

# EXTENSIONS OF REMARKS

## COMMENDING THE TRUST FOR PUBLIC LAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. HOYER. Mr. Speaker, I rise today to recognize the hard work of the Trust for Public Land (TPL) and commend their staff for their tremendous efforts to protect the pristine land and promote the historic heritage of southern Maryland. As a result of their work with real estate, law and finance experts, business interests, and citizens' groups, we have been able, over the past several years, to conserve natural, historic, and environmental landmarks at Piscataway Park and Myrtle Point.

The motto of the Trust for Public Land is the inspiration which guides the organization. "Conserving land for people", is often a very complex, costly, and timely task. However, the TPL has shown that with the right combination of leadership, energy, and commitment, permanent conservation and preservation can be a reality.

Mr. Speaker, in 1793, George Washington wrote of his boyhood home Mount Vernon that "no estate in the United America is more pleasantly situated than this." Dating back to 1955, there have been significant threats to the 18th century scenery which serves as a viewshed across the river in Maryland. For the past several years, I have enjoyed working with the Trust for Public Land to ensure that today a functioning colonial farm, which serves as the perfect backdrop for Mount Vernon, runs along the Potomac River on the Maryland side.

Recently, the Trust for Public Land played an integral role in the effort to save the last undeveloped waterfront property in St. Marys County: Myrtle Point. Due to the services provided by the Trust for Public Land, this 192-acre Patuxent River parcel will be managed as a natural area and public recreational park with waterfront access. They negotiated the agreement between St. Marys County, the State of Maryland, and the Federal Deposit Insurance Corp. for more than 1½ years. In fact, without the leadership and vision of the staff of the Trust for Public Land, this deal might never have come together.

Mr. Speaker, these are just a few examples of the productive role the Trust for Public Land has played in ensuring the protection of our Nation's pristine environment and open space. Since its founding in 1972, the Trust for Public Land has protected close to 1 million acres of land valued at over \$1 billion in 44 States and Canada, including 2,000 acres in Maryland.

They have successfully brought together government and private interests in the name of conservation and are to be commended for their efforts and success. I know that my colleagues join me in recognizing their dedication and congratulate them on their many accomplishments.

## A REDEDICATION TO CIVIL RIGHTS

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 11, 1997*

Mr. CLAY. Mr. Speaker, as we commemorate Black History month 1997 it is important to recognize what black Americans have accomplished and to rededicate ourselves to future progress. As a Member of Congress who has devoted his life to the struggle for civil rights, I am deeply troubled by the state of race relations in America. Over the last decade legislative and legal challenges have led to the deterioration of monumental civil rights initiatives. Today, the civil rights achievements of a generation of courageous men and women lie in jeopardy.

Racial and gender-based discrimination is a serious national problem. Recently it has become popular to vilify civil rights initiatives as unfair and ineffective. Opponents make the austere assertion these initiatives tilt the playing field to favor women and minorities yet they offer no substantial proof to support this notion. They try to persuade the public to believe we now live in a colorblind society and no longer need the restraint of law to ensure the fair and equitable treatment of women and minorities. They diligently argue this point while black churches smoulder throughout the country. Their message resonates in conservative circles even as institutional discriminatory employment practices like those at Texaco, Avis, and the Department of Agriculture are regularly disclosed. The opponents of civil rights laws discount their value to society even as we see mounting evidence that our own Government was actively involved or passively ignored the introduction of crack cocaine to poor inner city communities. And, sadly, civil rights opponents have attacked the boundaries of minority congressional districts while enacting racist initiatives like California's prop 209.

Programs like affirmative action, voting rights, race-based scholarships, and minority set asides were put into effect as a remedy to overt race and sex discrimination. Affirmative action has been defined as "any measure, beyond simple termination of a discriminatory practice, adopted to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future."—U.S. Commission on Civil Rights, Statement on Affirmative Action, October 1977. It does not force employers to meet defined quotas or hire unqualified applicants. However, it did force society to open the doors of opportunity to individuals who were previously precluded from participating fully in our society. Without these programs to prohibit racist and sexist behavior, people would be free to practice the socially destructive behaviors that inhibit our success and progress.

It is irresponsible for Members of this body to embrace the notion we no longer need laws

to prevent and protect women and minorities against discrimination. This body must work diligently to contain the disease of hate and prejudice which is eroding the very fabric of our Nation. The race problem in America threatens the two things that make us the most productive country in the industrialized world; diversity and opportunity. Mr. Speaker, Members should resist the temptation to participate in racially divisive politics. We as Members of the United States Congress need to do what is morally right, not what is politically advantageous. To dismantle our civil rights laws is to knock on the door of disaster. We cannot fan the flames of fear without getting burned. We must extinguish the fire. It is our responsibility to remain steadfast as the vanguards of justice and equality. We must not betray our responsibility to nurture and heal the deep divisions that prohibit us from realizing our true greatness.

## HONORING MARVIN RUNYON

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. CLEMENT. Mr. Speaker, I speak today in honor of Marvin Runyon—a good friend, a great constituent, and an honorable leader. Many Americans recognize Mr. Runyon as the Postmaster General of the United States. However, he has also enjoyed a distinguished career in the corporate world and as a public servant.

I first met him when he was President and CEO of Nissan America. At the time, he had chosen Smyrna, TN, as the site to build Nissan's manufacturing plant from the ground up. After great successes at Nissan, he was selected by former President Ronald Reagan to become chairman of the Tennessee Valley Authority. Following his chairmanship, the Postal Service's Board of Governors asked Mr. Runyon to become our Nation's 70th Postmaster General.

My esteemed constituent oversees a \$56 billion Federal agency, employing 760,000 individuals and bearing 40,000 post offices nationwide. Under Mr. Runyon's watch, the U.S. Postal Service earned a \$1.6 billion in 1996. In addition, overnight service performance has improved in recent years from 82 to 91 percent.

Mr. Runyon has come under criticism in past months over some stock holdings. However, I hope that these allegations do not overshadow the diligence, competence, and honor of a man who has spent his career serving others. While others must judge the ethics of Mr. Runyon's investments, I am pleased to submit two articles that tell his side of the story. I ask that these articles be submitted for the RECORD.

[From Industry Week, Feb. 3, 1997]

MARVIN RUNYON DELIVERS A TURNAROUND

(By William H. Miller)

When most top-level CEOs reach the retirement years, they're only too glad to swap

• 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.

their corner offices, limousines, and other perks for a less stressful life of golf, grandchildren, and gardening. If they do want to keep a hand in running things, may be they'll sit on a few boards, head a quiet foundation, or spearhead a fundraising drive for the local symphony.

For Marvin T. Runyon, all that sounds boringly tame. At age 72, the former Ford Motor Co. vice president, Nissan USA manufacturing CEO, and Tennessee Valley Authority (TVA) chairman toils 10 to 12 hours a day—and takes work home—in what has been called the toughest management job in the U.S.: Postmaster General and CEO of the U.S. Postal Service (USPS).

Runyon has been in the job—thriving in it, in fact—for 4½ years. During that time he has created headlines and controversy—and a notable turnaround of a troubled organization that in an onrushing era of electronic communication seemed an anachronism.

How tough is his job? Based on its size alone, the Postal Service is a managerial pressure cooker. Its fiscal-1996 revenues were \$56.4 billion—enough, probably, to preserve its 1995 ranking as the U.S.'s ninth largest and the world's 33rd largest enterprise. And with a career workforce of more than 760,000, it is the nation's largest employer next to the Dept. of Defense.

What makes Runyon's job even more challenging, however, are the severe restraints on operating freedom that any boss of the Postal Service faces—restrictions not shared by private-sector CEOs. Although no longer a Cabinet department—it became a quasi-government organization in 1971—USPS is subject to oversight from Congress, which has never been shy about exercising its will. It also reports to a nine-member Board of Governors appointed by the President.

Moreover, a host of federal departments can control its actions: Treasury, for example, must approve any new businesses the Postal Service enters; the Dept. of Transportation sets rates for overseas air mail; and the Office of Personnel Management represents the agency on appeals to the Merit Systems Protection Board.

The Postal Service can't even determine its own postal rates. It can only recommend increases to the Postal Rate Commission, an oversight body that can approve, disapprove, or change them. The decision process often drags on for 10 months or more, during which time markets may change or competitors beat the USPS to the punch.

In perhaps its greatest lack of self-determination, however, the Postal Service—unlike private businesses or its competitors—isn't able to pick and choose its markets and services. It is required by statute to provide universal service at a uniform price—delivering mail to any address in the U.S., regardless of how remote or how crime-ridden an area may be, six days a week and at a standard rate. "That keeps us from cream-skimming, like our competitors can," Runyon acknowledges.

As if these strictures weren't enough, any Postmaster General must manage in an awkward labor-relations environment. Because strikes among government workers are forbidden by law, the Postal Service and its five unions—mainly, the 365,000-member American Postal Workers Union (APWU)—must submit labor disputes to mandatory binding arbitration. "No company has to do that," points out Runyon. "One arbitrator can tell us what our labor costs are going to be. And we have no responsibility for the outcome."

Runyon was well aware of these constraints when he stepped into his post, first held by Benjamin Franklin. He also was aware of a variety of other daunting challenges he had inherited—challenges that to an executive war-horse like him made the job seem even more appealing. Among them:

Nimble competitors, not bound by the obligation to provide universal service at a uniform price, were tearing at the Postal Service's very existence. Private carriers offering overnight package delivery were grabbing an increasing share of the market. The fax machine, e-mail, and other electronic forms of communication were rapidly replacing first-class mail, long a USPS monopoly. Runyon figures that 35% of business-to-business mail has disappeared in recent years—an erosion that he expects to continue.

The Postal Service's organizational structure was a classic example of bureaucracy at its most bloated. The culture of the 221-year-old agency was steeped in the 19th century. Technology seemed barely in the 20th.

Red ink was flowing. The last time the USPS had turned a profit was 1989, the year after a postal-rate rise.

Relations with the postal unions were, at best, strained.

Runyon plowed into these challenges with the zest of a CEO 20 years his junior. But, unlike a younger executive, he brought a rich background of varied management experience to the post.

First was his 37-year career at Ford. He started as an assembly-line worker in Dallas while awaiting a call-up to the Air Force during World War II, went back as an hourly employee while completing his engineering degree at Texas A&M University, and eventually worked his way up to vice president of Body & Assembly Operations.

After leaving Ford in 1980, he became President and CEO of Nissan Motor Manufacturing Corp. U.S.A. where he built the first Japanese auto plant in the U.S. at a greenfield site in Smyrna, Tenn.

Then, at a time when most executives his age head for the golf course, in 1988 he left Nissan to become TVA's chairman. "I went there," he says, "because President Reagan asked me to. And I wanted to prove that we could run a government agency as efficiently as a private company."

He did precisely that. In what he calls "a learning experience" for the Postal Service, he turned TVA, then a reeling organization, around. He slashed overhead by 30%, achieved \$1.8 billion in efficiency improvements, and stabilized TVA's utility rates that had been rising more than 10% a year for the previous 22 years. (Thanks to his spadework, it has been 10 years since TVA's last rate increase.)

His success at TVA caught the eye of the Postal Service's governors, who offered him the Postmaster General's job in May 1992. He started two months later and immediately asked all postal officers to "explain to me what they did, why they did it, and how they did it." After digesting that information, within three weeks he launched a process of change that, going on five years later, continues.

"The biggest challenge," he says, "was to stop losing money." Beyond that, his goals were to improve service, stop the high wage increases that were granted every three years, and reduce overhead.

"Another challenge I had, both at TVA and here," he reflects, "was to convince employees that they had customers. I had to convince them that we didn't just exist because we were a government agency, but because we provided a service—a service to customers. And we had to satisfy those customers. It required a total culture change."

"We've done a pretty good job," Runyon reflects, looking back on his tenure with an air of detachment—and obvious satisfaction. Ticking off his team's accomplishments, he points out that USPS went four years without a rate increase. When it did raise rates in January 1995, the boost was only 10.3%—two points below the four-year inflation rate.

Significantly, the service posted a profit of \$1.8 billion in fiscal 1995 and \$1.5 billion in 1996. Runyon is confident of more black ink in fiscal '97, which would mark the first time since the Postal Service became independent in 1971 that it has strung together three consecutive profitable years. Profit is budgeted at \$55 million, but Runyon is setting \$1 billion as "an aggressive target."

The service doesn't make a profit merely for the sake of profit. But the last two years of black ink have more than halved USPS's one-time negative equity of \$6 billion. "When we get our negative equity down toward zero, and if we can continue to make a profit, we may be able to cut the price of stamps," he says.

In perhaps an even greater accomplishment, the Postal Service under Runyon has managed to make these profits while simultaneously improving its performance. Since early 1994, USPS has boosted on-time delivery of overnight-designated mail from 79% to 91%, helping to erase its long-time image of offering "snail mail."

How did Runyon accomplish all this? Much of the turnaround he credits to his reorganization of the once-bloated agency. He trimmed four layers of management, reducing overhead by some 23,000 administrative employees. This leaner organization, in turn, has made possible a significant improvement in communication. And communication, he stresses, "is the most important thing you have in any business."

