurse Mimi Bartholomay. An eight-year veteran who had experienced cancer in her own family, she was smart, upbeat, and compassionate. I had to receive

fluids intravenously every day at the clinic, and while there we talked regularly about life, cancer, marriage, and children. She, too, was willing to cross that professional Rubicon—to reach out and talk about my fear of dying or, even worse, my fear of not living out my life, of not biking through the hills of Concord and Weston on summer weekends with my brother, of not seeing my child grow up, of not holding my wife in my arms. And she took the risk of talking about her own father's recent bout with cancer. I cannot emphasize enough how meaningful it was to me when caregivers revealed something about themselves that made a personal connection to my plight. It made me feel much less lonely. The rule books, I'm sure, frown on such intimate engagement between caregiver and patient. But maybe it's time to rewrite them.

After my second round of chemotherapy, I was ready for the final state of what we hoped would be a cure: surgery. Before this could happen, Dr. Lynch repeated my radiologic scans, to be sure that the cancer had not spread. He assured me that the chance of any such metastasis was remote—less than 5 percent—although it would be a disaster if it occurred.

The scans were endless, scary, and lonely. While members of my family stayed with me in the waiting rooms, they could not accompany me to the scanning rooms; the experience again was harrowing. But I felt my greatest fear while awaiting the results. After a week of tests, I had one last scan of my bones. I was concerned when the technologist asked to do a special scan of my back that had not been done before.

The next day, I called Dr. Lynch's office and asked his assistant, Mary Ellen Rousell, when I could come in to find out the results. She said, "How about this afternoon?" and then added, "You might want to bring someone." My heart skipped. When my wife and I entered Dr. Lynch's office and saw his face, our hearts sank. He was ashen. He said that while all the other scans were clear, there appeared to be a metastatic tumor in my spine. He explained that this meant that lung surgery at this point would be futile, since other metastases were likely to surface.

Dr. Lynch said that he could not be 100 percent certain that this was a tumor and that, because so much was at stake, we should do a biopsy. My wife and I wept openly—in part because, looking at Dr. Lynch's face, we felt that he had lost hope.

I could not help but ask what treatment options were available, and he mentioned a drug called Taxol. Still being the lawyer, I quizzed him.

Me: What is the percentage of people who benefit from Taxol?

Dr. Lynch: Forty percent.

Me: How much do they benefit?

Dr. Lynch: They can get several years of life, although it is not a cure. And the median survival for patients on Taxol with your advanced stage of disease is nine months.

Nine months! My wife and I cringed. I ended the session by asking Dr. Lynch, "How do you do this work?" And he answered, in genuine pain, "By praying that I don't have days like today."

I desperately needed to regain hope, and I needed Dr. Lynch to regain his sense of hope.

A few days later, I had the biopsy. Dr. Lynch met with my family to report that, indeed, after considerable searching, the pathologist had found small deposits of adenocarcinoma in my vertebra. It was now confirmed that I had metastatic lung cancer. Although my brother and my father, who is also a physician, raised the possibility of radical surgery on my back and lung to remove all the tumors, Dr. Lynch and the sur-

geons rejected this option because further metastases were likely to appear, and the surgery would be debilitating and reduce my quality of life at a time when my life could well be substantially shortened.

The clear treatment was more chemotherapy. Dr. Lynch again recommended the use of Taxol, with the hope of slowing the cancer's spread.

It was crucial to my wife and to me that he not give up hope. I understood his surprise and disappointment at the metastasis; in fact, as one friend suggested, his distress at that event was a sign of his caring about me and his involvement with my case. But we desperately needed him to give us a realistic basis for hope—and he had.

The next day, I began a new chapter in my fight. And once again, Mimi Bartholomay was by my side, monitoring my reaction and assuring me that most people tolerated Taxol very well. I had no allergic reactions, and I felt good that the battle was under way. I had hoped that maybe this could buy me time. Time was now my best friend, since it could allow medical research to advance and doctors to find new strategies and maybe even a cure for advanced lung cancer.

During this period, with help from my father, who has had a long and distinguished career in academic medicine, I began to explore potential cutting-edge protocols that could supplement or follow Taxol.

My father arranged a meeting for my wife and me with Dr. Kurt J. Isselbacher, a distinguished researcher and director of the MGH Cancer Center. He is a small man with a large presence and piercing blue eyes, and he was surrounded by medical books, papers, and many pictures of his family. He was upbeat, telling us of protocols under way that showed promise in fighting metastatic tumors. Like several others, he told me a personal story that cut to the bone: A close family member, he said, had been diagnosed with advanced cancer, which the attending oncologist had said was "very, very bad." The family member had said to him: "Kurt, you have helped so many people in your life, can you now help me?" He personally treated the family member in that person's home with chemotherapy, and, 21 years later, that person is thriving.

Dr. Isselbacher offered to serve as an advocate for me, to work with my father and Dr. Lynch to find the most promising protocols. I told him at the meeting that while I had no illusions, I was deeply moved by his refusal to give up and by his abiding hope; I was especially affected because such hopefulness was not coming from a faith healer but a distinguished researcher. He had strengthened our resolve to fight.

In recent months, I have had several setbacks: a bone scan that showed four to five additional tumors, and a CT scan that showed significant progression of the cancer in both lungs. The only good news was that it had not spread to my head or liver. I am pained, but not surprised, at the relentlessness of the disease, and I am straining to retain hope that one of the experimental treatments may succeed where chemotherapy has failed.

For the first time, I recently mentioned to Dr. Lynch the idea of a hospice service and wondered how I might reduce future pain as the cancer progresses. Dr. Lynch answered that we were still a long way from that discussion, that we still had many avenues to explore, and that he remained as committed as ever to doing whatever he could to extend my life in a quality way.

Around the time of the CT scan, when I was feeling particularly dejected, I had an appointment with Mimi Bartholomay for an injection. She was running late, and as she

approached me in the clinic waiting room, she looked harried. But as she got closer, she could see how unhappy I was, and she put her arm around me and directed me to a private room. I began to cry, and she intuitively responded: "You know, scan days are the worst. But whatever the results, we are not going to give up on you. We're going to fight with you and for you all the way." I hugged her and thanked her for hanging in there with me.

If I have learned anything, it is that we never know when, how, or whom a serious illness will strike. If and when it does, each one of us wants not simply the best possible care for our body but for our whole being.

I still am bound upon Lear's wheel of fire, but the love and devotion of my family and friends, and the deep caring and engagement of my caregivers, have been a tonic for my soul and have helped to take some of the sting from my scalding tears.

TRIBUTE TO JIM GLASS ON THE
OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a good friend and outstanding citizen of Ohio. This year, James Glass will retire from the Wildlife Conservation Fund of America. A political expert and former business executive, Jim founded and until 1993 was president and CEO of the fund.

Jim served in the aerospace field for 28 years as an executive with the Columbia Aircraft Division of Rockwell International. During his employment with the aerospace giant, Mr. Glass had the responsibility for coordinating Columbus Aircraft Division support for many facets of major programs with NASA and the U.S. Department of Defense. These programs included the B-1 bomber and space shuttle projects.

For over two decades, Mr. Glass has been involved in wildlife, soil, and water conservation. He formerly served as a director of the National Wildlife Federation. In recent years he has worked to defend the rights of sportsmen and the integrity of wildlife management in the face of wildlife protectionist opposition. In 1978, Mr. Glass founded the Wildlife Legislative Fund of the American and the Wildlife Conservation Fund of America in order that sportsmen's interests be represented in the Congress, the courts, and in the state legislatures.

As a former president of the State Senate of the Ohio, I depended on Jim and his organization to keep me informed on the needs of sportsmen. During that time, we worked together on many projects.

Whether looking back on his years in business or his many civic activities, Jim Glass should feel the pride that comes with great accomplishments. I wish him and his family all the best in the years ahead.

FDA IS CRITICAL TO THE HEALTH
AND PROSPERITY OF OUR NATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CLEMENT. Mr. Speaker, regardless of one's view of tobacco, it is clear that an efficient and effective FDA is critical to the health and prosperity of our Nation. Roughly 25 percent of every American consumer dollar spent is spent on products FDA is responsible for overseeing. Tobacco is not one of those products. FDA clearly lacks any semblance of statutory authority to regulate tobacco products as drugs, yet Dr. David Kessler seems intent on pursuing this politically correct agenda at the expense of the agency's core mission.

FDA's product approval process demands the Commissioner's attention. The backlog of pending medical device applications exceed 1,100. Drug approval times averaged 29 months in 1991, despite a statute mandated time limit of 180 days. Approximately 90 percent of the drugs approved by the FDA between 1987 and 1989 were available in other countries an average of 6 years earlier.

While FDA has been investigating and inspecting tobacco company manufacturing processes, inspections of domestic products and manufacturing plants are unacceptably low. Recent rates indicate that FDA will visit each of the 90,000 establishments subject to inspection every 6 years instead of the two required by statute.

Dr. Kessler may say the agency is improving, but the fact remains under his leadership the agency continues to fail to meet its statutory obligations. In April 1995, Dr. Charles Edwards—FDA Commissioner from 1969 to 1973—criticized the FDA for spending valuable resources investigating tobacco while it is unable to perform important functions within its authority. Dr. Edwards said:

FDA's paternalistic tendency in recent years is, in my opinion, more than bad policy. It is bad management. It diverts limited resources from key tasks and drug and medical device approvals.

And in response to a question, Dr. Edwards directly criticized Dr. Kessler's private crusade against tobacco products. "I feel very strongly about this, that you cannot regulate human behavior. This is really an issue for the Surgeon General." He added, "I think issues like this divert the resources of the Agency—enormous resources of the Agency."

Mr. Speaker, it is time for the President to end Dr. Kessler's ill-conceived crusade against tobacco. Clearly, the Agency does not have the resources to justify it. Further, it lacks the legal authority to regulate tobacco products. It is high time the President directed Dr. Kessler to run the FDA in a manner the American people deserve and that he abandon his thinly veiled crusade to begin our inexorable march towards America's next experiment with prohibition.

PENSION SIMPLIFICATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. PORTMAN. Mr. Speaker, I recently introduced a bill, H.R. 2037, which will make it easier for small businesses to offer pensions to their employees. This may not sound terribly exciting to most people, but it has the potential to enhance the retirement savings of millions of Americans. Currently, pension plans are so heavily regulated and so expensive to administer that only 19 percent of small employers—those with less than 25 employees—sponsored a pension plan at all. My bill will restore flexibility to our outmoded and bureaucratic pension laws and thus encourage employers, including both large and small businesses, to offer and maintain retirement plans that are vital to the retirement security of our Nation's workforce.

My bill removes many of the burdens that small businesses face when trying to provide retirement programs for their employees. It will also make it easier for small businesses to provide retirement security for millions of Americans by providing a tax credit for starting a new pension plan. In addition, it removes the complex discrimination rules for small employers and exempts small businesses from the minimum participation rules.

The response from small businesses in my district to this proposal has been overwhelmingly positive. For instance, one employer said "the present law is far too complex, and is a serious deterrent to creating an employer sponsored benefit plan." Another explained that "As small business owners, we wholeheartedly support—the Portman—effort to simplify the employee pension plans, thereby, giving the necessary relief to the many small businesses that are presently not able to participate in these plans."

A local realtor explained that:

I concur that the current complexities, administrative burdens, contributions and distribution rules and regulations tend to discourage rather than encourage retirement savings. . . . When I was in the banking business, we found it a difficult process to properly and accurately establish and serve as an administrator on various KEOGH and self employed pension plans. Small business owners were either intimidated or frustrated with all the complicated rules, regulations, definitions and administrative "hassles" on the establishment, funding and distribution in these retirement plans.

And a retailer in Batavia, OH said, "These are overdue changes * * * we have had a married couple who work for us get snagged for 2 years in a row by the unfair family aggregation rules. Repeal of these rules * * * makes a great deal of sense."

Pension laws are complex and confusing. Since 1980, Congress has passed an average of one law per year affecting private sector pensions. As the rules and regulations governing pension plans have multiplied, defined benefit pension plans have become less and less attractive to employers. As a result, pension plan termination have consistently outpaced the growth of new plans.

At a time when our national savings rate is so low, we should be encouraging private sector retirement savings, not crippling pension plans with more and more regulation.

That is why we must simplify the process to increase retirement security and the ability to save for working Americans. And that is exactly what this bill does.

HONORING THE 50TH ANNIVERSARY OF THE 96TH CIVIL AFFAIRS BATTALION AT FORT BRAGG

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ROSE. Mr. Speaker, on August 17, 1995, the 96th Civil Affairs Battalion (Airborne) at Fort Bragg will celebrate the 50th anniversary of its activation. I would like take a moment to recognize the 96th, which, incidentally, just happens to be the U.S. Army's only active duty civil affairs unit.

The battalion has had a long and distinguished history. The 96th Civil Affairs Battalion is descended from the 96th Headquarters and Headquarters Detachment, Military Government Group, which was constituted at the Presidio in Monterey, CA on August 25, 1945, and activated the following day. This unit was inactivated on January 25, 1949, in Korea. On May 10, 1967, the unit was redesignated the 96th Civil Affairs Group and allotted to the regular Army. It was activated on August 25, 1967 at Fort Lee, VA. On November 26, 1971, the group was reorganized and redesignated the 96th Civil Affairs Battalion at Fort Bragg, NC ever since. The last redesignation took place on March 1, 1986, when the battalion was placed on Airborne status and renamed the 96th Civil Affairs Battalion (Airborne).

The quiet professionals of the 96th Civil Affairs Battalion (Airborne) continue a tradition, developed over the past 50 years, of being premier ambassadors for both the U.S. Army and the United States of America. Today the soldiers of the 96th are deployed around the world in Bosnia, Croatia, Macedonia, Rowanda, Hatii, Grenada, Panama, Honduras, Wake Island, Cambodia, and Mongolia, where they serve to advise officials of foreign nations in various aspects of civil-military operations and humanitarian relief. Above all, the men and women who serve in the 96th Civil Affairs Battalion (Airborne) help build and strengthen the cause of democracy. For this, we owe them a debt of gratitude.

I would like to extend to everyone who serve and have served in the 96th my thanks and the thanks of the U.S Congress for your fine work. Congratulations on your 50th anniversary, 96th Civil Affairs Battalion (Airborne), and I encourage you to keep up the good work for another 50 more.

LIBERATING GUAM: THE UNITED STATES COMES BACK

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate the National Park Service for spearheading the production of a laser-disc video entitled "Liberating

Guam: The U.S. Comes Back" in commemoration of the 50th anniversary of the liberation of Guam. Nominated to the 28th annual WorldFest—Houston International Film and Video Festival last June, it was a finalist winner for the category of Best Documentary of 1994.

A special commendation is also in order for this project's supervising producer/director, Karine Erlebach. In addition to international acclaim, her talent and professionalism, has earned her a special place in the hearts of the people of Guam. By resenting the war through the perspective of the Chamorro people, she has focused upon an aspect of the war that has been largely neglected.

On behalf of the people of Guam, I congratulate everyone who gave a hand in the production of this award-winning documentary. The educational benefits that this documentary has to offer will surely be appreciated by all those who view it both on island and abroad. I offer my sincerest thanks for making all this possible.

MOUNT SINAI HOSPITAL'S FIGHT AGAINST SARCOIDOSIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the important work that is taking place at the Sarcoidosis Clinic at Mount Sinai Hospital in New York City.

Sarcoidosis is a very common disease of unknown cause. Though the disease can involve every part of the body, most patients with sarcoidosis have no complaints, or only minor ones. Symptoms include shortness of breath, pain in the joints, swollen lymph nodes, skin rash, fatigue, or fever. And while many patients require no treatment and the disease goes away after 6 months to 2 years, about 20 percent of those with the disease require substantial treatment.

Approximately 10,000 patients with sarcoidosis have been treated at Mount Sinai Hospital Sarcoidosis Clinic since its founding in 1948. Dr. Louis E. Siltzbach, one of the world's most renowned experts on sarcoidosis, originally founded the Mount Sinai Sarcoidosis Clinic, and in the 48 years since its inception, the clinic has made tremendous advancements in the battle against this perplexing disease.

Recently, Mount Sinai has gone beyond treatment with the formation of the Sarcoidosis Support Group. This patient-run group helps remove the mystery of the disease, provides general information, and hopes to generate enough interest to spurn research that will lead to more effective treatment and, ultimately, a cure. As part of this effort, the Sarcoidosis Support Group will be celebrating Sarcoidosis Awareness Month on August 11.

Mr. Speaker, I am proud to have this opportunity to honor the excellent work being done at Mount Sinai to provide treatment for support for those living with sarcoidosis. I would also ask my colleagues to join me in helping to make all of our constituents aware of this mysterious disease in the hopes that some day we might find a cure.

TRIBUTE TO LEONARD J. DESIDERIO

HON. BOB FRANKS

OF NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to Leonard J. Desiderio on his retirement as principal of Oak View Elementary School in Bloomfield, NJ.

"Mr. D," as he was known by students and faculty, retired in June bringing to a close a highly distinguished career in the field of education. Leonard J. Desiderio has dedicated the past 33 years of his life to serving the Bloomfield Public School system. He began his career in education in the Newark Public School System, teaching during the day and attending Seton Hall University at night to earn his degree. In 1962 he joined the Bloomfield Public School System as the 5th and 6th grade teacher at the Forest Glen School. After only 3 years at Forest Glen, Mr. D. became vice principal and 2 years later principal. In 1970 he accepted the position of principal at Oak View School where he remained until his retirement, making Oak View School the No. 1 school in the system in all testing and academic achievements.

Several honors were recently bestowed on Mr. Desiderio in recognition of his outstanding achievements and dedication to Oak View School. As a display of recognition for Mr. Desiderio's dedication to the students of Oak View School, the Bloomfield Board of Education named the school's gymnasium the "Leonard J. Desiderio Gymnasium" placing a bronze plaque above the entrance doors. The mayor of Bloomfield joined in the celebration by naming June 8, 1995, the date of the dedication, as Leonard J. Desiderio Day. Other honors were awarded to Mr. D. from the General Assembly of New Jersey, and the Bloomfield Board of Education. These honors reflect the enormous amount of gratitude and respect the community feels toward Mr. Desiderio for his dedication to excellence in education.

Mr. Speaker, I urge my colleagues to join me in congratulating Leonard J. Desiderio for his leadership and dedication to education. His commitment to service has fostered educational excellence and helped shape the development of thousands of children. It is difficult to know how many lives Mr. Desiderio touched during his career in education, but I am confident that his leadership and good nature will be missed, and his legacy will surely lone endure.

1995 DELAWARE WINNER OF THE VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CASTLE. Mr. Speaker, I recommend the following essay by Janelle Jones, winner of

the Voice of Democracy Scholarship Program, to my colleagues.

"MY VISION FOR AMERICA"

"Where there is no vision, the people perish."

Never has this saying from the Book of Proverbs been more true than for our country, right now. Imagine, you are traveling through time to the year 2020, but instead of the high-tech world of thriving businesses and prospering families, you see ransacked, decaying cities. The former United States, once strong and powerful, is now bankrupt both financially and morally, a mere shadow of its former self. The world leader that once generously gave to needy nations must now beg for help. How has the American dream become this nightmare? Since this is a nightmare, and not reality, I am so thankful that the vision for America is still ours to shape.

Will Durant said, "The present is the past rolled up for action, and the past is the present unrolled for understanding." In 1776, a vision for America was already unfolding. Let's sift out the gold from the rubble of history and rediscover our beloved country in the process. We can dust off the bedrock principles that guided our Founding Fathers then, and still keep us on course today. What are these principles? We must first know them, understand them, and embrace them before we can be willing to live by them and die for them.

Lives have been put on the line, fortunes risked and, sacrifices made by a long line of patriots, from the signers of our declaration, to the many brave veterans of conflicts today. The inner fire that drove all of these was fueled by belief in certain rights and principles as set forth in our Constitution and Bill of Rights. They are simple, yet profound. Among them are the right to own property, to worship as we see fit, to meet and speak freely, and to be free from any undue government interference. The dignity of human life, common decency, personal responsibility, and a free enterprise system were treasured as necessary to freedom. These have been hard-won, and hard-kept. The price of freedom is not apathy, but constant vigilance.

Seeing the brilliance of gold from the past, I can say that my vision for a strong America includes a resurgence of unshamed pride and love for all that this country stands for. We must preserve and communicate these values without compromise.

Former President Ronald Reagan said,

"The family has always been the cornerstone of American society . . ." and that ". . . the strength of our families is vital to the strength of our nation."

Our family structure, where these values are taught and nurtured, must be supported by our society, laws and institutions. Children snuggled on our lap can be read the thrilling stories of all our American heroes, learning that there is a moral law, and that the truly brave live by it.

My vision for America's future includes a hard look at the present, not as hopeless hand-writing, but as calls to courageous action. It is our duty to participate as citizens, not as passive bystanders. If the government is to be of the people, by the people and for the people, then there must be involved people. It takes very little time to call a congressman, to vote, or to attend a town meeting to voice an opinion.

This vision of Future America beckons to me with great hope and anticipation. The crumbling structures of our land have been reinforced with a fresh appreciation for our tradition and heritage. Any fog of confusion about our nation's identity has been pierced with the light of truth. The shackles of help-

lessness have been opened with the key of principled thinking and responsible citizenship. Our foundation of freedom is once more visible, and the spirit of our forefathers recaptured. The pollution of compromise is clearing from our purpose, and now all that is right and true and lasting comes into focus once again. As Americans, we will see the bright gold of restored vision for our country, and will know that this nation, under god, indivisible, still has liberty and justice for all.

ALLOW MUNICIPAL USERS TO
SHARE FEDERAL FACILITIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MILLER of California. Mr. Speaker, water supplies for California cities are extremely limited. Whenever possible, cities attempt to use their water storage and conveyance systems in the most efficient ways they can.

The city of Vallejo has tried to use its water supply facilities more efficiently, but has been frustrated by a limitation in Federal law that prohibits the city from sharing space in an existing Federal water delivery canal.

The city of Vallejo simply desires to "wheel" some of its drinking water through part of the canal serving California's Solano Project, a water project built by the Bureau of Reclamation in the 1950's. Vallejo is prepared to pay any appropriate charges for the use of this facility.

Allowing Vallejo to use the Solano project should be a simple matter, but it is not. Legislation is required to allow the city to use the Federal water project for carriage of municipal and industrial water.

Congress in recent years has expanded the scope of the Warren Act to apply to other communities in California and Utah where there existed a need for more water management flexibility. The legislation I am introducing today will simply extend similar flexibility to the Solano project and to the city of Vallejo.

I very much appreciate Mayor Tony Intintoli's bringing this situation to my attention. I would hope that we would be able to deal with this matter in the Resources Committee quickly and without controversy.

REGULATION OF TOBACCO
PRODUCTS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TANNER. Mr. Speaker, I rise today to express my concern over recent press reports that the President is currently considering giving FDA the green light to assert regulatory jurisdiction over tobacco products. The notion of FDA asserting regulatory jurisdiction over tobacco products as drugs runs counter to statutory, regulatory, and agency precedence in this area.

For decades, Congress has expressly reserved to itself the authority to regulate tobacco products. As one congressional report made clear:

The clear mandate of Congress [is] that the basic regulation of tobacco and tobacco products is governed by legislation dealing with the subject . . . any further regulation in this sensitive and complex area must be reserved for specific Congressional Action.

This position has long been acknowledged by none other than the FDA itself. As early as 1972, FDA Commissioner Charles Edwards testified that: "[T]he regulation of cigarettes is to be the domain of Congress." Historically, the FDA has rejected petitions calling on FDA to regulate tobacco products noting that since manufacturers do not make therapeutic claims, tobacco products should not be declared "drugs" under the Federal Food, Drug and Cosmetic Act and regulated by FDA. This is a position which has been upheld in the courts as it relates to tobacco. Further, in every meaningful case on the subject of whether a product could be regulated as a drug, the courts have found that absent the therapeutic claims by the manufacturer, they cannot.

Even Dr. Kessler has recognized that this issue raises serious public policy questions that must and should involve Congress. In February of last year, Dr. Kessler wrote anti-smoking groups stating:

We recognize that the regulation of cigarettes raises societal issues of great complexity and magnitude. It is vital in this context that Congress provide clear direction to the Agency.

These statements are equally applicable to tobacco products other than cigarettes.

Congress has consistently rejected every attempt to give FDA the authority that Dr. Kessler seems to desire. Congress has considered and rejected numerous bills to give FDA regulatory authority over tobacco products. During the last Congress, a bill, H.R. 2147, would have amended the Federal Food, Drug and Cosmetic Act.

to regulate the manufacture, labeling, sale, distribution, and advertising and promotion of tobacco and other products containing nicotine, tar, additives and other potentially harmful constituents. * * *

was introduced and rejected. In fact, on no occasion has a bill granting FDA authority to regulate tobacco products as drugs even passed out of subcommittee.

Mr. Speaker, the FDA does not have the authority to regulate tobacco products as "drugs", absent the explicit authorization of Congress. Congress should be working meaningful to reduce access to tobacco products by minors.

COMMEMORATE AUGUST 16, 1995
AS SOCIAL SECURITY DAY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to commemorate August 16, 1995 as Social Security Day to be celebrated in the Philadelphia North Broad Street Social Security Office.

On August 14, 1935, President Roosevelt signed the Social Security Act to ". . . give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age." Since that historic signing, Social Security has

evolved into a base of economic security for young and old alike. Although the original program provided just old-age insurance benefits, monthly Social Security benefits now keep about 12 million elderly people out of poverty.

Of the nearly 43 million people receiving monthly benefits, 12.4 million are children, spouses, widows, and widowers who receive benefits because a worker in their family became disabled or died. Benefits also are paid every month to 4 million disabled workers.

Social Security is an integral part of American life. It is an essential element of the nation's economic well-being. Social Security addresses these uncertainties well-being. Social Security addresses these uncertainties brought about by death, disability, and old age. It continues to fulfill its historic commitment to serving the American people in a caring, effective way.

The North Broad Street office of Social Security has contributed greatly to the lives of Philadelphia's seniors, and I am proud to commemorate August 16, 1995 as Social Security Day.

MATTHEW ADAMS, JR. HONORED
FOR SERVICE TO COMMUNITY
AND CHURCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to honor Dr. Matthew Adams, Jr., who is celebrating 26 years in the ministry and 11 years of service as pastor of Grace United Methodist Church.

Dr. Adams began his service with the ministry in 1969, when he joined the Metropolitan Community Methodist Church. During his tenure there, he served as community developer and was also the youth minister. In 1977, Dr. Adams became pastor of St. Luke's United Methodist Church in New Rochelle, NY. His impact on the community was tremendous, as he wasted no time in starting a children's choir, a gospel choir, an inspirational choir, and a prison ministry. Under his inspirational leadership the church building was also beautifully renovated and restored.

It was in 1984 that Dr. Adams became pastor of Grace United Methodist Church in New York. When he first arrived at Grace UMC he was entering a despondent community that had just lost their church building to a tragic fire. Dr. Adams helped rebuild not only a new church, but also strengthened the ministry's faith and spirit. After sharing space with Trinity Lutheran Church, Dr. Adams and the congregation proudly entered their new church on December 22, 1991.

During the last 11 years, Dr. Adams' brand of urban ministry has helped Grace UMC reach further out into the surrounding community. Under his outreach programs, the ministry has organized a children's choir, a Christian Academy, and a program called, God's People With A Purpose, which provides assistance and food for the homeless and needy.

In recognition for his outstanding service to the community, Dr. Adams has received several awards, including the Dr. Martin Luther King, Jr. Humanitarian Award. He has also received the Ted Weiss Community Service

Award in recognition of his distinguished leadership of Grace United Methodist Church for his contributions to the Upper West Side Community.

In addition to being a gifted minister and community activist, Dr. Adams is also a devoted family man. The support and love of his wife Anzetta King Adams and two wonderful children, Martin Luther and Tammi Marie give Dr. Adams the inspiration he needs to bring joy and happiness to his congregation day in and day out.

Mr. Speaker, I would like to congratulate Dr. Matthew Adams on his 26 years of faithful service in the ministry. In addition, I hope my colleagues will join me in wishing him continued success as pastor of Grace United Methodist Church.

75th ANNIVERSARY OF WOMEN'S
SUFFRAGE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to mark the 75th anniversary of the enactment of the 19th amendment by paying tribute to some very important women's organizations that not only worked to get women the right to vote 75 years ago, but that continue to be leaders in enabling women to fully participate in the political process. There are numerous organizations in California's Marin and Sonoma Counties that deserve recognition as we celebrate this Diamond Jubilee of Women's Suffrage. Their work spans many decades of service to our community.

The League of Women Voters is one such group, leading the way for the past 75 years. In the 6th congressional district, we are fortunate to have two active and longstanding chapters—with the League of Marin County serving the community for 59 years, and the League of Sonoma for 42 years. I want to express my gratitude to these two remarkable leagues for their significant contributions to the political and cultural well-being of our local community. They truly reflect the vision of the suffrage movement and work to inform and engage women fully in the democratic process.

Even though securing the vote for women was a major breakthrough, the work of numerous individuals and groups continue the pursuit of women's rights and equality. In the congressional district that I am privileged to represent, there are two Commissions on the Status of Women, which were initiated in 1974 with the Marin County Commission, and then in 1975 when the Sonoma County Commission began. The Sonoma Commission is celebrating its 20th anniversary on August 26, 1995, which is also the 75th anniversary of women's suffrage, with a special event to signify the connection between the past and present effort for women's equality.

Mr. Speaker, this is of particular note to me because I was privileged to serve for 4 years as a commissioner during the formative stages of the Sonoma County Commission. Over these 20 years, 126 women have served as commissioners who have provided the vision and energy for numerous worthwhile projects including: creating the Women of Color

Humanitarian Award, publishing the Women's Health Directory, sponsoring Domestic Violence Awareness Month, establishing a County Affirmative Action Officer, and initiating a Community Task Force on Violence Against Women. I congratulate the commission for their ongoing commitment to the women and children of Sonoma County and know that they will continue to challenge all of us to build a society that respects the rights and dignity of every person.

One of the commission's more notable projects, which eventually became a national movement, was the countywide declaration of Women's History Week in 1978, and then Women's History Month in 1979. The commissioners recognized that until women are put back into our history, and our children learn about women's contributions to society, there can be no true recognition and appreciation of women's equality. In 1981, Congress declared the week of March 8 as National Women's History Week. In 1987, Congress designated March as National Women's History Month and used the exact wording from Sonoma County's declaration 8 years earlier.

I salute the National Women's History Project, incorporated in 1980 and still located in Sonoma County, for their continued leadership across this Nation. In particular, they encourage our schools to put women back into history so our children can learn the whole story. It gives me a great sense of pride that the 6th congressional district has been leaders in our national commitment to improve the quality of life for girls and women, and thereby our entire communities.

Raising the public's consciousness of important issues, and working toward solutions for society's problems, requires the dedication of numerous women's organizations that have multiplied in recent years. The National Women's Political Caucus [NWPC], the National Organization of Women [NOW], the National Abortion Rights Action League [NARAL], the National Federation of Business and Professional Women [BPW], and the Soroptimist Club are all excellent examples of the work that women are doing all over our country to improve the lives of us all. I am extremely proud to have active affiliates and members of these organizations in the 6th congressional district.

Mr. Speaker, I would also like to give special recognition to a group of women who have been a positive force in our community long before any of the aforementioned groups. The Petaluma Women's Club formed in 1895, when this region was developing into a major agricultural region. This amazing group of women has not only been an essential support base for one another but their positive influence has been felt throughout our community for a century. I know that they will continue this legacy for years to come.

I commend all the individuals and organizations who have participated in the shaping of our country, and continue to make major contributions to this Nation. It has been an honor to work with them, and I look forward to continue working closely with them in the years ahead.

A FREE PASS IN RUSSIA—NOT
YET!

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ACKERMAN. Mr. Speaker, I have a story for any of my esteemed colleagues who think that the press in Russia is truly free.

Early this month NTV, the largest privately owned TV network in Russia aired a puppet show that took a few satirical swipes at the Russian government. Very light stuff compared to what you might see on Saturday Night Live. The prosecutor-general's office, upon learning that the honor and dignity of the Russian leadership had been made light of, swung into action, filing suit against the producers of the show and launching a full-blown criminal investigation.

Mr. Speaker, I think it's quite ironic that the Russian government, which has thus far proven incapable of catching the killers of two leading journalists, is turning its massive resources to bear on a bunch of rubber puppets. Public figures have to face up to a certain amount of lampooning, and a little political humor is no excuse for this kind of bullying by the Russian government.

TRIBUTE TO SECRETARY OF
COMMERCE RONALD H. BROWN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DIXON. Mr. Speaker, As we prepare to return to our districts where many of us will be meeting with community and business leaders concerned about economic development opportunities in our neighborhoods, I want to use this occasion to salute the outstanding accomplishments of a gentleman who has worked tirelessly to promote the cause of business and economic opportunity throughout the United States and abroad. The Honorable Ronald H. Brown, our distinguished commerce secretary, is to be applauded and commended for the outstanding job that he has done in serving as the administration's enormously adept "Pied Piper" of economic opportunity and empowerment.

