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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.