At the same time, Runyon reduced the number of regulations in the USPS Domestic Mail Manual, which hadn't been overhauled in more than a century, by 50%.

Not unexpectedly, many of Runyon's moves sparked resistance. But now, he claims, his customer-oriented, market-driven approach—unquestionably helped by the incentive-compensation plan he has installed—has energized the organization.

Important, too, in the Postal Service's turnaround have been Runyon's marketing innovations. Perhaps most noticeable to the general public are the post offices themselves. They don't look like—well—post offices anymore. They're bright, colorful, user-friendly "postal stores," featuring automatic-teller machines and clerks who actually smile. Customers can even use cards—a simple convenience that took Runyon two years to get approved by Congress.

In addition, Runyon has launched an aggressive advertising campaign. Focused particularly on Priority Mail, it is credited with raising volume of that service by 23% from the previous year. The campaign has been so successful that it has attracted a lawsuit by Federal Express over claims made in the ads.

The Priority Mail campaign also is the subject of one of Runyon's managerial embarrassments. It led to the forced resignation last October of Loren E. Smith, the former chief marketing officer who draws effusive praise from Runyon for spearheading USPS's marketing initiatives. A one-time Procter & Gamble executive, Smith left the Postal Service following revelations he had overspent his advertising budget by nearly \$90 million. The episode is another example of the lack of flexibility the Postal Service, whose advertising expenditures are firmly fixed by the Board of Governors, has in responding to the market. Any private company seeing similar effectiveness of an ad campaign, postal officials point out, could easily have shifted spending to continue the momentum.

Besides its marketing emphasis, the Postal Service is introducing a steady stream of popular new products. Self-adhesive "no-lick" stamps, which now account for 60% of all stamp sales, are one. Two newer ones in recent months: Global Priority Mail (available to 27 nations) and Global Package Link

(a customized direct-mail service for businesses). More new-product offerings are on the way, many of which are an effort by the Postal Service to counter its electronic competition by offering innovations of its own in the area of electronic commerce. Among them:

**CIPS** (Customer Initiated Payment System)—a service that will enable consumers to drop a prepaid card into the mail to trigger electronic payment of bills. It will save them from having to write a check.

**Hybrid Mail**—a potential market of \$200 million a year in which consumers—especially advertisers—can transmit mail electronically and have it delivered in hard copy.

**Electronic Postmark** capitalizes on the Postal Service's unique capability of being a "trusted third party" by certifying electronic messages.

**Kiosks** will offer consumers one-stop shopping for federal services. By inserting a "smart card" in a slot, for example, they can get their Social Security checks.

Still another innovation—installation of vending machines in post offices—is in the works (and has subjected Runyon to a Justice Dept. investigation because he was involved in negotiations despite formerly owning Coca-Cola stock).

At the same time it introduces these and other new services, the Postal Service is installing sophisticated new automation equipment—part of a record five-year, \$14 billion capital-investment program that is one reason for the dramatic improvement in on-time delivery.

Despite this automation and other efficiency gains, 80 percent of USPS's revenues still goes to labor, Runyon pointed out in a recent speech. He indicated the agency is "taking a good, long look" at using private-sector labor—an action that invites a battle with postal unions (see Page 47).

As if Runyon won't be busy enough this year shepherding the Postal Service's new products and other innovations, he also will devote much of his attention to Capitol Hill. Already, he says, "I spend 20 percent of my time dealing with Congressional matters." That percentage may increase as he works for enactment of legislation, expected to be reintroduced by Rep. John M. McHugh (R, N.Y.), that would give the Postal Service greater flexibility to set prices and to expand and create products more rapidly.

Beyond that, Runyon says his goal is "to just keep on improving." He'd like to extend USPS's string of profitable years—"a historic three-peat," he calls it—and boost its service performance even higher.

"That is what makes the rumors so hard to understand," he declared in a December speech to the National Postal Policy Council, an organization representing large mailers. "I am talking about the rumors that I am ready to hang up my bag and leave the Postal Service. I am looking forward to 1997 and beyond."

That doesn't sound like a man who wants to chuck it all for golf, grandchildren, and gardening.

[From Barrons, Monday, Jan. 27, 1997]

#### THE APPEARANCE OF CONFLICT

(By Thomas G. Donlan)

#### STOCK OWNERSHIP IS NOT NECESSARILY A COLLISION OF INTEREST

Marvin Runyon, chief executive officer of the Postal Service (in pretense a private company) has done what he must to hold on to his real job, which is Postmaster General of the United States. He has apologized for "an appearance of conflict of interest" involving his ownership of stock in a company doing business with the Postal Service. The apology may have been politically necessary

but it will do nothing to improve government or the Postal Service.

At issue is Runyon's ownership of somewhere between \$50,000 and \$100,000 worth of Coca-Cola stock while he was also involved last year in discussions about a franchise for Coke machines in the nation's 40,000 post offices.

According to Runyon's report, he has owned the stock since 1977. We did not ask him, but let's assume he has about 1,700 shares worth about \$100,000. Undo the effects of 20 years' worth of stocks splits and appreciation: By our calculation, that means he paid \$35 a share for 70 shares—much less if he reinvested dividends. It was a trivial investment for a man who was then one of Ford Motor Co.'s top executives. Only 20 years' worth of appreciation makes the investment a sum worth noting.

Anyone with a sense of proportion should also wonder how much profit Coca-Cola might gain from even 40,000 new Coke machines. After all, the company makes syrup, which passes through the hands of distributors and bottling companies and vending-machine companies before it ever reaches the lips of thirsty postal patrons, parched by waiting for the so-called service of the Postal Service.

If Coca-Cola makes a penny a drink and each machine rings up 500 sales a day (both estimates are absurdly high), that's 20 million pennies or \$200,000 a day profit. Six days a week minus national holidays is roughly 300 days and \$60 million. Divide that among 2.4 billion shares and multiply by no more than 1,700 shares that Runyon owns if his holdings are worth less than \$100,000, and we're looking at an appearance of less than \$45 a year worth of conflict of interest.

When Runyon was reproached for this conflict, he should have replied with defiance, not with meek acceptance. Instead, he recused himself from the negotiations with Coca-Cola and sold his Coke stock.

Obviously, he paid more in capital gains tax on the sale than he could have earned from 500 years of his stockholder's share of the profits from a Coke franchise in post offices. But this is the U.S. Postal Service, which swallows camels and strains at gnats with the best bureaucratic skill.

A few months ago, the Postal Service system forced the resignation of one of Runyon's key aides, marketing director Loren E. Smith. The unfortunate fellow violated a rule against unauthorized budget transfers. He had overspent his advertising budget by \$90 million on aggressive ads for express mail that targeted the competition, Federal Express and United Parcel Service.

Called "\$12, \$6, \$3: What's Your Priority?" the ads boosted the Postal Service's Priority Mail service, which offers two-day service for \$3, compared with the competitors' two-day services at \$12 and \$6. The ads glossed over the other guys' service guarantees and computer package-tracking, but the emphasis on low price worked.

The ads were the most effective in Postal Service history, pushing express-mail revenues up by \$500 million or more during the campaign. "Quite frankly, you ought to be throwing a parade for everybody in the marketing department," Smith said, just before he was sacked.

The Smith affair underscored the real character of the Postal Service as a government bureaucracy rather than a real corporation. The rules Smith broke were legislated into his way by political appointees on the Postal Service Board of Governors, for whom line items were more important than success. Smith had never overspent the marketing budget, just the part for advertising, which was covered by spending restraint in other areas.

For an explanation of Smith's fate, recall that FedEx was the largest corporate contributor to congressional campaigns between 1993 and 1995, while UPS was third. When such contributors complain about their governmental competition, things happen. All Runyon could do was send Smith on his way with a \$94,000 severance arrangement, something that brought the postmaster general under more fire.

Still, the biggest stick with which Runyon's enemies are beating him is this convenient thing, the appearance of conflict of interest.

Similar sticks are raised throughout the country, where federal, state and local rules restrain officials from owning insignificant quantities of stock because their holdings might pose an appearance of conflict.

At the moment, two Clinton Administration nominees, Anthony Lake and Samuel Berger, are struggling with such an appearance. While Lake was serving as National Security adviser and Berger was his deputy, the two were advised by some overzealous White House lawyer to sell their energy stocks, as if they could pervert the nation's foreign policy to make a few pennies per share in Lake's Duke Power and Exxon stock, his wife's stock in Mobil and TECO Energy, and Berger's stock in Amoco. The two men ignored the admonition, accidentally they say, and the Justice Department has been investigating them for more than a year.

Now Lake has been nominated to be director of the CIA, a particular irony since the most successful recent director, the late William Casey, was an ardent Wall Street plunger. Casey's purchase of stocks at the beginning of the bull market in 1982 was fully disclosed and drew sarcastic remarks in *Barron's*, among other places, but never seemed to affect his performance as the nation's spymaster.

Appearances aside, either there's a conflict or there isn't, and reasonable people can tell the difference. It's not a conflict for an official such as Runyon who owns one-millionth of a company while negotiating with that company for a contract that might enhance its profits by 3%. It's a conflict when the investment is so large that the potential swing in earnings also represents a substantial percentage of the official's annual income.

The real appearance in the Postal Service is of a conflict between tough-minded people trying to run a business and muddle-headed political appointees trying to maintain a traditional preserve of civil-service unions and political patronage.

#### CHILD ACCESS PREVENTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BLUMENAUER. Mr. Speaker, the statistics regarding kids and guns today are truly alarming. Every 90 minutes a child is killed with a loaded gun. Shootings are the fourth leading cause of accidental death for children. For every child killed by gunfire, four more are wounded. This is a tragedy we can and should do something about.

The right to own a gun must be balanced with the responsibility of keeping guns out of children's hands. When people buy a gun, they should also be encouraged to purchase either a lock box, trigger safety, or similar device to make sure the gun cannot be accidentally handled or fired.

Today I am introducing a bill that models itself after laws already on the books in 15 States and a number of localities. These laws, known as child access prevention [CAP] laws, make it the legal responsibility of gun dealers to provide—and of gun owners to use—gun safety devices. Best of all, we know from experience that this is an approach that works. Florida, the first State to pass such a law, showed a 50-percent drop in unintentional shooting deaths among kids the first year after passage. California has shown similar results after passing a CAP law.

My bill would: require gun dealers to offer to sell a locking device or lock box for safe gun storage and post a sign stating that this law is in effect; making gun owners legally responsible for leaving a loaded firearm, or a firearm near ammunition, in a place where kids could gain access.

People regularly child proof their home to protect children from harming themselves. By making potential gun buyers aware of these problems and by offering a solution at the point of sale, we can child proof guns in the home, leading to fewer gun-related accidents and a greater sense of awareness about gun safety.

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#### HONORING RAY MEDLIN

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize G. Ray Medlin of my district, on his receipt of the Northwest Ohio Chapter of the Arthritis Foundation's Humanitarian Award. Ray will be honored in Toledo, OH on February 25, 1997.

Ray has served our community, our State, and our Nation in many capacities. He is a dedicated and diligent trade union leader, having served as the executive secretary-treasurer of the Northwest Ohio District Council of Carpenters and president of the Northwest Ohio Building and Construction Trades Council. He currently is the executive director of the Carpenters Health and Safety Fund of North America.

Extending his commitment outside his profession, Ray serves as a key member on several northwest Ohio boards including the Bowling Green State University Board of Trustees which he currently chairs, the Toledo-Lucas County Port Authority Board, the Toledo Regional Growth Committee, the Riverside Hospital Board, and the Rossford, OH Economic Growth Committee.

Ray Medlin directs his energies to those ventures which will reap economic rewards for our region, thereby assisting our entire community in achieving economic security. In that sense, he is a classic humanitarian: Focusing his volunteer efforts on bettering the lives of his fellow citizens. He is a worthy recipient of the Northwest Ohio Chapter of the Arthritis Foundation's 1997 Humanitarian Award. I am pleased to join the organization in congratulating him and acknowledging his service and commitment to us all.

#### MENOPAUSE OUTREACH, RESEARCH, AND EDUCATION ACT

#### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. STEARNS. Mr. Speaker, women hold a unique and very special place in today's society. Women must be multifaceted—they have many roles which they must fulfill. In addition to the role of wife and mother, many women must also work outside the home and have many demands made upon their time.

While women experience the same stresses and strains that all Americans must contend with, women have special health concerns that affect them directly as a group.

Health care has been the focal point of discussion in and outside of Congress over the past few years. Why should women's health care needs be treated any differently from other health care problems? Simply because women experience all the normal aches and pains, but they are also struck with diseases which are predominant among women.

Since women live approximately a third of their lives—about 30 years—after menopause, it is crucial that we learn more about this passage in a woman's life. That is why I am reintroducing the Menopause, Outreach, Research and Education Act [MORE] to provide a program for research and education regarding menopause and related conditions.

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#### APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPU- LATION PLANNING PROGRAM

SPEECH OF

#### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997:

Mr. STOKES. Mr. Chairman, I rise today in support of House Joint Resolution 36 to release funding for international family planning programs.

Through family planning services, women and their families are given essential prenatal care and health services. Recognizing the importance of this effort, the United States has been the leader in providing family planning services throughout the world.