Ron Brown is the 30th United States Secretary of Commerce. In nominating him to this auspicious post, President Bill Clinton noted that "American business will know that the Department of Commerce has a strong and independent leader and a forceful advocate." Those of us who have been privileged to know Ron can attest to his outstanding leadership acumen and his tenacity and considerable powers of persuasion. His is a skillful negotiator and an indefatigable advocate on behalf of America's economic interests abroad as he seeks to expand and open markets for American made products around the globe.

Ron's career has been structured around public service and helping to make America a better place for all of her citizens. A native Washingtonian, he grew up in New York where his parents managed Harlem's famous St. Theresa's Hotel. He attended Middlebury College in Vermont and received his law de-

gree from St. John's University. He is a member of the New York Bar, the District of Columbia Bar, and is admitted to practice before the United States Supreme Court.

A veteran of the United States Army, Ron saw tours of duty in Germany and Korea.

Secretary Brown has had an eclectic career. He spent 12 years with the National Urban League, serving as Deputy Executive Director, and General Counsel and Vice President for the organization's Washington operations. He also served as Chief Counsel for the Senate Judiciary Committee. He is a former partner in the Washington, DC law firm of Patton, Boggs, and Blow. And who among us does not remember the brilliant job that he did as the Chairman of the Democratic National Committee and 1993 Inaugural Committee.

As Secretary of Commerce, Ron has traveled extensively, promoting the administration's trade policies and forging sound private/public sector partnerships. Following the Los Angeles, Northridge earthquake in January 1994, Ron was one of the first cabinet officials on the scene, working with local, state, and federal officials to identify and earmark funding sources for businesses severely damaged and/or destroyed in the quake. He has since returned to the quake damaged areas on several occasions to survey the progress made by programs implemented under this aegis.

Ron maintains a schedule that would tire men half of his age. Yet he is always prepared to go wherever he is needed, and he always does it with aplomb and with a spirit of unyielding optimism that inspires all around him to achieve the same level of commitment.

In addition to his weighty responsibilities as Commerce Secretary, Ron serves on several presidential boards and councils. He is a member of the President's National Economic Council, the Domestic Policy Council, and the Task Force on National Health Care Reform. He serves a Co-Chair of the U.S.-China Joint Commission on Commerce and Trade, the U.S.-Russia Business Development Committee, and the U.S.-Israel Science and Technology Commission.

Secretary Brown is also a member of the Board of Trustees for Middlebury College and is chair of the Senior Advisory Committee of the Institute of Politics at the John F. Kennedy School of Government at Harvard University.

Mr. Speaker, I am proud and honored to have this opportunity to commend my good friend Secretary Ronald H. Brown on the fine job that he is doing as our Secretary of Commerce. He has led an exemplary career, and I have no doubt that he will continue to lead and inspire. Please join me in applauding him on an outstanding career, and in extending to him, his wife Alma, and their two children, attorneys Michael and Tracy, continued success in the future.

H.R. 2127, A TRAGIC SETBACK FOR
THIS NATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. LOWEY. Mr. Speaker, last night's vote on H.R. 2127, the Labor, Health and Human Services and Education appropriations bill, represents a tragic setback for this Nation and

particularly for our young people. The cuts embodied in that legislation are a full-fledged assault on the prosperity of this Nation's next generation. Fortunately, the action of this House last night is far from the last skirmish in the battle for a solid commitment to educate America's young people.

Before my colleagues leave to return to their districts, I want to share with all of you a speech given this past Sunday by Louis V. Gerstner, Jr., chairman and CEO of the IBM Corp. which is headquartered in Westchester County, NY, parts of which I represent. His remarks were to the National Governors Association. They are, without a doubt, a call to arms in the pursuit to revolutionize and dramatically improve education in America.

I could not agree more with Mr. Gerstner's sense of urgency about the need for a true commitment to enhance education in America. He is right that much more clearly needs to be done. He hit the nail on the head when he said, "A true change agent puts their money where their mouth is." Unfortunately, last night's vote tells the American people that the House has made a decision not to be a partner in pursuing the changes in America's schools that we all know are needed.

Mr. Speaker, change is possible. I have seen the innovations that are occurring in schools in Westchester, the Bronx, and Queens. Over the years, I have been deeply involved in major education reform initiatives, including Goals 2000, title I reforms, and a newfound commitment to professional development and technology through the Eisenhower Professional Development Program and the Technology Learning Challenge.

Unfortunately, the bill passed last night makes precisely the wrong kinds of changes. It eliminates funding for Goals 2000, cuts funding for title I by 18 percent, and slashes the Safe and Drug-Free Schools program. This bill also undermines our commitment to preserving the American dream by cutting student financial assistance and higher education program.

As we head back to our districts, I urge my colleagues to reflect on Mr. Gerstner's message. I sincerely hope that, when we return to Washington in September, this body will do what is right for America's future and correct the serious mistakes included in the bill approved last night. When so much is at stake, this House should not abandon our bipartisan commitment to America's schools—and our children.

I ask unanimous consent that the text of Mr. Gerstner's speech be included at this point in the RECORD.

REMARKS OF LOUIS V. GERSTNER, JR., CHAIRMAN AND CEO—IBM CORP. AT THE NATIONAL GOVERNORS' ASSOCIATION ANNUAL MEETING

Thank you, Governor Dean. It's good to be back in Vermont.

In 1983, the report A Nation at Risk focused the country's attention on the deficiencies in our public school system. Here's a quote from that report that has stuck with me for many years: "If an unfriendly foreign power had imposed our schools upon us, we would have regarded it as an act of war."

That was 12 years ago. What's happened since? Lots of hand wringing, lots of speeches, lots of reports. Not much change—very little improvement. It's twelve years since A Nation at Risk was published, and U.S. students still finish at, or near, the bottom on international tests of math and science.

I wonder what the national reaction would have been if in the 1984 Olympic games we

had finished dead last. A national outrage, in all likelihood, that would have brought about sweeping changes in amateur athletics in this country. Believe me, by now, 11 years later, we would have seen massive improvements. But in public education? None—and no national outrage or frustration 12 years after A Nation at Risk.

Let's move from 1983 to the education summit in 1989 when, at a meeting similar to this, President Bush and the nation's governors set the wheels in motion for the Educate America Act: Goals 2000 that President Clinton helped shape and then signed in June of 1994. Let me read just a few of those goals we set for ourselves for the year 2000: All children in America will start school ready to learn; the high school graduation rate will increase to at least 90 percent; all students will leave grades four, eight and 12 having demonstrated competency in English, math, science, foreign languages, civics and government, economics, art, history and geography; every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning and productive employment in our nation's modern economy.

Six years have passed since those wonderful goals were set. More important, 1616 days remain until the year 2000 arrives. I wonder how many people in our country are committed to achieving those goals. I wonder how many people think we have a chance of achieving them. I often think how many people even know they exist.

One of the goals I just cited talks about graduation rates, and another the need for standards. I read recently that Milwaukee now has a requirement that high school seniors must demonstrate a proficiency in math before they are allowed to graduate. That is great. And we need more cities and states doing the same. But the same article I read reported that 79 percent of the junior class failed in a warm-up test this spring. That's dismal. And it's reflective of our country at large.

Now, that's not the whole story. The test consisted of complex, open-ended problems, which—for these kids—was a new approach to math. Exactly the right approach, of course. Exactly the direction we want to head in, and they'll have a full year to master it. But what happens then? What happens next year if a large percentage of the senior class fails to demonstrate the required proficiency? Will Milwaukee refuse to graduate those who fail? If they don't, so much for standards.

But it's not easy. What do we do about the students we've promoted for 13 years through the public school system without demanding high performance? How will they get the skills necessary to earn a living? And, of course, it is much worse than a single class of seniors. We have given high school diplomas in this country to a whole generation of Americans who cannot basically read those diplomas—they are functionally illiterate.

The bottom line is that if our kids are failing in the classroom, it's not just their fault. It's our fault. And that, my friends, underscores a very frightening reality. Setting goals for U.S. education is one thing. Reaching them is another. And the only way it will happen, the only way that we have even a ghost of a chance of getting there, is if we push through a fundamental, bone-jarring, full-fledged, 100 percent revolution that discards the old and replaces it with a totally new performance-driven system.

Which is what brings me to Vermont today. I'm here because of Willie Sutton. Willie robbed banks, the story goes, because he realized that's where the money is. I'm here because this is where the power is—the

power to reform—no, to revolutionize—the U.S. public school system.

You are the CEOs of the organizations that fund and oversee the country's public schools. That means you are responsible for their health. They are very sick at the moment. And we are past the time for incremental change and tinkering at the margin. Fortunately, we're not past the point of no return.

I've spent a lot of time of education. So have many of you. We all have scars to prove it.

But, I've also spent a lot of time helping troubled companies get back on their feet. It's hard work. Lots of hard work, and it invariably involves massive structural change.

But here's the good news. When companies do turn around, they often go on to bigger and better things.

I'm convinced that our public schools can do just that. We can win gold medals in the education Olympics. But it will take a world-class effort and it will only happen if you, the CEO's of the system, reached out, grab it by the throat, shake it up and insist that it happen.

The turnarounds we've seen in corporate America don't come close to the complexities of the job you face in fixing our public schools, but I believe the principles of structural revolution are the same: First, it takes a personal commitment on the part of the CEO. This is not a job you can delegate; second, it takes a willingness to confront and expel the people and the organizations that are throwing up roadblocks to the changes you consider critical; third, you need to set high expectations. You can't have too many goals. One or two are best. Certainly no more than three; fourth, it's critical to measure the progress against those goals—relentlessly and continuously; and finally, there must be a willingness on the part of the change agent to hold people accountable for results.

Nothing pleases me more than to see some of you moving in this direction in your state. You are responsible for some very bright spots in an overall dismal picture. But there aren't nearly enough.

So what do we do now? In the spirit of my views on how one goes about radical restructuring of institutions, I want to suggest three, and only three, priorities for public education for the next year:

The first is setting absolutely the highest academic standards and holding all of us accountable for results. Now, immediately. This school year. Now if we don't do that, we won't need any more goals, because we are going nowhere. Without standards and accountability, we have nothing.

But if we do have standards and accountability, I would suggest two other priorities that are critical to allow our institutions of education to reach those goals, and they are: Financing change and exploiting technology.

Let's talk very briefly about each. First, standards and accountability.

If we don't face up to the fact that we are the only major country in the world without an articulated set of education standards—and without a means of measuring how successfully we are reaching them, we're lost before we get started. Which pretty much sums up where we are today. To turn the tide, we must set standards. Immediately. And we must have a means of measuring how we are doing. Without standards, educational reform is shuffling deck chairs on the Titanic.

I have to confess I find the whole thing baffling. In virtually everything else we do in the United States, we set high standards and strive to be No. 1. Why not in education? In basketball, you score when the ball goes in the hoop, not if it hits the rim. In football,

you score when you cross the goal line, not when you show up in uniform. In track and field, you must jump over the bar, not go under it or around it. And who would practice baseball with the fences 150 feet from home plate?

Why can't we establish standards of excellence for our schools? Why isn't winning in the classroom important in America?

We put a man in space because we set a goal that was beyond—not within—our grasp. We need the same approach for education. And we must be relentless in its pursuit. The lessons we understand so well in every other aspect of our lives must be translated into education or else we will lose.

We cannot be side-tracked by academicians who say it will take five years just to set the standards. Nor can we be misled by misinformed people who will argue that certain Americans aren't able to reach high standards, so it's inappropriate to even set them. I find that insulting and demeaning to those people, not supportive.

It boils down to the fact that we can't just settle any more for mediocrity. We must commit to the highest levels of student achievement. And we must do it now. We can't allow our schools to simply sit back, complacently convinced that their only responsibility is to keep students at their desks until they are 18 years old.

They'll get to 18 fast enough and regardless of what we do. What they need from us are tools to help prepare them for success as they go off to college or work, raise families and join the adult community. This requires an articulated set of academic standards that recognizes the real world they'll be entering.

In many places, they don't even exist at a rudimentary level. Many states still require only two years of math and science for a high school diploma. Why? Math isn't something that students can finish in the tenth grade, and think they'll never need it again. And, if we are going to do this right, we must make sure our high school students take real math, academic math—not what the students call "dummy math." And they must take laboratory science, not general science.

We must find innovative ways to help students master these complex subjects, and we must hold schools accountable for what students learn. It's not enough to memorize facts and figures. Whether we're dealing with the requirements in the job market or skills needed to participate in society, the bar is higher * * *.

When the Labor Department recently asked businesses what they expected our schools to teach, the answer was clear—a foundation of reading, writing and arithmetic, combined with an ability to use information to solve problems and to communicate them effectively.

These are not esoteric or complex concepts. They are, however, for every one of these children, the difference between success or failure in their lives. We must find ways to teach them, to measure whether they have been taught and to reward teachers and administrators at schools where students succeed. And we must have serious sanctions for those at schools where students are not learning.

Obviously, Milwaukee will have a difficult choice to make next year because it's out in front. But the fact remains that until we are prepared to penalize students, and administrators for lack of performance, the system will fail. We have a word for that in business. Accountability. It works. Without it, institutions atrophy and die. Let's turn quickly to the second and third priorities beyond standards.

True accountability for performance will depend on exploiting technology and financing change in the system. You've all heard about information technology. Bear with me if this sounds a bit stuffy, but information technology is the fundamental underpinning of the science of structural reengineering. It is the force that revolutionizes business, streamlines government and enables instant communication and the exchange of information among people and institutions around the world.

But information technology has not made even its barest appearance in most public schools. Look around. The most visible forms of technology remain the unintelligible public address systems, which serve largely to interrupt the business of learning, and the copier in the principal's office, which spews out the forms and regulations that are the life blood of the education bureaucracy.

Before we can get the education revolution rolling, we need to recognize that our public schools are low-tech institutions in a high-tech society. The same changes that have brought cataclysmic change to every facet of business can improve the way we teach students and teachers. And it can also improve the efficiency and effectiveness of how we run our schools.

I'd like to make you a personal offer. I'd like to invite you, the governors, and your key people to a conference that I will organize and run next year. I'll get experts from all parts of our industry—including our competitors—to participate and, together, we will show you how technology created for business and government can be used to help re-shape the public schools of America.

We'll put it all together but we'll need your help. And you'll have to be there. You'll have to invest a day—not a few hours. Because, as I said before, real change requires the participation of the CEO. It will be worth it. I think you will be excited by the innovative things that are beginning to happen in some classrooms. And some of you are already moving in that direction.

Let's think about how technology is benefiting students right here in Vermont. For example, the portfolios used to measure student development are being taken out of manila folders and put on digital discs. This allows educators to make evaluations based on a student's entire output rather than on simple multiple-choice exams. Chicago is combining the power of telecommunications and the Internet to train teachers in math and science. Schools in Charlotte, North Carolina are using video technology to reach into the home. Philadelphia schools are using voice technology to teach language skills to learning-disabled students.

And outside the classroom, technology is cutting away at the school bureaucracy and dealing with routine matters like bus routing, meal deliveries and purchasing.

Which brings me to my third priority—financing change. It is my experience in business, and especially in turnaround situations, that if you want to bring about real change, budget allocations must support the new direction. Reforms perish from lack of support. And that means resources. A true change agent puts their money where their mouth is. The educational apartheid fight hard to starve the reformers.

So how do we finance the revolution? How do we use our education resources to reward success and encourage performance? Let's start with the \$150 billion or so that you, as the CEOs of our states, invest directly in the public school system. I've done some homework, so I know that a state's education budget is typically constructed by adding a percentage increase to the prior year's outlays. The basic formula—which many describe as arcane—is largely driven by the

number of pupils in the system, supports priorities set decades before, and rarely, if ever, is linked to performance, success or change.

Here's my proposal. Let's try something new. This year, instead of following the old formula, hold back ten cents of every dollar and earmark it for strategic investments. Where would we put this \$15 billion to work? If it were me, I'd invest a portion of it in moving teacher training out of the horse and buggy era. We expect doctors to get their training in teaching hospitals. We wouldn't send an NBA player on the court if his only training consisted of lectures on the theory of the jump shot, case studies of the fast break and films of games played years ago.

Why, then, do we entrust our children to teachers who have only listened to lectures, written essays on classroom management and read text books on the theory of child development? It's time teachers learned their craft in real schools side-by-side with expert teachers. It's time they got the kind of hands-on experience most other professions consider vital for certification.

If it were up to me, I'd invest some of that \$15 billion in reorganizing how our kids spend their time in school. In Japan, where the school year runs 240 days a year, the average 18-year-old has spent more cumulative time in school than the average American MBA.

And while I challenge you to find a teacher anywhere in this country who truly believes that every subject—or any subject, for that matter—is best taught in exactly 45 minutes, we still ring the bell at the end of each period, as though there was a natural order to it all! A science project may take a full six hours to complete. Other subjects may be best taught in 15-minute slots over a two-week period. The school day, week and year need to re-shaped fundamentally to reflect reality.

There are hundreds of good ideas out there about how to use the \$15 billion. I know about them, so do you. Some of the most promising are emerging from the New American Schools Development Corporation which is funding development of breakthrough reforms across the country. All that's lacking is the courage to shift funding from the status quo that has failed unarguably, to the agenda of reform and hope for our children.

Obviously, my three suggestions are sure to generate howls of protest from the education establishment and from others who are happy with the status quo and are unwilling to change. They will say that setting standards is not possible in education. Or that setting high standards will only raise the dropout rate. Others will attack the focus on technology, maintaining it's a self-serving business scam or a vain grasp for a silver bullet that won't work.

Still others will attack the \$15 billion we're reallocating for strategic investments, saying it's just a gimmick, it won't work and it is really an approach to disguise cutting education budgets. I see it as just the opposite. Everyone in the education community talks reform and supports reform, but when push comes to shove, they back off and attribute the lack of progress to the lack of financial wherewithal.

Well, now we have it. Our \$15 billion fund will provide a way to kick-start a major effort for reform. And here's the real kicker, we're only going to give \$15 billion to the schools and systems that actually implement true reform.

TECHNOLOGY EXPORT REVIEW ACT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MINETA. Mr. Speaker, it is my pleasure to introduce The Technology Export Review Act. This legislation is based largely on H.R. 3534, The Computer Equipment and Technology Export Control Reform Act, introduced last year by my good friend, Representative Don Edwards. I am proud to carry forward Mr. Edwards's work on this issue in the 104th Congress.

The Foreign Availability Act, and H.R. 3534 of last year, were both introduced to reform a Federal system that has gone amok. Currently, our Nation's interagency export control regime is overly bureaucratic, does not accurately take into account changes in technology or in the world marketplace, and puts too difficult a burden on the backs of our Nation's economically critical high technology companies.

Mr. Speaker, the U.S. electronics and information technology industries employs 2.5 million Americans in secure, high paying jobs. But it is important to know that these companies, which are vital to America's economic future, depend on foreign sales. For example, the computer industry earns more than half of its sales overseas, and that number is growing. And, the U.S. semiconductor industry has recently reclaimed a dominant world market share for the first time in more than a decade. All of this means that where federal policies unnecessarily burden and delay foreign sales, American workers suffer. It is that simple.

Under the current export control system, certain technologies can be freely exported to most of the world, while others, usually the most advanced, must be given licenses on an individual case-by-case basis. Under this process, the determination of winners and losers is haphazard. There is no regular review of technological progress. There is no questioning of the purpose and the effect of the controls. There is no seeing the forest through the trees.

Mr. Speaker, my legislation requires an annual review of export controls on dual-use technology. The annual review must consider first, the objectives of such controls—what were they designed to accomplish and why specific product performance levels were set—and the extent to which such objectives have been met; second, the extent to which the products controlled are widely available from sources outside the United States; and third, the economic impact of such controls on U.S. industries.

Based on this review, the Secretary of Commerce would be required to increase the performance level thresholds at which technologies are controlled or otherwise modify controls in accordance with the findings. The legislation includes a general default provision that requires the Secretary to propose multilateral decontrol of all dual-use goods that reach mass-market status of 100,000 units installed for end-use outside of the United States over a 12-month period.

Finally this bill would make a common sense notion into law. Under the current system, individual components may be subject to

tighter restrictions than the product in which they are included. This bill stipulates that no part will face tighter restrictions than the device for which it is manufactured.

Mr. Speaker, our export control system needs direction and vision. It is my hope that the legislation I have introduced today will go a long way toward reforming this system, and end the current practice of tying the hands of America's best competitors.

FAIRNESS FOR THE WIDOWS OF
OUR MILITARY RETIREES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FILNER. Mr. Speaker, I rise today to introduce the Military Survivors Equity Act of 1995.

I would like to tell you a story, a story with an unhappy ending. A resident of my congressional district, when he retired from his service in the Armed Forces of our country, decided to have a portion of his monthly retired pay withheld in order to pay for benefits for his wife in case he died.

Unfortunately, he died an untimely death, and his wife began to receive a monthly death benefit. The amount she received was 55 percent of her husband's retired pay.

Imagine her astonishment when she turned 62 and found that the amount of her benefit was reduced to 35 percent of her husband's retired pay. When she inquired as to the reason, she was told that because she was eligible to get Social Security, her survivor benefits were reduced.

"But my Social Security payment is based on my own work," she said. "Why is the pension that my husband paid for in any way connected to my Social Security?" The answer: because that's the law!

Well, I think it's time to change this law—a law which simply doesn't make sense. The Military Survivor Benefit Plan, called the SBP plan, is a good idea—but it is very complicated.

For some, SBP benefits are reduced or offset by the amount of the military retiree's Social Security when the survivor reaches age 62—regardless of when she actually begins to draw Social Security benefits.

For others, under the newer two-tier SBP plan, like the widow in my congressional district, the benefit is automatically reduced at age 62 to 35 percent of her husband's retired military pay—a reduction of over 1/3 from her previous benefits.

I believe it is time to get rid of these offsets. It is time to live up to the expectations of our military retirees, when they choose to provide for their widows after their deaths. It is time to simplify this incredibly complicated SBP system.

My bill will provide an SBP death benefit equal to 55 percent of the military retiree pay. Period. No offsets. No reductions. That is what our military retirees expected. That is what their widows expected. That is what we should deliver.

It is time to live up to our commitment to those who have served our Nation so honorably. It is time to correct the wrongs inflicted on their widows. It is time to restore honor to the Military Survivor Benefit Plan.

TRADE REORGANIZATION ACT OF
1995

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MICA. Mr. Speaker, on July 27, 1995 I was joined by seven of my colleagues in introducing the Trade Reorganization Act of 1995, HR. 2124. The purpose of this bill is to consolidate the functions of the U.S. Trade Representative's Office with the trade functions of the Commerce Department into one U.S. Trade Office. The cosponsors of the bill realize that all of these trade functions are critical to enhancing U.S. exports and creating jobs. A legislative drafting error resulted in the appearance that our bill only transferred the foreign component of the United States and Foreign Commercial Service. I want the record to reflect that it was the intent of all the sponsors of the bill to preserve the domestic offices and include those operations in the U.S. Trade Office.

ELIZABETH ADKINS AMONG VFW
VOICE OF DEMOCRACY NA-
TIONAL SCHOLARSHIP WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. HYDE. Mr. Speaker, I rise today to call attention to a remarkable member of my district, Elizabeth Adkins, the Illinois winner of the 1995 Voice of Democracy scriptwriting contest. Each year the Veterans of Foreign Wars and its Ladies Auxiliary sponsors the competition, choosing winners from over 126,000 scripts submitted by high school students around the nation. Elizabeth, a recent graduate of Wheaton North High School, received top honors in Illinois for her speech entitled "My Vision for America". I am proud to recognize this bright young author as well as the thousands of patriotic students who participated in the contest.

"MY VISION FOR AMERICA"

America has, since its conception, been the embodiment of democratic and moralistic ideals. As a nation we defend again and again the principles that we are built upon. Freedom, equality, justice, and opportunity. We struggle together over where the line is crossed between national morals and narrow-minded policies, between equality and reverse-discrimination, between personal choice and the rights of an unborn child. But only in America could these struggles strengthen a country. Only in America could citizens dare to disagree with their government. Only in America could political leaders and parties change every four or eight years and not cause a complete collapse of the nation. And so, in asking what my vision for America is, I cannot say a New America or a different America. For I do not want to abandon the America of today or forget the America of yesterday.

I do believe, however, that this nation can and will be improved. I see a need in America. And I believe that this need has been growing for the last thirty years. Each American citizen must begin to take some responsibility. Responsibility for his or her own actions, mistakes, and well-being. Re-

sponsibility for those less fortunate who do not have the ability to care for themselves. And responsibility for what this nation does. A devoted citizen would not disown their country every time it made a mistake, or didn't have enough money, or lost one battle or another. As devoted citizens, we Americans must stand behind this country, improving it when we can and fighting for it when we must.

The major problems of the United States would be alleviated if citizens took initiative and were willing to bear the burdens that citizens of a powerful democratic nation must bear. In the America of tomorrow, each citizen will have rediscovered their moral basis and built a motivational basis. A strong moral basis will help to alleviate the crime problem. Children who are taught simply what is right and wrong and who are challenged and encouraged to do what is right will be more equipped to lead lives void of crime. Perhaps what this country needs are a few reminders from the America of yesterday. Maybe we need to hear a few more stories where good battles evil and the good guy wins. In the America of tomorrow there is only one winner in the fight between right and wrong. Americans must begin to develop moral responsibility.

And it isn't just about doing what is right anymore. America needs to advance beyond doing what is right to doing what is best. Is it enough to simply take care of your family? What about helping your neighbors or your community? American citizens need to be responsible for fellow American citizens. My vision for America returns to neighborhood groups and local organizations that are trying to make some improvements. When citizens begin to take actions to assist their neighbors as well as themselves, vivid changes will take place. When citizens learn to give of themselves for someone else, materialism and special interests will vanish. When Americans develop a responsibility for their neighbors and their communities, they will be able to look forward as a unified nation to improving this country as a whole.

My vision of America is that each man and woman will understand the need to pull together as a nation and to pull oneself together as an individual citizen. In this America, the word duty will have the resonance that it once did. Each American has a duty, and that duty is what makes a democracy work. In order for America to maintain those freedoms and liberties which we all cherish, we must fulfill our duties and responsibilities to ourselves, our neighbors, and our nation.

FOREIGN OPERATIONS, EXPORT
FINANCING, AND RELATED PRO-
GRAMS APPROPRIATIONS ACT,
1996

SPEECH OF

HON. FRED HEINEMAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes:

Mr. HEINEMAN. Mr. Chairman, I have listened to the debate and studied the details in this bill. The Labor-HHS-Education appropriations bill reduces spending by \$9 billion from last year and reduces or eliminates many effective, wasteful or duplicative programs. This

bill prioritizes spending in areas that are proven and effective.

And it is with great reservation that I must rise in opposition to the bill at this time. This was a very difficult decision, Mr. Chairman.

During my years in law enforcement I learned what really causes crime. During my campaign I promised to fight crime. I have seen first hand that crime prevention begins in two places—the home and the class room. This bill unfortunately reduces funding in some areas which are important to our children, and important in deterring crime as these youngsters become adults.

Mr. Chairman, these were programs I supported during my campaign; and I am a man of my word. In the past I have voiced my strong support for vocational education programs and other education assistance. I will not turn my back on the very people who elected me.

In addition, as a senior citizen I was also concerned about the funding level in the bill for senior citizens programs. Mr. Chairman, I this year I voted for a balanced budget amendment to the Constitution and in turn voted for the Republican budget which will balance in seven years. Those are two of the most important votes I have cast as freshman Member of Congress. Those two votes carried with them a responsibility to the American people, and to my constituents in North Carolina. That responsibility was to reduce wasteful spending, make the government smaller, and get our fiscal house in order. I take that responsibility very seriously. I would have like to support this bill but I could not.

As the House passes this bill, it will do so without my support this time. However, I want to work with our leadership and our colleagues in the Senate to find ways to make this a better bill. I am hopeful as we move forward in the budget and appropriations process that we will make this a better bill for our seniors and children—and that it can 1 day earn my support.

CONGRATULATIONS PIONEER CITY
RODEO

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate the Pioneer City Rodeo of Palestine, IL, on being named the best small outdoor rodeo in America. The Pioneer City Rodeo was selected from a field of over 700 small outdoor rodeos by a distinguished panel of livestock contractors, top cowboys, and specialty rodeo acts. The chairman of the rodeo committee, Roy Shaner, is credited with the continued success of the rodeo, which is now in its 29th year.

Recently in Las Vegas, NV, The Professional Rodeo Cowboy Association awarded the Pioneer City Rodeo a commemorative flag, ceremonial belt buckle, and a check for \$1,000. Continuing an annual tradition, the Pioneer City Rodeo donated their winnings to the cowboys crisis fund to held families of injured cowboys. This is a true showing of cowboy honor and while the rodeo's selection as the best in America is a grand achievement the example these fine people set is an even greater accomplishment.

Being voted the best small outdoor rodeo in America is a great achievement and I am honored to represent these award winning cowboys in Congress. Congratulations Pioneer City Rodeo, you are the best in America.

WORKING TO PRESERVE, PROTECT
AND STRENGTHEN MEDICARE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. QUINN. Mr. Speaker, I am pleased to have this opportunity to inform my constituents about the House of Representatives' plan to preserve, protect, and strengthen Medicare.

Unfortunately, some individuals and groups are misrepresenting the facts, thus causing unnecessary anguish and apprehension among our nation's seniors. In my district in Western New York, I have seen firsthand the anxiety which such statements have caused.

According to the Presidential Medicare Board of Trustees, the Medicare hospital insurance trust fund (part A) will begin running out of money as early as next year—spending \$1 billion dollars more than it takes in—and will be completely bankrupt by the year 2002.

By law, Medicare is prohibited from making payments for hospital or other health services if its reserves are depleted. That means if nothing is done now to preserve Medicare, 34 million seniors will be in jeopardy of losing their vital health care coverage.

I am committed to saving the program for all Americans, that includes my mother, who currently is on the program, and my daughter, who will be on it someday. If Congress does not act to save Medicare, the consequences 7 years from now will be catastrophic for all Americans.

Preserving Medicare will not require cuts in the program. Rather, Medicare spending will continue to increase, more than private-sector health care spending increases and general inflation rate.

The reason Medicare is in such financial difficulty is that it has been growing at a rate of 10 and 11 percent a year. If we can slow the growth to between 5 and 7 percent annually we can save Medicare from bankruptcy. Right now, the Federal Government spends \$4,800 per person per year in Medicare. If we do not make the changes necessary to save the program now, there will be zero dollars available in the year 2002.

The plan makes Medicare financially safe and secure both now and in the future by simplifying the system and making it easier for seniors to use and understand it. In addition, it gives seniors the same right that Members of Congress have to choose their health care plan.

In our efforts to preserve, protect and strengthen the Medicare Program, we must eliminate fraud and abuse. We are working with doctors and hospitals to make this happen.

I urge all of my constituents, and all Americans to play a part in the effort to strengthen Medicare. I welcome all comments and suggestions regarding my effort to save this important program.

TRIBUTE TO FT. ZUMWALT
MIDDLE SCHOOL CHOIRS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to the Fort Zumwalt North Middle School seventh and eighth grade concert choirs from O'Fallon, MO.

Over the past 2 years, under the skilled guidance of their director, Mr. Gregory S. LeSan, the North Middle School choirs have been honored with 20 trophies and plaques in national-level competitions. They have also been distinguished with three community proclamations, a State proclamation from Missouri Governor Mel Carnahan, and a coveted invitation to perform for the 1995 Missouri Music Educators Association State Convention.

The choirs have also been invited to compete July 9 through the 14, 1996, in the Llangollen International Musical Eisteddfod in Llangollen, Wales. This is the first time in the 50-year history of this world-renowned competition that a public middle school from the United States of America has ever been accepted to sing in this audition-selected international event. This is a rare opportunity to represent their community, the State of Missouri, and the United States of America in a competition that represents over 50 countries.

Mr. Speaker, these young people are to be commended for their continued hard work and dedication to excellence, which has brought not only their school nationwide recognition, but is also a source of great pride to the residents of O'Fallon, MO. It is with great pride that I congratulate these students and recognize the contributions they have made while at Fort Zumwalt North Middle School.

CATHERINE FILENE SHOUSE
CELEBRATION

HON. FRANK R. WOLF

OF VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. WOLF. Mr. Speaker, earlier this summer, at the Filene Center at Wolf Trap National Park for the Performing Arts, Mr. DAVIS and I celebrated the life of Catherine Filene Shouse.

