

HONORING THE SHORT MOUNTAIN
VOLUNTEER DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Short Mountain Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

DR. FAHMY HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Mahmoud H. Fahmy, a distinguished educator and community leader in my Congressional District. Tonight, Dr. Fahmy will be honored for his achievements at a testimonial banquet, and I am pleased to have been asked to participate in this event.

Mahmoud Fahmy was born in Alexandria, Egypt and earned a bachelors degree with honors from Alexandria University. He came to United States to complete his graduate work, earning a masters degree at Columbia University and a doctorate from Syracuse University.

Devoting his life to education, Dr. Fahmy instructed and administered programs in various colleges and universities nationwide, including the New School of Social Research of New York City, Syracuse University, Bucknell University, Bloomsburg University and the University of Pittsburgh. He also served as president of the Pennsylvania Association of Graduate Schools. Dr. Fahmy served as Special Assistant to the President for External Affairs at Wilkes University and held the academic rank of full Professor of Education as well as Dean of Graduate Affairs and Continuing Education. He currently serves as President of the Education and Training Center of Northeastern Pennsylvania.

In addition to his role as an educator, Dr. Fahmy has been a leader and an innovator in other areas of the community. He is currently a member of the advisory board of the Luzerne/Wyoming Counties Mental Health/Mental Retardation Association and chairs its legislative task force and public awareness committee. Dr. Fahmy is also a member of the Ethics Institute of Northeastern Pennsylvania and heads its education subcommittee. In addition, he is a member of the Board of the Economic Development Council of Northeastern Pennsylvania, and is in charge of its International Trade Development Council. Dr. Fahmy helped to establish the Luzerne County Youth and Violence Committee. Recently, Dr. Fahmy was selected by the County Commissioners to serve on the Board of Trustees of Luzerne County Community College where he was later elected chairman.

Internationally, Dr. Fahmy has directed several international educational projects for the U.S. Department of Education and other professional organizations. He is an international education consultant who has performed in various capacities in several foreign countries. He was selected as Citizen Ambassador for the "People to People" program, and served as a delegate to Russia and Czechoslovakia in the area of education organization and teacher education. Recently, he headed a Delegation from Northeastern Pennsylvania to Brazil.

Mr. Speaker, I feel very fortunate to have worked with Dr. Mahmoud Fahmy many times during my tenure in Congress and over the years we have become friends. I am extremely proud to join with his colleagues, family and friends in commending Dr. Fahmy on a lifetime of commitment to his profession and to the betterment of his community.

DOMINIC FRINZI RECIPIENT OF
TED MAZZA COMMUNITY SERVICE AWARD, 1996

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, this Saturday evening, April 27, 1996, the Italian Community Center of Milwaukee will honor Attorney Dominic Frinzi with the Ted Mazza Community Service Award. I join the Italian Community Center in congratulating Mr. Frinzi on this well-deserved recognition.

Milwaukeeans will always remember Dominic Frinzi's quick action to defend the honor of Wisconsin baseball fans. In 1965, when the Milwaukee Braves decided to move to Atlanta, the team wanted to change its name to the Atlanta Braves during its last season in Milwaukee. There was just one problem, there was already a corporation named the Atlanta Braves registered in Wisconsin—courtesy of a certain quick-thinking Milwaukee attorney. Dominic Frinzi prevented the Braves' owners from adding insult to Wisconsin's injury, and earned the recognition of legendary New York Times sportswriter and Wisconsin native, Red Smith.

Wisconsinites are also well acquainted with the slogan "Go with Frinzi—he gets things done!" heard throughout our State during Dominic Frinzi's two bids for Wisconsin Gov-

ernor. Candidate Frinzi was known for his straightforward answers, colorful quotes, and innovative policy ideas. Though he never found his way to the Governor's mansion, Dominic Frinzi's engaging style and his open relationship with the press drew many independent voters into the electoral process.

Born the son of an Italian immigrant in 1921, Dominic Frinzi was given the middle name Henry in honor of the renowned opera tenor, Enrico Caruso. He has lived up to that name, compiling a world-class collection of opera recordings, teaching the Italian Community Center's opera series and coordinating the Golden Age of Opera exhibit at Milwaukee's Festa Italiana. He also served as national president of UNICO, a nationwide Italian American civic service organization, and earned its highest honor, the Dr. Anthony P. Vastola Gold Medal Award. Dominic Frinzi is an original member of the Italian Community Center of Milwaukee and serves on its board of directors.