In fact, since 1965, the United States has supported population planning assistance in developing nations. These programs provide the means for avoiding unintended pregnancies, and therefore, play an essential role in reducing abortions.

Each year, over 580,000 women die from complications of pregnancy and childbirth. Ninety-nine percent of these women live in developing countries. Furthermore, in developing countries, more than 31,000 children under the age of 5 die each day.

Mr. Chairman, family planning reduces maternal and child mortality by educating women

and their families about their reproductive choices. Furthermore, these programs provide essential medical resources to help infants with immunizations, nutrition, and disease control.

If the funding for these important services is continued to be delayed, we will deny informed and effective use of reproductive and contraceptive services to couples who depend upon these programs. In fact, when contraceptive services are not available to women, abortion rates increase.

Unfortunately, during last year's budget debate, abortion opponents cut international family planning funds by 35 percent, and mandated that fiscal year 1997 funds could not be spent until July 1997 unless President Clinton submitted a finding to Congress which demonstrated that the holding of these funds is having a negative impact on developing countries.

As President Clinton has reported to Congress, any further delay in the access of family planning services will have a negative impact on population programs and will result in "increased unintended pregnancies, more abortions, and higher numbers of maternal and infant deaths."

Mr. Chairman, this is not a vote on abortion. By law, these funds cannot be used to provide or promote abortions. Funding for these programs should be released immediately. The only way to reduce the number of abortions worldwide is to reduce the number of unwanted pregnancies. The most effective way to accomplish this is through family planning services.

Mr. Chairman, the benefits of family planning are undeniable. I urge my colleagues to join me in supporting House Joint Resolution 36.

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#### TRIBUTE TO YAKOV AND SYLVIA YELLIN

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Yakov and Sylvia Yellin, who this year are recipients of a special award from Shaarey Zedek congregation in north Hollywood. As members of the congregation, the Yellins have taken the lead in the construction of a new building at Shaarey Zedek, which is the largest Orthodox shul in the San Fernando Valley. Indeed, Yakov Yellin recently completed a highly successful 2-year term as synagogue president.

Yakov's dedication to Shaarey Zedek is no surprise; he is a rabbi who spent 5 years as head of a congregation in San Jose, CA. He also spent nearly 2 years as Post Jewish Chaplain at the U.S. Army Base at Fort Sill, OK. Shaarey Zedek is fortunate to have someone of such stature in its congregation.

Sylvia Yellin, the child of Holocaust survivors, has a similar commitment to Orthodox Judaism. She attended Hillel Academy elementary school in Denver and graduated from Esther Schoenfeld High School in Brooklyn. She has served on several synagogue boards, and headed the chaplain's wives' club at Fort Sill.

Somehow the Yellins are able to balance their commitment to Shaarey Zedek Congregation with full professional lives and parental responsibilities. Yakov is vice president-counsel at the Walt Disney Co., a job that requires his intimate involvement in all aspects of litigation. He has also traveled around the world lecturing on ethical standards and legal compliance matters. For her part, Sylvia is vice president of Adams Speciality Shop.

The Yellins have five children, who range in age from 10 to 24, one grandchild and another on the way.

I ask my colleagues to join me today in saluting Yakov and Sylvia Yellin, whose spirituality, selflessness, and devotion to family is an inspiration to us all.

HONORING BRENTWOOD EARLY  
RISERS TOASTMASTERS CLUB

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. CLEMENT. Mr. Speaker, I rise today to commend the Brentwood Early Risers Toastmasters Club [BERT] for 20 years of service. On May 5, 1997, the Brentwood Early Risers Toastmasters Club in Brentwood, TN will celebrate their 20th anniversary. The first BERT meeting was held two decades ago at Nobles Restaurant in Brentwood at 7 a.m. The club met on the 1st, 3rd and 5th Saturday then and is still meeting at those times today.

The co-founders of the club were E.D. Dyer and Bunny (Ward) Woods. E.D. Dyer was the first president and Bunny Woods was the first secretary. W.D. Dyer was the only one of the 20 charter members who had any previous Toastmasters experience.

Bunny Woods is the only charter member who is still active in club activities. Ms. Woods has served as various officers for the club, including the office of president. She serves as an example and mentor for all club members. Bunny Woods is to be commended for her individual efforts for the good of all members of BERT for these 20 years. Thank you, Bunny Woods.

MILDRED BUNDY: ONE OF OUR  
COMMUNITY'S BRIGHTEST STARS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. FILNER. Mr. Speaker, I rise today to recognize this year's winner of the Rancho de la Nacion Optimist Club's Camacho-McCartney Award, Mildred Bundy. Mildred has lived in the 50th District community of National City for over 56 years, and she continues to shine as one of its brightest stars.

Each year, the Rancho de la Nacion Optimist Club gives the Camacho-McCartney Award to a community member who has put their heart and soul into volunteer work on behalf of our community's youth. But saying that Mildred puts her heart only into youth-oriented voluntarism does her a great disservice, because there is not a corner of the community that hasn't been touched by her incredible energy, dedication, and love for her community.

Besides all the work she does on behalf of our community's young people, including volunteering for the May Time Band Parade, the National City Girls and Boys Club and serving as a friend of the National City library, Mildred participates in We Are Your Neighbors, a program that seeks to find community answers to community problems. She also volunteers with the Christmas in July program, which assists senior citizens in making repairs and improvements to their homes.

If I am ever given the opportunity to rewrite the dictionary, I will make sure that under the words "community," "caring," "kindness," or "compassion," it will say—"see Mildred."

Thank you Mildred, thank you for everything.

HONORING THE 1997 FAIRFAX  
COUNTY CHAMBER OF COM-  
MERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1997 Fairfax County Chamber of Commerce Valor Award winners. On Tuesday, February 13, 1997, the Fairfax County Chamber of Commerce presented the annual valor awards at the McLean Hilton.

The valor awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: the Gold Medal of Valor, the Silver Medal of Valor, the Bronze Medal of Valor, the Certificate of Valor, the Life Saving Award.

The Valor Awards is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the 19th year that these awards have been presented.

The Gold Medal of Valor is awarded in recognition of acts involving extreme personal risk far beyond the call of duty. The Gold Medal of Valor Award winner for 1997 is: Technician George Lewis.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk. The Silver Medal of Valor Award winners for 1997 are: Officer Chris Hayo, Officer Troy Payne, Master Technical Michael Huffman, and Technician Beverley Carroll.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award winners for 1997 are: Officer Michael Bishop, Officer Robert Greissing, Sgt. Francis Stecco, Officer Dennis Vorbau, Officer Kenneth Campo, Officer Michael Twomey, Officer Mark Dale, Officer Steven Carroll, Officer Kevin Murphy, Detective John Kuch, Detective Richard Reeder, Detective Thomas Soltow, Detective Ronquillo Dean, Detective Warren McGee, Detective Jack Kirk, and Technician Michael Weldon.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award winners for 1997 are: Officer Donald Cooke, Officer Jason

Reichel, Officer Shawn Bennett, Capt. Donald Simpson, 2d Lt. Dennis O'Neill, Officer George Lopez, Officer John Absalon, Officer Wade Jordan, Officer James Nida, Officer David Bane, 2d Lt. Margaret DeBoard, and Recruit Gary Beaver.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award winners for 1997 are: Deputy Charles Brown, Corporal Vernon Thompson, Deputy Scottie Dotson, Officer Steven Faett, 2d Lt. Robert Hersey, Officer Christopher Thomas, Supervisor John Kirby, PSCA III Susan Farria, Capt. Michael Ward, Technician John Chabal, and Lt. Jerome Williams.

Mr. Speaker, I know my colleagues join me in commending these fine citizens who are truly deserving of the title "hero."

TRIBUTE TO PAUL WOLFE

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. MILLER of Florida. Mr. Speaker, today, I respectfully pay tribute to a long time friend, Mr. Paul Wolfe. He is an accomplished musician whose influence in the artistic and musical world has been felt in southwest Florida and throughout the world. On March 3, the American Jewish Committee in Sarasota, FL, will honor Mr. Wolfe with their 1997 Human Relations Award. Let me tell you about Paul Wolfe.

Mr. Wolfe began to play the piano at the tender age of 2 years. At the ripe old age of 4 years, he began his study of the violin and as a young teen, began performing with a group on radio. His illustrious career as a musical conductor was born.

Mr. Wolfe participated in a fantastic variety of performances. He played in the first violin section of the New York City Symphony, enjoyed an assignment to the Air Force Band, and performed in the show orchestra for "South Pacific." Despite his professional demands, his formal education remained a top priority. In an incredible balancing act, Paul Wolfe completed his undergraduate work and then actively pursued business administration at Columbia University while receiving his master's degree in music. With the support of his wife, Doris, he even made symphonic recordings for Columbia Records and RCA during these years.

In 1961, Mr. Wolfe was invited to become the artistic director of the 13-year-old Florida West Coast Symphony in Sarasota, FL. He adeptly molded the enthusiastic community orchestra into the outstanding symphony we have today and cofounded the prestigious Sarasota Music Festival. Paul Wolfe is also dedicated to passing the joy of music on to the next generation through the Florida West Coast Symphony Youth Orchestra. The symphony's nationally recognized youth programs have grown under his direction to include five youth orchestras and are among the most extensive of any in the country.

Upon his retirement from the Florida West Coast Symphony in April 1996, Paul Wolfe assumed the well-deserved title of conductor laureate. Today, he continues his involvement by

working Saturday mornings with young musicians as well as participating with the Florida String Quartet.

I have known Paul personally for many years. He is well loved by our community for his humor, warmth, and modesty. Though he is hanging up his professional baton, his legacy will remain for his tremendous contribution to music education for our youth. I honor Paul Wolfe today as a friend, musician, and civic leader and praise his contributions on behalf of the 13th Congressional District of Florida.

#### TRIBUTE TO JACQUELINE D. WARD

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. TOWNS. Mr. Speaker, public service is not an option for everyone, but it is the foundation upon which Jacqueline Ward has built a career.

Jacqueline has been on the frontline of numerous political campaigns, and has demonstrated her tenacity and passion for participating in the political process. Her many talents have been utilized by a host of New York State and city political luminaries, including, former Governor Mario Cuomo, Mayor David Dinkins, Comptroller Carl McCall, and Brooklyn county leader Assemblyman Clarence Norman.

Jacqueline Ward has acquired considerable background in accounting and bookkeeping services as a result of her work with numerous businesses which provide financial services.

Ms. Ward has a 17-year-old son Mark, and resides in Jamaica, NY. I want to take this opportunity to acknowledge the public service career of Ms. Jacqueline Ward.

#### TRIBUTE TO PHILIP MORSE

##### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, 25, 1997*

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Mr. Philip Morse for being recognized by the American Associates Ben-Gurion University of the Negev for helping to establish a Chair for Clinical Studies in Rheumatology. Mr. Morse's vision, leadership, and enduring support as a businessman and as a philanthropist in the United States and abroad is a beacon for us all.

Born in Poland in the 1920's, Mr. Morse was smuggled across the border of his homeland at the young age of 19 to escape the horrors of the Holocaust. By way of Sweden, Russia, Japan, and Seattle, he arrived in New York City in 1940 greeted by relatives he had never met. Philip Morse came to America penniless, alone and determined to pursue his dream of success and freedom. It was his creativity and wit that would help him become an extremely successful industrialist.

Philip Morse's experience in repairs and conditioning of machinery helped him to establish the Morse Electro Products Corp. where he first revolutionized the sewing machine. Soon after, he developed a way to transform the massive radio console into a compact

stereo. His innovation was the most inexpensive way to build a personal stereo making it affordable for working America for the first time ever. Furthermore, he provided thousands of jobs for workers by setting up an assembly line to manufacture the compact stereo at industrial parks in New York, Texas, and California.

In addition to his business success, Mr. Morse is committed to support Judaic causes. Several times a year he travels to Israel to promote the Zionist movement and encourage business development in Israel. Through his own personal interest and painting experience, he established a business in Israel that reproduces serigraphs and lithograph paintings of young and unknown artists. Today, he is acknowledged throughout Israel for his commitment to education at yeshivas and at the Ben-Gurion University.

Mr. Morse remains active in the Jewish community in south Florida as a founder and distinguished member of the board of directors for the Aventura-Turnberry Jewish Center and as a member of Hashomer Hazair.

I wish Philip the best on receiving this prestigious recognition from the Ben-Gurion University of the Negev. I know he will continue to be an effective voice for business development and for the Jewish community in south Florida and in Israel.

#### LEGISLATION TO FIX HOSPITAL OUTPATIENT DEPARTMENT OVERCHARGES: SUPPORT FROM NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

##### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. STARK. Mr. Speaker, Representative BILL COYNE and I have introduced legislation (H.R. 582) to stop immediately the overcharging of Medicare beneficiaries in hospital outpatient departments [HOPD's]

I am pleased to report that the President's fiscal year 1998 Medicare budget also proposes to fix this gross overcharging of beneficiaries through a 10-year return to the 80-20 percent split that prevails in the rest of Medicare Part B.

It is way past time that we fixed this problem. Four and a half years ago the National Committee to Preserve Social Security and Medicare wrote about it in their July/August issue of Secure Retirement. It is a good explanation of the problem—and why we should fix the problem this year, before it gets even worse.