It was a grand event for a grand lady on the 99th anniversary of her birth—June 9, 1995. On December 14, 1994, Mrs. Shouse "moved to a grander stage," as one person noted, but the vision she had for America's first national park for the performing arts lives on as her gift to America at Wolf Trap Farm Park. Her life was celebrated that evening at a gala so befitting her style, elegance, dignity, respect, wit, humor and love.

There were many remembrances of Mrs. Shouse. Her Majesty Queen Elizabeth II sent a message. Many felt that the remarks of the Honorable G. William Miller that evening eloquently captured the spirit and achievements of Mrs. Shouse. Mr. Speaker, we are honored to represent the northern Virginia area which is home to Wolf Trap and we would like to share with our colleagues the message from

Queen Elizabeth and the Remembrances by Mr. Miller of an extraordinary national and international figure, Catherine Filene Shouse.

BRITISH EMBASSY

Washington, June 6, 1995.

Mrs. CAROL HARFORD,
823 South 26th Place,
Arlington, VA.

DEAR MRS. HARFORD: Her Majesty The Queen has asked me to send you her very best wishes for the concert which is being arranged at Wolf Trap on 9 June in honour of Catherine Filene Shouse. Her Majesty is sure that this will be a memorable occasion.

Yours sincerely,

ROBIN RENWICK.

CATHERINE FILENE SHOUSE CELEBRATION

FILENE CENTER, WOLF TRAP NATIONAL PARK
FOR THE PERFORMING ARTS JUNE 9, 1995 THE
99TH ANNIVERSARY OF HER BIRTH

Remembrances

G. William Miller

To dream an impossible dream. It is not the dream that is impossible, but the task of putting it into words.

How does one grasp a thunderbolt, or capture a moonbeam? Describe an earthquake, or bottle a fleeting melody? Commemorate a howling gale, or reflect the rapture of a child awakened by the magic of the stage?

How does one celebrate a celebrity who is already a legend?

Carefully, lest the enthusiasm to extol create myth where there was reality, fashion ethereal portraits where there was life and vitality and flesh and blood.

Each of us has remembrances of Kay Shouse. String them all together and they form an endless chain, as infinite as humanity.

Creative, energetic, determined, resourceful, imaginative, fearless, independent, patriotic, learned.

Skillful, hopeful, optimistic, unique, steadfast, eternal.

Catherine Filene Shouse.

Kay valued Shakespeare, but there was none of his *Hamlet* in her character. There was no hesitation over "To be or not to be." For Kay, the only course was full engagement in life with all its challenges.

In *As You Like It*, Kay found a more compatible concept: "All the world's a stage And all the men and women merely players."

What a production she made of the stage that is our world: Inspiring the young to reach for the stars. Moving the successful to rise to greatness. Encouraging women to unleash all their talents, in all fields. Moving governments to stretch their visions to open new opportunities.

But Kay was not merely a player. She was the Play!

Once, at Plantation House there was a small post-performance gathering where the conversation turned at that age-old question: What is the greatest boon to mankind?

One favored the great art, capturing countless images to reflect the inner soul of humankind. Another chose the great music, with timeless melodies which comfort and inspire over the ages. A third argued for the great literature, where creative ideas are passed from generation to generation to instruct and enrich. And, of course, there was one colleague who championed the performing arts, which combines all the others to present the full range of human drama in real life form.

A guest from a distant state than intervened. "That's interesting," he remarked, "but where I come from the greatest boon to mankind is * * * the promissory note."

Without missing a beat, Kay had the last word. "Fine," she said, "we'll take one of yours * * * with six figures!"

Archimedes was so bold as to claim, "Give me a place to stand, and I shall move the world." Kay did not wait for a place to be given. She took her place—and she moved the world.

A visitor at a Wolf Trap performance once noted the mad trajectory of a golf cart piloted by a compelling figure in a flowing cape. He remarked to his companion, "Who does she think she is, the big pooh-bah?" When the golf cart approached and Kay introduced herself, the patron's astonished retort was, "Holy cow, she is the great pooh-bah!"

For those who experienced an outing on Chesapeake Bay abroad the *Pink Pontoon*, with Kay at the helm, know first hand that Kay could truly claim: "I am the captain of my soul, I am the master of my fate."

Kay subscribed to Abraham Lincoln's parliamentary procedures. Once at a Wolf Trap meeting she presented a bold and controversial proposal for a grand event. To others it seemed far too risky considering the financial condition of the Foundation at the time. The vote was all against, save Kay. Whereupon she announced, "Well, now that we've settled that, let's get out the invitations."

Kay never gave up, no matter how hopeless the cause, when she cared and when she believed. The great fire of '82 stirred the fire within her. Like Ulysses, until the end, she never turned back.

"... For my purpose holds To sail beyond the sunset, and the baths of all the Western stars, until I die."

"To strive, to seek, to find, and not to yield."

As we remember Kay, we think of the words of Emily Dickinson:

"Because I could not stop for Death
He kindly stopped for me—
The Carriage held but just Ourselves
and Immortality."

Kay, we remember you in awe and admiration and love. Now that you have moved to a grander stage, where you command choirs of angels and orchestras of saints, we hope that you remember us too.

Kay, you told us always to be glad, not sad. Never to say good bye or good night, but always "Good morning".

Good morning, Kay.

MEDICARE MANAGED HEALTH CARE SUNSHINE ACT OF 1995

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SHAW. Mr. Speaker, I rise today to introduce timely legislation that will require health maintenance organizations under the Medicare Program to disclose certain information to individuals who subscribe to an HMO, or who are a prospective subscriber to an HMO. I believe that an HMO subscriber under the Medicare Program has the right to know the medical education and professional background of the physicians who will provide health services to that subscriber. I also believe that it is important for a subscriber to know the financial structure of the corporation in which he or she is placing so much trust.

Specifically, my bill requires that, upon request by a subscriber or a prospective subscriber, an HMO shall provide descriptive information on each physician within the HMO. This information includes the medical education and training received by the physician, the physicians' history of medical practice—in-

cluding foreign practice, and the position each physician currently holds.

My bill also requires that an HMO provide recent audited financial statements to subscribers and prospective subscribers. Furthermore, any promotional material—marketing and advertising brochures, et cetera—must state that the above information is available.

This information must be out in the open. In fact, I have titled this legislation the Medicare Managed Health Care Sunshine Act of 1995 to represent that it is time for these health care providers, who receive Federal dollars and ask for the trust of the Nation's seniors, to be candid about their operation.

I urge my colleagues to support this legislation and ask that this bill and these remarks be inserted into the RECORD.

H.R. —

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 "Medicare Managed Health Care Sunshine Act of 1995".

SEC. 2. PROVIDING HMO ENROLLEES WITH CERTAIN INFORMATION ON PLANS.

Section 1875(c) of the Social Security Act (42 U.S.C. 1395mm(c)) is amended by adding at the end the following:

"(9)(A) Upon the request of a member enrolled with the organization under this section, or an individual considering enrollment with the organization under this section, the organization shall provide the enrollee or individual with the following:

"(i) Descriptive information regarding the credentials of each physician who is authorized by the organization to provide services by or through the organization to enrollees under this section, including the medical education and training received by the physician, the physician's history of medical practice (whether domestic or foreign), and the positions held by the physician at the time of the request.

"(ii) An audited financial statement of the organization for the most recently concluded fiscal year that complies with generally accepted accounting principles and includes a balance sheet, income statement, and statement of changes in financial position.

"(iii) A statement identifying the salaries, bonuses, and other remuneration paid to the 5 highest-paid officers or executives of the organization, as well as the other benefits provided to such officers or executives.

"(B) The organization shall include in any brochure, application form, or other promotional or informational material that is distributed by the organization to (or for the use of) individuals eligible to enroll with the organization under this section a statement that the information described in subparagraph (A) is available from the organization upon request."

SECTION 3. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to contract years beginning on or after the date that is 6 months after the date of the enactment of this Act.

H.R. 2196, THE TECHNOLOGY
TRANSFER IMPROVEMENTS ACT
OF 1995

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. MORELLA. Mr. Speaker, the economic advances of the 21st century are rooted in the

research and development performed in laboratories around the world today. Our Nation's future well-being, therefore, becomes dependent upon the continuous transfer of basic science and technology from the laboratories into commercial goods and services.

Congress has long tried to encourage the transfer of technology and collaboration between the labs and industry. The 1980 Stevenson-Wydler Technology Innovation Act was the first significant measure by Congress to foster technology transfer from Federal labs to the private sector. That landmark legislation was expanded considerably in 1986 with the Federal Technology Transfer Act, and again in 1989, with the National Competitiveness Technology Transfer Act. These laws explicitly instruct the Federal labs to seek commercial opportunities for their technologies and to make technology transfer a job responsibility of every Federal scientist and engineer.

This is eminently logical since Federal laboratories are one of our Nation's greatest assets. Yet they are also a largely untapped resource of technical expertise. There are over 700 Federal laboratories throughout the United States, occupying one-fifth of the country's lab and equipment capabilities, and employing one of every six scientists in the United States.

Representing Montgomery County, Maryland, the home of a number of major Federal laboratories, I am fully aware of the high-quality work and the vital role which Federal laboratories play in our research and development. Our future economic well-being is too important to exclude the resources and abilities of our Federal scientists.

One very successful method of effectively utilizing our Federal laboratories has been through the use of Cooperative Research and Development Agreements (CRADAs). I have always been a strong supporter of CRADA development and have attempted to resolve barriers and remove impediments in its creation.

In the past two Congresses, I have joined forces with Senator ROCKEFELLER of West Virginia in this effort. In this Congress, we are teaming up once again to introduce legislation which is very similar to the bill which we introduced last year. We have created a slightly updated version of our bill and, today, I am introducing that bill, H.R. 2196, the Technology Transfer Improvement Act of 1995.

I am very pleased that a number of my distinguished colleagues have cosponsored my legislation, including Science Committee Chairman BOB WALKER, Committee Ranking Minority Member, GEORGE BROWN, and Subcommittee Ranking Minority Member, JOHN TANNER. Senator ROCKEFELLER will be introducing the Senate companion bill to my legislation next week.

On June 27, the House Science Committee's Technology Subcommittee, which I chair, and the Basic Research Subcommittee held a joint hearing on technology transfer and our Federal laboratories with a focus on the Technology Transfer Improvements Act. The witnesses at the hearing testified very favorably

in support of the bill. The testimony from the hearing supplemented the hearing record on the bill already established in the previous Congress.

In the 103rd Congress, hearings in the House and Senate were held on the previous version of the bill, H.R. 3590 and S. 1537. The bills received strong support from the Administration and a series of Federal agency officials, as well as a broad spectrum of academicians and industry association representatives. The hearings helped spark a very beneficial debate on the current role of our Federal laboratories in our Nation's global competitiveness.

The purpose of the Technology Transfer Improvements Act is to provide assurances to United States industry that they will be granted sufficient rights to justify prompt commercialization of resulting inventions arising from CRADAs with Federal laboratories. The bill would also provide important new incentives to Federal laboratory personnel who create new inventions.

In this way, a CRADA would be made more attractive to both American industry and Federal laboratories; the bill is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

The bill enhances commercialization of technology and industrial innovation in the United States by guaranteeing to a collaborating partner from industry, in a CRADA, the option to choose an exclusive license for a field of use. The collaborating party would have the right to use the technology in exchange for reasonable compensation to the laboratory.

In addition, the bill provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes. In addition, if the title holder does not commercialize the technology in any field of use or it is not manufactured in the United States or if there is a public necessity to the technology, the Government may exercise its "march-in rights" provided in the bill.

The bill would also seek to encourage greater cooperation between Federal labs and U.S. industry by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products. These incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

Mr. Speaker, I ask unanimous consent that the text of the Technology Transfer Improvements Act of 1995 and its summary outline be printed at this point in the RECORD.

H.R. 2196, THE TECHNOLOGY TRANSFER IMPROVEMENTS ACT OF 1995—OUTLINE SUMMARY OF H.R. 2196

STATUTORY AUTHORITY

The Act amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 by creating incentives to promote technology commercialization and for other purposes. The Act would impact upon technology transfer policies in both Government-owned,

Government-operated laboratories (GOGOs) and Government-owned, Contractor-operated laboratories (GOCOs).

SPECIFIC BILL OBJECTIVES

(1) Provides assurances to United States industry that they will be granted sufficient rights to justify prompt commercialization of resulting inventions arising from CRADAs with Federal laboratories; (2) Provides important new incentives to Federal laboratory personnel who create new inventions; and (3) Provides several clarifying amendments to strengthen the current law.

THE TWO MAJOR SECTIONS OF THE BILL

Title to intellectual property arising from CRADAs (Section 4). Guarantees a collaborating partner from industry, in a CRADA, the option to choose an exclusive license for a field of use for any such invention created under the agreement. This is an important change because it permits industry to select which option of rights to the invention makes the most sense under the CRADA, in order for industry to commercialize promptly.

Distribution of income from intellectual property received by Federal labs—Royalties (Section 5). Responds to criticism made by the GAO and witnesses at previous Committee hearings that agencies are not sufficiently providing incentives and rewarding laboratory personnel. The change is significant because it comes at a time that both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness. Requires that agencies must pay Federal inventors each year the first \$2,000, and thereafter at least 15% of the royalties, received by the agency for the inventions made by the employee. It also allows for rewarding other lab personnel involved in the project, permits agencies to pay for related administrative and legal costs, and provides a significant new incentive by allowing the laboratory to use royalties for related research in the laboratory.

EFFECT UPON CRADA PARTNER UNDER THE ACT

Right to choose exclusive or non-exclusive license in a field of use for resulting CRADA invention.

Assurance that privileged and confidential information will be protected when CRADA invention is used by the Government.

EFFECT UPON GOVERNMENT UNDER THE ACT

Right to use invention for legitimate governmental needs with minimum statutory rights to the invention.

March-in rights to require license to others for public health, safety, or regulatory reasons.

March-in rights to require license to others for failure to manufacture resulting technologies in the United States.

Clarifies contributions laboratories can make in a CRADA; continues current prohibition of direct Federal funds to CRADA.

Clarifies that agencies may use royalty revenue to hire temporary personnel to assist in the CRADA or in related projects.

Permits agencies to use royalty revenue for related research in the laboratory, and related administrative & legal costs.

Would return all unused royalty revenue to the Treasury after the completion of the second fiscal year.

EFFECT UPON FEDERAL SCIENTIST/INVENTOR
UNDER THE ACT

Inventors would receive the first \$2,000 each year and thereafter at least 15% of the royalties.

Restates current law permitting the Federal employee to work on the commercialization of their invention.

Clarifies that the inventor has rights to his or her invention when the Government chooses not to pursue it.

H.R. 2196

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 "Technology Transfer Improvements Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The Commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed \$10,000."

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to subsection (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention prac-

ticed throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraphs (B) (ii) and (iii) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency; and

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in the employment or service of the Government.

"(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

"(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

"(A) for payments to inventors;

"(B) for a purpose described in clauses (i), (iii), and (iv) of section 14(a)(1)(B); and

"(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory."

SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the agency whose laboratory produced the invention and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first \$2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

"(ii) An agency or laboratory may provide appropriate incentives, from royalties or other payments, to employees of a laboratory who contribute substantially to the technical development of licensed or assigned inventions between the time that the intellectual property rights to such inventions are legally asserted and the time of the licensing or assigning of the inventions.

"(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

"(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by the laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

"(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(ii) to further scientific exchange among the laboratories of the agency;

"(iii) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

"(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

"(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

"(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury."

(2) in subsection (a)(2)—

(A) by inserting "or other payments" after "royalties"; and

(B) by striking "for the purposes described in clauses (i) through (iv) of paragraph (1)(B)

during that fiscal year or the succeeding fiscal year" and inserting in lieu thereof "under paragraph (1)(B)";

(3) in subsection (a)(3), by striking "\$100,000" both places it appears and inserting "\$150,000";

(4) in subsection (a)(4)—

(A) by striking "income" each place it appears and inserting in lieu thereof "payments";

(B) by striking "the payment of royalties to inventors" in the first sentence thereof and inserting in lieu thereof "payments to inventors";

(C) by striking "clause (i) of paragraph (1)(B)" and inserting in lieu thereof "clause (iv) of paragraph (1)(B)";

(D) by striking "payment of the royalties," in the second sentence thereof and inserting in lieu thereof "offsetting the payments to inventors,"; and

(E) by striking "clauses (i) through (iv) of"; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

"(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or".

SEC. 6. EMPLOYEE ACTIVITIES.

Section 15(a) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking "the right of ownership to an invention under this Act" and inserting in lieu thereof "ownership of or the right of ownership to an invention made by a Federal employee"; and

(2) by inserting "obtain or" after "the Government, to".

SEC. 7. AMENDMENT TO BAYH-DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by striking ", as amended by the Federal Technology Transfer Act of 1986,".

IN MEMORY OF JACK TURNER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to Mr. John H. "Jack" Turner who recently passed away. Jack was a good and dear friend who will be missed by the community he worked so hard to improve, and all who knew him.

Jack dedicated his life to helping others. He attended Southern Illinois University at Carbondale, served on the Christian County Board, worked as a Democratic Precinct Committeeman, and was a dedicated member of the Rosamond Community Presbyterian Church. Jack also served on the Pana Board of Education of 10 years, was President of the Illinois Association of County Boards, served with the Executive Board of Illinois Brotherhood of Electrical Workers 702, and was a past president and proud member of the Pana Lions Club. Through his many civic minded activities Jack was able to positively impact the lives of his friends and neighbors.

Mr. Speaker, Jack's passing is a great loss to us all, for his life was spent improving the lives of the people in his community. Mr. Speaker, Jack Turner was a fine man, and will be missed.

ACKNOWLEDGMENT OF 50TH ANNIVERSARY OF BOMBING OF HIROSHIMA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DELLUMS. Mr. Speaker, I rise to acknowledge the 50th anniversary of the United States dropping of the world's first and only atomic bombs; one on August 6, 1945 on Hiroshima and one 3 days later, on August 9 on Nagasaki. I take this moment to share with you the unanimous resolution of the Oakland—California—City Council in stating that they join "with Hiroshima and Nagasaki in the profound conviction that nuclear weapons must never be used again" and also calls for the achievement of a "world free of nuclear weapons."

Each August 6th and 9th provides us with the occasion to acknowledge the enormity of the decision to drop these two weapons upon populations that were overwhelmingly civilian, and who became the object lesson of our message to the world that we had a weapon of incredible power and destruction.

I am pleased to reiterate my support of the city of Oakland's passage of a statute which declared Oakland to be a Nuclear Free Zone which restricts city investments in and purchases from companies that make nuclear weapons, provides for city designation of local routes for transportation of hazardous radioactive materials and requires a permitting process for nuclear weapons work in the city.

It is my privilege to bring to the attention of my colleagues the following resolution adopted by the city of Oakland:

RESOLUTION TO OBSERVE THE 50TH ANNIVERSARY OF THE BOMBINGS OF HIROSHIMA AND NAGASAKI

WHEREAS, 1995 marks the 50th Anniversary of the bombings of Hiroshima and Nagasaki, and

WHEREAS, the atomic bombings of Hiroshima and Nagasaki, Japan on August 6 and 9, 1945, represent the first and only use of nuclear weapons against a civilian population; and

WHEREAS, the atomic bombings of these cities resulted in the immediate deaths of over 200,000 people, the complete devastation of the cities, and untold suffering for those who survived; and

WHEREAS, hundreds of thousands of people have since died or continue to suffer from the long-term effects of the bomb, including some 1,500 "Hibakusha"—atomic bomb survivors living in the United States, most of whom are Japanese American citizens; and

WHEREAS, there are 628 known HIBAKUSHA residing in California, approximately 275 in Northern California, as of 1993; and

WHEREAS, the people of Oakland have repeatedly expressed their opposition to nuclear weapons; and

WHEREAS, in 1986 the Oakland City Council voted unanimously to support a Comprehensive Nuclear Test ban; and

WHEREAS, in 1988 the residents of the City of Oakland approved an initiative ordinance known as the "Oakland Nuclear Free Zone Act" and

WHEREAS, despite the end of the Cold War, many thousands of nuclear weapons remain deployed around the world; and

WHEREAS, all humanity must strive to achieve a world free of nuclear weapons and

to attain peace so that such untold suffering never occurs again;

THEREFORE, LET IT BE RESOLVED THAT:

1. August 6 and 9, 1995, be proclaimed Hiroshima and Nagasaki Remembrance Days, respectively.

2. The City of Oakland joins with Hiroshima and Nagasaki in the profound conviction that nuclear weapons must never be used again.

75TH ANNIVERSARY OF WOMEN'S SUFFRAGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BROWN of California. Mr. Speaker, August 26, 1995 marks the 75th anniversary of women's suffrage in the United States, a movement first begun in 1647 by Margaret Brent of Maryland, heir of Lord Calvert and Lord Baltimore, who demanded a voice in the legislature. Ultimately, of course, her request was denied.

Struggling to maintain their fight, suffragettes were actively involved in the abolition movement. Elizabeth Chandler, abolitionist writer, argued that women—as well as slaves—were in bondage to white males. Abolitionist William Lloyd Garrison also tied the plight of slave women to all women.

The temperance crusade during the 1840's also drew women into social and political movements. The Civil War and anti-slavery activities prompted women to organize in their communities and to petition Congress. As the abolitionist movement shifted from a moral to a political struggle, however, women were often excluded from the movement.

The American Equal Rights Association, founded in 1866, brought Lucretia Mott, Susan B. Anthony, and Henry Blackwell into the political process, enraged by the proposed 14th amendment that would grant the vote only to male citizens. The Federal women's suffrage amendment was first introduced in Congress in 1868, and the National Women's Suffrage Association was founded by Susan B. Anthony and Elizabeth Stanton Cady the following year to secure passage of a suffrage amendment. The amendment was again introduced in 1878, containing the same language that ultimately passed in 1919.

The 41-year struggle to pass the 19th amendment in the House and Senate was a history of parades, arrests of suffrage supporters, hunger strikes, the founding of a National Women's Party, and picketing and bonfires in front of the White House. In 1917, Jeanette Rankin of Montana became the first woman elected to Congress. The First World War raged throughout Europe, and it was only at the war's end that President Wilson argued for women's suffrage. In 1920 in Tennessee, the last State to ratify the amendment, passage was by a single vote. A 70-year struggle finally culminated in the signing of the 19th amendment into law on August 26, 1920.

I hope to celebrate this great historical event in my district on August 26, during Rialto Days. But I think it is also fitting that we mark this anniversary in Congress in the days before our recess. The past few days have seen an incredible attack on the rights of women to decide their own reproductive fates. This House has launched an assault on the dignity

of women to pander to the Christian coalition voters back home. This, to me, does not seem a fitting commemoration of a milestone in American woman's political involvement.

But American women knew in 1920 that their political struggle had not ended. They recognized that the granting of suffrage did not release them from the bondage of decisions made by males. It will come as no surprise to women today that they will need to re-engage their leaders in Congress in a battle to retain their freedoms. The significant achievement of the 19th amendment is that women can exercise their vote in judging our actions here. I can only hope that they celebrate that vote in 1995, and exercise it in 1996.

TRIBUTE TO JIM JENKINS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TRAFICANT. Mr. Speaker, effective August 31, a tradition of the House will end.

The last remaining doormen on the 3rd floor of the Capitol will become either security aides or chamber security.

James L. Jenkins, the 3rd floor chief doorman, will be sorely missed.

Jim Jenkins has served as chief doorman for 22 years, an outstanding record of service to this House.

We will miss all the 3rd floor doormen and the unfailing dedication and service they have provided to each and every Member.

Whenever the House is in session throughout the night or throughout the weekend, the doorman were right here with us.

I would like to thank Jim Jenkins and all the gallery doormen on behalf of all the Members of the House.

These fine men and women should not go unrecognized: Ray Betha, Tom Blatnik, Devon Boyce, Lou Costantino, C.C. Cross, Dave Dozier, Chris Fischer, Colin Fitzpatrick, Bob Gray, Joyce Hamlett, Dorothy Harris, Logan Harris, Cookie Henry, Jimmy Hughes, Joe Jarboe, Jim Jenkins, Kevin Kelly, Sandra Landazuri, Nathaniel Magruder, Nicarsia Mayes, Brendan McGowan, George Omas, Susan Salb, Bill Sikes, Ruby Sims, and Rick Villa.

RELIGION IN THE PUBLIC SCHOOLS; CURRENT LAW

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BRYANT of Texas. Mr. Speaker, the National Council of Churches, the Baptist Joint Committee, the National Association of Evangelicals, the American Jewish Congress, and many other national religious groups and other organizations have prepared a thorough report on current law relating to the freedom of religion and religious expression in the public schools.

The report, "Religion In the Public Schools: A Joint Statement of Current Law," is very interesting and educational, and I commend it to my colleagues and the American people.

RELIGION IN THE PUBLIC SCHOOLS: A JOINT STATEMENT OF CURRENT LAW

The Constitution permits much private religious activity in and about the public schools. Unfortunately, this aspect of constitutional law is not as well known as it should be. Some say that the Supreme Court has declared the public schools "religion-free zones" or that the law is so murky that school officials cannot know what is legally permissible. The former claim is simply wrong. And as to the latter, while there are some difficult issues, much has been settled. It is also unfortunately true that public school officials, due to their busy schedules, may not be as fully aware of this body of law as they could be. As a result, in some school districts some of these rights are not being observed.

The organizations whose names appear below span the ideological, religious and political spectrum. They nevertheless share a commitment both to the freedom of religious practice and to the separation of church and state such freedom requires. In that spirit, we offer this statement of consensus on current law as an aid to parents, educators and students.

Many of the organizations listed below are actively involved in litigation about religion in the schools. On some of the issues discussed in this summary, some of the organizations have urged the courts to reach positions different than they did. Though there are signatories on both sides which have and will press for different constitutional treatments of some of the topics discussed below, they all agree that the following is an accurate statement of what the law currently is.

STUDENT PRAYERS

1. Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Because the Establishment Clause does not apply to purely private speech, students enjoy the right to read their Bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners. In the classroom students have the right to pray quietly except when required to be actively engaged in school activities (e.g., students may not decide to pray just as a teacher calls on them). In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate.

GRADUATION PRAYER AND BACCALAUREATES

2. School officials may not mandate or organize prayer at graduation, nor may they organize a religious baccalaureate ceremony. If the school generally rents out its facilities to private groups, it must rent them out on the same terms, and on a first-come first-served basis, to organizers of privately sponsored religious baccalaureate services, provided that the school does not extend preferential treatment to the baccalaureate ceremony and the school disclaims official endorsement of the program.

3. The courts have reached conflicting conclusions under the federal Constitution on student-initiated prayer at graduation. Until the issue is authoritatively resolved, schools should ask their lawyers what rules apply in their area.

OFFICIAL PARTICIPATION OR ENCOURAGEMENT OF RELIGIOUS ACTIVITY

4. Teachers and school administrators, when acting in those capacities, are representatives of the state, and, in those ca-

pacities, are themselves prohibited from encouraging or soliciting student religious or anti-religious activity. Similarly, when acting in their official capacities, teachers may not engage in religious activities with their students. However, teachers may engage in private religious activity in faculty lounges.

TEACHING ABOUT RELIGION

5. Students may be taught about religion, but public schools may not teach religion. As the U.S. Supreme Court has repeatedly said, "[i]t might well be said that one's education is not complete without a study of comparative religion, or the history of religion and its relationship to the advancement of civilization." It would be difficult to teach art, music, literature and most social studies without considering religious influences.

The history of religion, comparative religion, the Bible (or other scripture)-as-literature (either as a separate course or within some other existing course), are all permissible public school subjects. It is both permissible and desirable to teach objectively about the role of religion in the history of the United States and other countries. One can teach that the Pilgrims came to this country with a particular religious vision, that Catholics and others have been subject to persecution or that many of those participating in the abolitionist, women's suffrage and civil rights movements had religious motivations.

6. These same rules apply to the recurring controversy surrounding theories of evolution. Schools may teach about explanations of life on earth, including religious ones (such as "creationism"), in comparative religion or social studies classes. In science class, however, they may present only genuinely scientific critiques of, or evidence for, any explanation of life on earth, but not religious critiques (beliefs unverifiable by scientific methodology). Schools may not refuse to teach evolutionary theory in order to avoid giving offense to religion nor may they circumvent these rules by labeling as science an article of religious faith. Public schools must not teach as scientific fact or theory any religious doctrine, including "creationism," although any genuinely scientific evidence for or against any explanation of life may be taught. Just as they may neither advance nor inhibit any religious doctrine, teachers should not ridicule, for example, a student's religious explanation for life on earth.

STUDENT ASSIGNMENTS AND RELIGION

7. Students may express their religious beliefs in the form of reports, homework and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes. Likewise, teachers may not require students to modify, include or excise religious views in their assignments, if germane. These assignments should be judged by ordinary academic standards of substance, relevance, appearance and grammar.

8. Somewhat more problematic from a legal point of view are other public expressions of religious views in the classroom. Unfortunately for school officials, there are traps on either side of this issue, and it is possible that litigation will result no matter what course is taken. It is easier to describe the settled cases than to state clear rules of law. Schools must carefully steer between the claims of student speakers who assert a right to express themselves on religious subjects and the asserted rights of student listeners to be free of unwelcome religious persuasion in a public school classroom.

a. Religious or anti-religious remarks made in the ordinary course of classroom

discussion or student presentations are permissible and constitute a protected right. If in a sex education class a student remarks that abortion should be illegal because God has prohibited it, a teacher should not silence the remark, ridicule it, rule it out of bounds or endorse it, any more than a teacher may silence a student's religiously-based comment in favor of choice.

b. If a class assignment calls for an oral presentation on a subject of the student's choosing, and, for example, the student responds by conducting a religious service, the school has the right—as well as the duty—to prevent itself from being used as a church. Other students are not voluntarily in attendance and cannot be forced to become an unwilling congregation.

c. Teachers may rule out-of-order religious remarks that are irrelevant to the subject at hand. In a discussion of Hamlet's sanity, for example, a student may not interject views on creationism.

DISTRIBUTION OF RELIGIOUS LITERATURE

9. Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place, and manner or other constitutionally-acceptable restrictions imposed on the distribution of all non-school literature. Thus, a school may confine distribution of all literature to a particular table at particular times. It may not single out religious literature for burdensome regulation.

10. Outsiders may not be given access to the classroom to distribute religious or anti-religious literature. No court has yet considered whether, if all other community groups are permitted to distribute literature in common areas of public schools, religious groups must be allowed to do so on equal terms subject to reasonable time, place and manner restrictions.

"SEE YOU AT THE POLE"

11. Student participation in before- or after-school events, such as "see you at the pole," is permissible. School officials, acting in an official capacity, may neither discourage nor encourage participation in such an event.

RELIGIOUS PERSUASION VERSUS RELIGIOUS HARASSMENT

12. Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. But school officials should intercede to stop student religious speech if it turns into religious harassment aimed at a student or a small group of students. While it is constitutionally permissible for a student to approach another and issue an invitation to attend church, repeated invitations in the face of a request to stop constitute harassment. Where this line is to be drawn in particular cases will depend on the age of the students and other circumstances.

EQUAL ACCESS ACT

13. Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings, if a school receives federal funds and permits any student non-curricular club to meet during non-instructional time. This is the command of the Equal Access Act. A non-curricular club is any club not related directly to a subject taught or soon-to-be taught in the school. Although schools have the right to ban all non-curriculum clubs, they may not dodge the law's requirement by the expedient of declaring all clubs curriculum-related. On the other hand, teachers may not actively participate in club activities and "non-school persons" may not control or regularly attend club meeting.

The Act's constitutionality has been upheld by the Supreme Court, rejecting claims that the Act violates the Establishment Clause. The Act's requirements are described in more detail in *The Equal Access Act and the Public Schools: Questions and Answers on the Equal Access Act*, a pamphlet published by a broad spectrum of religious and civil liberties groups.

RELIGIOUS HOLIDAYS

14. Generally, public schools may teach about religious holidays, and may celebrate the secular aspects of the holiday and objectively teach about their religious aspects. They may not observe the holidays as religious events. Schools should generally excuse students who do not wish to participate in holiday events. Those interested in further details should see *Religious Holidays in the Public Schools: Questions and Answers**, a pamphlet published by a broad spectrum of religious and civil liberties groups.

EXCUSAL FROM RELIGIOUSLY-OBJECTIONABLE LESSONS

15. Schools enjoy substantial discretion to excuse individual students from lessons which are objectionable to that student or to his or her parent on the basis of religion. Schools can exercise that authority in ways which would defuse many conflicts over curriculum content. If it is proved that particular lessons substantially burden a student's free exercise of religion and if the school cannot prove a compelling interest in requiring attendance the school would be legally required to excuse the student.

TEACHING VALUES

16. Schools may teach civic virtues, including honesty, good citizenship, sportsmanship, courage, respect for the rights and freedoms of others, respect for persons and their property, civility, the dual virtues of moral conviction and tolerance and hard work. Subject to whatever rights or excusal exist (see ¶15 above) under the federal Constitution and state law, schools may teach sexual abstinence and contraception; whether and how schools teach these sensitive subjects is a matter of educational policy. However, these may not be taught as religious tenets. The mere fact that most, if not all, religions also teach these values does not make it unlawful to teach them.