Dominic Frinzi also served as a Milwaukee County Court Commissioner for 40 years and practiced law for 44. His work in the criminal and civil arenas has earned him the respect of the Wisconsin legal community.

Dominic Frinzi's long and distinguished career of public service, his work to expand our community's cultural horizons and his devotion to the Italian-American community exemplify the spirit of the Ted Mazza Community Service Award. I commend the Italian Community Center on an excellent selection, and I congratulate Dominic Frinzi on this well-deserved honor.

IN MEMORY OF GILBERT MURRAY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. RADANOVICH. Mr. Speaker, today marks the first anniversary of the death of Gilbert Murray, the former president of the California Forestry Association.

Gil was known by all as someone who cared deeply about the outdoors. More specifically, he committed his personal and private life to maintaining the proper balance between protecting nature and developing the natural resources that are necessary to our civilization. He loved the outdoors and passed his appreciation of nature onto his friends and family.

Tragically, 1 year ago an environmental extremist took the life of Gilbert Murray, depriving his family of a loving husband and father. His death was senseless. While claiming to promote the environment, someone took the life of Gilbert Murray, a person who dedicated his career and life to promoting the sensible use of California's forest. As we continue to debate environmental issues in this country, let us remain wary of the arguments of those who are unwilling to accept a reasonable balance between the needs of nature and humans.

Mr. Speaker, I hope that all of my colleagues will join with me today in honoring Gilbert Murray by learning and promoting the ideals that Gil held so close to his heart.

THE LEGACY OF CHERNOBYL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. BONIOR. Mr. Speaker, it was a silent killer, and people will continue to feel its direct effects well into the next millennium. Millions of lives have been unalterably changed by it. Sickness, death and dispossession arrived, stayed, and have yet to leave.

On April 26, 1986, reactor No. 4 at the Chernobyl Atomic Energy Station ignited, causing an explosion, fire, and partial meltdown of the reactor core. Ten years have now passed since that terrible day. Today, the ghosts of history's worst nuclear disaster can't be avoided in the pines and the farmland, now overgrown, that surround Chernobyl. The city of Pripyat, once housing 40,000, sits empty. Dozens of villages have been abandoned.

The 134,000 people who were evacuated from the area won't be returning to their homes. An area the size of Rhode Island is now a dead zone. The health effects are equally astonishing. Sadly, cancer among children has tripled. Ukraine now has the highest rate of infertility in the world. Birth defects have nearly doubled.

Mr. Speaker, our Government, many charitable organizations, and individuals have contributed to efforts to recover from the disaster. We must continue those efforts, and we must enhance them for the people of Ukraine. Ukraine faces many challenges, not the least of which are the human and economic costs of coping with the effects of Chernobyl.

Today we must pause to remember those who lost their lives and those whose lives were changed forever. We learned many lessons from that tragedy 10 years ago, and now we must move forward and help our friends in Ukraine prepare for the future.

REGULATORY FAIR WARNING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GEKAS. Mr. Speaker, today I am introducing the Regulatory Fair Warning Act along with 12 cosponsors. This legislation codifies the principles of due process, fair warning and common sense that were always intended to be required by the Administrative Procedure Act [APA]. The bill requires that an agency give the regulated community adequate notice of its interpretation of a rule. Agencies will be deterred from pursuing penalties based on rules or policies which were either unclear or unavailable to the regulated community.

Specifically, the Regulatory Fair Warning Act would prohibit a civil or criminal sanction from being imposed by an agency or court if the agency or court finds that the rule or related policies published in the Federal Register failed to give the defendant fair warning of the required conduct; or the agency or court finds that the defendant, prior to the alleged violation, reasonably and in good faith determined, based upon information published in the Federal Register or written statements made by an appropriate agency official, that the defendant was in compliance.

In reaching its conclusion regarding this matter, a court could not give deference to an agency's interpretation of a rule which was not timely published in the Federal Register, or otherwise made available to the defendant.

I am pleased to introduce this simple yet necessary measure. Without this fundamental protection, businesses must often operate in an atmosphere of uncertainty as to whether they are in compliance with an agency's most recent interpretation or reinterpretation of its regulations. If and when the day arrives when an agency chooses to enforce its latest interpretation against a regulated business, the business owner has two alternatives: First, roll the dice and hire a Washington lawyer to fight an unknown wrong; or Second, pay the penalty, regardless of culpability.