[From Secure Retirement, July/Aug. 1992]

WHY MEDICARE OUTPATIENT AND INPATIENT FEES CAN BE AS DIFFERENT AS APPLES AND ORANGES

(By Jeff Archer)

If you need surgery and your doctor recommends outpatient treatment, check the price first.

While both physician fees and hospital inpatient charges are strictly controlled by Medicare, no similar limits are imposed on what an outpatient center may charge.

As a result, Medicare beneficiaries are not protected from excessive charges by outpatient services, says a recent report by the

Prospective Payment Assessment Commission, the non-partisan body created by Congress to study Medicare's payment systems.

Seniors who don't have the most recent version of the Medicare Handbook might not realize this. Last year's handbook contained a chart of covered benefits for outpatient hospital treatment, which said: "You pay . . . subject to deductible plus 20 percent of approved amount."

But in reality, seniors may wind up having to pay more, possibly 30 percent or higher than Medicare's approved amount for the procedure.

That's because Medicare actually has no direct control over the outpatient service fee. No matter how much is charged, Medicare tells beneficiaries they must pay 20 percent of the bill.

Medicare does have approved amounts for these procedures, but they are used only to determine how much the health agency pays—not how much the beneficiary owes.

So while the health care agency and health care providers talk apples and oranges, the beneficiary is left completely unprotected from excessive outpatient charges.

The situation has been going on for years.

In fact, Medicare itself has pointed out the problem and the need to control outpatient fees in the same way that hospital inpatient charges are regulated.

"Currently, the beneficiary pays 20 percent of whatever the [outpatient] hospital charges for a procedure, while Medicare pays 80 percent of a payment that is at least based on costs," former Medicare Administrator Gail Wilensky told Congress in 1991. "Payment should be the same regardless of whether the procedure is performed in an outpatient department, an ambulatory surgical center or other center."

Medicare beneficiaries also have realized the error.

Kenneth Lee, of Everett, Wash., noticed the problem after his wife, Barbara, sought treatment as a hospital outpatient about two years ago. The Medicare form they received showed them having to pay 20 percent of the bill from the outpatient center.

But when Mr. Lee called his Medicare representative, he found the health care agency paid the facility much less than 80 percent of the total bill. That meant the Lees actually had to pay more than 20 percent of Medicare's approved amount.

"They're saying there are two reasonable amounts, one for Medicare and one for you," says Mr. Lee, calling the practice double bookkeeping. "It's misleading and false—they don't cover 80 percent of the bill."

The 1992 Medicare Handbook has been changed to indicate beneficiaries are responsible for 20 percent of the billed—rather than the approved—amount. But outpatient service fees still are not controlled by Medicare.

In its recent report to Congress, the Prospective Payment Assessment Commission called for controls on outpatient service fees, stating the current practice "unfairly penalizes beneficiaries who receive care in the outpatient setting."

#### BALANCED BUDGET AMENDMENT: CONSTITUTIONAL BOONDOGGLE

##### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. CONYERS. Mr. Speaker, I am attaching a copy of an important editorial appearing in last week's Wall Street Journal entitled "Constitutional Boondoggle" strongly opposing the

balanced budget amendment. When a bastion of conservatism such as the Wall Street Journal refers to the balanced budget amendment as a "flake-out" and "silly," I think it is time for all Members to look up and take notice.

[From the Wall Street Journal, Feb. 4, 1997]

#### CONSTITUTIONAL BOONDOGGLE

With President Clinton about to deliver his State of the Union Address and new budget, this is an apt moment to say that the President is right and the Republicans are wrong on item one of the GOP Congressional agenda. The balanced budget amendment is a flake-out.

The notion of amending the Constitution to outlaw budget deficits is silly on any number of counts. Politically it's empty symbolism. Legally it clutters the Constitution with dubious prose. Today's lesson, though, concerns economics and accounting. You can't measure economic rectitude by any one number, let alone the "deficit," however defined, let alone the deficit projections the proposals will inevitably involve in practice. The attempt to enshrine such a number in the Constitution is bound to prove a snare and a delusion.

The proposal passed by the Senate Judiciary Committee says that outlays ("except for those for repayment of debt principal") shall not exceed receipts ("except those derived from borrowing"). While this concept sounds simple, in fact it reflects neither accounting principles nor economic reality.

If you can balance your family budget, the thinking goes, the government can balance the federal budget. But applying the budget amendment's principles to households would outlaw home mortgages, which have proved a boon to countless families and the general economy. What a family balances is its operating budget, a concept foreign to the federal accounts. In corporate accounting, similarly, the health of an enterprise is measured by careful distinctions such as accruals or depreciation. Even the balanced budget restraints of state and local governments exclude spending on capital improvements financed by bond issues approved by voters.

The reality is that borrowing money is not a sin; it depends on how much money, and in particular on the uses of the borrowed funds. Even the amendment itself recognizes this by allowing Congress to waive the amendment by majority vote when war is declared or when a joint resolution declares "a military conflict which causes an imminent and serious military threat to national security." Other emergencies would presumably be dealt through the provision that Congress could approve borrowing by a two-thirds vote.

Republicans back the amendment because it scores well with focus group participants, who don't understand the difficulties, and with Ross Perot, who doesn't care. They also hope that limiting the government's power to borrow will force it to limit spending. Democrats seems pretty much to agree, and want to voice support for the amendment to appease focus groups while also killing it to avoid a spending straitjacket. We're not so sure.

For one thing, we've observed how European politicians, even supposedly conservative ones, have been behaving toward the budget-deficit requirements they imposed on themselves in the Maastricht agreement. To get within the numerical criteria, the Italians are taking their railroads off and on budget; the French government, in return for an infusion of funds this year, assumed pension obligations running into the far future. Governmental accounting, you see, simply counts formal government debt; it ignores unfunded governmental promises.

This is a loophole enormous enough that Rep. Fernand St Germain could drive half of the S&L crisis through it in one night in 1980, when he doubled deposit-insurance limits. Another enormous loophole is the government's ability to offload, or "mandate," costs on corporations, individuals and state and local governments without running any receipts or outlays through the Washington books. And when the bill for Rep. St Germain's coup suddenly came due in 1989, would it really have been better to avoid borrowing and put the rest of the government through a temporary wringer?

These imperfections might not matter if the amendment did no harm, but it's easy enough to imagine scenarios in which it would keep us from doing the economically right thing. Take the proposals by the most conservative bloc in the recent Social Security Commission. They would allow current taxpayers to personally invest part of what they owe in payroll tax, giving them a better return. But meeting obligations to those retiring before their benefits were funded would require a big issue of government debt. The new debt would merely formally recognize current obligations, and the privatization would dramatically reduce future obligations. Though this transaction would plainly improve the federal fisc, the balanced budget amendment would outlaw it.

Or for that matter, take the Reagan defense build-up, which led to victory in the Cold War. The balanced budget amendment would have allowed a majority to vote for borrowing if fighting broke out, but not for expenditures to deter it. Is that what we want?

And take the Reagan tax cuts, which in combination with Paul Volcker's tight money, led the country out of 1970s malaise, conquering inflation without an extended recession. Clearly deficit projections would have prevented the tax changes.

Yes, this policy mix gave us deficit, but the 1980s deficits are themselves a large part of the reason we have a new concern with budget discipline today. Indeed, it seems to us that history argues that discipline comes from forcing governments to borrow, and pay interest—instead of raising taxes or making unfunded promises or issuing unfunded mandates. Yet in the form passed by the Finance Committee, the amendment says you need a majority to raise taxes, a majority to declare a military emergency, but two-thirds to borrow.

What President Reagan understood is that if you limit taxes, spending will sooner or later have to follow. For permanent budget discipline, the best idea now on the table is Rep. Joe Barton's proposal, up for a vote in the House April 15, simply to require a two-thirds vote to raises taxes. If that should pass, nature will take its course.

We do need to get the national debt declining as a per cent of economic output. We do need to restrain federal spending. We do need to solve the Medicare crisis, as Senator Phil Gramm notes alongside. We do need to look beyond the year 2002. But these battles have to be fought one by one, and can't be solved by amending the Constitution. The concept embodied in the proposed amendment measures nothing useful; it is at best a distraction, and at worst spreads confusion that will make the right things harder to do, not easier.

#### CELEBRATION OF BLACK HISTORY MONTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BERRY. I rise today in honor of Black History Month. In the early 1990's a gentleman by the name of Dr. Carter G. Woodson helped to establish a time to recognize those men and women who have made significant contributions in America. It was his hope that this would stir the conscience of this Nation and encourage the celebration of our diversity which has always been a strength and not a weakness.

The reason why I come to the floor is to tell you of the importance of African-American history and the unique role of the black struggle in this country. From generation to generation, we have countless individuals who have risen above prejudice and injustice to make a change in our country.

To produce a group of outstanding leaders such as Harriet Tubman, Thurgood Marshall, Barbara Jordan, and Martin Luther King, Jr., during a time when the odds were so overwhelmingly against them, shows the true determination of a people that succeeded against all odds to reach a dream. I speak today, because a younger generation must be told of this rich cultural heritage.

There are two men who have roots in my congressional district who come to mind as I give tribute. These gentlemen, one who blazed a trail, and another whom I believe represents the future, are both role models in this tradition.

The late Elder Famous Smith of West Memphis was a good friend who pastored the 15th Street Church of God in Christ for over 40 years. He held the position of district superintendent of his religious denomination as well as being appointed to the Mid-South Community College board of trustees by then Gov. Bill Clinton. This strong community activist labored tirelessly before his death to help everyone, especially the younger generation which he considered the "apple of his eye."

Another man I am compelled to tell you about is our incoming Secretary of Transportation, Mr. Rodney Slater. He lifted himself from the poverty stricken area of the delta to become the first African-American Cabinet member from the State of Arkansas. Because of his far-reaching contributions in the field of public service he is positioned to become a fixture in American history.

The challenge that I leave you with today is two-fold. We must commit ourselves to the learning of this great heritage and instill in our younger generation a sense of pride and hope for the future. Knowledge truly is power and we must use it for the benefit of all Americans.

#### TRIBUTE TO LISA FALCONE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge Lisa Falcone, a native of Brooklyn, N.Y. who has been dedicated to public service.

Presently, Lisa works for New York State Senator John Sampson, and serves as his district director. Formerly, she was employed in my office and that of former Congressman Stephen Solarz.

Lisa distinguished herself as a student at Queens College where she received a bachelor of arts degree in English. A life-long resident of Carnarsie, she has been dedicated to public and community service.

As a devoted mother, wife, and daughter, I am happy to acknowledge Lisa Falcone for her tireless efforts as a public servant.

#### HONORING DANNY WUERFFEL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. SCARBOROUGH. Mr. Speaker, I rise today to speak about a young man from my district who has achieved a level of moral, physical, and scholastic excellence that is an inspiration to young men and women across this great Nation. This young man has distinguished himself as a community leader, a team player, and a model of humility in the spotlight of success. The young man that I speak of today is Okaloosa County's own Danny Wuerffel.

I could praise Danny for distinguishing himself as one of this Nation's most renowned college scholar athletes. I could mention that Danny set 32 individual school records, 12 southeastern conference records, and four NCAA records. How Danny led the Florida Gators to four straight league championships and the university's first national championship in school history. And as a footnote, I could also add that Danny was awarded something they call the Heisman Trophy in 1996.

But in my opinion Mr. Speaker, mere athletic achievements do not rise to the level of significance to be mentioned on this House floor. Mr. Speaker, I rise today not because of what Danny Wuerffel did for 60 minutes a week during the fall of 1996, but instead for what he has done his entire life while few were watching. My close friend J.C. Watts says, "Character is what you do when no one is watching." By that standard, Danny Wuerffel has the character of a champion.

He maintained a 3.75 cumulative grade point average throughout his college career and was named the GTE Academic All-American of the Year for 2 consecutive years. As a member of the Fellowship of Christian Athletes, he became a spiritual leader for his teammates and the community, and witnessed to the world through his words and actions.

Perhaps the greatest lesson that we can all learn from Mr. Wuerffel is how to accept success and failure with humility and grace. The example of true sportsmanship that is epitomized by Mr. Wuerffel has become a rarity in athletics today. Today, as a father of two young boys who place sports stars on a pedestal, I have grown increasingly distressed by athletes' drug convictions, sexual assaults, and arrogant attitudes. In the midst of a cultural crisis, Danny Wuerffel stood out like a city shining brightly on a hill for all the world to see. As a father, I am proud to have my two young boys look up to Danny Wuerffel as a role model.

Mr. Speaker, it gives me great pleasure to honor Danny Wuerffel today. Okaloosa County, the University of Florida, and the entire Nation should follow Danny's example as a young man who has exemplified the American ideals, morals, and accomplishments, envisioned by our founding fathers. Again, this father says, "Thank you, Danny, for a job well done."

#### HONORING EDDIE T. PEARSON FOR 33 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO DATE COUNTY PUBLIC SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mrs. MEEK of Florida. Mr. Speaker, the Dade County public schools have declared February 27, 1997 as Eddie T. Pearson Day in honor of his accomplishments as one of Dade County's most outstanding educators and administrators.