STUDENT GARB

17. Religious messages on T-shirts and the like may not be singled out for suppression. Students may wear religious attire, such as yarmulkes and head scarves, and they may not be forced to wear gym clothes that they regard, on religious grounds, as immodest.

RELEASED TIME

18. Schools have the discretion to dismiss students to off-premises religious instruction, provided that schools do not encourage or discourage participation or penalize those who do not attend. Schools may not allow religious instruction by outsiders on premises during the school day.

PERSONAL STATEMENT

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mrs. MYRICK. Mr. Speaker, I recently noticed that for rollcall vote No. 598, I am on record as having voted "nay." When I cast my vote on this amendment, I voted "aye" and, due to an error with the electronic voting system, I was incorrectly recorded as having

voted "nay." My votes both in the Science Committee and on the House floor, on the issue of Federal funding for the space station, have been consistent. At a time when we are tightening our belts in order to balance the Federal budget, I cannot support funding for this project. Therefore, I would like to ask unanimous consent that my correct intentions—a vote of "aye"—be placed in the permanent record immediately following rollcall vote No. 598.

RETIREMENT OF RICHARD BOERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the retirement of an extremely devoted public servant. Mr. Richard W. Boers, commissioner of Forestry and Open Space Planning for the city of Toledo, recently announced his retirement. I would like to recognize his numerous contributions to my district during his career.

Mr. Boers was the youngest commissioner in the city of Toledo when he was appointed in 1966. Since his appointment, I have witnessed the flourishing of the city of Toledo under his leadership. Mr. Boers has been responsible for several recreational parks in Toledo area, where residents have enjoyed the beautiful greenery while walking, biking, and picnicking. The arts community has also prospered with the annual Crosby Festival for the Arts at the Toledo Botanical Gardens. It is because of his involvement with the Arts Commission of Greater Toledo, that his festival has benefited the artists in the region, as well as those seeking the beauty and solitude offered by our encounters with nature. Mr. Boers has been instrumental in the Buckeye Basin project, the Urban Forestry Commission and Nature Education programs. In addition, Toledo has been classified as a Tree City USA for the past 15 years.

Because of the efforts put forth by Mr. Boers, Toledo's natural beauty has emerged for several generations to appreciate. I sincerely wish the best for Mr. Boers and his family, and wish to thank him for insight and dedication to the city of Toledo. I know my colleagues join me in wishing Mr. Boers well in his retirement and expressing my deepest gratitude on behalf of the citizens of Toledo for his exceptional efforts to bring out one of the best of Toledo's bounty of attributes.

IN HONOR OF THE DEDICATION OF THE WORLD WAR II VETERANS MEMORIAL IN MILFORD, CT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. DeLAURO. Mr. Speaker, on Sunday, August 13, I have the pleasure of joining in the dedication ceremony of a monument in the town of Milford honoring all who served in World War II. This is a particularly fitting tribute as we mark the 50th anniversary of the end of World War II.

The five-figure statute depicts the selfless service of our Armed Forces exhibited while defending American interests in the Second World War. It is dedicated to the men and women who fought for our country on land, at sea, or in the air during this global conflict. The creators of this memorial have broken new ground by including a woman as one of the figures in the statue. It is recognition long overdue for the women who served our country in World War II.

I applaud the hard work over the last 3 years of many members of our community whose vision and efforts brought this World War II monument to Milford. I especially would like to thank the president of the World War II Memorial Monument Committee William Moffet, and codirectors of the World War II Monument Dedication Committee Daniel Meisenheimer and former Mayor Alan Jenson. These three spearheaded efforts to build the monument and brought the community together to raise the needed funds by holding dances, selling T-shirts, and soliciting contributions. Their exemplary efforts are recognized and appreciated by the citizens of Milford, the State of Connecticut, and all who remember the men and women who served our country a half-century ago.

This memorial dedication ceremony is timely in that it is 1 day before the 50th anniversary of the Connecticut General Assembly's declaration of the end of this terrible conflict. This month, we remember V-J Day and the end of World War II in 1945.

My father, Ted DeLauro, was an Army veteran and instilled in me the lasting knowledge that the values of freedom and democracy that shape our country are protected and preserved by American servicemen and women. These men and women answered World War II's call and I am honored to take part in such a significant display of gratitude to them. This World War II monument serves as a constant reminder that our Armed Forces have a long and proud history, and that all who served in World War II demonstrated outstanding courage, dedication, and service.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GUTIERREZ. Mr. Speaker, on yesterday's rollcall No. 619 to continue the current policy to allow the use of Medicaid funds to pay for abortions in cases of rape and incest, I was inadvertently delayed while off the floor. Had I been present, I would have voted yes.

A TRIBUTE TO JOEL M. GLASTEIN

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ZIMMER. Mr. Speaker, I rise today in order to recognize a remarkable individual, Mr. Joel M. Glastein of Asbury Park, NJ. Mr. Glastein will be honored on August 27, 1995, as the recipient of the Kesser Shem Tov, the Crown of the Good Name Award by Con-

gregation Sons of Israel of Ocean Township, for his years of dedicated service to the community.

Mr. Glastein was born and raised in Asbury Park, NJ. His community service includes teaching business education at Matawan Regional High School and chairing its Business Department. In 1987, he was appointed School Business Administrator for the Matawan-Aberdeen Regional School District. He is a member of the New Jersey Association of School Business Officials, the New Jersey Association of School Administrators, and the American Association of School Administrators.

Mr. Glastein is a third generation member of the Congregation Sons of Israel. His late father, Mr. Isadore Glastein, held numerous offices in the congregation and his mother is still a member. His maternal grandparents were also members of the synagogue.

I would like to take this opportunity to join the congregation in celebrating 91 years of service to the Jewish community, honoring Joel for his years of dedication to the community, and wishing all the best in the future to him, his wife Sharon, and his children Dana and Ilene.

75TH ANNIVERSARY OF WWJ RADIO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. LEVIN. Mr. Speaker, I rise today to congratulate WWJ Radio in Southfield on its 75th anniversary.

Four generations of listeners in Metropolitan Detroit know first hand that WWJ is a powerful force in Michigan. What many people don't know is that WWJ Radio has made history over and over during the course of its 75 years on the air.

WWJ was the first radio station to broadcast news—on August 31, 1920. And on the same day it became the first to broadcast election returns.

Radio sportscasts aired for the first time in the United States the following day—also on WWJ. Soon, the station pioneered play-by-play coverage of Detroit Tigers baseball, Detroit Lions football, Detroit Pistons baseball, Detroit Red Wings hockey, and dozens of college games.

Regularly scheduled religious broadcasts also got their start on radio at WWJ.

WWJ's legacy is not all serious, though. Two of America's greatest entertainers—Will Rogers and Fanny Brice—got their start in radio at WWJ.

Both were stars who had captured Americans' imagination—at least those Americans who were lucky enough to see a Ziegfeld Follies production. But it wasn't until WWJ aired Fanny Brice on the radio, in 1920, and Will Rogers, in 1922, that they reached a broad audience.

Fanny Brice was the original "Funny Girl," an outrageous redhead who made people laugh for more than four decades.

She is known for many things, but none better than Baby Snooks, the precocious brat that she invented for vaudeville and brought to radio's Ziegfeld Follies of the air.

Will Rogers "never told a story in my life," he would tell his audiences, assuring them that in his appearances—first in vaudeville shows, then on the radio, then as one of Hollywood's top stars—he "just played his natchell self."

Rogers personified the wonderful collection of character traits that Americans celebrate as uniquely our own. He was a Democrat because "it's funnier to be a Democrat," he said—but no politician was spared Will Rogers' arrows. "The United States never lost a war or won a conference," he warned diplomats at the talks following World War I.

Rogers became Beverly Hills' mayor by popular acclaim—but soon gave it up for ranch life and the movies, radio, lecturing, and writing that made him the highest paid entertainer of his times.

"Cowboy philosopher" is the way Rogers' job title read—but for the millions of Americans who counted themselves his fans, he was the common sense and the contradictions that make us Americans.

Both Will Rogers and Fanny Brice were common people—and they aimed to please the common people who tuned into their shows by the millions.

And, just as WWJ gave listeners their shows, today WWJ continues to get comprehensive, reliable news to the millions of people who spend hours each week commuting to their jobs.

I don't remember a time that I didn't listen to WWJ, and I don't ever expect to hear anything else on FM 950. I commend the stations to my colleagues when they travel around Detroit.

And, to the hundreds of Michigianians who work at WWJ, now and in its long 75-year history—to the tens of thousands of Michigianians who depend on WWJ Newsradio 950 for up-to-the-minute information—I wish another 75 years of success.

CONGRESSIONAL VOTE ON DRUG LEGALIZATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SOLOMON. Mr. Speaker, for the remainder of this Congressional session I intend to offer several amendments prohibiting Federal funds from being used for any study or research on the legalization of drugs. These votes will serve to put the House on record in opposition to drug legalization. The U.S. Congress, In An Overwhelmingly Vote, Going To Oppose The Legalization Of Drugs.

Those who support legalization would have us believe that we ought to decriminalize drugs because we have lost the war on drugs. We are not losing this war.

The truth is that during the Reagan-Bush years drug use dropped, from 24 million in 1979 to 11 million in 1992. Unfortunately, those hard fought gains have been wasted. Under President Clinton's watch this trend has been reversed and drug use is again increasing.

The only lasting legacy of the Clinton Presidency will be a dramatic increase in the use of illegal drugs and the consequences of escalating violence and misery associated with them.

As a country, we have never really waged an all out war on drugs. It is time we declared such a war and I am pleased the Speaker is talking about altering the rules of engagement.

He should start this campaign by pulling the tax free status from organizations which are encouraging young people to take drugs. Organizations like the Drug Policy Foundation, whose sole purpose is to lobby for the legalization of dangerous drugs operates under a tax free status.

In other words, America's parents who are struggling to make ends meet and trying their best to raise their children drug free, are required to pay extra taxes to subsidize the Drug Policy Foundation.

Listen to what the Partnership for a Drug Free America says about teenagers' views on drugs:

Most recent trends among teens indicate a reversal in the attitudes that distinguish non-users from users—perception of risk and social disapproval—and the consequences are an increase in the use of marijuana, LSD, and cocaine.

But even this administration is now opposed to legalizing drugs. In a recent speech entitled "Why the U.S. Will Never Legalize Drugs", our Nation's Drug Czar, Lee Brown called drug legalization the moral equivalent of genocide.

Listen carefully to his words,

When we look at the plight of many of our youth today, especially African American males, I do not think it is an exaggeration to say that legalizing drugs would be the moral equivalent of genocide.

Legalizing addictive, mind altering drugs legal is an invitation to disaster for communities, that are already under siege. Making drugs more readily available would only propel more individuals into a life of crime and violence.

Contrary to what the legalization proponents say, profit is not the only reason for the high rates of violence associated with the drug trade . . . drugs are illegal because they are harmful, to both body and mind.

Those who can least afford further hardship in their lives would be much worse off if drugs were legalized. Without it laws that make the laws that make drug use illegal, we would easily have three times as many Americans using cocaine and crack.

According to the Drug Czar, legalization would create three times as many drug users and addicts in this country. And what does this translate to on the streets? It means hundreds of thousands of additional newborns addicted to drugs.

According to the Partnership for a Drug Free America, 1 out of ever 10 babies in the U.S. is born addicted to drugs. I guess the advocates of legalization must not think this percentage is high enough

I challenge anyone in this chamber to go down the street and tell the nurses at D.C. General, who care for these children, that we need to legalize drugs. You will end up with a black eye! And here is another shocking fact * * * today in America over 11 percent of pregnant women use an illegal drug during pregnancy, including heroin, PCP, marijuana, and most commonly, crack cocaine. A sure fire way to worsen this problem would be to legalize drugs.

According to a recent University of Michigan study of 50,000 high school students, drug

use is up in all grades. Drug use is up among all students for crack, cocaine, heroin, stimulants, LSD, and marijuana.

Increased drug use also contributes to domestic violence. In fact, drug use is a factor in half of all family violence, most of it directed against women, And over 30 percent of all child abuse cases involve a parent using illegal drugs. Legalizing drugs will mean more violence against women and children.

And look at the problem with education in this country. The dropout rate in the United States is over 25 percent, and 50 percent in the major cities. A recent study of 11th graders showed that over half of the drug users dropped out—twice the rate of those drug-free. Drugs rob kids of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning. Millions of these kids end up on welfare or in prison.

Drug abuse in the workplace, crack babies, welfare, high dropout rates, escalating health care costs, crack babies * * could it get any worse? If we legalized drug it would get much worse.

These problems are all interrelated but the common denominator is drug abuse. Legalizing drugs would be to say that all of this is acceptable * * * it is not acceptable.

My amendments will send a strong and long overdue message to the young people in this country, that under no circumstances is the U.S. Congress ever going to legalize drugs.

PERSONAL COMMENT

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. JOHNSTON of Florida. Mr. Speaker, there is an inequity that Federal survivor and disabled annuitants face as a result of a provision in the Omnibus Budget Reconciliation Act of 1993 mandating a 4-month delay for the cost-of-living adjustment.

I do not believe that there should be a double standard among our Nation's retirees and I am introducing a bill providing an exemption for survivors and disabled retirees of the Civil Service Retirement System and the Federal Employees Retirement System from a COLA delay as is currently mandated by OBRA 1993.

The principle of fairness and equity is one that we must not compromise, especially in this time of budgetary constraints where tough choices must be made.

PERSONAL EXPLANATION

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GREENWOOD. Mr. Speaker, on rollcall vote No. 570, it was my intention to vote "aye". When I reviewed the RECORD, I noticed I was recorded as not voting. I would like the RECORD to reflect that I was on the floor, and it appears as though my vote was not recorded by the electronic device.

THE FUTURE OF AMERICA'S RESEARCH AND DEVELOPMENT INDUSTRIES

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BOEHLERT. Mr. Speaker, I want to bring to my colleagues' attention a report issued July 24 by the Institution for the Future. Titled "The Future of America's Research-Intensive Industries," the report offers important advice on federal science and technology policy. What follows are statements from the news conference issuing the report:

This report is a much needed restatement of some principles that those of us who deal with R&D policy view as axiomatic: that R&D is the key to our nation's economic future; that innovation is more crucial than ever; that the federal government has a clear and irreplaceable role in the R&D enterprise; that R&D partnerships are the wave of the future. This report can be a critically important primer to those who are new to Congress—a blueprint for those who are inclined to support R&D; a caution signal for those who are not.

I think that so far, this Congress has generally built policy along the lines of this blueprint. Basic research has emerged from the appropriations process remarkably unscathed—thanks, in large part, to the efforts of Chairman Walker. That's not to say that university researchers won't feel like these are seven lean years. But in the context of this budget, the appropriations demonstrate a continuing commitment to basic research.

The Congress has also shown a willingness to ensure that federal policy encourages industrial research—a keystone of the American research enterprise. The tax, liability and regulatory systems are being reformed.

My concern continues to be that "regulatory reform" does not become a euphemism for backsliding. We need to ensure that regulations are more flexible, less administratively burdensome and more sensitive to cost. We do not need to repeal the basic regulatory protections that have been so effectively constructed over the past two decades.

This report also endorses what it calls "co-operative funding"—an innocuous-sounding term for an increasingly controversial policy. I count myself among the supporters of this co-operative approach. I hope the companies that have sponsored this report will follow up and do more to convince others of the value of this approach.

In short, this report makes the right points at a critical time. That they are points we have heard before makes them no less valuable.

I'm reminded of an interview years ago with Tommy Tune. The interviewer asked him to talk about the best advice he had ever received about dancing. He said the best advice was when Gene Kelly pulled him aside after a rehearsal and said, "Tommy, dance better." This report basically tells Congress to follow the steps it knows, but to do them better. It's good advice.

THE FUTURE OF AMERICA'S RESEARCH-INTENSIVE INDUSTRIES

(Summary of a presentation by Richard J. Kogan, President and Chief Operating Officer, Schering-Plough Corporation)

Members of the Administration and Congress, distinguished scientists and professors, laddies and gentlemen:

Good morning. As the Institute's researchers have noted, pharmaceuticals and biotechnology are one of this nation's "top eight" R&D-based industries examined for their ability to continue their innovation track record.

Certainly, major challenges lie ahead for our industry. With biopharmaceutical industry R&D costs rising, it's increasingly difficult to repeat our previous innovation achievements that have made America the worldwide technological leader in medicine. Just as we cannot return to yesterday's markets, we cannot replicate our former R&D expenditures. Growth in industry R&D spending today is less than half the level of the early 1980s.

Schering-Plough in the 15-year period 1979-1994 spent almost \$500 million to develop our recombinant alpha interferon, plunging ahead even when it initially appeared the drug would help only a handful of cancer patients. It took nearly 14 years of work before we saw a penny of return on that investment. Today, such an effort might not be made—nor our subsequent discovery that the drug can treat 16 cancer and viral diseases.

For pharmaceutical and biotech firms, the burning issue now is not only whether we can continue bringing products to patients that treat unconquered diseases, but whether we can continue covering the expenditure for leading-edge research. Our industry is currently responsible for more than 90 percent of all new U.S. drug discoveries.

Today's diseases—Alzheimer's, AIDS, heart and kidney disease, prostate cancer and arthritis—are far more complex than those successfully treated in the past. Moreover, many of today's most prevalent diseases—primarily chronic and degenerative conditions—are at the high-cost stage in the innovation cycle. If we cut investment in medical progress today, the consequence may be irrevocable and society may rue that decision for years to come.

The annual medical costs of only seven major uncured diseases account for about half of today's health care bill. However, many of those diseases are within reach of effective pharmaceutical control or cure. As biomedical technology progresses to that point, the total cost of treating these major ailments should drop sharply. If the cycle of innovation is disrupted, we run the risk of being trapped with today's higher-cost, less-effective options.

Today's rapidly changing health care market signals the continuing sense of urgency for optimal patient care and cost containment. By the same token, we must constantly remind ourselves that medical innovation is the most viable, long-term solution for cost-effective quality care—as the findings of the Institute study attest.

In 1995, an urgent task before U.S. policy-makers should be to assure that the path of innovation remains open, unobstructed and attractive to investors. And, that statement applies across the board—from our industry that has cured polio, tuberculosis, measles and diphtheria to our fellow industries that have brought the world the laser, fiber optics, lightweight alloys, integrated circuits, the CAT scanner, and that have taken us into outer space.

Thank you.

THE FUTURE OF AMERICA'S RESEARCH-INTENSIVE INDUSTRIES

(Summary of a presentation by Phillip A. Griffiths, Director, Institute for Advanced Study, Princeton, NJ)

Good morning. I don't think I have to remind this audience that scientific research is fundamental to modern culture. It has helped to make our lives safer, longer, easier, and more productive. The more we invest in research and development, the more likely we are to find new non-polluting forms of energy and transportation, to simplify and enrich our lives through new electronics, to develop cures for diseases such as Alzheimer's, coronary heart disease, arthritis, and osteoporosis. Our relative standard of living depends on the health of our research-intensive industries.

Most of you also know that the climate for basic research has become less favorable in recent years. A combination of international competition and the end of the Cold War has made it more difficult for institutions to justify—especially research that is long-term and risky, that offers no certain return on investment.

For example, in industry the effort to restructure corporations and shorten product cycles is reducing the amount of basic research done by traditional corporate laboratories. In universities, too many research scientists are competing for available funds. Government agencies are asked to do more with less, delivering short-term, predictable results, and limiting inquiries not directly relevant to agency missions.

In light of these new realities, how long will long-term R&D be accomplished in the future, and who will do it?

I have said that almost all basic research has been performed in three segments of society: industry, government, and the universities. By and large, each segment has operated independently. There has been some collaboration, but it has not been sustained or comprehensive. In the new era we have entered, more and more individual institutions will find the performance of long-term basic research prohibitively expensive. One way to reduce costs, and to increase the availability of research results for those who need to use them, is through collaboration.

What is the best way to do this? Historically, there have been some earnest experiments to reach across sector boundaries and to make fruits of research more quickly available to the marketplace, but few such experiments have been successful enough to inspire imitation.

Fortunately, several models new to this country are available. One is the Fraunhofer organization of Germany, which has now set up its first American Institute in Michigan. The purpose of Fraunhofer is to promote cooperation between researchers from universities and industry. In Germany, the research costs are shared among the federal government, the universities, and the industries that want the research. Investment areas are determined by the Fraunhofer Board, independent of the government agencies. Typical programs have involved lasers, robots, environmental protection, electronics, materials, optics, and other technologies. The Fraunhofer brings together those who work on the frontiers of science and those who carry the fruits of that work to the marketplace. The driving theory is that research and development are best done in close proximity and that R&D, including R&D performed by the private sector, is best done publicly, so that new ideas are exposed to feedback.

A second interesting model is that of the NEC Research Institute in Princeton, New Jersey. This is a research outpost estab-

lished by NEC, the Japanese computer company, to explore computer and communication technologies. Its purpose is to establish a new kind of parent company, such as high-level parallel programming systems, biological information systems, natural language communication, and computer vision and robotics. NEC scientists have extensive interaction with scientists at universities and at our own Institute for Advanced Study. When there is a fundamental breakthrough in the fields of interest to NEC scientists, the NEC Corporation will be well-positioned to take advantage of it.

All this isn't intended to say that the Fraunhofer or the NEC are the right models for everyone. Diverse solutions must arise to meet particular needs. But I would leave you with two points today. The first, so well documented in the report you have before you, is that it is time to rethink the ways our institutions support the longer-term research and development so vital to our national objectives. The second point is that there are good models for collaboration that can help us in this rethinking. I would like to applaud the Institute for the Future and the companies sponsoring this report for their initiative and foresight in helping us rethink the framework in which we fund and perform the R&D so vital to our nation's future.

Thank you very much.

THE FUTURE OF AMERICA'S RESEARCH-INTENSIVE INDUSTRIES

(Summary of a presentation by Leon Lederman, Director Emeritus, Fermi National Accelerator Laboratory)

Investment in research is America's investment in its future. Our times are characterized by an ever-increasing pace of change, and science-based technology is the driving engine for this change. The Cold War era of military competition superpowers is over, replaced by a competition of industries. There will be winners and losers: economic growth, job creation, standard of living, and international leadership are the spoils.

There is an estimated trillion dollars of economic activity in the list of emerging technologies that many agencies, in many nations, develop. The robustness of the science that we nurture today will determine what fraction of this we will capture over the next decades.

The need for science goes much deeper than this. It goes to the major crises facing society in the next five decades—the crisis of population and its coupling to environmental quality.

World conferences in Rio (1992) and Cairo (1994) point to the connected problems of environment and population. We do not have the fundamental knowledge in a variety of scientific disciplines to sustain a population of ten billion people (2030) without environmental catastrophe. It is the energy-environment problem. These and other global threats to the future of the nation deserve the same attention, the same priority, the same need to defend against as the military threat provided by the Cold War.

The history of basic science is a rich set of stories of curiosity-driven research activities connecting together in surprising ways to produce human advance and profit. A curiosity about the magnetic properties of atomic nuclei; the invention of more powerful particle accelerators designed for quark hunting . . . these connected, and today we have a powerful medical diagnostic, a six billion dollar-a-year industry—magnetic resonance imaging. This pays \$1.5 billion dollars in taxes annually and has saved countless thousands of lives.

Einstein's analysis of the emission of light by atoms and Townes' insight into molecular

coherence lead to the laser with incredible applications from surveying to metal fabrication to eye surgery to CD players—a \$16 billion dollar-a-year industry that contributed four billion dollars annually to treasury receipts.

The need to replace the energy radiated by electrons in the process of building more powerful electron accelerators connected with the need for more intense x-rays to lead to the creation of synchrotron light sources (x-ray light, brighter than a million suns)—devices that serve biologists, pharmaceutical researchers, materials scientists, chemists and physicians to see viruses in action, to design molecules, to watch how chemicals react and hundreds of other applied science programs.

These stories, on and on, have been aggregated to indicate a payback of investment in research of 20 to 50 percent annually. To insure this record, science must be accorded the kind of freedom that, from long experience, is so crucial to its success.

The future of American science depends upon an understanding of what makes America a great nation. "America will be great in those areas in which it desires greatness, perceives greatness and rewards and esteems greatness." Science is the source of continuing the frontiers and of the creation of new wealth. To rescue our declining scientific greatness we must recognize the two columns upon which science rests. One column is the extension of human knowledge for no obviously discernible purpose, perhaps only for the joy of discovery. The other column represents the immediate service to society through research which has economic, medical, environmental consequences. Incidentally, social sciences appear in both columns. Both columns serve society in the longer term and support one another. This is the scientific enterprise.

Science is increasingly being squeezed into the universities and national laboratories. The stress on our scientific infrastructure has been increasing over the past decade. Progress in science is necessarily more difficult and more expensive with time as easier problems are solved. (That is why a GDP scale is necessary). This stress becomes known down to high schools, making it far more difficult to repair the dismal science education of our future scientists, engineers, and citizens. Already, Americans are not following science careers and, if it were not for foreigners, our graduate schools would be half empty.

A noted scholar made my summary easy: "In the conditions of modern life, the rule is absolute; the nation which does not value trained intelligence is doomed. . . . Today we maintain ourselves. Tomorrow, science will have moved forward yet one more step; and there will be no appeal from the judgment which will be pronounced . . . on the uneducated."

THE SUPERFUND LIABILITY EQUITY AND ACCELERATION ACT

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ZELIFF. Mr. Speaker, I am pleased today to introduce the "Superfund Liability Equity and Acceleration Act." This is significant legislation because it presents a map of what I believe is the best way to make superfund work in the fairest and quickest way possible. My legislation will repeal superfund's unfair, unjust, and un-American retroactive and joint

and several liability system. They will be replaced with a binding proportional liability allocation system that will only hold people responsible for what they contributed to a superfund site. Most importantly, my legislation lays out a mechanism that I am convinced can pay for such a repeal and see these sites come out of the courtroom and get cleaned up now.

Before I continue, Mr. Speaker, let me be absolutely clear: I do not introduced this legislation as a means to compete with any other versions that may be introduced in the future by the authorizing committee chairmen. I introduce this legislation for the purpose of assisting in their effort, as I have been the only Member of this body who has introduced legislation like this in the past. I have significant experience with this issue of liability, and I look forward to working with my colleagues throughout the next couple of months.

I have been involved with the superfund program since I was first elected in 1990. Soon after being elected, I learned that I had 14 national priority list sites in my district—and began walking those sites.

After walking just a few sites, it became clear to me that this program was not working. Small towns were putting off building new schools or hiring new teachers, and small businesses could not find the capital to expand and create jobs.

I then assembled a task force of about 35 members to study these problems, and come up with some suggestions as to how to get the superfund program back on track. We came up with a series of recommendations which I then turned into H.R. 4161, the "Comprehensive Superfund Improvement Act," introduced in the 103d Congress.

While there were many provisions of that legislation to effectively improve the superfund program, the provision which received the most attention was the provision which eliminated both retroactive and joint and several liability under the superfund program. It is my very strong opinion that nearly every problem with the current program can be traced back to the liability standards currently under the law.

If we look briefly at the 15-year history of this program, we will see that superfund was created in 1980 with a trust of \$1.6 billion to clean up what was then assumed to be a few dozen waste sites. Congress increased the financing to \$10.2 billion in 1986, then to \$15.2 billion in 1990. Despite these billions of dollars of taxpayers' money being spent for such a laudable cause, we now see that a mere 18 percent of superfund sites have been cleaned up in that same time period. This raises the obvious question of whether or not we are getting our money's worth. These facts, combined with a GAO report released just yesterday which says that at the most only one-third of all superfund sites pose an actual risk to human health, makes it is obvious to me that we re not getting our money's worth.

There is one group out there, however, that would argue that we are getting our money's worth. It is the armies of lawyers who spend years in court arguing every possible detail of superfund liability. So when we look carefully at why this Congress has spent billions and billions of dollars and seen a minuscule amount of action, there should be no question as to the culprit: it is the current program's un-American and un-just liability system. If you

like the O.J. Simpson train, you would just love a superfund trail.

Just listen to some of the questions that have to be answered in superfund courtroom cases. Who deposited the waste? When was it deposited? What was the actual toxicity of the waste? Does toxicity have any bearing on liability? How much waste did each party deposit? What exactly were the contents of what was deposited? Was a community involved? If so, should they be held accountable? Did they actually produce the waste, or did they merely own the site? Should the community's funding priorities be taken into consideration—i.e. a new teacher or school instead of EPA—mandated study-remediation costs? Who pays the share of the bankrupt parties? How does that share get split, or does it get split at all? How about the insurance companies? Do their policies cover the activities of the insureds? If so, how much? How does the PRP interpret their insurance policies, and how do the insurance companies interpret their policies? Should banks and other lenders be exempt from liability merely for holding title to the land? The list is endless * * *

It should be clear that it is the liability system of superfund which has brought this program to its knees. We can make all the reforms and changes we want to the superfund program, but I assure my colleagues that if we do not make major changes to the liability system, we will all be back here again having the same conversations in just a few more years.

I have advocated the repeal of retroactive and joint and several liability for several years now, and in fact I offered amendments to last year's bill to repeal those liability standards. There was a large amount of support last year for my idea, but this year, we are seeing even more support. It is yet another burst of common sense that took over this Congress last November.

Allow me to share with my colleagues a paragraph from a letter signed recently by Chairmen SHUSTER, BULEY, and OXLEY, the superfund authorizing committee chairmen:

At the heart of the superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program and get superfund out of the courts and onto these sites, then we must comprehensively reform the current superfund liability, including a repeal of retroactive liability.

I could not agree more.

As for my legislation, I will briefly outline what is in the bill. Those of you who remember my legislation from last year, H.R. 4161, will see much that is the same: there are provisions requiring timely release of evidence to PRPs from EPA, contribution protections, certain exemptions for owners of contiguous properties, relief for lenders and fiduciaries, allowances for site redevelopment, and liability limitations for response action contractors. Finally, there are provisions that expressly state that; First, there will be NO reimbursements for parties guilty of illegally dumping, and Second, no party will lose their rights to continue liability actions in existing court actions.

The real guts of the legislation are the pre-1987 retroactive repeal, the new binding allocation system, and the new Hazardous Substance Revolving Fund. I submit descriptions of these below:

SITES WITH ALL PRE-87 WASTE

Construction complete by 1/1/95: No reimbursement for construction. Assumption of

O&M costs from date of enactment until completed. No reimbursement for completed O&M.

Construction ongoing as of 1/1/95: Reimbursement for cleanup actions from date of enactment forward. No reimbursement until cleanup is completed.

Discovery after 1/1/95: Cleanup costs are fully reimbursable. No reimbursement until cleanup is completed.

SITES WITH WASTE FROM BOTH PRE- AND POST-87
(STRADDLE)

Construction complete by 1/1/95: No reimbursement for construction. Assumption of O&M costs from date of enactment until completed for the portion attributable to pre-87 waste (determined by proportional allocation). No reimbursement for completed O&M.

Construction ongoing as of 1/1/95: Reimbursement for cleanup actions from date of enactment forward for the same percentage of total costs as the percentage of waste attributable to pre-87. O&M costs are reimbursable under the same conditions. No reimbursement until cleanup completed.

Discovery after 1/1/95: Costs of cleanup are reimbursable, but only for the same percentage of total costs as the percentage of waste attributable to pre-87. O&M costs are reimbursable under the same conditions. No reimbursement until cleanup completed.

SITES WITH ALL POST-87 WASTE

These sites would go through a binding proportional liability scheme which will include allowance for an orphan share, and for de minimis/de micromis parties.

FUNDING

All superfund revenues would be deposited into a new "Hazardous Substance Revolving Fund," which would be modeled on a similar process used by the Patent and Trademark Office with the fees it collects. This is not a revolving loan fund.

Using the model of the Patent and Trade Office's Fee Surcharge Fund, proceeds to the revolving fund will be recorded as an "offsetting collection" to outlays within the expenditure account. Collections generally are made available automatically for obligation. The proposed revolving fund would not be classified as "offsetting receipts," which are collections credited to trust funds or the general fund which are not authorized to be credited to expenditure accounts.

This new Hazardous Substance Revolving Fund is designed to assure funds and taxes collected from private parties be used only for that purpose. This has been a common complaint of parties who see their money they thought was going to cleanup instead go to offset budget figures or to Washington bureaucrats. It also moves those revenues from the receipt side of the budget to the outlay side. It turns superfund taxes into "user fees" which are assessed against private parties identified by Congress as contributing to the need for cleanups. The proposal assures that funds collected by the new Hazardous Substance Revolving Fund go to cleanup and NOTHING ELSE.