Adoption of this legislation will encourage agencies to keep the regulated public aware of what their regulations require of them. Before pursuing an enforcement action, an agency will need to consider whether the defendant has acted in good faith and whether the agency is acting within the confines of due process established by the APA. Nothing in this measure is intended to weaken the enforcement powers of the executive branch. This is a moderate measure, meant to provide a minimum of security and predictability to the regulated community and to improve the relationship between agencies and private citizens.

MEDICAL SAVINGS ACCOUNTS:
WHY THEY ARE TAX BREAKS
FOR THE UPPER INCOME AND
BAD NEWS FOR WORKING AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. STARK. Mr. Speaker, medical savings accounts are bad health policy. They are bad tax policy.

The following analysis from the Center on Budget and Policy Studies explains why:

WHO WILL USE MEDICAL SAVINGS ACCOUNTS
AND WHY WILL THEY USE THEM?

(By Iris J. Lav)

Prior analysis of Medical Savings Account proposals has shown that MSAs would primarily benefit those at high income levels because MSAs create opportunities to accumulate tax-sheltered funds for purposes other than medical costs. Higher-income taxpayers would be most likely to take advantage of these tax shelter opportunities because the tax benefits are worth more to taxpayers in higher tax brackets and because such taxpayers can afford to pay substantial out-of-pocket medical costs if they choose to leave the tax-advantaged funds on deposit in the MSAs or if funds accumulated in the MSAs are insufficient to cover their medical bills.

Recently, the Joint Committee on Taxation has released data estimating what proportion of people in each income class would make use of Medical Savings Accounts, finding that a large portion of the participants would be middle class. These data have been used to bolster claims that MSAs would benefit middle class taxpayers as well as the wealthy. But the Joint Tax data are not incompatible with the conclusion that higher-income taxpayers would be the primary beneficiaries of MSAs.

As the text of the Joint Tax analysis makes clear, participation in an MSA may

not be voluntary. Taxpayers who participate in MSAs because their employers offer no other option for health care coverage may not benefit from their participation and may become worse off as a result of their employers' switch from offering a conventional insurance policy or a managed care plan to a plan that offers only a high-deductible insurance plan with an MSA.

JOINT TAX HIGHLIGHTS BENEFITS TO
COMPANIES, NOT EMPLOYEES

The Joint Committee notes that its estimate is based "on the assumption that a large proportion of small- and medium-sized companies might potentially benefit from the MSA proposal and offer such plans to their employees." To assume that a company would benefit generally means that the company would pay less for its employees' insurance coverage. This suggests two further assumptions that likely underlie the Joint Tax analysis.

Small- and medium-sized companies that do not now offer any health insurance would not begin to offer high-deductible coverage with MSAs as a result of this legislation. Such an assumption would result in increased rather than decreased costs for the companies and thus would be incompatible with the statement that the companies would benefit. The analysis must instead assume that employers currently offering conventional coverage or managed care plans would begin to offer high-deductible insurance with MSAs.

Furthermore, companies would receive a cost-saving benefit from such a switch only if the total cost of the high-deductible insurance including the MSAs would be less than the cost of the insurance the company currently offers. Thus the small- and medium-sized companies that switch to high-deductible insurance with MSAs likely would not put the entire difference between the conventional insurance premium and the high-deductible insurance premium into their employees' MSAs. Companies would realize cost savings from the switch only if they choose to keep, as a profit-enhancing savings, at least a portion of the difference in premiums between the two types of plans.

LOW- AND MODERATE INCOME TAXPAYERS MAY
PARTICIPATE IN MSAS INVOLUNTARILY

The Joint Committee on Taxation analysis goes on to say that "Employee wages for small- and medium-sized are weighted toward the lower- and middle-income classes. As a result, the revenue estimate assumes that taxpayers in the lower- and middle-income classes are more likely to be offered a high deductible plan coupled with an MSA as their primary health plan." (Emphasis added.) Although the Committee's use of the term "primary" is ambiguous, it suggests some further issues.

Low- and middle-income employees may be reluctant voluntarily to accept high-deductible insurance with MSAs, because they usually do not have the resources to pay large out-of-pocket health care costs. An assumption that substantial numbers of such employees would participate suggests that their employers might offer only high-deductible insurance with MSAs and would no longer offer either a conventional fee-for-service policy or a managed care plan. For low- and moderate-income employees who consume significant amounts of preventive care for their young families through a health maintenance organization, for example, or have chronic health problems that require continuing care, the restriction of choice to a high-deductible plan could substantially degrade their ability to afford necessary health care services.