It is my great pleasure to join Mr. Pearson's family, friends, coworkers, and students in recognizing his 33 years of outstanding and continuous service to our community. We congratulate Mr. Pearson for his contributions as an educator, a role model, and a mentor who helped shape the lives of thousands of children in our Dade County community.

Mr. Pearson earned a Bachelor of Science degree at Tuskegee Institute, a Master of Education From Florida Atlantic University, and a Specialist in Education degree from the University of Florida. He began his career as a teacher in Dade County at Bethune Elementary School in 1963, and then at Riverside Elementary School. In 1967, he was the Community School Director at Ada Merritt Junior High School where he was responsible for a 400 percent increase in educational programs, and 700 percent increase in other activities for youth and young adults. Mr. Pearson quickly advanced to become the Assistant Principal at Homestead Junior High School, and later became Principal of the school. He was only 26 at the time, the youngest Principal in the Dade County public schools, and he was the first Afro-American Principal of Homestead Junior High School in 1970. In addition, he served as the Principal of South Dade Senior High School and Homestead Senior High School.

Mr. Pearson distinguished himself as an outstanding administrator as Executive Director of the Division of Vocational, Adult, and Community Education with the Dade County public schools. He also served as Assistant Superintendent for the Office of Vocational, Adult, and Community Education; Administrator on Special Assignment and Assistant Superintendent for Area Operations; and Regional Superintendent of the Region VI Operations for 8 years. Furthermore, Mr. Pearson successfully designed and implemented a plan that provided for the integration of the Homestead Middle School student body. Today, Mr. Pearson continues his outstanding service as Deputy Superintendent of School Operations. We are fortunate that Mr. Pearson has devoted his life to ensuring quality education for all our children.

In addition to his many years as an educator, Mr. Pearson has been extremely active in

other areas of our community. He served as Chairman of the Board of Directors of the YMCA, and now continues to serve on the Board of Directors of the YMCA, Miami "Mega-City" Special Olympics, Pan AM Horizons Credit Union, and United Way of Dade County. His exceptional, notable service, and commitment to Dade County has included dozens of positions in numerous organizations, earning more awards than I can list here.

Mr. Eddie T. Pearson has proven to be an excellent role model for our children. Mr. Speaker, on behalf of my entire community and as a former educator myself, I offer him my deepest thanks for his many years of dedicated service, and our best wishes for his continued success.

#### HONORING ALICE SACHS HAMBURG

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DELLUMS. Mr. Speaker, on February 22, 1997, Alice Sachs Hamburg received a well-earned recognition for her decades of work on behalf of world peace and disarmament. Long a resident of the ninth California District, Ms. Hamburg has been a tireless advocate on behalf of a cause that I hold close to my heart as well. She has been an important supporter and colleague on these issues, and I am indebted to her leadership, tireless energy, and deep-seated commitment to the issues of peace and disarmament.

Obviously our community shares this view as well, and it is in this spirit that she is being honored by the Jane Addams Peace Association of the Women's International League for Peace and Freedom [WILPF].

She has been on the frontlines of progressive activism in the bay area for a half-century. Nurtured by her Lithuanian Jewish immigrant parents on a drought-plagued North Dakota homestead, she came to know the meaning of struggle and the cycles of the land. Her connection with the land ripened during her marriage to the late Sam Hamburg, an innovative California farmer.

In explaining her activism with WILPF against the United States war effort in Vietnam, she said: "It was like breathing or feeding your children. We didn't think there was any alternative." As the mother of three children, Ms. Hamburg's family life and activism, were intertwined.

Inspired to make their lives better by building a better community and bringing reconciliation among nations, she became active in efforts to integrate Berkeley's public schools, participated in demonstrations against atmospheric nuclear weapons tests that poisoned the milk her children would drink, organized public vigils to bring the Vietnam war to an end and to halt the war effort in Nicaragua, and to oppose a rising tide of animosity against programs dedicated to bringing equal opportunity to all of our Nation's people.

Ms. Hamburg has worked for decades with countless local and national coalitions, but her base of operations has long been WILPF, Women for Peace, and the Agape Foundation for Nonviolent Social Change. The key, she

says, is to "walk, talk, demonstrate, lobby, meet with our representatives, circulate petitions, and write letters, telegrams, faxes, and e-mail"—a veritable laundry list of the activities the framers protected in the first amendment to our Constitution.

Her decades of commitment have set an example and drawn numerous honors and awards. At one such ceremony, Nobel Peace Prize winner Linus Pauling said of Alice: "Down through the years I have been aware of and inspired by your strong commitment and contributions to world peace and justice. This strength will grow and grow so that our future generations may not have to sacrifice their security or lives."

I commend this history of activism to my colleagues and, on behalf of all of the residents of the ninth District, offer my thanks and appreciation for all that Alice Sachs Hamburg has done on behalf of my community and our Nation.

TRIBUTE TO VICTOR PACKING OF  
MADERA, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Sahatdjian family of Madera, CA who own and operate Victor Packing. As farmers in the No. 1 agricultural county in the world, the Sahatdjian's are leaders in the grape industry.

In a recent article in the Armenian General Benevolent Union [AGBU] magazine, the Sahatdjian's are praised for their outstanding contribution to the San Joaquin Valley. The Sahatdjian family arrived in Fresno in 1924, after fleeing their home in Ezerum, Turkey because of the Armenian Genocide. Their father Vagharshag (Victor), mother Makrouhi and brothers Sarkis and Haig, arrived in the United States when they were 1½ and 4 years old. Farming and agriculture became a way of life as Victor, a former leather tanner, his wife, and children followed the crops along with many other migrant farm workers. The family went from Rio Vista near Sacramento to pack asparagus, back to Fresno to harvest figs and grapes and then to Northern California when peaches were in season. Eventually, the family settled in Fresno after Victor bought a vineyard of his own and began farming the land.

The Depression brought hard times for all in the Valley and the Sahatdjian family provided for members of their extended family by sharing with them the crops grown on their farm. In 1949, Victor purchased a 40-acre piece of land which would eventually become the base of Victor Packing. In 1963, Victor Packing became a full-time farming and packing business when Sarkis and Haig Sahatdjian began to process and pack their own raisins along with the raisins of other growers.

Desire, ingenuity, and business savvy paid off for the Sahatdjian brothers. Today, Victor Packing is known as one of the leading packing houses in the Fresno County area. They are the world's largest in production and market-share of golden raisins. They also have the world's largest dehydrator which allows them to produce more raisins at a time for their clients. Additionally, they have continued

to focus their efforts on the sun-dried raisin market and are expanding globally to manufacturers all over the world. Nearly 75 percent of their finished product is shipped to the Middle East, Far East, Europe, and the Pacific rim.

Mr. Speaker, Victor Packing is an example of the determination and hard work Victor Sahatdjian represented to his family his whole life. The Victor Packing logo is the Liberty Bell and is said to represent the land of freedom that the family found in the United States of America. I ask my colleagues to join me as I offer my best wishes to the entire Sahatdjian family for every continued success.

HONORING WESTHAMPTON FREE  
LIBRARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Westhampton Free Library, in my hometown of Westhampton Beach, Long Island, on the occasion of its centennial anniversary. For the past century, this wondrous haven of literature has offered this tight-knit, seaside community a place for its children and adults to stimulate their intellectual curiosity and satisfy their lifelong love of reading.

From its modest beginnings on March 1, 1897, as collection of a little more than 100 borrowed books, the Westhampton Free Library has endured to become the cultural center of this south shore Long Island village. Today, this dynamic institution boasts an impressive collection of traditional hardbound volumes, along with an emerging addition of computerized research and communication tools. There are more than 7,000 patrons from the communities of Westhampton, Westhampton Beach, Speonk, Remsenburg, East Quogue, Eastport and East Moriches.

The library's original charter was signed by Melville Dewey, then the secretary of the New York State board of regents. This is the same gentleman who conceived the Dewey decimal system for cataloging books, the universal catalogue system used in America's schools and libraries. Mr. Dewey's christening foretold a bright future for the Westhampton Free Library.

The library's provisional charter was granted on March 1, 1897 and the surnames of trustees on that document included some of the most prominent families in Long Island's heritage. The descendants of the original trustees—including John B. Raynor, Mary E. Jessup, Mabel B. Stevens, Daniel E. Smith and Ernest H. Bishop—are today leaders in the Westhampton and Long Island community.

Perhaps the most important influence on the growth of the Westhampton Free Library was the largesse of Judge Harold Medina, a long-time summer resident of Westhampton and a true lover of books. Judge Medina established a library trust fund to build, furnish and equip a new library building as a gift to the people of Westhampton. By the Fall of 1953, the new library was complete and Judge Medina began the work of establishing a new collection of books. Then in 1958, he announced plans to build a new wing—named the "Judge Harold

R. Medina Room"—entirely devoted to American history and literature.

Today, the card catalogue is located on computerized files and the Westhampton Free Library boasts four on-line Internet terminals, connecting library patrons to a vast international network of computers. The three multi-media CD-ROM learning stations offer patrons immediate access to a vast array of informational resources. Paul Nevins, president of the library's board of trustees, put it best when he said: "You can't really call it a library anymore. It's more of a communications center."

One hundred years ago, the Westhampton Free Library was founded with a noble purpose of offering the finest literary and research collection possible. A century later, the technology and means have changed, but the objective remains steadfast: to provide the residents of this east end village ready access to vital information. Congratulations to the Westhampton Free Library on its 100th anniversary!

TRIBUTE TO REVEREND BONNIE  
M. EPPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. TOWNS. Mr. Speaker, it is indeed my honor and pleasure to introduce to my colleagues, the Reverend Bonnie M. Epps. She is a wonderful example of living faith in action.

Reverend Epps is a native of Brooklyn, NY, and presently serves on the ministerial staff of the Bridge Street African Methodist Episcopal Church.

The reverend was educated in parochial and public schools in Brooklyn. She obtained her undergraduate degree from Brooklyn College of New York, with a concentration in elementary education. Her master's degree was obtained in supervision and administration from Bankstreet College, and she has attended the Principal's Center at Harvard University's Graduate School of Education.

Reverend Epps is an innovator and motivator. She served as the assistant principal at the Philippa Schuyler Intermediate School for the gifted and talented. Her vision and instructional leadership is responsible for raising academic standards, self-esteem among the students, and prestige for the only talented and gifted program in my congressional district.

Another shining achievement for Reverend Epps is the success of her son Omar, an actor who has appeared on NBC's "ER", and has starred in HBO's "Deadly Voyage," and feature films such as "Higher Learning," "Juice," "Mayor League II," and "The Program."

I salute Reverend Epps for her service to God and the community.

THE PROMISE OF FREEDOM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DEUTSCH. Mr. Speaker, I rise today in remembrance of the death of four Cuban-

Americans whose civilian aircraft were shot down by the fighter planes of the brutal Castro regime. For those who doubted the cruel means the Cuban dictator is willing to employ to protect his stranglehold on the island nation, this act was a shocking example.

On this first anniversary of their death, it is important to remember those who have given their lives to fight against Fidel Castro and to realize that this fight is still far from over. Of all the lessons arising from this tragedy, perhaps the most telling is the need for America to maintain its resolve, to lead by example and to show that these patriots did not die in vain.

Most of the Members in this Chamber were here last year when we voted on the Cuban Liberty and Democratic Solidarity Act, sponsored by Senator JESSE HELMS and Representative DAN BURTON. The passage of Helms-Burton was a bold step toward tougher sanctions on Cuba and signified an American commitment to add teeth to our policy toward Castro. Helms-Burton was not meant to punish the Cuban people, but rather to focus our efforts on Castro himself and to highlight the hypocrisy of those who choose to do business with the oppressive dictator.

Mr. Speaker, I find it unfortunate that it took a tragedy in the Florida Straits to energize Congress and the administration to act on tougher sanctions. I am hopeful, however, that the passing of these four brave individuals will help usher in a new era of change for Cuba and that we will forever remember the risks some are willing take for the promise of freedom.

COMMEMORATION OF THE 79TH  
ANNIVERSARY OF LITHUANIAN  
INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 79th anniversary of Lithuanian Independence. On Sunday, February 16, 1997, the Detroit-area Lithuanian community marked the event by holding a commemorative ceremony at the Lithuanian Cultural Center in Southfield, MI. The guest speaker was Majoras Valdos Sarapinas, the Military Attaché from the Lithuanian Embassy in Washington, DC.

For nearly 55 years, Lithuania was occupied by Russian military forces. In the past 4 years, the people of Lithuania have been able to enjoy and celebrate the freedoms and privileges of a free nation.

Since 1991, when the United States granted Lithuania most-favored-nation status, Lithuania has been trying to align itself with Western nations. In 1996, Lithuania reaped the benefits of economic reform with lower inflation rates and stable currencies. Their GDP was expected to grow 6.1%. The integration of Western economic and security structures along with the desire to join NATO has transformed Lithuania into a growing competitive nation.

I am optimistic that the recent economic and political progress in Lithuania will continue. Lithuania has my full support in joining the Western nations and institutions as they strive to build their country upon the principles of de-

mocracy. This celebration marks the fourth anniversary of freedom from the military forces deployed inside Lithuania.