While I believe that the liability system is the culprit for just about every problem with superfund right now, there must be significant reforms in other areas as well, especially in the remediation and State role categories. My position on these reforms remain the same as in last year's H.R. 4161, and I support all of the provision proposed by my very good friend and colleague Senator BOB SMITH, in his proposal made a few weeks ago.

It is essential that we reform superfund this year, and that it be a comprehensive reform that includes liability, remedial, and State role

reforms. Our environment and our economy are suffering. Something has to be done now. Once again, I look forward to working with Senator SMITH, Mr. SHUSTER, Mr. OXLEY, Mr. BLILEY, and Mr. BOEHLERT in achieving significant, fundamental, and comprehensive superfund reform this year. Thank you, Mr. Speaker.

CHILD WELFARE TAKES HIT IN
LABOR-HHS-ED BILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TOWNS. Mr. Speaker, I rise to inform my colleagues that the LABOR-HHS-ED bill cuts \$2.4 million from the child welfare training programs and should restore these funds in conference committee. While it is recognized that the deficit needs to be fixed, should it be done on the backs of children? In 1994, over 3 million children in the United States were reported physically, emotionally, or sexually abused or neglected. The need for trained, skilled, and qualified child welfare protection personnel is essential. Yet, according to the National Commission on Children, only 25 percent of child welfare case workers have social work training, and 50 percent have no previous experience working with children and families.*

Under section 426, title IV-B discretionary grants are awarded to public and private non-profit institutions of higher learning to develop and improve education/training programs and resources for child welfare service providers. These grants upgrade the skills and qualifications of child welfare workers.

To ensure an available and adequate supply of professionally trained social workers who provide child protection, family preservation, family support, foster care, and adoption services, I urge you to support schools of social work in their untiring efforts to train competent and qualified child welfare protection workers. If adequate resources are not made available then we all bear the responsibility of promoting a child welfare work force that will be ill-equipped to deliver critical services to many children and families. If we provide the necessary funds, we can be assured of a well qualified, trained, and skilled child welfare work force who will make sure that all American families in special need will get quality assistance. This program without a doubt is a sound Government investment for families.

RECOGNITION OF WALLACE
CLEMENTS ON RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize the 50 year career and accomplishments of a true friend, Wallace Clements. After a long career with the International Brotherhood of Teamsters, Wallace and Audrey are finally going to enjoy their best years, in retirement at their Florida home appropriately located on Restful Lane.

Wallace is a native Tennessean from Soddy Daisy. Of the people I've met in my life, Wallace is the best example of how hard work, determination, and raw talent can take you straight to the top. Wallace developed strong friendships and a keen insight into the workings of Government at the local, State, and Federal level. Wallace had provided me sound advice and counsel during the nearly two decades I've known him.

After returning from serving in the Navy during World War II, Wallace went to work as a mechanic for a Tennessee trucking company. It was during this period that Wallace became involved in workers' rights and other civic and social causes.

Wallace is a dedicated working man who places his country, family, and Tennessee at the top of his list of priorities. Close behind these priorities is Wallace's commitment to fighting for the health, safety, and economic well-being of all working men and women.

Today we are celebrating the beginning of a new chapter in Wallace's life. On this special occasion I want to recognize Wallace's selfless toil for the working men and women of America. I know Wallace and Audrey's commitment to help a worker who is out of a job or provide support and encouragement to a family who is down on their luck will only increase in the years to come.

Please join me in wishing Wallace Clements the very best in his well-deserved retirement.

TRIBUTE TO JUSTICE ELWOOD L.
THOMAS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to Missouri Supreme Court Justice Elwood L. Thomas, who passed away at his home in Jefferson City, Missouri, on July 29, 1995. Justice Thomas, who was sixty-five, died of complications from Parkinson's disease.

Justice Thomas was born and raised in Iowa, the son of a Methodist minister. He was a graduate of Simpson College in Indianola, IA, and the Drake University Law School in Des Moines, IA. From 1965 to 1978 he was a law professor at the University of Missouri-Columbia. In 1978 he became a partner in the Kansas City law firm of Shook, Hardy & Bacon and continued to practice there until he was appointed to the Missouri Supreme Court in 1991, by then Gov. John Ashcroft. He served on the Missouri Supreme Court Committee on Civil Instructions from 1975-1991. During that time, he twice chaired a task force on the Missouri Bar.

Justice Thomas became known for his expertise in jury instructions during his time at the law firm of Shook, Hardy & Bacon. He often lectured to law students, lawyers, and judges on evidence and litigation procedure. He served as faculty for the National Judicial College in Reno, NV, and the National Institute for Trial Advocacy and Missouri's Judicial College.

Justice Thomas was well respected by all who knew him. He was regarded by many of his colleagues as being one of the best legal minds in the State. Justice Thomas had the

unique ability to take complicated matters and explain them, so that all could understand. He was a tremendous asset to the State of Missouri, and will be greatly missed.

Justice Elwood L. Thomas is survived by his wife, Susanne, sons Mark and Steven, and daughter Sandra.

SMALL ETHANOL PRODUCERS
CREDIT LEGISLATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MINGE. Mr. Speaker, Representatives TOM LATHAM, PAT DANNER, GIL GUTKNECHT, EARL POMEROY, JIM OBERSTAR, COLLIN PETERSON, TIM JOHNSON, and I are introducing a bipartisan bill that will make a relatively minor correction to the Federal Tax Code relating to the application of the Small Ethanol Producers Credit. This legislation will allow small ethanol cooperatives the same opportunity to utilize the Small Ethanol Producers Credit that other business entities such as trusts, S-Corporations, and partnerships currently utilize.

The Small Ethanol Producers Credit (Internal Revenue Code Section 40(b)(4)) was passed into law in 1990. The credit was created because Congress determined that tax incentives were an appropriate way to help small producers build ethanol plants. This credit is only available to those entities that produce less than 30 million gallons of ethanol annually. They are eligible for a 10-cent per gallon tax credit for the first 15 million gallons produced. Cooperatives are not eligible because the Internal Revenue Service has ruled that the Code does not permit the credit pass-through to patrons of a cooperative. Without specific inclusion in the Internal Revenue Code, thousands of farmers will be unable to benefit from this credit. This inadvertent exclusion of cooperatives is tragic and should be corrected.

Increasingly, cooperatives are the primary business organization involved in ethanol production in the Midwest. This form of operation usually passes cooperative tax attributes on to its participating patrons. The ineligibility of farmers who are patrons of small ethanol plants denies the tax benefit to those being taxed for cooperative income.

In the Second District of Minnesota alone, four small cooperatives are either currently in production or under construction. At least 18 other small ethanol cooperatives are in the planning stages in Minnesota, Iowa, Missouri, North Dakota, South Dakota, and Illinois. On average, each of these cooperatives is comprised of approximately 300 farmers. For some, the availability of the Small Ethanol Producers Credit determines their start-up viability and whether or not they can compete in the marketplace. This legislation is supported by the National Council for Farm Cooperatives, the American Farm Bureau Federation, the National Corn Growers Association, and the National Farmers Union.

For years, farmers have been encouraged to diversify their business operations. Value-added production, such as ethanol plants, holds great promise to boost rural economies. Ethanol cooperatives provide an excellent opportunity to create local jobs and local profits.

I hope that Congress can make this correction to the Tax Code so that small farmers will be able to benefit from the same ethanol credits that other types of businesses presently utilize.

CELEBRATING THE CAREER OF
JUDGE DAMON J. KEITH

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to one of the truly great Federal jurists of our era, the Honorable Damon J. Keith, a member of the Sixth Circuit Court of Appeals for 18 years and a member of the U.S. District Court for Eastern Michigan for 10 years, who recently announced he would assume senior status. He was born and raised in Detroit and attended Northwestern High School, where he was a champion track athlete. He graduated from West Virginia State University and received his J.D. from Howard University Law School. He furthered his legal education with an advanced law degree from Wayne State University in Michigan. Not long after, he formed his own law firm, Keith, Conyers, Anderson, Brown & Wahls which included my brother, Nathan Conyers. However, it soon became clear that he was drawn as much to public service and civic activism as he was to the private practice of law. He was particularly drawn to problems of racial discrimination, so that in the end he could not escape the brightly burning flame of the civil rights movement which illuminated the path to racial justice for his generation.

In the early years of the civil rights movement in which Damon Keith's activism began, a major concern was the gross housing inequity in urban areas and uneven access to federally funded housing. Between 1940 and 1960, approximately 3 million African-Americans migrated from the South to the North. As a young attorney, Keith had seen the percentage of the black population in Detroit explode from 9 percent to 29 percent in that 20-year span. In the midst of this demographic transformation he was appointed president of the Detroit Housing Commission in 1958 to address the needs of the growing African-American population. In that same year, Michigan and two other States attempted to address widespread discrimination stimulated by the wave of urban migration with open housing bills, but all of them failed. This grim reality brought housing issues to the forefront of the civil rights movement. In 1961, Martin Luther King, Jr. wrote in *The Nation* magazine that the urban renewal program has, in many instances, served to accentuate, even to initiate, segregated neighborhoods. He explained that a large percentage of the people to be relocated are Negroes, [and] they are more than likely to be relocated in segregated areas.

The struggle for equal rights appeared to reach a climax in 1964 with the passage of the Civil Rights Act which forbade discrimination in public accommodations and in the workplace. But with this great victory came challenges of equal magnitude which broadened the goals of the civil rights movement. There were riots in Chicago, Rochester, Harlem, and Philadelphia after racial incidents

with police, and a brave biracial group of activists formed the Freedom Democratic Party in an attempt to make the Mississippi delegates to the Democratic National Convention more representative. It was as a witness to these national milestones that Keith was to reach a milestone of his own when Gov. George Romney rewarded him for his distinguished service on the Housing Commission by appointing him to serve simultaneously as chairman of the Michigan Civil Rights Commission. He continued in both of these capacities until 1967 when President Lyndon Johnson decided this kind of activist legal approach ought to be rewarded, and appointed him to the U.S. District Court for the Eastern District of Michigan. Later, he became chief judge of that court. It was in this arena where Judge Keith eloquently resolved important cases of national consequence, and his depth and breadth as a national figure was established. In a series of decisions, Judge Keith was able to elaborate a seldom heard theme: how under the Constitution, the power of government must ultimately give way to the rights of common people. It was through these cases that Keith brought his erudition, scholarship and courage to the courtroom and made profound and enduring contributions to the law.

Judge Keith's foundation in housing rights, built upon the landscape of the civil rights movement, guided his decision in *Garrett versus City of Hamtramck*. Evidence in this case revealed that a combination of a lack of low-income housing and widespread prejudice was forcing Hamtramck's African-American residents to flee the city. The decision in this class-action suit stated that:

Fifty-seven percent of the black families relocated by the project moved out of Hamtramck while only 33 percent of the white families relocated out of the city . . . it was inevitable that substantially more blacks than whites would be removed from Hamtramck . . . the city plans presently include scheduled renewal and industrialization of two additional fringe areas . . . both of which are predominantly black; no plans for replacement housing for citizens presently residing in those areas exist. Thus it is apparent that the city is strategically working to achieve a reduction in its total population and indeed hopes to successfully accomplish such by elimination of those residential areas of the city containing black residents.

In that opinion, Judge Keith decided that the Housing Act of 1949 and by the equal protection clause of the fourteenth amendment required the city of Detroit to provide alternative housing for minorities displaced by the city's federally funded urban renewal program. The same bold sense of social responsibility displayed in *Garrett versus Hamtramck* was found in many other cases he heard and his intellectual rigor ensured that many of his decisions had a national impact.

One case that had a huge impact was *United States versus Sinclair* in 1971, in which Judge Keith declared that the defendants had a right to all transcripts and memoranda relating to illegally tapped conversations which the government intended to use in court. U.S. Attorney General John Mitchell maintained that he had acted under the authority of the president in authorizing wiretaps without a warrant since the matters at hand involved the sacrosanct concept of national security. On close examination though, Judge Keith found that

the Justice Department's claim could not stand and that the attorney general was subject to the constraints of the Fourth Amendment. "The great umbrella of personal rights protected by the Fourth Amendment has unfolded slowly, but very deliberately, throughout our legal history," declared Keith. Proceeding prudently but firmly, he pointed out:

The contention by the Government that in cases involving national security a warrantless search is not an illegal one, must be cautiously approached and analyzed. We are, after all, dealing not with the rights of one individual defendant, but, rather, we are here concerned with the possible infringement of a fundamental freedom guaranteed to all American citizens.

The Government claimed that the President should have the authority to collect information on subversive domestic organizations. Judge Keith called this position untenable. He decided broadly against arbitrary executive wiretap prerogatives, asserting:

It is to be remembered that in our democracy all men are to receive equal justice regardless of their political beliefs or persuasions. The executive branch of our government cannot be given the power or the opportunity to investigate and prosecute criminal violations under two different standards simply because certain accused persons espouse views which are inconsistent with our present form of government.

United States versus Sinclair brought the dominant themes of Judge Keith's jurisprudence to an early maturity: to harness the power of government for social good wherever possible, and reign in unchecked authority whenever necessary. His opinion withheld scrutiny in appeals all the way up to the Supreme Court, which wrote:

[W]e do not think a case has been made for the requested departure from Fourth Amendment standards. The circumstances described do not justify complete exemption of domestic security surveillance from prior judicial scrutiny. Official surveillance, whether its purpose be criminal investigation or ongoing intelligence gathering, risks infringement of constitutionally protected privacy of speech. Security surveillance are especially sensitive because of the inherent vagueness of the domestic security concept, the necessarily broad and continuing nature of intelligence gathering, and the temptation to utilize such surveillance to oversee political dissent. We recognize . . . the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment.

Executive branch officials had also maintained that matters pertaining to internal security are too sensitive for the courts to handle because of the risk to secrecy. But the Supreme Court refused to let the judicial branch of government be marginalized:

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation . . . If the threat is too subtle or complex for our senior law enforcement offices to convey its significance to a court, one may question whether there is probable cause for surveillance. Nor do we believe prior judicial approval will fracture the secrecy essential to official intelligence gathering.

Judge Keith's words echoed throughout the nation that day in 1972 when the Supreme

Court upheld his decision. It was only in retrospect that the nation learned the full magnitude of Sinclair: the next day President Nixon's Plumbers terminated one of their taps out of fear they might have to reveal the transcripts some day. The wisdom of Sinclair reverberated in the highest chambers of government again in May 1973, when a judge dismissed the indictment of Daniel Ellsberg for releasing the Vietnam War's Pentagon Papers because the prosecution had tapped his phone and not properly informed the court.

Sinclair remains relevant today, since the House of Representatives will soon consider the expansion of wiretap powers in so-called counter-terrorism legislation, H.R. 1710 (and its companion H.R. 1635). It would add ambiguous felonies to the list in which electronic surveillance is allowed and expand the authority to conduct roving wiretaps of multiple phone lines without specifically naming those phones and without a court order. Furthermore, in direct contradiction to Sinclair and other court decisions, it would allow the admission of evidence obtained through illegal electronic surveillance in many instances. These excessive provisions ensure that Judge Keith's words will be revisited soon, whether it's due to surveillance of the Michigan Militia or the gay rights group ACT-UP.

His reputation as a leading jurist and civic activist was not lost on President Carter, and in 1977 he appointed Judge Keith to the Sixth Circuit Court of Appeals, the position from which he now is retiring. He participated in 1200 opinions on the Court of Appeals and with the conservative shift of the Sixth Circuit he wrote countless dissents. Dissent was natural for him; he knew that righteousness was not predicated on popular impulse, but on public truths meant to survive the scrutiny of history. His article entitled "What Happens to a Dream Deferred" in the Harvard Civil Liberties Law Review in 1984 eloquently elaborated his philosophy of the necessity of dissent and the relationship between the individual and the majority:

Those who decide in favor of the unbridled freedom of the individual point to this country's long tradition of favoring and supporting personal freedom. They conveniently fail to recognize that this country has another tradition, one of slavery, segregation, bigotry and injustice. America is doomed to be forever unequal if we remain unwilling to acknowledge this tradition and make provisions for bringing black Americans into the mainstream of life . . . The belief that majoritarian control invariably guarantees the right result in these situations is blind to the teachings of history and counter to the antimajoritarian constitutional principles which form the basis of our civil rights and liberties.

Judge Keith was convinced that protection of public freedoms should not end with civil rights and his insight extended to questions of gender as well.

In 1986, Judge Keith dissented in the Appeals Court in the case of *Rabidue versus Osceola Refining Co.* in which the majority opinion rejected the plaintiff's complaint for injury for sexual harassment since the harassment had not caused serious psychological problems. Seven years later the Supreme Court advanced Judge Keith's view of that same issue in *Harris versus Forklift Systems*, stating with a hint of sarcasm that "Title VII [of the Civil Rights Act of 1964] comes into play

before the harassing conduct leads to a nervous breakdown." Justice Sandra Day O'Connor, writing for the majority, continued:

A discriminatorily abusive work environment, even one that does not seriously affect employees' psychological well-being, can and often will detract from employees' job performance, discourage employees from remaining on the job, or keep them from advancing in their careers. Moreover, even without regard to these tangible effects, the very fact that the discriminatory conduct was so severe or pervasive that it created a work environment abusive to employees because of their race, gender, religion, or national origin offends Title VII's broad rule of workplace equality.

It is one thing to do what is right with the rising tide, and it is quite another to have the courage to rise to the defense of a just cause in the face of the odds. Yet these superior qualities distinguished Judge Keith's character from other jurists, and he applied these traits in every area of the law he interpreted. He saw as inevitable the expansion of constitutional protections afforded women, and he employed his formidable knowledge of law and his acute instinct for progressive change in that effort.

Judge Keith knew when to be stalwart in the courtroom as with the Sinclair case or in his numerous dissents, but he also knew that even a committed jurist cannot achieve greatness through tenacity alone. He undertook the task of training new minority law clerks, and at the end of his tenure he had hired 44, more than any other Federal judge in history. He knew that true greatness required not just scholarship but mentorship, not only courage but also grace, and that he would have to exercise these qualities outside the courtroom. He wrote in the *Detroit Free Press* in 1988 in an op-ed entitled "A Responsibility to Serve Black Community," that Achievement in one's occupation or profession is one mark of success. But we are not truly successful unless we use our training, knowledge, and dollars to serve the community to which we owe so much. His commitment to social activism in his personal life was tremendous, including work with the YMCA, the Boy Scouts, the United Negro College Fund, and many other organizations. His community leadership extended to many cultural institutions including the Detroit Symphony Orchestra, the Detroit Arts Commission, and the Interlochen Arts Academy for whom he served on the Board of Trustees.

Judge Keith stands today as testimony to the power of determined hope when it refuses to fade, and strength drawn from moral effort that will not yield. He wrote in his "Dream Deferred" law article that:

As a black man and American citizen, I have not yet given up on the American idea of equality and justice for all Americans. This nation stands before the world as perhaps the last expression of the possibility that a people can devise a social order where justice is the supreme ruler, and law but its instrument; where freedom is the dominant creed, and order but is principle; and where equality is common practice and fraternity the common human condition.

This is the dream he worked for in his career, and this is the vision which he continues to live for today. Our city and our Nation are grateful for his many years of service and leadership. I hope that life in retirement is as generous to him as he has been in fulfilling

the duties of the court and the responsibilities of citizenship.

TO DIRECT THE SECRETARY OF THE INTERIOR TO MAKE CERTAIN MODIFICATIONS WITH RESPECT TO A WATER CONTRACT FOR THE CITY OF KINGMAN, AZ

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. STUMP. Mr. Speaker, on behalf of my House colleagues from Arizona, I am today introducing a bill to provide for a timely resolution to a water problem in the third congressional district which affects more than 120,000 people in Mohave County, AZ.

For some time, the city of Kingman, AZ, has worked diligently to address the present and future water needs of its citizens. The city's hard work and tenacity has brought together their neighbors in Mohave County, the Arizona Department of Water Resources, and the Department of the Interior's Bureau of Reclamation, among others, to craft a regional response to the region's continued growth and its management and conservation of Colorado River water and groundwater, all along meeting State and Federal technical and substantive concerns. Their work was based on a comprehensive needs assessment and has resulted in an innovative and responsible plan, regarded as a unique achievement for Mohave County and a major step forward in water management in Arizona, and is supported by the local governments, Mohave County, the State of Arizona, the congressional delegation and, we believed, the Bureau of Reclamation and the Department of the Interior.

Unfortunately, as the final steps were being taken to make the plan a reality and confirm years of hard work, the Bureau of Reclamation was instructed by the Department in March of this year to temporarily suspend any further discussions. After most 2 months of no explanation for the cancellation of the discussions, we learned that the Department was assessing the water needs of Mohave County and attempting to determine how much water may be needed to settle remaining Indian water claims in Arizona. The action by the Department is contrary to all previous representations and commitments regarding the Kingman water, and without a reasonable solution in sight and facing a December 31, 1995 deadline, legislation is unfortunately needed to resolve this matter.

By way of background, the city of Kingman has had a valid water contract since 1968 with the United States for the delivery of 18,500 acre feet of Colorado River water annually. Under Kingman's contract, the United States reserved the right to terminate the contract if Kingman did not "order, divert, transport and apply water for use by the city" by November 13, 1993. The water to be delivered under the contract was intended to be used directly by Kingman in providing municipal and industrial water service to its customers.

Beginning in the 1970's, the city studied various alternatives for directly delivering Colorado River water to the Kingman area. Although Kingman diligently attempted to develop a plan that would facilitate the city's di-

rect use of its entitlement, the studies indicated that the capital expenditures required for water transportation and treatment made direct use of the water prohibitively expensive.

In May 1993, the city adopted a water adequacy study, which developed a long-term water resource management plan for Kingman. While the study confirmed that direct use of the city's Colorado River allocation was simply not feasible, it also represented several alternatives for use of the city's Colorado River entitlement. Most notably, the study recommended that the city's entitlement be exchanged for the funding of other water resource development, effluent reuse, and water conservation projects. In addition, the study included a hydrological analysis of the Hualupai basin, which is Kingman's primary groundwater source. The hydrological analysis concluded that 4.2 million acre-feet of groundwater in the basin were available to the city, an amount which exceeds the city's needs for the next century. Based on the study's findings and recommendations, Kingman officials sought the development of a plan which would enable the city to transfer its Colorado River entitlement in exchange for either water from other sources or for resources which could be used to develop available groundwater supplies, conserve water, or reuse effluent.

After the completion of the study, Kingman solicited statements of interest from various organizations in an effort to identify entities which would be interested in an exchange of the city's Colorado River entitlement. As a result of the solicitation process, seven entities expressed an interest in obtaining more than 45,000 acre-feet per year of Colorado River water.

During the time that Kingman solicited interest regarding an exchange of the city's Colorado River entitlement, the city realized that it would be unable to finalize a plan which would put its entitlement to beneficial use by the November, 1993, deadline required in its water delivery contract. In August, 1993, the entire Arizona congressional delegation worked with the city to obtain an extension of time from the Bureau of Reclamation to enable Kingman to formulate a plan to put its entitlement to beneficial use. The request was also supported by the Arizona Department of Water Resources.

In September 1993, the Bureau of Reclamation agreed that it was in the best interests of all parties for the contract to be extended. The Bureau deferred the termination date of the contract to December 31, 1994, requiring that the city submit a plan for the beneficial use of water outside Kingman on or before October 31, 1994. The Bureau further indicated that it would give any Kingman proposal full consideration, but would look to the Arizona Department of Water Resources to provide a recommendation before any final decision would be made.

Once Kingman received the necessary extension, Kingman and other Mohave County communities and organizations began serious discussions which focused on the development of a regional approach for putting Kingman's entitlement to beneficial use. The Colorado River Ad Hoc Water Users Group/Mohave Ad Hoc Committee was formed, and among other included Kingman, Bullhead City, Lake Havasu City, Golden Shores Water Conservation District, the Mohave Valley Irrigation and Drainage District, and the Mohave Water Conservation District. Through a series of pub-

lic meetings and discussions, the concept of creating a county water authority was adopted.

In late January, 1994, the six Arizona legislators who represent the two State legislative districts in Mohave County introduced the county water authority bill in the Arizona Legislature. Throughout the legislative process, the prospective authority members, the Mohave Ad Hoc Committee, sought comments on the bill's technical and substantive elements from Reclamation, the Arizona Department of Water Resources, the Central Arizona Water Conservation District, the Arizona Municipal Water Users Association, and numerous other organizations. In an effort to build consensus for the formation of a county water authority, the bill was amended to meet the needs and concerns of all entities who commented on it.

The bill was signed into law by Governor Fife Symington on April 8, 1994, and the Arizona Department of Water Resources favorably recommended Kingman's plan to the Bureau of Reclamation and recommended that the Bureau initiate the process to effect the transfer of Kingman's water to the authority. To provide the time needed to review and complete the plan, the Bureau again extended the contract to December 31, 1995.

The creation of the Mohave County Water Authority reflects not only the ability of a diverse group of water users in one of the country's fastest growing areas to work together to formulate a plan to meet the water needs of a region, but it also favorably accomplishes an expressed interest of the Bureau of Reclamation that they have a single entity to work with in the coordination of the needs of water contractors in Mohave County.

We will continue to attempt to resolve this matter by signing those documents which were to have been finalized in March. However, lacking any real assurance that this matter can be resolved in a timely manner to meet the December 31, 1995, deadline and having been unsuccessful in obtaining an extension of time for meaningful negotiations, at this time we have no alternative but to seek a legislative direction to the Secretary of the Interior that the Department maintain its agreement and finalize the creation of the Mohave County Water Authority through the transfer of Kingman's water contract.

Those who have committed their time and energy to this endeavor are to be highly commended, and I urge my colleagues favorable consideration for Military History. These transcripts become key resource documents for future researchers. Additionally, LTC McCallum just recently completed a Senior Officer Oral History Interview with retired Maj. Gen. Charles M. Kiefner. This interview documents General Kiefner's 16 years as the adjutant general of Missouri and 45 years as a soldier.

This spring, LTC McCallum helped design and teach a pilot class on Critical Thinking for Senior Military Leaders. This is a new course within the War College's curriculum. Additionally, LTC McCallum served as an active member on the planning committee for the 1995 Jim Thorpe sports days. This is a 2-day athletic contest, sponsored by the U.S. Army War College, which brings teams from six of our Nation's senior service schools together for athletic competition in 12 different events. As a member of this planning committee, he also served as the chairman of the subcommittee

responsible for the development of the information booklet and the advanced publicity for Jim Thorpe days.

Earlier this year, LTC McCallum was selected by the commandant to participate as one of the eight members who served on the War College's Current Affairs Panel. This panel is a special program that was established by the War College in 1969 as an academic outreach effort. As a member of this panel, LTC McCallum's regional specialty was the Middle East. During the past 6 months, this panel traveled to several universities and conducted formal presentations on topics which addressed national security and current political events.

On June 10, 1995, LTC McCallum graduated from the War College curriculum with special honors. He became the first student in the history of the Army War College to receive three writing awards. Specifically, his paper on the United Nations received the Army War College's Foundation Writing Award. His monograph on Operation Desert Shield/Desert Storm received the Army War College's Best Personal Experience Monograph Award and his Senior Officer Oral History Interview with retired General Franks, received the Bristol Oral History Award.

TRIBUTE TO COMMEMORATE THE
FOURTH ANNIVERSARY OF
UKRAINIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BONIOR. Mr. Speaker, before we recess, I am pleased to rise in commemoration of the fourth anniversary of Ukrainian Independence. Three weeks from tonight, on Friday evening, August 25, 1995, members of the Ukrainian-American community in Michigan will gather to celebrate independence and share in the joy of a free Ukraine.

As a second generation Ukrainian-American I feel a special attachment to the land my grandparents once called home. Along with many Americans of Ukrainian descent, I am seriously concerned about the welfare of Ukraine. I closely monitor events there and am inspired by the on-going transition to a free and democratic society.

Small scale privatization has been carried out by local authorities in several regions and President Leonid Kuchma has vowed to move forward with economic reforms. During this time of progress, it is discouraging to see the House of Representatives vote to cut aid to Ukraine. At a time when nations are seeking to build democracy, I do not believe we should turn our backs on them.

I believe the United States should strongly support an independent Ukraine. The geographic location of this great and proud nation has contributed to its history as a country often divided by opposing powers. This heritage has led to a strong desire for freedom and national sovereignty. Now that Ukraine has achieved independence, it has pledged to adhere to the principles of the Helsinki Final Act and the Charter of Paris, which included respect for democratic values and human rights. Ukraine passed a citizenship law that does not impose language or residency restrictions and

the print media expresses a wide variety of views. All of these reforms illustrate the natural affinities between our two nations.

In spite of these encouraging realities, 60 Minutes aired a deeply offensive program entitled *The Ugly Face of Freedom* which presented a biased mean-spirited view and absolutely false view of today's Ukraine. Interviews since the broadcast have revealed that a number of statements were severely taken out of context. However, CBS has failed to apologize or allow for a balanced program to be shown on the state of Ukrainian-Jewish relations. In a time of such democratic progress, it is disheartening to see a story so potentially damaging to the relationship between the United States and Ukraine.

Americans can and should assist Ukrainians in their quest to build a prosperous free market society. President Clinton stressed the need for trade and investment in Ukraine and has encouraged other nations and institutions to participate. Wayne State University in Detroit has developed an exchange program with the Lviv Institute of Management which I have had the privilege of supporting. Last year I was able to arrange for many of the Ukrainian students to visit several family-owned businesses in my home community of Mt. Clemens. I plan to make similar arrangements again this year. I have also been fortunate to have several Ukrainian citizens intern in both my Washington and Mount Clemens offices studying the American political system. Last fall, a most talented young woman, Ms. Luba Shara, spent several months working with my staff as part of an exchange program. I was especially pleased that she was able to see President Kuchma when he visited the United States last November. I encourage all Americans committed to Ukraine's future to participate in these types of one on one experiences. These efforts will undoubtedly have an important effect on Ukraine.

On the event of the fourth anniversary, I salute the Metropolitan Detroit Committee to Commemorate Ukrainian Independence Day for sponsoring this event. And, I urge my colleagues to join with me and Ukrainians around the world in celebration.

THANKS TO KEITH JEWELL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in recognizing one of this body's most outstanding employees, the director of House photography and one of my constituents, Keith Jewell.

I have known Keith since I first came to this body in a special election in 1981. He has always been one of those people who work in the shadows, yet his outstanding photography has graced many of our office walls and made countless constituents happy.

In my capacity as chairman of Helsinki Commission, I traveled to many of the former Communist countries as they were before, during and after their transition to democracy. During some of my visits, especially to the Baltic States following their breakaway from the Soviet empire in the early 1990's, it at times became a little dangerous as we walked

amongst sandbags and barricades to meet with the new leaders.

Keith Jewell was always right there with us, snapping photos while looking over his shoulder to see that we were all safe. The photos that appeared in newspapers and were sent to various organizations both here and abroad helped provide inspiration to those people throughout the world who were seeking freedom from dictators and oppression. When we talk about images that helped to end the cold war, I believe Keith Jewell was instrumental in helping to project Congress' support for freedom and democracy throughout the world.

Keith, this is one Member who wishes you well from the heart. You have been an outstanding employee and one that I am sorry to see leave this body. Best of luck in your future endeavors. The camera's eye will always be on you for your work and dedication to this body and the people it serves.

INTRODUCTION OF A BILL TO DESIGNATE CERTAIN SEGMENTS OF THE LAMPREY RIVER AS COMPONENTS OF THE NATIONAL WILD & SCENIC RIVER SYSTEM

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ZELIFF. Mr. Speaker, I rise today at the request of the citizens and elected and appointed officials of the towns of Lee, Durham, and Newmarket, NH, to introduce legislation that adds the portion of the Lamprey River which flows through these towns to the Wild & Scenic Rivers system.

This is a special day for me, as the first legislation I introduced when I first took office in 1990 was the legislation authorizing the study of the Lamprey for inclusion in the Wild & Scenic program. For the last 5 years my staff and I have worked with the Lamprey River Advisory Committee consisting of local representatives, the New Hampshire Department of Environmental Services, and the National Park Service to study the Lamprey River and educate both the involved towns and river-front landowners of the effort underway and of the tremendous natural assets the river possesses.

The results of this study are that the river is eligible for inclusion in the Wild & Scenic program. However, determining that the studied portion of the Lamprey is eligible was just the first step in this process. Next came the challenge of soliciting the opinions and input of landowners, citizens, town boards, and elected officials in the development of a detailed river management plan to serve as the basis for local votes in support of, or in opposition to, Wild & Scenic designation. It has always been my policy that I will submit designating legislation for a portion of a river only if the impacted townspeople, or their local elected officials, vote in favor of seeking such designation.

The Lamprey River Advisory Committee initiated a comprehensive, and very effective and heartfelt effort to involve local elected officials and citizens in the development of the management plan, as well as to explain exactly what designation would entail and why, in the committee's opinion, it would be a good thing for the river and for river-front landowners.

The towns of Durham, Newmarket, and Lee have all expressed vigorous support for the inclusion of the river in the program. Although the portion of the Lamprey in the town of Epping was included in the study and deemed eligible for inclusion in the program, the town has opted not to vote on designation at this time but may seek designation for its portion of the river at some point in the future.

The management of the Lamprey will be based on the locally-developed river management plan. The plan emphasizes the importance of both individual responsibility to "Tread Lightly" and of local zoning laws and public education. Federal acquisition of land by condemnation is prohibited. In essence this plan will insure that local concerns and interests are the basis for the management of the river. The State of New Hampshire will continue to be involved in the management of the river, as it has since the river was included in the State's River Protection Program in 1988. Additionally, the National Park Service will continue to offer its assistance to the Lamprey River Advisory Committee as it is needed.

In closing, there has been a great deal of discussion here in Washington on the issue of what the Federal Government's role should be when it comes to the protection of our natural resources. The local, State, Federal partnership that has developed in relation to the Lamprey River is a perfect example of the direction we must head in; namely, an emphasis on local input and control, with State and Federal agencies working to assist and provide information and expertise where appropriate.

I am very proud to submit this legislation at the request of my constituents in Lee, Newmarket, and Durham, NH, as well as for the scores of people who use the Lamprey River for the recreational and educational opportunities it offers. I am also very pleased to see the circle completed, having initiated both the legislation to study the river and today's legislation to include the studied portion of the Lamprey in Lee, Newmarket, and Durham in the Wild & Scenic program. I am grateful that the citizens of New Hampshire have given me this opportunity.

THE PRIOR DOMESTIC
COMMERCIAL USE ACT OF 1995

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MOORHEAD. Mr. Speaker, I introduce the Prior Domestic Commercial Use Act of 1995. It is the product of many months of hard work and represents a compromise that I believe will be acceptable to all interested parties.

This bill is about patents. It is about inventions that have already been in commercial use and benefiting the public before another inventor comes later and applies for a patent.

Normally inventions already in use are what is called prior art and in most circumstances issuing from subsequent applications on such prior art will be found invalid. A problem arises, however, where the invention is not publicly known and where the process of commercialization did not reveal the invention itself to the public. These situations can occur, for example, when the invention is part of a man-

ufacturing process used to make a commercial product or software used to control such a process. For such cases, there is no statutory or case law that makes clear what should happen if the holder of such a patent sues the earlier practitioner for infringement. Is the patent enforceable against the earlier practitioner? Some attorneys predict the patentee will prevail because the invention was not publicly disclosed. Other predict the patent will be found unenforceable against the earlier practitioner.

At present the court's only option is a finding of either infringement or invalidation. One party must lose everything. Yet in these circumstances, each party has created some public benefit; the first by bringing the fruits of the invention to the public, the second by disclosing the invention to the public. Fairness suggests that neither party deserves to lose everything. Thus present law confronts us with a quandary. It provides only for a "winner take all" outcome and it does not make clear who the winner should be.

Earlier attempts to resolve this issue have met with opposition from those who believe that inventors have an obligation to disclose or patent every innovation. For inventors who fail to do so, these opponents presumably believe that their inventions should be taken away from them by others who come along later and file patents on the same material.

Mr. Speaker, anyone who has worked in industry or built a manufacturing business knows that there are any number of reasons why one might not secure a patent one very invention. Once issued, an American patent tells the whole world how to copy the invention. Manufacturers fear that inventions relating to internal processes are almost impossible to police and protect in many other countries. Then too, small investors may be unable to afford the costs of obtaining even a U.S. patent on every invention, much less world wide protection. It is also true that in many cases, the inventor does not realize that what seemed like just an innovation was indeed a patentable invention. In any case, a serious problem arises when a later inventor, and that later inventor need not be an American, comes along and independently inverts the same process, tool, or software that the earlier innovator has been using. This later inventor can apply for a U.S. patent. If the earlier innovator did not publish the innovation, the Patent Office may not know of it and the later inventor might actually receive a patent on the innovation. This situation gives rise to the question of whether or not that patent is or ought to be valid and whether or not it may be enforced against the earlier innovator.

We also should not assume that all of these later inventors have been operating in good faith. In these days of growing industrial espionage, it is possible that the later inventor simply patented the product or process by means of reverse engineering or by looking through a factory window. I have seen U.S. patents issued to foreign companies who appear to have reverse engineered American products and patented the method of manufacture. The law in those companies' home countries prevents them from enforcing such patents in their own land. The bill I am introducing today will ensure that American industry has the same protection.

Opponents of earlier legislation have feared that any law recognizing unpublished earlier

use would be misused and weaken legitimate patents issued to persons who are undisputed first inventors. The university community was particularly concerned that such a law might impair their opportunity to license their inventions. This bill introduced today has been carefully crafted to prevent such an outcome. As a result of its limitations, this bill will not affect the vast majority of patents. The only patents that will be affected are those patents written on internal software, processes, or tools which were already being used by others for public benefit. For those questionable patents, this bill promotes sound public policy by recognizing the public contribution made by both parties.

By providing a specific defense for this limited class of inventions, this bill will make long and expensive infringement or invalidation litigation unnecessary. Moreover, some very strict limitations must be met before the defense can be used. First, the earlier use of the invention must have been commercial and the public must have benefited from that commercial use. Simply making an invention and even reducing it to practice are insufficient grounds for the defense. Second, the commercial use and public benefit must have occurred more than one year prior to the priority date of the patent. Third, the defense will not be available where the commercial use has been terminated and abandoned. Fourth, the patentee or the patentee's work must not have been the source of the user's technology. Fifth, the commercial use must have occurred on American soil. Sixth, the defense is not a license under the patent nor is it a defense against the entire patent. It is a defense only for the subject matter that can be proved to have been used commercially before the filing date. Seventh, the burden of proof falls entirely on the prior commercial user. Eighth, the defense is personal, it cannot be transferred to another. Finally, sanctions are provided to discourage a frivolous defense.

This bill will create for American manufacturers the same protection that their overseas competitors already have. It is a domestic bill that removes some of the incentives now enjoyed by offshore manufacturing. In addition, considerations of fairness, public policy, and the need to make America more competitive in the international economy all strongly support this legislation.

Mr. Speaker, I am hopeful that all concerns about this legislation have been resolved and that this bill can become enacted this year.

TIME FOR TOUGH ACTION ON TERRORISM—THE UNITED STATES MUST NEVER YIELD TO TERRORIST THREATS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. LANTOS. Mr. Speaker, earlier this week our Government barred the entry into the United States of Musa Mohammed Abu Marzuq, a senior official of the Islamic Palestinian extremist terrorist organization, Hamas. Abu Marzuq is chief of Hamas' political bureau where he is responsible for coordinating international aspects of Hamas' terrorist activities, and in particular, fund raising efforts and the

training of Hamas' operatives—activities that are critical to Hamas' vicious terrorist campaign against Israel, against those who support Israel, and against Palestinians who do not follow Hamas' violent line. Hamas has viciously opposed the efforts of the PLO to work with Israel in bringing peace and ending violence.

Mr. Speaker, I welcome the action of our Department of State in barring the entry into our country of Abu Marzuq. I raised this issue earlier this week in a hearing of the International Relations Committee and repeated my concern to the Assistant Secretary of State for Near Eastern Affairs that our Government must move decisively against all those individuals who are involved in terrorist activities of any kind. We have no obligation to admit such individuals who support, encourage, and engage in terrorism. Furthermore, I urge the administration and the courts to comply with the request by the Government of Israel for the extradition to Israel of Abu Marzuq. The Israeli Government has evidence of the involvement of this Hamas leader in terrorist activities, and it would be most appropriate that he be returned to Israel to stand trial in an Israeli court of justice to determine his guilt or innocence of these heinous crimes.

Mr. Speaker, it is an absolute and unmitigated outrage that the vicious, unprincipled leaders of Hamas have threatened President Clinton and the United States if the extradition of Abu Marzuq is carried out. In a letter published in an Arab-language newspaper in Israel earlier this week, Hamas published an open letter to President Clinton with intolerable and offensive threats: "If your government decides to hand Abu Marzuq to the Israeli authorities, we would consider this a hostile act against all Arabs and Muslims. You will bear the consequences of such an act." The letter threatened that the extradition would unleash "a wave of anger and retaliation throughout the Arab and Islamic world." A leader of another militant group, Islamic Jihad, said the United States would "pay dearly" for detaining or extraditing Abu Marzuq.

The United States must never, under any circumstances, yield to such blatant, mind-boggling terrorist threats. Our foreign policy must be based on principled decisions and respect for the rule of law. Our actions at home and abroad must never be influenced by timidity or trepidation in the face of blatant threats by terrorist thugs. To yield to such treats will only encourage every other international terrorist group to issue an carry out such threats. Our policy must always be to stand up against intimidation.

Mr. Speaker, the detention of Abu Marzuq only serves to highlight the continuing danger of international terrorists. The Oklahoma City bombing a few months ago highlighted the danger we face from domestic terrorists and anti-Government militias, but we must not let that tragedy and the necessity of dealing with terrorism at home obscure the need to deal with international terrorism.

I urge my colleagues to move quickly to bring to the floor of the House the Comprehensive Antiterrorism Act, which has been developed with the cooperation and full support of the Department of Justice. If that legislation had been enacted, dealing with the detention of Abu Marzuq and extraditing him to Israel would probably be an easier task.

Mr. Speaker, there is absolutely no reason for further delay. We have dealt with all kinds of issues in the House of Representatives in recent days, but none have the urgency and immediate importance of taking action to improve the ability of our law enforcement officials to deal with international terrorism. I urge that the Comprehensive Antiterrorism Act be brought to the floor and that we move quickly to improve our ability to deal decisively with the scourge of terrorism, both within our borders and beyond.

TRIBUTE TO BILL MORGAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. KAPTUR. Mr. Speaker, I come to the floor in sadness today to pay tribute to a good friend and a man of exceptional political insight, Bill Morgan of Baton Rouge, LA. Bill died this week at the age of 53.

Bill Morgan served the Congress as majority counsel to the Joint Economic Committee from 1977 to 1980. Subsequently, he worked as a media consultant on numerous campaigns throughout the south and midwest, including some of mine.

I knew Bill as a knowledgeable, intelligent, and wise counselor. A person whose advice could be relied upon. He began his working life as a reporter. He went on to earn a masters degree in political science and a law degree from LSU. And he transformed his varied experience into his own political media consulting firm in 1983. A Vietnam veteran, he always distinguished himself by his love of country, his deep dedication, and his infectious sense of humor.

Bill Morgan will be missed. We thank his family for sharing him with us and wish them Godspeed.

TRIBUTE TO JESSE SANCHEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FARR. Mr. Speaker, the Latino community has lost a great leader.

Jesse Sanchez, who devoted every ounce of his spirit to empowering the Latino community in the city of Salinas, in my congressional district, died on August 2, 1995, of cancer. Mr. Sanchez always spoke first when Latinos in Salinas confronted public racism—and often, he spoke alone. He had the courage and uncompromising conviction to express what many others felt, but, could not say.

Mr. Sanchez fiercely believed that Latinos belong in every room and at every table where public discourse occurs, and, he fought aggressively to dismantle artificial barriers to Latino political participation. His valiant battles inspired many Latinos to assert their God-given talents and to express their political leadership skills. As a result, the city of Salinas, the county seat in what is one of the most powerful agricultural valleys in our country, now boasts a Latino-majority city council working mightily to represent all of Salinas.

And more importantly, the city's schools are now filled with young Latino students who dream of leading their city some day.

Mr. Sanchez' vitae attests to his commitment to the Latino community. The following list contains just some of Mr. Sanchez' achievements:

As a student during the late 1970's and early 1980's, Mr. Sanchez insisted that commencement ceremonies celebrate Latino culture, first at the predominantly Latino Alisal High School in Salinas, where he convinced authorities to hold the first ever bilingual commencement and then at the University of California at Davis Law School, where Mr. Sanchez became the first valedictorian to address celebrants in Spanish as well as English.

Upon finishing his studies, Mr. Sanchez returned to Salinas in 1981 and became the first Latino elected to the Alisal Union School District Board of Trustees, where for 12 years Mr. Sanchez helped transform the school district into California's leading bilingual, bicultural educational institution.

In 1988, Mr. Sanchez led a successful fight to convince the voters of the city of Salinas to adopt single-member voting districts to elect city council members, thus paving the way for the city's first ever elected Latino city councilman.

In 1992, Mr. Sanchez filed a lawsuit and obtained an order pendent lite requiring judicial elections by districts, an order which yielded the first Latino, the first Latina and the first African-American municipal court judges ever in Monterey County, CA.

In closing, let me make one thing clear: Mr. Sanchez' efforts, although focused on empowering Latinos, have benefited the entire Salinas community. The pool of talent which serves Salinas has now been enlarged to include people who previously could not contribute. Those newly enfranchised people now lend their talent and their commitment to the effort to make Salinas a better community.

TRIBUTE IN HONOR OF RABBI ARYEH SCHEINBERG OF CONGREGATION RODFEI SHOLOM IN SAN ANTONIO, TX

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TEJEDA. Mr. Speaker, I take this opportunity to honor an outstanding spiritual leader in San Antonio, TX, a man who has dedicated the past 25 years to teaching, learning and inspiration. Rabbi Aryeh Scheinberg, who this month will be honored by the community for a quarter century of service as rabbi of Congregation Rodfei Sholom, has the rabbinate in his blood: He stands in a line of seven generations of rabbis who could take pride in his accomplishments. I join in saluting Rabbi Scheinberg for his many positive contributions to our community.

Rabbi Scheinberg can be described as a man of intense knowledge, of passion for learning, of deep spirituality. He is that and more. Rabbi Scheinberg takes seriously the biblical admonition to "Love thy neighbor as thyself" in his daily life. He loves people. He recognizes the divine spark in each person

and works to transform that spark into a glowing fire. Over the years, Rabbi Scheinberg and his wife Judy have selflessly opened their house to congregants and visitors alike, offering hospitality, song, study and the warmth of home to all. It is no wonder that he is so well loved.

Rabbi Scheinberg understands the need for community and the special value of the family. With a stubborn vision and hard work, Rabbi Scheinberg has built a vibrant community centered around synagogue and home, but with a window on the world. Rabbi Scheinberg has reached out beyond the walls of his own congregation and connected with the entire Jewish community in San Antonio. He has worked with colleagues of other faiths to increase understanding and build on common ground. He has led missions to Israel, which enjoys a special and unique place in his heart. He has cried with the bereaved, danced with joy on occasions of happiness, and inspired so many to open their minds and souls to ultimate truths. Above all, his personal faith, dedication and warmth have gained him the undeniable respect of clergy and laymen alike.

On August 27, San Antonio will formally honor Rabbi Scheinberg through the dedication of a new Torah, the handwritten Hebrew text of the five books of Moses. This celebration is fitting: just as Rabbi Scheinberg has written the words of tradition on the hearts of his congregants and students, the community will complete the writing of the very words of Torah he upholds.

INTRODUCTION OF A BILL TO REPEAL THE LOCAL RAIL FREIGHT ASSISTANCE PROGRAM

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing legislation to repeal the Local Rail Freight Assistance Program [LRFA]. As my colleagues may be aware, this small Federal program uses taxpayer dollars to subsidize privately owned freight railroads.

LRFA was established in the mid-1970's to ease the disruption resulting from the loss of rail service due to the bankruptcy of the Penn Central Railroad and five smaller carriers. LRFA was originally intended as a temporary 2-year formula grant program to assist 18 States by alleviating the economic dislocation caused by rail abandonments. Nearly two decades and over half a billion dollars later, this temporary program has been expanded to include 49 States and the District of Columbia. LRFA continues to receive funding despite the fact that it has not been included in the last 11 budgets submitted by Presidents Reagan, Bush, or Clinton.

The short line industry no longer needs this Government handout. Today, the short line railroad industry is expanding and profitable overall. Furthermore, short lines already have a \$1 billion government loan guarantee program—section 511—to help finance their capital needs.

Because this program has outlived its usefulness, the Congressional Budget Resolution (H. Con. Res. 67) and the fiscal year 1996 transportation appropriations bill (H.R. 2002)

did not include funding for LRFA. LRFA funding for this fiscal year is \$17 million, down from its peak spending level of \$80 million in 1980. My bill would remove the authorizing language and thereby end funding for the LRFA once and for all.

Some have argued that termination of this program will result in greater truck traffic. I know of no evidence, however, of increased truck traffic in the 29 States that did not receive LRFA funding this fiscal year. Supporters of LRFA also point out that economic disruption could result if the program ended. I remind my colleagues that none of my home State's short lines received any LRFA funding this fiscal year—and the industry miraculously survived.

As a member of the House Railroad Subcommittee, I support making the short line industry more competitive. For example, Congress should fund the section 511 guaranteed loan program and reform the antiquated labor laws that apply to freight railroads. These two measures alone would be a thousand times more beneficial to the short lines than continuing the LRFA.

At a time when Congress is cutting funding for publicly owned mass transit, it is perverse to give a handout to privately owned freight railroads. I urge my colleagues to join me in taking the short line railroad industry off the Federal Government's corporate welfare rolls by cosponsoring this legislation.

THE AMERICAN PROMISE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ENGEL. Mr. Speaker, the United States was founded on an idea—the idea of democracy. In its general sense, this concept embraces the participation of all segments of society in the shaping of our republic.

However, the American democracy is neither simply defined nor easily described. It is expressed in an infinite number of variations. In its most basic form, democracy in our society is nonrepresentational and conducted directly at the local level. I rise, today, to recommend to my colleagues a Public Broadcasting Service [PBS] television series, "The American Promise," celebrating our country's community-based democracy.

Members of Congress arrive in Washington, DC having won elections to introduce, consider, and vote on legislation. While much is accomplished in our National's capital, too often, congressional democracy devolves into the partisan bickering and a competition for political power.

"The American Promise" highlights another aspect of American democracy. In community after community throughout America, in ways large and small, citizens decide every day to become part of the democratic process. They do this by joining organizations, forming community groups, and helping their fellow citizens to shoulder the burdens of society.

When this happens, there are not losers. When a community development bank is opened in a depressed inner-city location or when neighbors add their combined strength to form a local safety watch program, they are exercising their rights as participants in the American democratic experiment.

In my view, there is no better antidote to doubts about our Nation's future than adjusting our sights from the latest iteration of partisan one-upmanship to the grassroots to relieve our concern.

Mr. Speaker, the PBS special, "The American Promise," does exactly this: It reminds us all of the community-based democracy found beyond this Capitol. In doing so, it restores our faith in the idea for democracy, the possibilities for our future, and the promise of America.

I would also like to highlight a particular aspect of the series. One segment features an outstanding example of grassroots democracy in my home, the Bronx, NY. In response to the tragedy of random inner-city violence, mourning families commission graffiti artists to paint walls honoring their murdered children. These memorials to the past not only honor the lives of those who have died, but represent warnings to the living about the need to work together for an end to the carnage.

Finally, I am proud to recognize the Public Broadcasting Service for making possible programming that demonstrates America at its best. In this time of cuts to the public broadcasting budget, I am proud to commend PBS for continuing to offer the finest programming available on the public airwaves.

Once again, Mr. Speaker, I urge my colleagues and viewers across the Nation to tune in to their local PBS station and watch "The American Promise." The series reminds us of what is right about America and what we must do to achieve our country's full potential.

"RECYCLE! KIDS": ENVIRONMENTAL AMBASSADORS FOR SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to congratulate "Meredythe and Recycle! Kids" for their seventh anniversary and to applaud their recent recognition as the official environmental youth ambassadors for the city of San Diego.

Meredythe and the Recycle! Kids was created in 1988 by Meredythe Dee Winter as a unique learning experience for homeless and underserved youth. Hundreds of children have participated in the program.

All children are welcome to participate in special workshops that teach them to become aware of environmental issues and enjoy a caring, artistic atmosphere. Members have contributed their skills in choreography, gymnastics, singing, and dancing.

The Recycle! Kids has achieved international recognition. Meredythe and the Recycle! Kids was the only program chosen to represent San Diego County at the 25th Anniversary National Earth Day Celebration in Washington DC.

They were also selected to participate in the United Nations Environment Programme—Global Youth Forum. In 1994, Recycle! Kids performed at the Plenary Session in front of the White House. More than 1,500 people were in the audience, including many United Nations officials. In 1993, they were honored by the Philippine Delegation at the Plenary Session in Boulder, CO.

The Recycle! Kids program is a model program for others to follow!

THE TRUE MOUNTAIN SPIRIT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ROGERS. Mr. Speaker, I encourage my colleagues to read this outstanding article on welfare and the fine work of the Christian Appalachian Project in my State of Kentucky.

Groups like the Christian Appalachian Project do yeoman's work to help families in need in southern and eastern Kentucky.

They truly live by their motto, "Helping people help themselves."

I hope my friends will take the time to read this article. Not only is it a shining example of the hard work and dedication of our communities and volunteers, it provides hope for our future.

[From the Mountain Spirit, May-June 1995]

WELFARE: INVESTING IN PEOPLE

(By Margaret Gabriel)

Apparently, when Jesus told his disciples they would always have poor people in their midst, he didn't necessarily mean the same people. Recent statistics from the U.S. Census told Kentuckians that the number of people living in poverty increased between 1989 to 1993, from 16.2 to 20.4 percent. There's evidence, though, that people who participate in welfare programs are not in a stagnant pool but a revolving door.

The May 1994 editorial in St. Anthony Messenger cites statistics from the Children's Defense Fund, saying: "... half of welfare recipients are off welfare within two years. Some occasionally return to welfare depending upon job situation, but the overwhelming majority do not live a welfare 'way of life'; they use the program to get by between jobs."

Christian Appalachian Project outreach caseworker Wanda Penman is a good illustration of exactly that use of federal entitlement programs.

In 1987, Wanda, a graduate of Kentucky State University, was a single mother of one child. She and Tonceia lived in the home where Wanda had grown up and received Aid to Families with Dependent Children and food stamps. She had been working in a manufacturing job, but was forced to quit due to child care conflicts. "It was good money; I didn't have to beg to get the bills paid. When I started on welfare, I was drawing \$162 a month, plus about \$115 in food stamps. I'd had a taste of what it was like not to have to struggle with the bills, and I wanted it back, if only for a little while."

Wanda had the chance to stop that struggle for a little while, when she was offered six weeks of work at CAPRICE, CAP's training program for adults with disabilities. She took the job, even though doing so meant giving up her welfare benefits, including government-paid medical insurance for Tonceia and herself. "I'm not a person to remain idle for days on end. The life of leisure suits me for about a week. It drives me crazy to be sitting around not working," Wanda said. "I really had to think about giving up that medical card, but it was worth it."

The six-week job with CAP became a six-month job, then part-time and finally a full-time position. However, she had no insurance or Medicaid while she was pregnant with her second child, and therefore had to pay for her pre-natal care. "It took me six years to

pay off those bills. It's no wonder that people are afraid to risk losing that card. It's sad to say."

Until the fall of 1994 Connie Wagers managed CAP's Family Life Abuse Center, when she temporarily retired to take a position as a stay-at-home mom with her children, Lauren and Jonathan.

Connie's experience with welfare dates to here childhood in Knott County, when her mother was widowed with seven children at home and the eighth in college. Her daddy had been disabled in a mining accident, then died suddenly. "Mom had not worked outside the home and had very little education, so she had no choice but to go on welfare; there was no other way to feed her children.

It would have been far easier for her to continue in the system, getting welfare, food stamps and the medical card, but she firmly believed that any person who was able to work should work. It's okay to take help to get back on your feet, but not long term. She worked at whatever she could find, cleaning houses and working in the school lunch room one day a week to pay for our lunches. I washed dishes during recess, too."

Connie calls her mother her "greatest hero," and says that from her she learned the value of hard work and the importance of depending on herself. "Mom always encouraged all of us to get our education; she saw education as the key. At that time in that area, girls were not encouraged to go to college, especially if you weren't from a well-do-do-family. It was just assumed that you'd get married.

Connie says she ran in the other direction as soon as any boy broached the subject of marriage, and with the help of grants and loans—and the encouragement of her mother—she worked her way through Sue Bennett College in London and Eastern Kentucky University, earning a degree in social work.

She eventually married Jerry Wagers, who traveled with an oil company. When they decided to settle in Kentucky, a promised job fell through, and they had to sign up for food stamps for a couple of months, "until he could get another job," Connie said.

"It wasn't terribly dramatic, but I felt totally humiliated, going to the grocery store and having to buy groceries with food stamps. I had a college education and there I was with food stamps. No one ever said anything to me, but I've heard people make comments about people using food stamps. If you happen to be one of the lucky ones who's not having to use food stamps, you'll hear it. And you see the looks on faces."

Connie said that people who have been on welfare for extended periods of time feel the sting of public perception, too. "I've hear the ladies in the shelter talking about it. They would feel humiliated, like people were looking down on them."

As college graduates, Wanda and Connie have the skills needed to find jobs in an area of high unemployment. Such was not the case for Pete Laney. With the help of CAP's Community Health Advocates in Magoffin County, Pete recently attained certification as an emergency medical technician. In studying for the certificate, Pete was trained to transport people in Magoffin and surrounding counties to doctors' office and hospitals throughout the region. His wife, Wanda, is studying to complete the training, attain certification, and get a similar job. CAP met Pete and Wanda when Wanda studied to obtain her high school certification through a CAP adult education program.

A native of Magoffin County and a high school graduate, Pete supported his family in the past with seasonal farming jobs; Wanda receives an AFDC payment for a child from a previous marriage.

"What we were taking in just didn't cover it," Pete said. "We paid \$80 in rent, a \$70

electric bill, and in the winter we were out two or three hundred a month for coal. It ain't easy. People say they've got it made on welfare; I don't see how. There are people out there who would work, but you go down to the unemployment office and they'll have a list of jobs that long, but you have to have five years of experience. Now, how are you going to get a job if nobody will let you get any experience?"

Pete, too, brings up the issue of how risky it is to leave the welfare rolls for a low-paying job that does not include medical benefits. His work as an emergency medical technician pays him by the run, and when he's busy, the money's okay, he said. "That's the good side, but the medical card is gone, and I can't afford the medical bills if we were to have to go to the doctor."

When she was very young Rose Mary Bailey dropped out of school to get married. It was not a difficult decision for Rose; she said she hated school. "In the second grade they put me in special ed. I don't know why; I had straight A's in the first grade. They held me back in the first because I had missed some, so they told me I had to repeat. From that time on, I said I didn't like school. My grades decreased, my self-esteem decreased. I said what's the use of worrying about it, so I didn't."

Despite her lack of education, Rose had an ambition not often seen in dropouts, and she began working in the many fast food restaurants in her native Salyersville.

"Working in fast food is a way to get off welfare," Rose said. Rose has no children, so she was not eligible for AFDC. Her husband, too, worked a low-paying job so they were eligible for food stamps. "It wasn't enough income to live on, and I knew that if I was going to get out of this I had to get a better job. And I knew that if I was going to get anywhere I had to get an education. My friend told me there was a position at the bank and that it required a GED. That's one reason why I started working on it."

Rose began studying for her GED, through a program she saw on Kentucky Educational Television, a public broadcasting station. She worked on her own for about six months, then finished her studies through CAP's adult education program. In the fall of 1994, Rose applied for and got a job at a bank in Salyersville. "And I love it. I'm a phone operator, and I balance checkbooks, and I'm taking college level accounting courses at the bank."

Rose, a special education dropout and former food stamp recipient, has set an ambitious goal for herself. "I'm planning on going back to school. Right now, my goal at the bank is to become a loan officer, vice-president, and move on up. I'm working hard and studying to learn all I can right now. I try to pick up any information I can. I'm terrible for asking questions!"

Rose, Wanda and Connie have more than just experience working themselves off welfare in common. All spoke glowingly of the influence of their mothers, emphasizing the importance of family in shaping the values of young people.

Wanda said she felt awful about herself while she was on welfare. "But, Wanda has always been hard on Wanda. I have a college degree, and being an educated woman, it was hard for me to accept the fact that I was trying to survive on a welfare check.

"I wasn't raised in a family that lived on public assistance. My mother and father had 13 children, and I don't remember food stamps ever being in our home. What I can remember is big huge gardens that we all worked, and I can remember the variety of jobs my dad worked. When I grew up, we lived mostly off wild game and that garden. My mom took in laundry at home after

working all day at the hospital or the school. We've always been a working class family. The thought of drawing welfare didn't set well with me."

Connie learned from her mother that "It's okay to take help when you absolutely have to have it, to help you get back on your feet. But she taught me that any honest work is noble, regardless of how little it pays. We have a responsibility to help ourselves."

Rose credits her mother for encouraging her to dream dreams and achieve her goals. "She's always told me I was smart and could do anything I wanted. That helped out a lot. When I was sitting at home doing nothing she told me I could do better. If not for her I don't think I would have tried. I didn't want to let her down."

Other boosts in Rose's self-esteem came from Holly Rivers, the CAP volunteer who tutored Rose, and from other CAP workers she met. "An organization like CAP has to be made up of people who care for people who want help. I came in here and expected, like anywhere else, to find snooty people who looked down on me. I always felt everyone was looking down on me, but everyone here treated me as an equal. They were friendly, and told me I could do it. After a while I saw that I could and knew I was as good as anyone else."

Wanda, Rose, Pete and Connie agree that the welfare system needs reform, but they all expressed concern about the elimination of benefits with the start of any work rather than withdrawing them slowly.

"Supplementation is a real key to welfare reform," Connie said. "You have to encourage people to at least try. If they're working a minimum wage job—obviously not enough to support a family—at least let them keep the medical card, something that encourages them to build up some self-esteem and some pride and not be so humiliated that they're taking handouts."

Connie said that capping welfare benefits is especially unrealistic in the rural area because of the lack of jobs. "If the jobs are not there to make a living wage, what choice do you have? We've had years and years of things the way they are that discourage people from trying. It's hard for a caring parent to give up a medical card and food for the children to go out and work minimum wage." A combination of jobs, education and better pay is crucial to meaningful reform, she said.

"I worry about people, but I know there are some people on welfare that are there just to be on welfare," Rose said. "I believe if they can work, they ought to. But it bothers me to think of people that are unable to get a job. I've got a brother on welfare that's not able to work. What's he going to do? Some people are not able to work and are on welfare to get by until they can do better; it's not right not to help them."

Wanda believes that the methods of welfare reform she's heard through the news media are unrealistic. "You're not going to be able to please everybody, and whatever you do, somebody's going to suffer. My overall view is that people should be able to use welfare as long as they need to, but let it be because you need to. Like the mother with the three kids, who knows that to go out and get a job at minimum wage is not going to do it. Fine, use the system as long as you need to, but after that let's look to doing better."

HONORING DOLORES A. KUREK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to honor the life and memory of an educator, a mother, a wife, a devoted citizen, a woman ahead of her time, and a friend. Mrs. Dolores A. [Bodnar] Kurek. Dolores Kurek was a woman of great dedication in my community and throughout the Nation. On June 2, 1995, she passed away, much too young, at the age of 59 after a long courageous struggle with cancer. Her presence will be greatly missed by the thousands of lives she touched, and continues to touch.

Dolores Kurek was an exemplary leader in the field of science. She was the recipient of numerous awards including the engineering and math award in 1987, the exemplary women in science award, the teacher of the year award in 1991, and the Sears grant for science and engineering in 1993. However, for everyone who knew her, Dolores' greatest award was not one she received, but one she gave. Her illustrious teaching career spanned over 20 years of care, commitment, and devotion to spreading her personal love for science. Her commitment to advancing women in the sciences was unmatched. She personally organized Women in the Sciences Career Day for thousands of young women in high school throughout our region.

Even to the day of her passing, her personal quest for knowledge never faltered. Dolores Kurek was working on another Ph.D, this time in physics. She was continually learning for, and from, those around her. If the quote, "Read not to contradict and confute nor believe and take for granted, but to weigh and consider" ever had any one in mind, it might just have as well been for Dolores Kurek. She was a life-long learner.

She was a devoted wife of 38 years, a loving mother of six children, nine grandchildren, and a career educator at the high school and college level. The loss of Dolores Kurek is deeply felt throughout our community. It has been a personal gift and honor to have learned from her. I and all who knew her feel great privilege to have shared in her life and we express our gratitude for her life of dedication, commitment, and love. She will be missed.

DOES THE RIGHT HAND KNOW
WHAT THE FAR RIGHT HAND IS
DOING?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I have been puzzled recently by Speaker GINGRICH's actions in certain regards. In particular, he seems to me to have been engaged in flirtations with some of the more extreme, unreasonable conspiracy theories that rattle around the right wing these days—for example, his support of the manner in which the Waco hearings were conducted and his refusal to accept the conclusion of several inde-

pendent investigators that Vince Foster was a suicide. We also have the erratic way in which the House is being run these days, with important legislation being considered in the middle of the night, with debate and votes separated, and with the general sense of discombobulation.