I commend the Lithuanian-American community for their vigilance through the many difficult years and I urge my colleagues to join me in commemorating the 79th Anniversary of Lithuanian Independence.

SMALL 401(K) PENSION PLAN  
DISCLOSURE ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Small 401(k) Pension Plan Disclosure Act of 1997. This legislation is of importance to millions of working Americans sav-

ings for their retirement. Current law requires that pension plans file detailed investment reports with the Department of the Treasury and make the reports available to any participant. Small pension plans, those with fewer than 100 participants and active beneficiaries, are exempted from this requirement.

Firms that sponsor traditional, defined benefit pension plans guarantee that investments will provide the promised question and the Pension Benefit Guaranty Corporation insures the plan. Neither applies to 401(k)'s. Participants assume the risk of poor investment return of a 401(k). It is only fair that participants in small 401(k) plans be told how their contributions are invested.

The Small 401(k) Pension Plan Disclosure Act of 1997 would require that the Secretary of Labor issue regulations requiring that small 401(k)'s provide each participant with an investment report once a year. The details of the report are left up to the Secretary. The bill also encourages the Secretary to provide for delivery of the reports through company e-mail to bring down costs. Participant-directed 401(k) plans are exempted because those participants already receive investment reports.

Mr. Speaker, I would urge our colleagues to examine this legislation and to cosponsor this bill of great importance to hard-working American families.

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 "Small 401(k) Pension Disclosure Act of 1997".

**SEC. 2. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.**

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and  
(2) by adding at the end the following new subparagraph:

"(B)(i) If a plan includes a qualified cash or deferred arrangement (as defined in section 401(k)(2) of the Internal Revenue Code of 1986) and is maintained by an employer with less than 100 participants, the administrators shall furnish to each participant and to each beneficiary receiving benefits under the plan an annual investment report detailing such information as the Secretary by regulation shall require.

"(ii) Clause (i) shall not apply with respect to any participant described in section 404(c)."

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor, in prescribing regulations required under section 104(b)(3)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(B)(i)), as added by subsection (a), shall consider including in the information required in an annual investment report the following:

(A) Total plan assets and liabilities as of the beginning and ending of the plan year.

(B) Plan income and expenses and contributions made and benefits paid for the plan year.

(C) Any transaction between the plan and the employer, any fiduciary, or any 10-percent owner during the plan year, including the acquisition of any employer security or employer real property.

(D) Any noncash contributions made to or purchases of nonpublicly traded securities made by the plan during the plan year without an appraisal by an independent third party.

(2) ELECTRONIC TRANSFER.—The Secretary of Labor in prescribing such regulations shall also make provision for the electronic transfer of the required annual investment report by a plan administrator to plan participants and beneficiaries.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

HOPE LUTHERAN CHURCH AND  
COMMUNITY CHRISTIAN SCHOOL

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CANADY of Florida. Mr. Speaker, I rise today to ask my colleagues to join me in commending Hope Lutheran Church on the occasion of its 40th anniversary, and Community Christian School on its 20th anniversary. Located in Plant City, FL, Hope Lutheran Church and Community Christian School celebrated their anniversaries on February 22, as families and friends gathered to give thanks to God for His many blessings over the years.

As five families met together in February 1957, little did they know that their small congregation would one day grow to become Hope Lutheran Church. Forty years later, this church body is a thriving force in the community and a testimony to God's gracious leading along the way.

Community Christian School, celebrating its first 20 years, is the only Christian day school in Plant City. With its excellent programs and opportunities, students are receiving a solid education as well as a moral foundation for their lives. Community Christian School is preparing our young people well for the challenges they will face in the future.

As we commemorate the anniversaries of Hope Lutheran Church and Community Christian School, we recognize God's blessings on these two institutions. King David reminded us in the Psalms, "Unless the Lord build the house, they labor in vain who build it." Likewise, we understand that it is God who has made this church and school flourish. He is the reason for this celebration, and we look forward to seeing the wonderful things that He will continue to do in the future.

I want to take a few minutes to recognize some of the servants of Hope Lutheran Church. Rev. Gerald Renken, who served as Hope Lutheran's first pastor back in 1962, returned to the church for the special anniversary celebration. After Rev. Renken, Rev. James Peter and Rev. Donald Little served as the next two pastors of the church. Today, Rev. Dean Pfeffer is the pastor. All of these gentlemen have served the people of Hope Lutheran in a powerful way through their instruction, encouragement, and faithful leadership.

In addition to the pastoral staff, I would like to recognize several individuals who have dedicated their lives in service to the people of Hope Lutheran Church and Community Christian School. Mrs. Christine Mansell, the church organist, has played beautiful melodies for Hope Lutheran for 25 years. Mrs. Libby Warren has taught preschool for 18 years. Mrs. Lana Baldwin, a kindergarten teacher, and Mrs. Sandy Howell, a first grade teacher and the former principal of Community Christian School, have both worked for 15 years. Finally, Mrs. Sue Griffin has taught preschool for 14 years. It is my pleasure to commend these individuals for their tireless dedication and excellent service.

As we remember these faithful servants and the many others who have contributed so much to Hope Lutheran Church and Community Christian School, we are filled with thanksgiving. We now look ahead with faithful expectancy to see how God will continue to use this church and school in Plant City in the coming years.

#### TAIWANESE PEACE DAY

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. SESSIONS. Mr. Speaker, the date February 28, 1947 is etched into the hearts and minds of the Taiwanese people. It was a day in which thousands of Taiwanese gave their lives fighting for freedom and democracy. February 28, 1997, the 50th anniversary of this day, is one that should be honored here in the United States, because we share with Taiwan a common quest for freedom and democracy.

Fifty years ago to the day on February 28, 1947, thousands of Taiwanese began the long, historic struggle for a democratic Taiwan. Since that time, Taiwan has made tremendous political, economic and social progress toward a democratic and representative government. Taiwan successfully and peacefully elected their first president by a direct popular vote in March 1996, despite China's missile exercise threat.

Taiwan's progress toward democratic rule is matched only by its extraordinary economic success. Today, Taiwan ranks sixth in trade with the great State of Texas. We can attribute this economic accomplishment to Taiwan's dedication to the principle of democracy and capitalism.

Mr. Speaker, a democratic Taiwan contributes to the stability and prosperity of the Asia-Pacific region. This day, Taiwan Peace Day, is recognized as an important date in Taiwan's historic evolution to full democracy. It should be spent as a day of healing, reconciliation,

and unity among Taiwanese people all over the world. I hope we take the time to recognize the Taiwanese people and congratulate them on both their struggle and their success.

#### HONORING ROY CUTBIRTH OF LYNCHBURG, TX

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. BENTSEN. Mr. Speaker, I rise to recognize a valued member of my community, Mr. Roy Cutbirth of Lynchburg, TX. Mr. Cutbirth is a man who truly loves his community, and his dedication and commitment of Lynchburg has won him the admiration and respect of his fellow citizens. He is the election judge of Lynchburg, but to the community he is so much more. The following article from the February 20, 1997, Highlands Star Courier illustrates what Roy Cutbirth means to Lynchburg:

[From the Highlands Star Courier, Feb. 20, 1997]

#### A SALUTE TO ROY CUTBIRTH

In the wake of a recent election, it is fitting to recognize one resident of Lynchburg who is a highly noted figure in our community. He has probably been to your home collecting for the Highlands Volunteer Department or for the Lynchburg Flower Fund. You may even have driven by his house and been greeted with his characteristic wave—a quick twist of his hand with a pointed index finger. Most likely, you have seen him at the local election sites when you cast your vote. He has even been lightheartedly referred to as the "Mayor of Lynchburg" (even though we do not have a mayor). Who is this man? He is our own Election Judge. Mr. Roy Cutbirth.

Roy Cutbirth and his lovely wife, Pauline, have lived in Lynchburg since 1950 and have raised four children here. Their daughter, Gladys Leap, lives in the Woodlands with her husband Howard; Roy, Jr. and his wife, Janie, live in La Porte where son, Roy III is a high school student; Paula and her husband, Barney Stagner, have two children—Bo and Jennifer—and live in Spring; and Jason Cutbirth and his wife, Tiffany, make their home in Dallas where they are raising four young children—Jason, Jr., Austin, Katelyn, and little Christian Tucker Cutbirth.

Roy worked for Exxon/Humble Oil Refinery for 38 years and retired in 1986. But he has more than a few memorable stories to share about 18 of those years when he was a Master Firefighter. He recalls the day in 1974 at 2:05 a.m., when a tugboat full of gasoline hit an underwater line and exploded and how it took 23 hours, 2 fire boats, and Roy with his men on dock No. 4 to put out the fire. Three men were killed in that explosion. In another incident, Roy sustained burns on his head and his hands in one of the worst accidents he could recall.

"An 85-ft. tower had a line about 20-ft long coming down beside it and that line split like a watermelon. It shot up flames about 350 feet high. It took 6 big diesel fire trucks, 1200 gallons of water, and aerial truck with a 100-ft. boom, and 50 ladders to put it out."

Mr. Cutbirth is now in his 34th year as an election judge and says that he first got involved with politics because his mother was always active in politics. He says, "When my mother believed that someone would do the best job in a political office, she would go out and hand out materials and try to get him elected. My dad was not involved like

that because he was busy making a living for us kids."

In his years as an Election Judge, Roy has had an opportunity to meet a few special people. He has met "lots of senators", and during one of the campaigns while at the Rice Hotel, he shook hands with President Lyndon Johnson and Vice President Hubert Humphrey.

When he first started in 1959, Roy and Pauline took the responsibility of election judge as a team, with Pauline as Alternate Judge. Pauline does all the paperwork but could step in for Roy if needed. Currently, their back-up is Liz Parsons with help from Jim and Kathryn Johnson and Joanne Shaw.

#### AMERICANS FOR DEMOCRATIC ACTION

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. FRANK of Massachusetts. Mr. Speaker, because of the press of other business I was unable to join my colleague from California [Mr. FILNER] in the Special Order he took out to celebrate the great achievements of Americans for Democratic Action. ADA has been for 50 years one of the most important organizations in America for the articulation of liberal principles. From its inception through today, it has been a source of thoughtful, well reasoned political activity on behalf of a fairer and more prosperous America. I am very proud to have been active in ADA myself for more than 30 years, and to have served as president of the organization. Indeed, I join many of my most cherished colleagues in having had that honor.

ADA was founded to provide a platform for liberals committed to the principles of social justice and individual liberty. Throughout its history it has fought extremists of the far left and far right, and has consistently maintained a forceful commitment to the Governmental principles first articulated by Franklin Roosevelt in his New Deal. The challenges to American society now presented by the effect of technological change in globalization on the ability of working people to maintain a decent standard of living testify to the continued relevance of the viewpoint that ADA has upheld for so long. I continue to be proud of my affiliation with Americans for Democratic Action and I look forward to a continued advocacy of ADA and its members on behalf of a set of public policies that will improve the qualities of fairness and freedom in American life.

#### HONORING CLARK K.H. CHEN

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to honor Mr. Clark K.H. Chen and his service not only to Taiwan, but to the people of Guam as well.

Mr. Chen was instrumental in establishing the sister city relationship between Taiwan's and Guam's respective capitals, Taipei and Agana, in 1973. In 1974, he arrived on Guam as Vice Counsel on Taiwan. During his appointment, he encouraged stronger economic ties between our islands.

In 1977, Mr. Chen was promoted to serve as counsel of the Consulate General Office in Houston, Texas, and had to leave Guam. In 1979, when diplomatic relations between the United States and the Republic of China were suspended, the consulate general office was renamed the coordination council for North American Affairs with Mr. Chen as senior assistant.

Mr. Chen's stellar diplomatic service earned him various promotions in subsequent years, including private secretary to the foreign minister and deputy director general of the coordination council for North American Affairs in San Francisco, CA.

In 1991, Mr. Chen returned to Guam and assumed the top position of director general in the Taipei Economic and Cultural Office. It was during his tenure that Guam's relationship with Taiwan was further cemented. As head of this consulate office, Mr. Chen's leadership resulted in the passage of the Taiwan Visa Waiver program, the growth of Taiwanese businesses on Guam, and the increase of Taiwanese investments in Guam. As an example of this relationship, I would like to point out that a power plant project, scheduled to be operational this year, would not have been possible without investments from Taiwanese businesses.

Mr. Chen's reassignment for home service in the Ministry of Foreign Affairs in Taipei has saddened many on Guam. His diplomatic service on my island spanned the tenureships of four Guam governors. Not only were economic bonds bolstered under his administration, cultural ties were also strengthened through the increasingly frequent visits by Taiwanese tourists under the Taiwan Visa Waiver program.

I commend Mr. Chen for his dedication and service while Director General of the Taipei Economic and Cultural Office. Clark and his wife, Cindy, will be missed, for they consider Guam as their second home, and the people of Guam consider the Chens as veritable members of our island family.