A recent column by Robert Novak in the Washington Post suggests some of the reasons—the Speaker, having benefited greatly from the energies of the very conservative elements that helped him take control of the Republican Party now is bothered by their insistence on his paying attention to their agenda. Since Mr. Novak has long been one of the in-house historians for the right wing in America, his discussion of the Speaker's rage at those on the right, and his frustration over his inability completely to control them explains a great deal. Because I think it is useful for people to be able to understand some of the puzzling things that have been happening in the House recently, which are otherwise inexplicable, I think it very useful that Mr. Novak's article be reprinted here.

ANGER AT THE DINNER TABLE

(By Roger D. Novak)

After spending three hours behind closed doors with the House Ethics Committee answering nuisance allegations by the Democratic leadership, Newt Gingrich last Thursday night erupted in anger at the dinner table—against his friends, not his enemies.

The speaker of the House was the guest at a dinner hosted by R. Emmett Tyrrell, editor of the American Spectator, and attended mainly by conservative journalists. The immediate cause for Gingrich's ire was my column that day suggesting that he and other Republicans were flinching on affirmative action. But his complaints were much broader.

For the first time in the 104th Congress, the speaker seemed at bay. His ill humor, his own aides said, was in no small part the product of fatigue. But beyond that, Gingrich is vexed with conservatives, inside and outside the House, who are crossing him on the highly charged issues of race and abortion. A major political leader is in grave danger when he assails his base.

Gingrich's aides, who had never seen him as out of control for so sustained a period as he was last Thursday night, attribute it to an unbelievably heavy work load. Republican colleagues in the House, at the point of exhaustion trying to enact their revolutionary program, wonder how their leader fulfills that schedule while also running a shadow campaign for president and promoting his best-selling book.

Fatigue can be cured by a little rest. Gingrich's bigger problem lies with the ideological heart of his party. His long-time supporter and sometime critic, conservative activist Paul Weyrich, worries that Gingrich is following the bad example of the Reagan White House in setting parameters of permissible conservatism.

In effect, the speaker is saying: Nobody can be to the right of me and be respectable. From the speaker's office come complaints that conservative congressmen want him to force passage of proposals that do not command a majority in the House.

At the American Spectator dinner, historian Gingrich compared the course of Republicans in Congress today to the way U.S. forces temporarily bogged down in France in 1944 after the Normandy landing. Democratic defenders of big government, he said, are fighting for their lives. This is a struggle of seven-day weeks and 16-hour days. But unlike his hero, Gen. Dwight D. Eisenhower,

Gingrich feels he is facing fire from his own troops.

His voice rising, the speaker pointed to journalists at the table and said they were acting like, well, like journalists. He was "infuriated," he said, by my column on affirmative action and asserted that I was wrong in saying his book, "To Renew America," does not mention the subject. (He cited a two-page chapter on "Individual Versus Group Rights" that never mentions affirmative action or quotas or proposes a specific solution.)

Gingrich went on to repeat what Jack Kemp said: that Republicans will rue a race-based campaign for president in 1996. He angrily lamented that black Republicans feel they are losing a golden opportunity to bring African Americans into the party. He described fears of such blacks as his Georgia congressional colleague and fighter for civil rights in the '60s, Rep. John Lewis, and warned against instilling apprehension about "resegregation."

Warming to his subject, Gingrich complained about conservatives bringing the party to ruin by opposing a rape-and-incest exception to federally financed abortions (another subject he avoids confronting directly in his book). He did not say so, but word has spread that he will cast a rare vote (the speaker usually does not vote) on the rape-and-incest exception.

In less than eight months, Gingrich has established himself potentially as one of the most powerful and effective speakers in the nation's history. He is unquestionably the most visionary and charismatic figure in the Republican Party. But the strain of "renewing America" is showing.

He seems more tolerant of the 25 or so House Republican moderates who oppose key elements of the party program than of some 200 conservatives who feel deeply about reverse discrimination and abortion on demand. That is not how the Republican majority was built, and it is not how it can be maintained.

HONORING DR. LONNIE BRISTOW
ON HIS ASCENSION TO PRESIDENT
OF THE AMERICAN MEDICAL
ASSOCIATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Dr. Lonnie Bristow, a concerned physician, a constituent from San Pablo, CA., and a man with a heavy responsibility as we close out this century. Dr. Bristow was recently elected president of the American Medical Association. Dr. Bristow is also the first black president of the powerful medical organization.

I have worked with Dr. Bristow over the years as we have tried to find a solution to the many health insurance problems facing our country. Dr. Bristow and the AMA will be at the center of this critical and ongoing debate.

I wish Dr. Bristow many successes in his new position and I look forward to continuing to work together. I believe the article attached here from the Los Angeles Times captures the commitment Dr. Bristow has to his new position as president of the AMA and to pursuing health care policies that will benefit the entire Nation.

Attached, article from the Los Angeles Times, Tuesday, July 18, 1995 "He Might Have the Cure for Medicine's Ills".

HE MIGHT HAVE THE CURE FOR MEDICINE'S
ILLS

(By Bettijane Levine)

It is oddly reassuring to spend time with Dr. Lonnie Bristow, small-town doctor and newly elected president of the American Medical Assn.—the first black president in the AMA's 148-year history.

During those moments, you bathe in the aura of a kindly, assertive man who believes that the current crisis in American medicine is not a fatal condition, and that in his new capacity he can help to make it better.

If Bristow can be believed—and he admits it might require a leap of faith for some familiar with AMA history—the way to start curing medicine's ills is for doctors to rejoin the organization that a majority of them have abandoned in recent years. Only 40% of U.S. doctors now belong to the AMA, down from 70% two decades ago.

We are in an era when doctors are losing control of the care of their patients. Bristow says; when patients sense that the quality of care is diminishing; when some of the country's great medical institutions are endangered because of lack of funds and drastic cutbacks.

"We now have health care being controlled by MBAs rather than by physicians committed to the Hippocratic oath," Bristow says, referring to the corporations from which most Americans receive health insurance. "And once health care becomes corporatized, as it has, and once it goes on the open stock market, then its major commitment is to Wall Street and the stockholders to maximize profits, rather than to give the best possible patient care. Business principles are introduced that unfortunately put patient care second to corporate profits."

It is an uncharacteristically direct outburst for Bristow, 65, who has worked his way up through the ranks of the AMA, who appears to be the consummate organization man, and who speaks sincerely but cautiously during an interview.

His discretion has apparently been honed to a fine point during 30 years of participation in the AMA, considered by many to have been a racist organization.

For much of the AMA's history, black doctors were not allowed to join. Unit 1968, the organization permitted state and local branches to deny membership to black doctors simply because they were black.

The AMA also backed South Africa's medical society in international medical meetings, although the group supported apartheid until 1989.

Bristow, who has practiced internal medicine for 30 years in San Pablo, Calif., speaks in a soft voice unmarked by anger or agitation.

He acknowledges that when he joined the organization in 1958, after finishing his internship at San Francisco City and County Hospital, "There were parts of the country where black Americans could not join." But in San Francisco, he says, "there was nothing to it."

His philosophy regarding many tough issues, including racism, he says, "is that if you want to change something, you do it from the inside. You don't stand outside and complain about it."

He applies that reasoning to doctors who have broken away from what Bristow calls "the mother group," preferring to belong only to associations related to their own medical specialties. Cardiologists, radiologists, urologists and others have begun to think of themselves as specialists above all else, Bristow says.

Many have splintered into even smaller subgroups, he says, preferring to associate with those who are like them in the sense

that they support or oppose abortion rights, are Republican or Democratic, are fee-for-service or salaried.

Bristow's goal as president will be to "make all these doctors understand that we have much more to unify us than to divide us. What we have in common is much more meaningful than that which might pull us apart."

If the defecting doctors can be persuaded to "come back under the umbrella of the AMA," he believes, "we will have more leverage and a better chance to get the kind of medical care for our patients that most of us want."

"The entire profession of medicine, and the doctor-patient relationship we all respect and love, has sailed into harm's way," he says. "We have to pull together the way any family would in a time of trouble," to get medicine back on the right track.

Bristow, a tall, imposing figure in a charcoal gray suit, stops to ponder for a moment.

"It's hard for me to explain just how exhilarating and personally satisfying it is to make an impact on another human being's life in a positive way. Doctors share that, above all else. It is the reason we became doctors in the first place."

"That ability to make an impact, to help improve patients' lives" is being eroded by corporatized health care that is not run by doctors but by business people and that dictates what treatment, and how much treatment, doctors can prescribe, Bristow says. "It intimidates doctors into acquiescing," he says.

"That is a major reason for doctors to band together, no matter what their specialties or political beliefs."

"I don't expect all doctors to agree on everything. But on certain key issues, such as the sanctity of the doctor-patient relationship, the importance of freedom to choose which doctor to see, the importance of physicians being able to practice medicine the way they think is appropriate—those are issues which all doctors should be able to rally around."

He says that AMA will support a Patient Protection Act in Congress at the end of summer. It would guarantee, he says, full disclosure about all insurance programs, so potential subscribers will know the program's track record, whether previous users have been satisfied, and how much of the premium they pay actually is spent on patient care as opposed to dividends to stockholders and salaries for corporate managers.

The act would also mandate that physicians who contract with an insurance program may "not be fired without case and without due process." Physicians are being threatened by insurance companies who vow to fire them from the group if they do not practice medicine the way the insurance company directs them to, Bristow says.

The AMA, he says, is working to get universal health-care coverage, to make health care portable, and to make it available to people with pre-existing conditions.

Bristow was born in Harlem to a Baptist minister father and a mother who was a nurse at nearby Sydenham hospital.

His interest in medicine began, he says, when as a boy he would go to the hospital emergency room to pick up his mother and accompany her on the walk home. There were medical workers of all races pulling together there, he recalls, and they were saving people's lives.

Bristow received his bachelor's degree from City College in New York in 1953, and his medical degree from the New York University College of Medicine in 1957.

He went to Northern California for his internship and residency, and has specialized in occupational health there since.

He began cutting back on his practice a few years ago, he says as he became more involved in organizational work and travels on behalf of the AMA.

"As a physician, I was helping one person at a time. I became evident that if I really wanted to improve medical care for my patients, for my community, perhaps even for the whole country, I would have to have some sort of advantage, some greater power than I had as one lone doctor. That's what organized medicine provides."

He became the AMA's first black member of the Board of Trustees in 1985, and the first black chairman of the board in 1993. He spent about half of last year on AMA business, for which he reportedly received \$278,000 in compensation.

Bristow and his wife, Marilyn (a former nurse who has been his office manager for 30 years), were in Los Angeles recently to help their son, Robert, settle into a Westwood apartment. He is an obstetrician/gynecologist starting a fellowship at UCLA in gynecologic oncology.

Their daughter, Lisa, runs a day-care center in Northern California.

Bristow says he hopes to "get away from the stereotypes" once associated with the group over which he now presides. He would like the nation's doctors as well as the general public to come to think of it as "our AMA," meaning that it's a group that has the public's health as its major concern, and that it "takes good care of America."

WORKING FOR EDUCATION: IMPACT AID, VOCATIONAL EDUCATION, AND PROFESSIONAL DEVELOPMENT IN THE FY96 LABOR-HHS-EDUCATION BILL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. CUNNINGHAM. Mr. Speaker, throughout the day yesterday, during House consideration of H.R. 2127, the fiscal year 1996 Labor-HHS-Education Appropriations bill, several Members and I worked together to transfer resources from lower priority spending to education. As chairman of the House Subcommittee on Early Childhood, Youth and Families, as a former teacher and coach, and most importantly as the father of three, I believe we must continue to invest in education and in our Nation's future. Federal authority over local education should and will be transferred appropriately to the States.

After several weeks of work, and with the cooperation of a great number of Members from both sides of the aisle, we successfully increased vocational education funding by \$100 million and Chapter 2—Eisenhower Professional Development by \$50 million, insured that Impact Aid funds could be provided to schools serving children of military families, and agreed to work through the authorization process so that \$35 million provided in the House version of fiscal year 1996 National Security Appropriations could be used for Impact Aid Basic Grants.

First, the House approved by voice vote a Cunningham amendment to H.R. 2127. As reported by the Appropriations Committee, H.R. 2127 prohibited Impact Aid funds to schools based on children of military parents who do not reside on base. It also prohibited Impact Aid funds to schools based upon the number

of such children with disabilities. These children used to be known as "military B's," before the Impact Aid reforms enacted in the 103d Congress. The Cunningham amendment simply struck that legislative language. It insures that Impact Aid funding can be provided to schools based upon the number of children of military parents who reside off base, and the number of such children with disabilities.

Second, the House approved by voice vote a Johnson of Texas-Cunningham-Riggs amendment to H.R. 2127. This amendment cut appropriations for the Agency for Health Care Policy Research [AHCPH] by half, generating savings of \$60 million. Owing to the peculiarities of the congressional appropriations process, we successfully parleyed that savings into significant funding for education: \$50 million for the Chapter 2—Eisenhower Professional Development program, and \$100 million for Carl Perkins Vocational Education Basic State Grants. The funds for Chapter 2 contribute to an Education Reform Block Grant under development in my Youth Subcommittee. And the Vocational Education resources boost funding for the Youth Training portion of the CAREERS Act, a major reform, consolidation, simplification and decentralization of Federal job training programs. The CAREERS Act has been reported out of the House Opportunities Committee and awaits House consideration.

As a bonus, the Johnson-Cunningham-Riggs amendment prohibited AHCPH from continuing to receive \$8 million annually from Medicare, effectively making that money available to provide health care services for our "chronologically gifted" citizens.

Third, an agreement has been made such that \$35 million in Impact Aid funds provided in the House version of National Security Appropriations legislation for fiscal year 1996 will be disbursed in a manner agreeable to the National Security Committee authorizers. As Youth Subcommittee chairman and as a member of the National Security Committee and a likely conferee for the fiscal year 1996 National Security Authorization bill, I will work with Members to direct that \$35 million to Impact Aid Basic State Grants. I should note further that H.R. 2127, the fiscal year 1996 Labor-HHS-Education Appropriations bill, provided \$50 million in Impact Aid for "heavily impacted" districts, an increase of \$10 million over fiscal year 1995.

Last, a colloquy was conducted among several Members and the leadership, in which there was agreement that gross Impact Aid funding for fiscal year 1996 would be at least 96 percent, and perhaps as much as 98 percent, of the amount provided in fiscal year 1995.

Upon this agreement, if the Impact Aid "hold harmless" funding is not allowed, and if we successfully hold this plan together through the Senate and the conferences on these various bills, public schools are likely to receive in fiscal year 1996 about 100 percent of their funding for what used to be called "A" and "military B" students.

I assure my colleagues that we will not rest on this issue. I know many Members are in this for the long haul. Thus, I wish to thank the many Members who worked together closely to make it possible to direct savings from lower-priority spending to education, specifically: Mr. GOODLING, Mr. LIVINGSTON, Mr. PORTER, Mr. RIGGS, Mr. JOHNSON of Texas, Mr. METCALF, Mr. WATTS, Mr. EDWARDS, Ms. MINK,

Mr. CLAY, Mr. CHRISTENSEN, Mr. ARMEY, Speaker GINGRICH, plus several additional Members whose contributions and support are appreciated, and numerous staff.

TRIBUTE TO NATIONAL GUARDSMAN LTC (P) RICHARD J. MC CALLUM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SKELTON. Mr. Speaker, today I wish to recognize a great Missourian as well as a great American.

LTC Richard J. McCallum is a recent graduate from the class of 1995 at the U.S. Army War College. He is a member of the Missouri National Guard and just completed a leave of absence from the University of Missouri-Columbia. He received his OCS commission in 1973 as an Infantry Officer and he has completed more than 24 years of military duty which includes both active duty assignments and National Guard membership within the Missouri and Nebraska Army National Guard.

As a captain, he served for 2 years as the Commander of a Mechanized Infantry Company in the Nebraska Army National Guard from 1978 to 1980. Subsequently, in 1980, he transferred into the Missouri Army National Guard where he has continued to serve to the present date. He was promoted to the rank of lieutenant colonel in 1990 while serving as the deputy chief of staff, MoARNG. His most recent National Guard assignment was the Deputy Commander for Plans, Operations and Intelligence, Troop Command Headquarters, Kansas City, MO. Prior to that, he completed 3 years of command with the 35th R.A.O.C., Rear Area Operations Center, and the newly organized 135th R.T.O.C., Rear Tactical Operations Center. During these 3 years years of command as a lieutenant colonel, he served 8 months of active duty in the northern desert of Saudi Arabia while his unit was mobilized in support of Operation Desert Shield/Desert Storm.

LTC McCallum had the distinction of being the senior commander from the Missouri National Guard who was mobilized for the gulf war. Upon his return, he was decorated with five individual awards including the Bronze Star for his performance as a commander. Additionally, his unit was the only Missouri Guard unit that earned the Meritorious Unit Commendation Award while serving on active duty in Saudi Arabia.

He has a MA and a PhD from the University of Nebraska-Lincoln in the field of adult and continuing education. The past 18 years, he has worked in various administrative and teaching assignments at the University of Missouri-Columbia.

Last fall he was selected to represent the War College as the only student from the Class of 1995 who was given the opportunity to conduct a Senior Officer Oral History Interview [SOOHI]. This year's SOOHI was conducted with General, U.S. Army, retired, Frederick M. Franks, Jr. The SOOHI Program is the Army's organized effort to select a retired four-star officer each year and develop a series of taped interviews which are transcribed and deposited at the Military History Institute and the Center.

PERSONAL EXPLANATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MINGE. Mr. Speaker, on Tuesday, August 1, the Secretary of Agriculture visited the Second Congressional district, which I represent. I felt obligated to accompany the Secretary because I had urged him to come to my district and because the success of agriculture is critical to the economy of Minnesota. Unfortunately, this caused me to miss Tuesday's vote on the floor of the House of Representatives regarding lifting the arms embargo in Bosnia.

Secretary Glickman's visit to Minnesota was worthwhile. He had the opportunity to attend Farmfest 95, one of the premier agricultural trade shows in the upper Midwest. Farmers appreciated the opportunity to offer him their views on federal farm policy and the Secretary appreciated the opportunity to better understand farming in Minnesota. En route to FarmFest, Secretary Glickman toured Heartland Corn Products Cooperative at Winthrop. Earlier, he had visited Phoenix Composites in St. Peter, which turns soybeans into a marble-like board. I appreciated the opportunity to educate the Secretary on Minnesota's emerging ethanol industry, the processing of soybeans for new uses and Minnesota's strong cooperative movement. Value-added production holds great promise for increasing income in rural areas. I do not take missing a vote lightly, but I felt it was important to fulfill my commitment to farmers and rural residents by hosting the Secretary of Agriculture on his tour of Minnesota's Second District.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. WILLIAM P. LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. LUTHER. Mr. Chairman, I believe that deficit reduction is critical to our Nation's future. I have supported the balanced budget amendment, the line-item veto, the rescissions bill, and dozens of amendments to appropriations bills to cut spending. And I will continue to support across-the-board cuts in unnecessary spending because that is what is needed to restore our country's financial health.

I am however, particularly troubled by the priorities established in the pending Labor/HHS/Education and Related Agencies appropriations bill. This bill severely cuts invest-

ments in human capital which, in my view, will likely create long-term problems of a more severe and complex nature than the challenges we face today.

An example of this is the complete elimination of funding for Summer Youth Jobs. The Summer Youth Jobs initiative encourages at-risk young people to choose and value work over dependency. Summer Youth Jobs keep kids off the streets and out of trouble. In fact, do you know who are among the strongest supporters of Summer Youth Jobs? Well its local law enforcement, the people who we rely on to be on the front line in dealing with kids, drugs, gangs, and crime. By eliminating Summer Youth Jobs, this bill eliminates what law enforcement knows is the best approach to crime prevention in this country.

In my district, over 1,200 young people are taking advantage of this work opportunity. It is often their first opportunity to participate in the workforce. For many, it is their first exposure to a positive adult role model. How tragic that we in Congress would even consider eliminating a successful initiative like this when the net effect will predictably be more crime. How tragic that Congress would not value the work ethic and self-reliance—principles we all, Democrats and Republicans share.

There are many other misplaced priorities in this bill which require a vote against final passage. Cuts in Head Start, cuts in initiatives to keep our schools safe and free from crime and drugs, and cuts in post-secondary grant and loan programs which give millions of Americans the opportunity to go to college.

Mr. Chairman, my concern is not with taking the difficult steps to balance the budget. I have shown my willingness to make spending cuts across the board. My concern is with our priorities. I cannot believe that in this Congress, we would be proposing the cuts proposed in this bill when we continue to spend billions of dollars on senseless programs that are outdated or that the experts say are not needed. We can't afford this mistake if we are to be competitive as a nation in the next century. Our children and our Nation deserve better.

I strongly urge a no vote on this legislation.

CONGRATULATIONS TO TRW PLANT EMPLOYEES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize the tremendous accomplishments of a group of Tennesseans that placed them among the best 25 manufacturing plants in the country.

I am referring to the employees of TRW's Vehicle Safety Systems, Inc. plant in Cookeville, TN that recently found themselves at the top in Industry Week's sixth annual search for America's best plants. The 1995 finalists were chosen from over 150 nominations and 67 entries.

Cookeville's TRW plant was thrust into the winner's circle for their increased productivity and decreased manufacturing costs. Specifically, the plant reduced those costs over the

last 5 years by 77 percent while increasing plant productivity by 60.1 percent.

The inflatable restraint systems division of the TRW plant in Cookeville began its operations in 1991. Since that time, employment has risen dramatically and the plant now employs close to 800 workers.

Each day those workers are hard at work producing passenger airbag modules and inflators for Asian, European, and American companies such as Ford, General Motors, Chrysler, Nissan, Mitsubishi, Honda, KIA, Mazda, BMW, and Volkswagen. The plant produces an average of 70,000 passenger side air modules each week.

Mr. Speaker, please join with me and Tennesseans all across the State in thanking these employees for their commitment to product quality and their true interest in customer safety.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. SMITH of Michigan. Mr. Chairman, I will vote in opposition to the Solomon amendment. I wish to make clear that I do not support compulsory student fees for campus political groups whose views the student may not support. Rather, students should only be given an option to donate to a student group of their choosing if they wish through a positive check-off system, which would allow students to choose which groups, if any, received their money. Perhaps, if I were a university trustee and the amendment were a resolution before me I would vote for it. But I am not. I am a Federal legislator. As a Republican in the Federalist tradition, I stand opposed to national control of local and State matters.

Recently, we saw the Clinton administration try to coerce the University of California using the Federal spending power when it voted to end affirmative action. We should not similarly coerce colleges and universities to do what we Republicans wish. I did not come to Washington to replace one set of Federal rules, regulations and mandates with another.

Although the Solomon amendment represents a good idea, that students should not be forced to pay for political activities with which they do not agree, it is not enough. A good idea, when forced on States and local entities by Federal mandate, is no longer a good idea. For this reason, I oppose this amendment.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. McINTOSH. Mr. Chairman, the Disabled American Veterans [DAV] has sent a letter to every member of the House expressing their concerns with the language contained in title VI of H.R. 2127, the "Taxpayer Funded Political Advocacy" legislation, and its adverse impact upon their ability to provide veterans with the necessary services to present the veteran's claim for benefits to the Department of Veterans Affairs [VA]. It is their concern that this bill would preclude their giving claims assistance to veterans because the DAV benefits from free Government office space and other VA services. They are also concerned that this bill would adversely impact upon their ability to act as veterans' advocates in Congress because they receive this assistance.

It was never the intention of this legislation to interfere, in any manner, with the services provided by veterans' service organizations [VSOs] to veterans either in pursuit of VA benefits or as veterans' advocates. It was not our intention to include the assistance VSOs received from the VA to assist them in providing necessary services to veterans and their families within the definition of "grant," including the reference to the term "other thing of value."

The services provided by VSOs under the provision of Title 38, United States Code, to America's veterans lessens the burden on VA to provide the assistance to veterans and are performed in partnership with a grateful nation.

In order to ensure that these services continue unencumbered by the provisions of this bill, it is my intention to have the language of this bill modified in conference to clarify that these provisions do not interfere with the services provided to veterans by veterans' service organizations.

We have talked with the Disabled American Veterans representatives here in Washington and in Indiana about this issue and they have indicated that DAV does not oppose the legislation. I have a letter signed by DAV's National Commander, Thomas McMasters, to that effect and ask that it be made part of the record of this hearing.

I would also like to clarify a concern raised by some members about the scope of the exclusion for loans. Loans made by the Government are expressly excluded from the definition of "grant" in title VI. Despite this exclusive, some members of Congress have expressed concern about whether this exclusion covers those who service or administer such loans. In sponsoring this title, I intended this exclusion for loans to include compensation paid to those who provide services related to

the making and administering of loans. I hope that this clarifies any confusion, and resolves those concerns.

DISABLED AMERICAN VETERANS,

Washington, DC, August 2, 1995.

Congressman DAVID N. McINTOSH,
*Chairman, Subcommittee on Economic Growth,
Natural Resources, and Regulatory Affairs,
House of Representatives, Washington, DC.*

DEAR CONGRESSMAN McINTOSH: My staff has informed me of your assurance that attempts will be made either by floor amendment or in conference to clarify the language in the "Taxpayer Funded Political Advocacy" legislation so that the DAV and other veterans service organizations would not be considered a "grantee" based on the use of Department of Veterans' Affairs facilities and equipment. This action is necessary to ensure that this legislation does not, in any manner, interfere with DAV's ability to provide assistance to veterans in filing and prosecuting claims for benefits from the Department of Veterans Affairs.

Based on the assurance that the above corrective action will be forthcoming, I can assure you that DAV will not oppose this modified legislation.

My staff and I look forward to working with you and your staff on this matter and on other matters concerning our nation's service-connected disabled veterans. We look forward to your continued support.

Sincerely,

THOMAS A. McMASTERS, III,

National Commander.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATION ACT,
1996

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise today in strong support of the Greenwood amendment to restore funding to the title X Family Planning Program.

My colleagues have been thorough in explaining what the Greenwood amendment entails. I would like to address my remarks to what a vote in favor of the Greenwood amendment is not.

This is not a pro-choice or a pro-life vote. This amendment is not about abortion—despite calls to congressional offices to the contrary. Title X is not a radical program—in fact, the original legislation was sponsored by then Representative George Bush and signed into law by President Nixon in 1970.

Title X is the only Federal program which must provide family planning services. It is a brilliant strategy on the part of the opponents of family planning to transfer title X moneys into the Maternal and Child Health Grant Program and the Consolidated Health Centers Migrant Block Grant Program. I strongly support both of these programs—which are adequately funded in the Labor-HHS bill. Neither of these

programs, however, are required to provide family planning services.

I believe a majority of those on both sides of the choice issue want abortion to be rare. The most effective method of doing this is to take steps to prevent unintended pregnancy. The title X Family Planning Program has been enormously successful in doing just that. Family planning clinics serve a high-risk population whose only source of preventative health care is a clinic. We are talking about women who are caught in the gap—they do not qualify for Medicaid and can't afford private health insurance.

An estimated 1.2 million additional unintended pregnancies would occur each year if there was no federally funded Family Planning Program. According to the Department of Health and Human Services, for every \$1 invested in family planning services, this country saves \$4.40 in costs that would otherwise be realized in welfare and medical services.

I plead with my colleagues to make an informed vote on this amendment. I urge a yes vote on the Greenwood amendment.

NATIONAL BAR ASSOCIATION'S
70TH ANNUAL CONVENTION

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SCOTT. Mr. Speaker, I would like to take this opportunity to congratulate the members of the National Bar Association and outgoing President H.T. Smith, as they convene this week in Baltimore, MD. The theme of the NBA's 70th Annual Convention is "Economic and Political Empowerment, Justice for Our Time."

During the first quarter of the 20th century, 12 African-American pioneers with a mutual interest and dedication to justice and the civil rights of all, helped structure the legal struggle of the African-American race in America. The National Bar Association [NBA], formally organized in Des Moines, IA, on August 1, 1925, was conceived by George H. Woodson, S. Joe Brown, Gertrude E. Rush, James B. Morris, Charles P. Howard, Sr., Wendell E. Green, C. Francis Stradford, Jesse N. Baker, William H. Haynes, George C. Adams, Charles H. Calloway, and L. Amasa Knox.

When the NBA was organized in 1925, less than 120 belonged to the association. By 1945, there were nearly 250 members representing 25 percent of the African-American members of the bar. Today, the NBA is the Nation's oldest and largest national association of predominantly African-American lawyers and judges. It has 79 affiliate chapters throughout the Nation and represents a network of over 16,000 lawyers, judges, and law students.

In its 70 year history, the National Bar Association has been at the forefront of the battle for increasing access to legal representation for all citizens. Legions of African-American lawyers affiliated with the NBA ushered in the rule of law through the turbulent 1920's through the 1950's. African-American lawyers such as Judge James A. Cobb, T. Gillis Nutter, and Ashbie Hawkins fought the famous segregation case of Louisville and the Covenant cases of the District of Columbia. In

1940, when the number of African-American lawyers barely exceeded 1,000 nationwide, the NBA attempted to establish "free legal clinics in all cities with a 'colored' population of 5,000 or more." The NBA was only 25 years old when the Supreme Court outlawed segregation in Brown versus Board of Education. This decision culminated a long struggle by African-American lawyers such as Thurgood Marshall, the first African-American U.S. Supreme Court Justice, and U.S. District Court Judge Constance Baker Motley, the first African-American female Federal judge.

In the 1980's, the NBA was signatory on two *amicus curiae* briefs in cases decided by the U.S. Supreme Court: a title VII case in which a female associate brought suit against a large law firm and the justices ruled that partnership decisions must comply with Federal employment discrimination laws; and a brief protesting the criminal contempt conviction of Howard Moore, Jr., a nationally prominent civil rights attorney cited for criminal contempt and fined \$5,000 on the basis of a single question asked of a witness to determine racial bias during his cross-examination in the case. The conviction of Mr. Moore, if allowed to stand, would have had a chilling effect upon the African-American lawyer's right to fairly and strenuously advocate on behalf of his client.

In recent years, the membership of the National Bar Association have been concerned with a wide range of projects:

Conducted commercial law seminars in urban centers throughout the U.S. pursuant to a grant from the Minority Business Development Agency, U.S. Department of Commerce.

Condemned South African apartheid and called for immediate economic sanctions against this racist regime.

Held the first national black-on-black crime conference.

Launched the NBA minority bar involvement project, with funding from the Legal Services Corporation, which awarded grants to 12 subgrantee organizations for the delivery of *pro bono* or reduced legal fee services.

Cosponsored a voting rights conference with Operation PUSH and the NAACP Legal Defense Fund, which was aimed at mapping litigation and enforcement strategies.

The National Bar Association deserves to be commended for its efforts as they continue to labor in the vineyard for equal justice under the law. Members of the NBA serve their communities as judges, legislators, and public servants. Today, I congratulate the National Bar Association and its membership for their leadership role in the legal profession and their respective communities across the country.

CELEBRATING SGT. MAJ. PHILLIP
HOLMES ON HIS RETIREMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize Sgt. Maj. Phillip J. Holmes, who is retiring after 30 years of distinguished service to the U.S. Marine Corps Reserves.

Sergeant Major Holmes entered the Marine Corps in July 1962 and served with distinction until December 1965. Upon his release from active duty he returned to his native Wisconsin. However, in August 1971, a call to duty resulted in his reenlistment with the Marines as a reservist with F Company, 2d Battalion, 24th Marines, USMCR Milwaukee, WI.

In July 1973, he moved to Whittier, CA. Sergeant Major Holmes moved through the ranks of the Marine Corps Reserves quickly. He was promoted to sergeant, August 1972, staff sergeant, October 1974, gunnery sergeant, May 1978, 1st sergeant, January 1984, and finally to sergeant major in January 1990.

Throughout his tenure with the Marine Reserves he also has been an active member of the Whittier community. With five children who grew up and attended Whittier Union High School, Sergeant Major Holmes and his lovely wife Barbara, were supportive and involved parents in many school activities.

Sergeant Major Holmes also earned various awards and honors for his service to our country. He was presented with the Marine Corps Good Conduct Medal, Armed Forces Expeditionary Medal, Vietnam Service Medal, National Defense Medal with Four Stars, Armed Forces Reserve Medal, Navy Unit Commendation Medal, and the Meritorious Unit Commendation with One Star.

Mr. Speaker, it is with great pleasure that I thank Sergeant Major Holmes for his years of service to our country, and ask that my colleagues join me in wishing him continued success in all his future endeavors.

DEFENSE AND HIGH TECHNOLOGY

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. ALLARD. Mr. Speaker, I believe that our job is to ensure that the United States maintains the strongest and best defense in the world. When constructing a defense budget, we must always give top consideration to the needs of the men and women in the armed services who put their lives on the line to keep this country free. These men and women deserve the best technology and protection that we can give them.

Obviously, at this time of fiscal restraint and budget tightening, we need to consider how we can best make use of our limited defense dollars. Since 1985, defense spending has fallen 35 percent in real terms. Now, that the Soviet threat is gone, some have argued that we can slash our defense budget without any consequence. I disagree with this. We do not know which regional power will be the next threat. Today, we have more rogue states with more firepower than ever before. There are also an increasing number of destructive weapons available for the highest bidder.

The new world does not have a single threat, but many. That is why the United States needs to retain a top-notch military. I believe the best way to do this is by using the best and most advanced technology at our disposal. Rather than just replacing old weapons and machines, the priority should be on developing new technologies for more enhanced equipment.

I strongly endorse balancing the budget and reducing the size of Government. The Pentagon should not be exempt from this process. By using technology and smart business practices, the Pentagon can keep our soldiers and country safe with a smaller budget.

INTRODUCTION OF BILL TO HONOR
SERGEANT RUBEN RIVERS WITH
THE CONGRESSIONAL MEDAL OF
HONOR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. MILLER of California. Mr. Speaker, together with 63 other Members of the House, today I introduce a bipartisan bill that would enable the President to award posthumously the Congressional Medal of Honor to Sgt. Ruben Rivers.

In 1944, a serious injustice occurred. Although Sgt. Ruben Rivers showed extraordinary courage and sacrificed his life for his country during World War II, he nonetheless was passed over by his superiors for the Congressional Medal of Honor. It is most appropriate that we reconsider Sergeant Rivers for the medal this year, while we are commemorating the 50th anniversary of the end of World War II.

Sergeant Rivers was part of the all-black 761st Tank Battalion. The battalion was called upon by General Patton to liberate Bougainville, France from Nazi control. During a fierce battle, Rivers drove his tank over a mine and was injured, his thigh lacerated to the bone. Rivers was ordered by his commander to retreat to safety for medical treatment. Sergeant Rivers not only refused to abandon his fellow soldiers, he also refused morphine so that he could remain alert and continue fighting. Rivers fought on for days until he was killed during another battle while trying to knock out Nazi positions firing on his company. Rivers, from Tecumseh, OK was 25 years old. Sergeant Rivers' nephew, former Richmond Mayor George Livingston, lives in Richmond, CA, in my district.

Capt. David Williams, a white officer, immediately recommended to his superiors that Rivers receive the Medal of Honor posthumously. As was the case with other black soldiers, the recommendation for Rivers was never acted on. The Department of the Army establish a 1952 deadline for conferring the Medal of Honor for service in World War II. This bill waives that deadline for Sergeant Rivers, thereby enabling the President to present the medal to Rivers' sister, who is still alive and is fighting for this recognition.

To date, no African-American has received the Congressional Medal of Honor for service in World War II, even though over 1.2 million black soldiers served in that war. This blemish on our Nation's history should be wiped clean, and we should start by allowing the Department of the Army to reconsider Sergeant Rivers for the Congressional Medal of Honor.

TRIBUTE TO LOLA FRY ON THE
OCCASION OF HER 80TH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to reflect on the attributes, achievements, and contributions of a special lady. This weekend, Lola Fry will celebrate her 80th birthday and this commemoration is an appropriate time to honor this great woman.

Since her birth in 1915, Lola Fry has excelled in all that she has done. The prevailing current in Lola's life has been her commitment to community and to the ideals of American society. The time and energy she has given to her church and other causes are remarkable.

Lola can look with pride on building a home and family filled with love, warmth and generosity. She enjoys the unshakable admiration of her children and grandchildren as well as friends and relatives.

Therefore, it is with great pride that I ask my colleagues to join me in wishing Lola Fry a happy 80th birthday, with many years of health and fulfillment to come.

TRIBUTE TO FT. ZUMWALT
MIDDLE SCHOOL CHOIRS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to the Fort Zumwalt North Middle School seventh and eighth grade concert choirs from O'Fallon, MO.

Over the past two years, under the skilled guidance of their director, Mr. Gregory S. LeSan, the North Middle School choirs have been honored with 20 trophies and plaques in national-level competitions. They have also been distinguished with three community proclamations, a state proclamation from Missouri Gov. Mel Carnahan, and a coveted invitation to perform for the 1995 Missouri Music Educators Association State Convention.

The choirs have also been invited to compete July 9th through the 14th, 1996, in the Llangollen International Musical Eisteddfod in Llangollen, Wales. This is the first time in the 50 year history of this world-renowned competition that a public middle school from the United States of America has ever been accepted to sing in this audition-selected international event. This is a rare opportunity to represent their community, the State of Missouri, and the United States of America in a competition that represents over 50 countries.

Mr. Speaker, these young people are to be commended for their continued hard work and dedication to excellence, which has brought not only their school nationwide recognition, but is also a source of great pride to the residents of O'Fallon, MO. It is with great pride that I congratulate these students and recognize the contributions they have made while at Fort Zumwalt North Middle School.

TRUE AMERICAN HEROES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DOOLITTLE. Mr. Speaker, I would like to salute the Mountain Fire/Rescue 05018 Volunteer Fire Company from Calaveras County, CA, for their contributions and personal sacrifices in the humanitarian mission Operation SUPPORT HOPE to Goma, Zaire, in July 1994. These men saved an estimated 500,000 lives by ensuring that the Rwandan refugees in Zaire had fresh water to drink.

The crew left California on July 23, 1994 and after an arduous 22.5 hour flight, they arrived in Goma, Zaire. From the moment they stepped off the plane, they were hard at work. It was a horrific sight. Dead bodies filled the road from the airfield to the pumping site at Lac Kivu. Before they could even begin pumping the fresh water needed to cure those with cholera, they had to clear the area around the lake. Human remains littered the entire area.

The men encountered many dangers. Cholera was everywhere and it was reported that 80% of the population was HIV-positive. As if disease were not a sufficiently dangerous adversary, the crew also had to worry about the Zairian soldiers who were continuously firing their AK47 assault rifles and throwing hand grenades at them.

The crew gave little thought to their personal safety, however, as they continued to work. It was necessary to clear a spot 20 yards into the lake and 100 yards wide along the shore in order to begin pumping the water. The crew had to maneuver around dead bodies as well as abandoned AK47's and hand grenades. Within four hours, they had made all of the preparations necessary to begin the pumping process.

For the next 32 days, they worked tirelessly for 18 hours per day. They had a subpump, firetruck, and 14 water tenders. The water tenders, which were sent by the United Nations, were used to transport the water from the lake to a nearby village. However, when they arrived, they were filled with diesel fuel. The men had to clean out the tanks so that they would be safe for transporting water.

The main tool used to accomplish this amazing feat has an interesting story all its own. The subpump, which was on loan from Redwood City, CA, is the only one of its kind in the United States. This pump can pump 1,250 gallons per minute (gpm) at 120 pounds per square inch (psi) and can push water through a 5" fire hose up higher than 160 feet. The subpump can continuously pump large amounts of water. This subpump is the same piece of equipment that pumped contaminated water 24 hours a day for 30 days, aerating and ridding Shasta Lake of its toxicity after the toxic waste spill.

It is with great pleasure that I recognize the Mountain Fire/Rescue members who assisted in Operation SUPPORT HOPE. They are: Chief John Horner, Matthew Blackburn, Derrick Bruham, John Conway, Jack Pacheco, Frank Blackburn, William Dunn, and Dan Molly. I would also like to recognize the many support volunteers of Mountain Fire/Rescue who made it possible for these men to respond so quickly. The men and women of Mountain Fire/Rescue have demonstrated the

true American spirit in giving of themselves to help others in need. Their dedication should serve as an inspiration to us all.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. PETER HOEKSTRA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. HOEKSTRA, Mr. Chairman, I want to submit the following information in the RECORD which will clarify that I did, in fact, invite the Accreditation Council for Graduate Medical Education [ACGME] to testify at the hearing of the Economic and Educational Opportunities Subcommittee on Oversight and Investigations.

The statement made by the gentleman from Iowa is incorrect. The executive director of the ACGME was invited by the majority, not the minority.

Thank you.

MEMORANDUM

To: Republican Members, Subcommittee on Oversight and Investigations.

From: George Conant, Professional Staff Member.

Re: June 14 Hearing on Accreditation Council for Graduate Medical Education Policy on Abortion Training.

Date: June 13, 1995.

The Subcommittee on Oversight and Investigation will hold a hearing on Wednesday, June 14 at 1:00 p.m. in room 2261 Rayburn to examine the recent ruling by the Accreditation Council for Graduate Medical Education (ACGME) requiring all medical schools it accredits to provide students with training in abortion procedures during their residencies.

The hearing is intended to provide detailed information on the revised policies of the ACGME concerning the accreditation of residency programs in Obstetrics and Gynecology. The hearing will examine the impact of the ACGME's policies on: (a) the relationship between the federal government and medical training in the United States; and (b) the moral and social aspects of medical training related to individual and organizational conscience.

WITNESSES

The hearing will consist of one panel with five majority witnesses and one minority witness:

Thomas Elkins, M.D., Chairman of the Department of Obstetrics and Gynecology at Louisiana State University Medical School, Former Chairman of Obstetrics and Gynecology at the University of Michigan, and an active member of the Christian Medical and Dental Society.

Edward V. Hannigan, M.D., Director of the Division of Gynecological Oncology, Vice Chairman for Clinical Affairs, and Professor of Obstetrics and Gynecology at the University of Texas at Galveston.

Anthony Levatino, M.D., J.D., Assistant Clinical Professor at the Albany Medical Center Department of Obstetrics and Gynecology, a Diplomate with the American Board of Obstetrics and Gynecology, and a former abortion practitioner.

Pamela Smith, M.D., Director of Medical Education at Mt. Sinai Medical Center, Member of the Association of Professors of Obstetrics and Gynecology, and President-Elect of the American Association of Pro-Life Obstetricians and Gynecologists.

John Gienapp, Ph.D., Executive Director of the Accreditation Council for Graduate Medical Education.

At this time we do not have any information on the minority witness.

BACKGROUND

On February 14, 1995, the 23-member Accreditation Council for Graduate Medical Education decided unanimously that obstetrics and gynecology residency programs must provide training in surgical abortion.

Institutions with moral or ethical opposition to abortion would be exempt from teaching these procedure within their own facility, but would be required to contract with another program in order to maintain accreditation. Likewise, the ruling exempts students with moral or religious objections to the practice of abortion from having to participate in training on the grounds that those students would not perform abortions regardless.

The ruling applies only to residency programs focussed especially on obstetrics and gynecology. Family practice programs, which cover some obstetrics and gynecology as part of their curriculum, are not required to train their residents in surgical abortion unless they think it necessary.

The new rule takes effect on January 1, 1996, and all Ob/Gyn residency programs accredited or re-accredited after that date must train doctors in abortion or contract with another program to do so. Programs that fail to provide the training could lose their accreditation and, therefore, federal reimbursement under some programs.

The Accreditation Council for Graduate Medical Education, formed in 1974, is the national panel which supervises medical education and decides what training programs medical schools must provide. Additionally, it is the only organization with the authority to accredit medical schools for participation in some federal programs. Teaching hospitals need Council accreditation to qualify for federal reimbursement for services medical residents provide to patients.

The Council has argued that their decision is not so much a new rule as it is a clarification of the existing rule. Ob/Gyn residency requirements have always included "clinical skills in family planning," but the council had never specified what that meant. The revised rule reads: "Experience with induced abortion must be a part of residency training, except for residents with moral or religious objections."

The Council decided to clarify the Ob/Gyn residency requirements after a four-year legal battle with a hospital in Baltimore. In 1986, the Council withdrew the accreditation of St. Agnes Hospital, a Catholic institution, because it did not provide training in abortion. The hospital then sued the Council claiming that their First Amendment right to religious freedom had been violated. The judge decided in the Council's favor, ruling that the public has a right to expect a doctor to be trained in all facets of a specialty.

The Council spent two years formulating the language of the new ruling and sought comment on the proposal from interested parties for a year before agreeing on the final wording.

IMPLICATIONS OF THE RULING

There is concern among members of the graduate medical education community that failure to comply with the ruling based on conscience will result in the loss of accreditation for institutions with a moral or ethical opposition to abortion. Additionally, many argue the ACGME is not merely a "private organization," and this policy has definite state and federal implications.

Under federal law, some Medicare costs (Part A, costs of intern and resident services) cannot be reimbursed if a teaching program is not accredited.

Ob/Gyn students enrolled in a program not accredited by ACGME are ineligible for repayment deferrals on federal Health Education Assistance Loans (HEAL).

States tie their licensure requirements to graduation from ACGME accredited programs.

If you have any questions regarding the hearing or need additional information, please contact George Conant at 225-6558.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, HOUSE OF REPRESENTATIVES,

Washington, DC, June 8, 1995.

Dr. JOHN C. GIENAPP, PH.D.,

Executive Director, Accreditation Council for Graduate Medical Education, Chicago, IL

DEAR DR. GIENAPP: On Wednesday, June 14, 1995, at 1:00 p.m. in Room 2261 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing on the topic of training in abortion procedures as a requirement for the accreditation of Obstetrics-Gynecology programs for residency students. Specifically, the hearing will look at the recently revised educational requirements on family planning of the Accreditation Council for Graduate Medical Education (ACGME). I would like to take this opportunity to invite you to testify before our subcommittee and to provide us with your insight on this issue.

We would be interested in your evaluation of the ACGME's requirement for abortion training and whether it places an undue burden on individuals and institutions that oppose abortion for ethical or religious reasons. Given your experience with the ACGME, we are also interested in your perspective on whether the ACGME's requirement for abortion training is necessary to the profession or whether it unfairly coerces individuals and institutions to provide training that may be ethically or morally objectionable.

If you have any questions, please feel free to contact George Conant at 202-225-6558. Thank you for your consideration of this request. I look forward to your appearance.

Sincerely,

PETE HOEKSTRA,

Chairman, Subcommittee on Oversight and Investigations.

O'ER THE LAND OF THE FREE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. POSHARD. Mr. Speaker, I rise today to share with the House a recent article that was written by one of the finest newspaper men in the business. Mr. Dan Hagen, managing editor of the Sullivan News Progress, shared with his readers a thoughtful, and persuasive article dealing with one of the most highly controversial issues facing America. The debate over a constitutional amendment to prevent flag

desecration has left the House, but is not over. I hope that my colleagues will take this opportunity to read Mr. Hagen's views—they are truly insightful.

[From the Sullivan (IL) News Progress, June 28, 1995]

O'ER THE LAND OF THE FREE

(By Dan Hagen)

Too often, we confuse the shadow with the substance, the symbol with the reality.

This is certainly the case in the current debate over the proposed amendment to ban flag burning as a form of political expression. The reality is that the flag is merely a symbol of the United States, which means a symbol of the Constitution and the Bill of Rights. The latter are the charter and the expression of the guiding principles of the U.S., dedicated to the ideal of human liberty.

Such confusion reigns when amendment supporters claim that people have fought and died for the flag. That would be horrible, if literally true. But presumably they did not, in fact, fight and die for a piece of cloth, but for what the piece of cloth represents.

The flag could fly on every street corner of the United States, but if the Constitution and Bill of Rights were to be repealed, the United States would be destroyed. Conversely, every flag in the United States could be lost, but if the Constitution and the Bill of Rights were still in force, the U.S. would stand inviolate.

The flag is not even the most eloquent symbol of the United States. The eagle, the Liberty Bell and the Statute of Liberty are more expressive. The flag is an arrangement of colors and patterns which do not, in and of themselves, convey meaning. This is a source of the flag's widespread popularity, because a great deal can be read into it. But it is also the flag's weakness as a symbol, because too much can be read into it. While I can look at the flag and see the ideal of human liberty, nothing prevents someone else from looking at it and seeing the necessity of blowing up a federal building.

The energies spend in this amendment campaign would serve the United States for better if they were redirected into a campaign of public education concerning the only dimly understood meaning of the flag. Patriots may be irritated when someone burns a flag in protest, but they should shudder in horror the next time a survey reveals great numbers of ignorant mall dwellers who not only fail to recognize the Bill of Rights when it is presented to them, but believe that it should be opposed on the grounds that it seems "radical." Free and robust debate can never harm the U.S., but ignorance of its basic principles can destroy it.

Flag burnings have declined since the Supreme Court wisely noted that they are a protected form of free expression. In part, this is because many of today's political protesters regard themselves as patriots. But it's also because the Supreme Court's ruling, in acknowledging the legitimacy of flag burning, effectively defused its power as a symbol. If, in response to the threat of flag burning, American society merely responds, "Go ahead. It's your right," the would-be flag-burners are quickly off to find some more innovative means of getting people's attention. Ironically, through, if flag burning is banned, it will inevitably increase. The creation of jailed martyrs is a sure attention-getter, and an irresistible temptation to protesters.

Nor would the banning of flag burning as political expression do anything to prevent the far more common insults daily endured by Old Glory. The flag is routinely employed in advertisements as a tool to sell floor tile and used cars and—even worse—politicians.

Any flag that can survive the contamination of being draped around the shoulders of Spiro Agnew is surely impervious to mere flame.

Is the flag damaged when it is burned by political protesters? No, but the reputation of the protesters is, by virtue of the fact that they have revealed themselves to ignorantly hold in contempt the nation which has been and continues to be the last, best hope for human liberty.

Nor is flag burning a protest which leaves the frustrated patriot without an answer. If a flag is burned, the proper and effective response is to fly your own.

A symbol is just that, a symbol, and not the thing itself. To presume that one can do damage to what is symbolized by damaging the symbol is to engage literally in voodoo thinking, and one might as well start sticking pins in dolls.

So the purpose of banning flag burning is not to protect the United States of America. It is to protect the feelings of those who are offended when they see a flag burned in political protest. But the protection of free expression is precisely what the First Amendment to the Bill of Rights, and therefore the flag itself, is all about. Inoffensive speech is never in danger of being banned, because no one has a reason to ban it. And anything actually worth saying is sure to offend someone, somewhere. Therefore, if free speech has any meaning, it means the protection of offensive expression. The distance between banning the burning of flags and requiring the burning of books may be much shorter than we think.

We do the United States no favors when we undermine the reality of its achievements—among which is free expression—in an effort to protect the symbol of its achievements, the flag.

"But is nothing sacred?" amendment proponents ask. Well, the flag certainly isn't. It is a secular symbol deliberately lacking religious weight, and therefore can't be "sacred," in the strict sense. But if a supernatural analogy is needed, we would be seeing the situation more clearly if we viewed the flag in terms of the mythological phoenix, which always files—whole and renewed—out of its own ashes.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purpose:

Mr. SANDERS. Mr. Chairman, I rise today in complete opposition to the cuts in this years Labor-HHS-Education appropriations bill (H.R. 2127), a bill that funds programs that are in many cases the foundation of our future and the hope for tomorrow. I am staunchly opposed to any proposal that would make drastic cutbacks in programs for women and children, students, seniors disabled Americans, and individuals living in rural communities.

For example, I remain appalled that included in this bill is the absolute elimination of

the Low-Income Home Energy Assistance Program [LIHEAP].

Five million Americans, including the disabled, the working poor, and low-income senior citizens are in desperate need of funding for LIHEAP. Without these funds vulnerable Americans will be forced to chose between heating their homes or feeding their families. For Vermont, this means a cut of \$5,753,000 in low-income heating assistance.

Beyond the cuts in LIHEAP, the package cuts federal education funding by \$3.7 billion in fiscal year 1996. Education for disadvantaged children—formally known as chapter 1 funding—is cut by more than \$1 billion, which will result in cuts to Vermont of close to \$2.5 million in fiscal year 1996. Vermont education improvement funds will be cut by over \$1 million, and Vermont will lose more than \$1 million in safe and drug free school funds. Vocational education will be cut by 27 percent nationally, resulting in a loss to Vermont of over \$1 million.

At a time when we need to devote more resources for education it will be an absolute disaster for Vermont to lose tens of million dollars in Federal education and training funding. These cuts will mean higher property taxes for Vermont communities and fewer students receiving Head Start, student loans, and grants, assistance for the disadvantaged, and summer job opportunities.

By the year 2002, Republican-approved cuts would deny: 309 Vermont children a chance to participate in Head Start; 60 out of 60 Vermont school districts funding used to keep crime, violence, and drugs away from students and out of schools; 21,200 Vermont college students would be denied \$2,111 in loans, and as many as 3,000 graduate students would be denied \$9,424 in loans to help pay college costs; 9,492 Vermont low-income youths would be denied a first opportunity to get work experience in summer jobs.

In 1996 alone, Republican-approved cuts would deny: 2,100 disadvantaged Vermont children crucial reading, writing, and mathematic assistance in school; 700 Vermont students funding for Pell Grants to help afford a college education; 227 young people in Vermont a chance to participate in national service programs; 563 dislocated Vermonters training opportunities.

Seniors programs are also severely damaged by this bill. The Community Service Employment for Older Americans is cut by \$46 million dollars. The National Senior Volunteers Corp., which includes the Senior Companion Program, the Foster Grandparent Program and the Retired Seniors Volunteers Program, is cut by more than \$20 million. Congregate and home delivered meals for seniors are cut by more than \$20 million. This will mean that 114,637 fewer seniors will be able to get hot meals at senior centers under the Congregate Meals Program and 43,867 frail older persons will be cut off from Meals on Wheels.

Working Americans will suffer as a result of this bill. At a time when Americans are working longer hours for less pay and the gap between the rich and the poor is wider than at any time in the history of this Nation, this bill is an assault on working people. This bill is going to make it far more difficult for working people to keep their place among the middle class as workplace safety, health, protection, and bargaining laws are taken off the books. The bill literally guts the Occupational Safety

and Health Administration which protects our workers from unsafe conditions in the workplace. Corporations will find it easier to violate wage hour laws, set up bogus pension systems and take advantage of workers who try to organize.

Disabled Americans are not spared the cuts in this bill. The Developmental Disabilities Councils, which provide some of the only services to meet the needs of the people with severest disabilities, have been cut by \$30 million, or nearly 40-percent reduction. The Councils have been instrumental in supporting a voice for this highly vulnerable population and their families. Nationwide, the Councils have been a voice to foster deinstitutionalization of people with mental retardation; to work for employment and economic independence of people with developmental disabilities, and to encourage the development of long-term care in community-based settings.

In Vermont the Developmental Disabilities Council supports the Vermont Coalition for Disability Rights, an organization which provides advocacy on disability issues; supports a statewide newsletter, The Independent, focusing on issues affecting the elderly and people with disabilities; supports the disability law project to provide advocacy on individual cases and systematic issues; supports a highly successful project to make recreation sites accessible to people with disabilities; and, among other things, supports statewide training for people with disabilities on the Americans with Disabilities Act.

And finally, Mr. Chairman, health care for rural communities has been put at great risk by this bill. This bill eliminates State Offices of Rural Health, the Federal Office of Rural Health, rural health telemedicine grants, the essential access to community hospitals programs, new rural health grants, and the bill cut by 43 percent, the rural health transition grants. This bill turns its back on small rural communities that are struggling to recruit doctors, maintain hospitals, and reach out to isolated rural settings that have difficulty accessing health care.

In closing, let me say that this bill could not be more clear about the misplaced priorities of the Republican majority in Congress. While Republicans set out gutting programs for women, children, students, seniors, people with disabilities and working Americans, they launch production of the F-22 airplane in the Speaker's district and increase spending billions more on the creation of more B-2 bombers—a weapon the Pentagon has said it doesn't want or need.

CONGRATULATIONS TOMMY
CUTRER ON HIS MANY YEARS OF
SERVICE IN TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. GORDON. Mr. Speaker, we all aspire to make a difference in the lives of those around us. I rise today to thank my good friend and constituent, T. Tommy Cutrer, for making a difference in so many people's lives and to congratulate him for his many years of service to the working men and women of Tennessee and America.

T. Tommy was born in Tangipahoa Parish, LA. In 1949, he met and married his partner for life, Miss Vicky Martin. T. Tommy declares finding Miss Vicky to be the highlight of his life.

T. Tommy had the opportunity to enjoy several different careers. In 1954, he joined the Grand Ole Opry as a staff announcer and entertainer. His talents allowed him to become widely recognized by all Tennesseans for his Martha White Flour commercials.

In 1978, T. Tommy was elected to the Tennessee State Senate. He represented his district until 1982. Later in 1982 he joined the International Brotherhood of Teamsters as an international representative of drive. T. Tommy retired from this position on June 30, 1995.

During his tenure at the Teamsters, T. Tommy provided me with sound counsel and good advice. I can assure you that the betterment of the hard working men and women was always at the front of his mind.

T. Tommy plans on spending his retirement traveling with Miss Vicky and visiting their 5 children, 11 grandchildren, and 1 great grandchild and another on the way. I want to wish them both the best of luck and prosperity in retirement.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. DINGELL. Mr. Speaker, early this morning, this House voted to approve one of the saddest pieces of legislation it has ever sent forward. We heard the astounding arguments that this Labor, Health and Human Services, Education, and related agencies appropriations bill will maintain, or even increase, funding for health and education programs that are vital to the well-being of our most vulnerable citizens. But these arguments, like the funding decisions themselves, are a sham and a coverup. They coverup the fact that in its allocation of funds to the Labor-HHS Subcommittee, this Republican-led Congress chose to ignore the needs of those citizens to save money for tax cuts for the wealthy, and for spending in the Department of Defense to purchase equipment that even the leaders of that Department stated they do not want or need. For years, that subcommittee has nurtured and supported programs that constitute the discretionary safety net for our children, our seniors living on fixed incomes, and our workers. The grossly insufficient allocation of funds to the Labor-HHS Subcommittee forced Chairman PORTER to snip the threads of that net as if with a chain saw.

But this bill does some very, very bad things as well. It terminates hundreds of programs, including over 60 programs of the Department of Health and Human Services—such as black lung clinics, State trauma care, substance abuse training and treatment, programs that counsel the elderly about their health insurance, the Low-Income Home Energy Assistance Program, programs that provide services to the homeless, nutrition programs for the el-

derly, and programs designed to reduce the rampant problem of drug abuse among young people. There are many reasons for us to be sad about what this Congress did by passing this bill.

I applaud the dedicated work of Chairman PORTER and Mr. OBEY, for they have done yeoman work under excruciatingly difficult circumstances. I applaud them for increasing funds for the important research activities of NIH. I am pleased that the subcommittee recognized the importance of increased funding for breast and cervical cancer prevention activities at CDC, for childhood immunization, and for other prevention activities.

But I am very concerned that this bill achieved those increases through a very short-sighted approach, and through robbing Peter to pay Paul. I want to focus on just two examples of this.

The bill increases funding for infectious disease programs at CDC, but decreases CDC administrative costs by \$31 million. This decrease takes funds not only from such things as office supplies and taxicab rides, but also for salaries and expenses for the researchers, doctors, and laboratory technicians, who are essential to CDC's activities in preventing and controlling infectious diseases and carrying out other critical activities. It also takes money from the budget that provides for CDC epidemiologists and doctors to travel to other parts of the country and the world, where they are often the only source of expertise related to a new, devastating epidemic.

It is already extremely difficult for CDC to recruit and retain qualified scientists and physicians with expertise in infectious diseases. In this era of downsizing Government, the CDC infectious diseases program is losing people faster than it can replace them, and has increasingly limited ability to replace scientists with invaluable and unique expertise. In a March U.S. News and World Report article about CDC, entitled "Tales from the Hot Zone," the deputy director of the infectious disease program stated the problem quite clearly: "We are losing our expertise."

In infectious diseases, as in the other areas where CDC on paper receives increased funding, I fear the increase will be seriously undermined by virtue of the fact that this bill limits the agency's wherewithal to maintain the scientific expertise needed to do the job.

Another short-sighted approach to this disastrous budget-slashing exercise is the reduction of funding for the National Institute for Occupational Safety and Health—a reduction that was then applied to allow the supporters of the bill to argue that they had increased funding for CDC. I fear that perhaps NIOSH is being punished because some may believe it is a regulatory, rather than a research agency. NIOSH is not a regulatory agency.

The NIOSH funding cut eliminates the NIOSH training grants program and reduces research activities by over 15 percent. It would eliminate 57 training grants, including 14 university-based educational resource centers which serve as regional resources on occupational safety and health for industry, labor, Government, academia, and the general public.

NIOSH training grants have trained more than 2,700 professionals in occupational medicine and nursing, industrial hygiene, safety engineering, et cetera. These people have been trained to prevent and treat occupational dis-

eases and injuries. There is a severe shortage of certified occupational health nurses and physicians, amounting to only about one physician and five nurses to every 80,000 active workers and 20,000 retired or disabled workers.

NIOSH is the only Federal agency conducting biomedical research on the causes of occupational illness and the only agency conducting applied research to identify, evaluate, and prevent work-related injuries and illness.

At a time when Congress seems so intent that in-depth risk analysis must be associated with regulations, it is absurd to reduce the ability of this agency to ensure that there is sound science and risk assessment to underpin regulatory actions relating to worker health and safety.

NIOSH works closely with management and labor in its research activities, and currently is engaged in a tripartite agreement with General Motors and the UAW to conduct health and safety research. In a recent letter to the Director of NIOSH concerning this program, the GM vice president for R&D stated: "we recognize NIOSH's distinct role as a R&D entity which has been very effective in injury prevention research over the last 25 years. This effort has ultimately saved the nation billions of dollars annually in medical costs, and also improved the health and welfare of every American worker and their families."

These are just two small but significant examples of the many ways in which this funding bill hurts the public health and hurts the people of this country. The House wants to balance the budget—we all agree on that goal. Many agree that all federal programs need to tighten their belts and contribute their "fair share" to important budget-reduction efforts. But the budget cutting in this Congress has not been honest, and it has not been fair. The money being saved is much greater than what is needed to balance the budget; it is being saved for tax breaks and unnecessary defense spending. The cuts have targeted the most unfortunate, the oldest and the youngest, and the most needy in our country. Nowhere is that more evident than in this appropriations bill. The ranking member of the Committee on Appropriations said it best in his dissenting views: this legislation "will make it harder for ordinary people to hold on to a middle class life . . . more difficult for the disadvantaged to get the education and training which they need to work their way into the middle class . . . workers more vulnerable. . . . this bill marks a retreat from our efforts to be one people with common causes and common interests. Surely this Congress in a bi-partisan way can do better."

MEDICARE AND POINT-OF-SERVICE

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. BREWSTER. Mr. Speaker, as we move toward consideration of Medicare reform proposals, I would like to draw my colleagues' attention to a national survey released Wednesday, July 26, 1995. This survey revealed that four out of five Americans age 50 and over said they would not join a Medicare managed

care plan without the freedom to continue seeing their current doctor, a specialist, or other provider when they become ill.

I rise today to speak about the necessity of preserving this freedom of choice as an essential element of any Medicare reform proposal. Many of my colleagues advocate increased use of managed care as one of the necessary steps to save our Medicare system.

This may be true, but we have a responsibility to ensure real freedom of choice for our elderly even within a managed care environment. It should be clear to all of us that unless we preserve these freedoms, Medicare managed care will not work because people will not join.

Americans so deeply value their freedom of choice in doctors that I believe it is essential to include these survey results in the CONGRESSIONAL RECORD, and ask the Chair that full results of the survey be printed in the CONGRESSIONAL RECORD immediately following my statement. I strongly encourage my colleagues to keep them in mind as we move forward to reform the Medicare system.

MEDICARE REFORM SURVEY—JULY 26, 1995,
SUMMARY OF KEY FINDINGS

Between June 30 and July 11, 1995, ICR Research polled a nationally representative sample of Americans age 50 and over on their views concerning Medicare reform. The results carry a plus or minus 3.2 margin of error. The key findings of this survey are as follows:

Roughly three out of four Americans (72 percent) age 50 and older would not join a Medicare managed care program without the freedom to continue seeing their current doctor or turn to a specialist when they become ill.

Fifty-five percent ranked the "right to choose [their] own doctor or hospital" most important from a list that included three Contract with America items: "the right to pray in school" (20 percent), "the right to bear arms" (9 percent) and "the right to limit the number of terms a member of Congress can serve" (10 percent).

Fully 82 percent of respondents said that whether a prospective Medicare managed care program allowed them the freedom to choose out-of-network physicians and spe-

cialists would be "critically important/important" to their decision to join one.

Seventy-two percent of respondents said they would be more likely to join a Medicare managed care program that preserved their freedom to continue seeing their own doctor and guaranteed them access to specialists inside and outside the network—even for a small co-payment—than to join one that covered the cost of their prescription medications, but restricted their freedom to choose their care provider.

Sixty-three percent of all respondents said they would be inclined to join a Medicare managed care program that allows them to continue seeing their current doctor or a specialist, outside the managed care network, for a higher co-payment or deductible.

Even among lower-income seniors (those making less than \$15,000 a year), 64 percent said they would choose a Medicare managed care program with the freedom-to-choose feature (for a reasonable co-payment) over a Medicare managed care program that covers the cost of prescription medications. Eighty-three percent of respondents making over \$50,000 gave the same response.