#### TRIBUTE TO JAMES AND LEATHA REVELS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. BONIOR. Mr. Speaker, on Friday, October 25, in my home State of Michigan, James and Leatha Revels were recognized as honored leaders by the South Eastern Michigan Indians, Inc. I will be pleased to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

Jim and Leatha are deeply involved in the American Indian communities. Jim served on the board of directors for the National Association of American Indians of Detroit for many years, and was also president of the board. They have volunteered to be cooks, servers, and the clean-up crew at the Pow Wow. Leatha is the coordinator of the bakes sales and chairperson of S.E.M.I.I.'s trader tables at various functions. They are always willing to help whenever there is a need.

The Revels have on numerous occasions donated their time to senior groups and have

been active members of the Christian Fellowship Mission Church for the past 18 years. Jim represents S.E.M.I.I. on the Area Agency on Aging, the United Way Community Services, and the Macomb County Community Services Agency Advisory Committee for the senior lunch program.

Leatha and Jim are great supporters of South Eastern Michigan Indians. I want to thank them for their devotion, time and love for the native American Indian people. I urge my colleagues to join with me in wishing congratulations to Jim and Leatha Revels.

#### CONGRATULATIONS TO MY GOOD FRIEND BOB MARTIN, FOUNDER OF MARTIN & BAYLEY, INC.

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. POSHARD. Mr. Speaker, I rise today to acknowledge my good friend, Bob Martin, who will be celebrating his 70th birthday on March 9, 1997.

Bob has been a community and business leader in and around Carmi, IL, all of his life. He is the proud coowner of Martin & Bayley, which comprises over 120 food and fuel stores, 30 video stores, 5 laundromats, 2 car washes, and 1 travel center/family style restaurant.

Bob is an inspiration for all us in southern Illinois. He started as a grocery storekeeper in the U.S. Navy. When he was honorably discharged, in 1946, he and his father purchased a small grocery store in New Haven, IL. In 1951 he purchased his father's share and in 1969 he went into a partnership with Frank Bayley and began purchasing and building supermarkets. In 1970 Huck's food and fuel store in Grayville, IL, left a legacy as a successful business venture.

For those that know him, it goes without saying that Bob is a family oriented man. His mission statement, which was inspired by his son, Charles, who helps run Martin & Bayley, and his two daughters, Connie Baker and Taiah Sterns, sums up this philosophy—"We are family." He has a big heart and is always willing to help his fellow neighbors and community. Bob has helped so many people through the endless dedication of his time and energy. Martin & Bayley is such a successful business that many of the folks in Illinois compare him to Sam Walton.

His strong background and passion for the community is evident in his church life also. Bob and his wife Ardella has attended the United Cumberland Presbyterian Church in Norris City and has served actively for many years.

Mr. Speaker, Bob truly epitomizes the promise of America. He made the most of his opportunities through hard work and dedication, and he endlessly shares his time with his community, church, and family. If there were more Bob Martin's in this world it would truly be a better place. It has been an honor to represent him in the U.S. Congress.

CONGRESSMAN KILDEE HONORS DONALD J. MOSHER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. KILDEE. Mr. Speaker, I rise today and ask my colleagues to join me in honoring a man whom I am proud to say I have known and respected for over a quarter of a century. Mr. Donald J. Mosher has announced his retirement from the United Auto Workers after 20 years of service. In appreciation for his long dedication, on Tuesday, February 25, 1997, Mr. Mosher will be the guest of honor at a retirement celebration organized by both family and friends.

Donald J. Mosher, a resident of Lapeer County, MI, since the age of 6, graduated from Lapeer High School, and received a degree from GMI Management and Engineering Institute, and completed a diemaker apprenticeship through the UAW. From there he found employment with General Motors Corp., beginning as a diemaker, and moving from there to coordinator of preventive maintenance and layout inspection supervisor.

It was during Mr. Mosher's time at General Motors that he became involved with the UAW. As a member, he eventually became Thumb Area UAW-CAP Council Chairman, holding the position to this day. He has also served as a member of the general boards for the Michigan branches of UAW-CAP and the AFL-CIO, and has been a Joint Council Delegate for 26 years.

Mr. Mosher's tenure with the UAW helped spark a fire within him of strong civic responsibility and social activism. He has been active in such groups as Boy Scouts of America, Lapeer County Parks and Recreation Commission, Lapeer County Economic Club Committee, and Lapeer and Genesee County FEMA Committee. On the political front, Mr. Mosher has been constantly active in campaigns on the local, State, and Federal levels, serving on various committees and participating in the process as a delegate and a Presidential Elector. He is proud to say that he has attended three Presidential inaugurations.

Mr. Speaker, it is my belief that the citizens of Lapeer County, many of whom I represent proudly, possess a great asset in Donald Mosher. Thomas Paine once said: "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it." Don Mosher has dedicated a great portion of his life's efforts in the support of freedom. It is indeed a pleasure to stand in front of this Nation's House and speak of my dear friend, who through his thoughts, deeds, and actions has provided the community with an invaluable resource and an indomitable spirit.

IN MEMORY OF JAMES CARNEY, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor the late James Carney, Sr. Mr. Carney was

brilliant in business and influential in politics. He was a towering figure in the Cleveland landscape. His influence was felt far and wide—not only locally but in the State and nationally. He now passes into legend. I commend to your attention the following article.

DEVELOPING COMMUNITY—THE LEGACY OF  
JAMES CARNEY SR.  
(By Larry Durstin)

One of the most frequent stories told about James Carney Sr., who was referred to in the 1970s as the most powerful man in Cleveland and who died last month at the age of 84, was how he would often perform a philanthropic deed for someone in need and invariably say, "Now don't tell anyone about it."

And while his son, James Jr., kiddingly explains that his dad probably was motivated more by a desire to avoid drawing large numbers of supplicants not truly in need than he was by modesty, nonetheless the preponderance of evidence suggests a legacy of genuine compassion and altruism—characteristics that will be just as much in need as his legendary vision and perseverance if today's leaders are to succeed in meeting the huge challenges involved in developing strong and vital communities into the next century.

It's true that each person's life serves as a kind of road map to how or how not to live. But looking at the life of a business and political giant like James Carney Sr.—son of Irish immigrants, survivor of the Depression, lawyer, elected official, multi-millionaire developer, Democratic Party power broker—is like looking through a telescope at Twentieth Century Cleveland to find the key to how we, as a community, got to where we are in the hopes of discovering exactly what personal and collective qualities will be required to guide us where we need to go.

Carney's journey began on Cleveland's West Side where he and his brother John went into the family's excavating business following the death of their father in 1929. A huge part of their work at that time was digging out basements using horses and wagons. He graduated from Holy Name High School in 1931, attending college and received a law degree from Western Reserve. He was admitted to the Ohio Bar Association in 1941. After serving three years in the Army, he and John started their own law firm.

In 1946, Carney began what would turn out to be a lifetime romance with politics by following his brother into the Ohio House of Representatives, where he served six years, two of them as minority leader. In 1952, with political stardom within reach, he lost a primary election race for the United States Senate to future Ohio governor Michael V. DiSalle. Carney couldn't have known it at the time but, though just 40, he would never again hold elected office. He would, however, soon turn his business experience, brilliant mind and tough negotiating skills to land development—where he had as much or more impact on Cleveland and surrounding communities as did anyone in the past half century.

"Jim Carney was one of the most under appreciated people we've ever had in this community," says Sam Miller, chairman of Forest City Enterprises and former partner with Carney in several businesses. "He was a pioneer in every aspect. He took a look at downtown on its way to desolation and on his own decided to do something about it. He went in when absolutely no one wanted to."

What he did was, in the early and mid '60s, begin to redefine Cleveland's downtown image by developing the Hollenden House, the Bond Court Hotel and the Ohio Savings Plaza. At the time these were the first significant developments in downtown in around 40 years.

"He also went into Westlake and bought large tracts of acres before anybody had any idea what Westlake was," Miller asserts. "He was truly a visionary, but a very practical one."

According to Miller, despite Carney's success, he was treated as somewhat of an outsider because he was an Irish Catholic, not a WASP, and had come up the hard way. "He wasn't part of the power establishment, but the power establishment had left a total vacuum. Carney came in and filled that vacuum because they didn't want to dirty their hands. You gotta scuffle like Carney did. He was resented because of his success and because he didn't belong to the fancy country clubs. Hell, I don't know if he was ever a member of the Union Club."

It's obvious listening to Miller talk about Carney that there was a deep kinship between them, one that went beyond simply being business partners. "He used to tell me he was considered 'dirty lace Irish' but when it came to being a mover and a shaker, believe me, he was. Like me, he knew that in certain circles he was an outsider and he understood it. He was one of the smartest men I've ever known. He was my teacher. He showed me how to buy land, how to rezone land. He showed me the whole thing. He was a real idol to me."

Although Carney was unsuccessful in his dream of becoming mayor of Cleveland—losing to Ralph Perk twice in the early '70s—a brief summary of his positions and accomplishments gives a clear indication of what a towering figure he was in Cleveland's public and private sectors.

At one time or another in the 30 years prior to his death he was Director of the Union Commerce Bank, board president for the Cleveland Convention and Visitors Bureau, chairman of the Greater Cleveland Growth Association, vice chairman of the Port Authority Board, and president of the CMHA board. Additionally, he was one of the most powerful local and state Democrats (being one of the first in Ohio to spot Jimmy Carter as a potential winner and sponsoring a breakfast for him in '76) and a major real estate developer throughout Cuyahoga County and as far away as Florida, Colorado, Texas and Missouri.

But despite the staggering breadth of Carney's resume and the size of his fortune, when his son is asked to reflect on his dad's influence, he speaks of subtler things. James Carney Jr., is no stranger to either the political or business world—having served as a Cleveland City Councilman and school board member along with running several of the family businesses. Still, he feels his father's legacy lies more in terms of personal and community values than profits or political power.

"My father taught me not to look down on anyone—regardless of race, ethnicity or economic status. He had as much respect for the guy who swept up the bank as he did for the bank president. He would walk downtown at noon and destitute folks—some people would call them bums—would say 'Hi Jim' and he would greet them in the same way he would his millionaire buddies. I was taught—by example—to respect all people and to work hard. We had friends who were from the wealthy elite and friends who were on welfare. And judging by the incredible cross section of folks who showed up at his funeral, I think he was successful in touching all kinds of people. I'm very proud of that."

But despite his "don't tell anyone about it" modesty in doing charitable deeds and his capacity to be genuinely respectful of people from all walks of life, make no mistake, James Carney, Sr. had a ton of power and he knew how to use it. Politics and high-level real estate dealings are contact

sports—and Carney, his business competitors and political enemies all had plenty of scars to show from their battles with each other in board rooms, back rooms and court rooms.

Carney was very open and up front about operating in both the corporate and political world, something you don't see many leaders doing nowadays. "It was a little easier in the old days to jump into both worlds," says James Jr. "Today there are so many rules and regulations, so much media scrutiny, so much of a 'gotcha' mentality that many talented people shy away from both politics and the corporate arena, let alone being openly active in each at the same time. Another thing that's changed is that in the old school there was, for better or worse, a strong loyalty ethic. As times changed that ethic became a handicap for my dad."

In fact it was the issue of loyalty that was at the center of two events in the late '80s—the selling of his downtown hotels and the serving on the rancorous CMHA board—that perfectly capsulize Carney's life as a brilliant businessman, a connected politician and a generous public servant.

After many warnings to the downtown community about the inadequacies of the Convention Center, Carney became miffed when his plan to build a tunnel between his Bond Court and the Convention Center was scuttled and he began getting bad publicity concerning late hotel tax payments. Convinced that a long-time ally, Convention Bureau Director Dale Finley, was behind the bad press, Carney sold the Hollenden and the Bond Court at a very tidy profit.

Around the same time, in response to personal appeals from then Mayor George Voinovich and City Council President George Forbes, Carney accepted an appointment to CMHA board, a political meat grinder where he served with distinction for three years before resigning in 1989, as he began to feel the effects of Alzheimer's disease.

"My dad made a really good buck on the deal involving two glitzy hotels," his son says, "but then he turned right around and worked for no pay in just about the toughest public policy area—housing—involving the city's poorest people. Since he knew his way around politically, he knew who to call and how to get things done. He straightened and out the balance sheet and financial reports. He even hired a lawyer out of his own pocket. Having that position wore him out and actually cost him money—but he got the job done. In many ways it was his crowning achievement."

So if we, as Clevelanders, are looking for guideposts that will show us the way to meet the obstacles involved in developing strong and just 21st century communities, we could do much worse than simply following the map provided by the life of James Carney Sr. But that's no small task since it points to the need for leaders who are practical, tough-as-nails visionaries with compassion, a genuine commitment to public service and true sense of loyalty. It also underlines the need for citizens who treat each other with respect and kindness.

His is a profound and challenging legacy, one that warrants honor and emulation. Tell everyone about it.

#### MEDICARE FUNDING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CRANE. Mr. Speaker, throughout the budget process, funding for Medicaid programs will be a frequent topic of passionate debate.

This is a matter of grave importance—both to the American taxpayers and to their duly elected representatives in this constitutional body. It deserves careful consideration by all members.

As we debate possible increases or decreases in the funding of various programs included in Medicaid, we must be certain the funding is used wisely and as intended.

A recent issue of the Washington Times included an article by nationally syndicated and widely respected columnist Phyllis Schlafly which suggests that we may not always know the final destination of the money we appropriate to Medicaid. I believe it raises a serious question as to the actual usage of taxpayer money—a question worthy of consideration by the members of this body. I represent Barrington, IL which is referenced in the column, and I am concerned about the information Mrs. Schlafly has shared with the public. It is for that reason I thought it important to share this with the members of the House and have included a copy of the article in the RECORD.

[From the Washington Times, Jan. 18, 1997]

#### SMOKING GUN IN THE MEDICAID MYSTERY

(By Phyllis Schlafly)

Medicaid, the federal program that provides health care to people on welfare, is one of the biggest problems that the 105th Congress will have to tackle if it is serious about balancing the budget in the foreseeable future. Medicaid costs more than \$100 billion a year and is rising far more rapidly than inflation, demographics or poverty can justify.

The smoking gun, which proves why this dramatic increase is taking place, has just surfaced in an amazing letter sent by the Illinois State Board of Education to school district superintendents. Signed by the board's "Medicaid Consultant," this letter describes in detail how public schools can exploit Medicaid to funnel a fresh flow of taxpayers' money into public schools that bypasses all traditional funding sources and accountability.

The letter's enthusiasm for spending this new money on virtually anything the bureaucracy desires is matched only by its arrogance in explaining the deviousness of acquiring it. Stating that "the potential for the dollars is limitless," the letter boasts that "Medicaid dollars have been used for purchases ranging from audiometers to minibuses, from a closed-captioned television for a classroom to an entire computer system, from contracting with substitutes to employment of new special education staff, from expanding existing special education programs to implementing totally new programs."

Most Americans think Medicaid is just fulfilling its original purpose of providing health care to people on welfare.

They should think again, because this letter reveals how politicians and bureaucrats, after taxing us for "entitlements" for needy people, then conspire to increase the cost by loading on any projects their avaricious hearts desire.

This Illinois State Board of Education letter "encourages" local public schools to use the experienced State School Board staff in order to "maximize federal reimbursement" of Medicaid dollars and use the "opportunity" to bill Medicaid for money already spent in 1994, '95 and '96. The letter describes two ways public schools "have found Medicaid to be a viable funding source."

The first initiative provides Medicaid funding through school-based health services. Schools may bill Medicaid not just for therapies, but also for "social work and psychological services, nursing and audiological

services, hearing/vision screenings, and transportation."

The second initiative allows all schools to claim Medicaid dollars for early and periodic screenings, diagnosis and treatment. The letter states that such services include "public awareness, i.e., government propaganda, identification and referral, i.e., putting private medical information on a government computer, initial health review and evaluation, initial health review and evaluation, i.e., such as the shocking, unauthorized genital exams given without parental consent to 59 sixth-grade girls in East Stroudsburg, Pa., health provider networking with Planned Parenthood?, and family planning referral to abortion clinics without parental consent?"

In fiscal 1996, \$31.7 million in federal funds were paid to Illinois schools for the first initiative and \$40.8 million for the second.

Medicaid was set up to cover only people on some form of welfare: either Aid to Families with Dependent Children or Supplemental Security Income (a program for seniors). Medicaid is a federal-state matching program, at a ratio of about 60-to-40.

In 1986, Congress inserted into the law permission for the states to expand Medicaid to cover children in families whose incomes were below the poverty line, whether their parents took welfare or not. That expansion slipped by without the taxpayers discovering it, so in 1990 Congress required states to provide Medicaid coverage to all poor children by the year 2002, and allowed states to extend Medicaid even further to the nonpoor.

This is one reason why Medicaid costs are going through the roof. In 1986, Medicaid cost about \$27 million. This year, Medicaid will cost about \$105 billion. By 2002, when the mandate is in full swing, Medicaid will cost at least \$133 billion.

Many people were puzzled when President Clinton bragged during last fall's campaign that "he" had provided health care for an additional 1 million children. Medicaid is how he did it.

No way have Hillary Rodham Clinton, Ted Kennedy and Ira Magaziner abandoned their goal of forcing America to adopt federal health care; they are just bringing it in through the schoolhouse door. When health care is provided by and in the public schools, there is no separating welfare kids from the others. They are all eligible.

The Illinois State Board of Education letter, signed by Jean Rowe, Medicaid consultant, was dated Oct. 8, 1996, but was not made public and has just been discovered. The copy that came into my hands was addressed to the Barrington, Illinois District, which is one of the wealthiest districts in the United States and proves that Medicaid is no longer a program for the "poor," but is the vehicle to saddle us with the federal medical system that the American people have rejected.

#### FAIRNESS IN MEDICAID FUNDING ACT OF 1997

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mrs. THURMAN. Mr. Speaker, today, I join in a bipartisan manner with several of my Florida colleagues to introduce the Fairness in Medicaid Funding Act of 1997. For too long Federal Medicaid dollars have been directed away from States with high poverty rates. Instead, States with low poverty rates have been able to use Federal dollars to finance a significant portion of their program, without

added costs to their taxpayers. The Medicaid match formula is meant to alleviate this discrepancy; instead, it aggravates it. The formula used to calculate how Medicaid dollars are allocated is currently based upon a State's per capital income rather than the number of people in poverty.

The Congressional Budget Office has produced increasingly optimistic numbers concerning the rate of growth of expenditures in the Medicaid Program, which may stall more comprehensive reform this year. Therefore, we must act to fix the unfair basic formula that drives the current system.

The Fairness in Medicaid Funding Act changes the way we calculate the Federal match to better reflect the true goals of the Medicaid Program. Under this act, the formula will be recalculated to take into account the number of people in poverty in a State as well as a State's ability to finance program services from State revenues using the State's total taxable resources.

According to the General Accounting Office, "a formula using better indicators of States' financing capacities and poverty rates \* \* \* would more equitably distribute the burden state taxpayers face in financing Medicaid benefits for low-income residents." Based upon the GAO's recommendation, my bill makes the system more fair for beneficiaries, States, and taxpayers.

Enact the Fairness in Medicaid Funding Act of 1997 and help Medicaid do the job it was intended to do.

#### INTRODUCTION OF THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1997

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CARDIN. Mr. Speaker, I rise today with my colleague MARGE ROUKEMA to introduce the Access to Emergency Medical Services Act of 1997. Companion legislation is being introduced in the Senate by Senators BOB GRAHAM, TIM HUTCHISON, and BARBARA MIKULSKI.

The Access to Emergency Medical Services Act of 1997 would enact a national definition of emergency known as the "prudent layperson" definition. The bill would ensure that health plans cover emergency care based on a patient's symptoms rather than the final diagnosis. Enactment of this definition would end the phenomena of health plans denying coverage for emergency care when chest pains turned out to be indigestion rather than a heart attack.

As you may recall, we first introduced this legislation in the 104th Congress. We ended 1996 with 154 cosponsors and had portions of the bill favorably reported by the Commerce Committee and the full Senate.

This year, the legislation has been redrafted to amend the Health Insurance Portability and Accountability Act. The goals of the bill are the same. Again, it would establish the "prudent layperson" definition of emergency as the standard for coverage under group health plans, health insurers, and the Medicare and Medicaid programs. It would also forbid any requirement for preauthorization for emergency care. A new addition to this legislation

is that it will go into much greater detail about requirements for health plans and emergency physicians to work together to coordinate any necessary followup care to the emergency visit. A summary of the bill appears at the conclusion of this statement.

In developing this legislation, we once again worked closely with the American College of Emergency Physicians and the Maryland chapter of their organization. I would like to thank them for all of their assistance during this drafting process.

This year we have an important new supporter of our legislation: Kaiser Permanente, one of our Nation's oldest, largest, and most respected managed care plans. I want to underscore the significance of Kaiser's support. As far as I know, this is the first time that a managed care plan has worked to develop a Federal standard for managed care practices. Kaiser has taken this bold step because they agree with us—when a person presents at an emergency room with what they believe is a true emergency, it is in the health plan's best interest to cover that visit, not to penalize their member if the condition does not turn out to be a true emergency.

Kaiser would like our bill to preempt States' abilities to further regulate coverage of emergency care—and we will continue to discuss that issue. Kaiser's perspective is that the best policy would be to have one uniform set of standards on emergency for all States. However, the bill introduced today does not preempt further State action. Our bill is consistent with the rest of the Health Insurance Portability and Accountability Act in that it only preempts State law where that law prohibits the application of the Federal law. States are absolutely allowed to go further.

In addition to Kaiser Permanente and the American College of Emergency Physicians, our legislation is endorsed by a broad spectrum of interests. These organizations include: the American Medical Association, Citizen Action, the American Hospital Association, Families USA, the American Heart Association, the Coalition for American Trauma Care, the American Osteopathic Association, the Center for Patient Advocacy, and the American Association of Neurological Surgeons.

This year's Access to Emergency Medical Services Act is a new and improved version of the legislation we introduced in the last Congress and as you can see, we have already gathered broad-ranging support. Again, this bill would enable those in need to be assured access to emergency medical care—without the fear that their health plan will deny them coverage.

Access to emergency care is fundamental to ensuring a viable health care system. What is at stake here is not an issue of governmental regulation, but an issue of protecting patient safety. I urge each of my colleagues to join me in supporting the Access to Emergency Medical Services Act and help us enact this protection into law.

**SHORT SUMMARY—ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1997**

The bill would amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974 and Titles XVIII and XIX of the Social Security Act. If enacted, this bill would guarantee that consumers are covered for legitimate emergency department visits. For health plans that offer coverage for emergency services, including the Medicare

and Medicaid programs, the bill would require payment for emergency services consistent with the "prudent layperson" standard. Patients would not be required to obtain prior authorization for emergency services. Health plans would be required to cover and pay for emergency care based upon the patient's presenting symptoms, rather than the final diagnosis. The bill also establishes a process in which the emergency department and health plan work together to assure that the patient receives appropriate follow-up care.

Key provisions of the bill:

Establishes a uniform definition of emergency based upon the "prudent layperson" standard. Health plans would be required to cover emergency services if the patient presents with symptoms that a prudent layperson, possessing an average knowledge of health and medicine, could reasonably expect to result in serious impairment to the patient's health. Health plans would not be required to reimburse for services provided to patients that do not meet the "prudent layperson" standard.

Plans would be prohibited from requiring, as a condition for coverage, that patients obtain prior authorization from the health plan before seeking emergency care.

Establishes coverage standards for out-of-plan emergency care to protect patients who, under reasonable circumstances, seek care in an out-of-plan emergency department.

Allows health plans to establish reasonable cost-sharing differentials for emergency care when a patient chooses an emergency setting over a non-emergency setting, or an out-of-plan emergency setting over an in-plan emergency setting.

Provides a process for coordination of post-stabilization care. Treating emergency physicians and health plans would be required to make timely communications concerning any medically necessary post-stabilization care identified as a result of a federally required screening examination. Plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization.

Health plans would be required to educate their members on emergency care coverage and the appropriate use of emergency medical services, including the use of the 911 system.

There would be no preemption of state law as long as the state law does not prevent the application of the federal law.

In general, requirements of the bill would be enforced in the same manner as the requirements of the "Health Insurance Portability and Accountability Act of 1996."

Applies to all health plans that offer coverage for emergency care, whether licensed or self-insured, including the Medicare and Medicaid programs. Effective for plan years beginning on or after 18 months after the date of enactment.

**TAKING CHARGE OF YOUR TV**

**HON. NATHAN DEAL**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DEAL of Georgia. Mr. Speaker, the television set has become the primary delivery system for information and entertainment into the average home. Some of this information is objectionable when viewed by young children, but many families feel powerless to control this situation.

Having participated in the critical viewing project sponsored by the cable television in-

dustry and the PTA, I want to commend these organizations for their efforts. The "Taking Charge of Your TV" video which was developed out of the critical viewing project, offers strategies and solutions to parents and families who want to make the TV a more positive instrument for the delivery of information and entertainment.

**COMMUNITY RENEWAL**

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. PACKARD. Mr. Speaker, President Clinton has stated that "the era of big government is over." The challenge today is to begin a new era of self-government. The foundation for this renewal must rest on strong families, rejuvenated civic associations, active faith-based and private charities to aid those who fall through the cracks. The cultural challenge for policymakers is to mend the social fabric which binds America.

We need to put the family back together, to improve education, to reduce crime and drug abuse, and to protect families from the appalling violence in our neighborhoods and on television. To do this, we need to find new ways to instill a greater sense of personal responsibility in Americans. We must strengthen civic institutions without allowing for the dependency and loss of mission which often comes with a government subsidy. Empowering citizens to assume the primary responsibility for helping the needy through religious, charitable, and civic organizations is the answer.

Mr. Speaker, we need to get back to the basics. We need to emphasize values and personal responsibility over hand-outs in order to instill the principles of diligence, self-help, and equal opportunity, the qualities which make good workers and prosperous Americans. Community involvement is the key. During the 105th Congress, I plan to work with my colleagues to seek out these opportunities to aid our great Nation in ways the Government and Federal funding cannot.

Last Congress, we brought laudable values to Washington and accomplished a great deal: welfare reform, a smaller government, and cuts in wasteful Washington spending. As we embark on a new Congress, I intend to send more money and power back home so that moms and dads can parent again and build strong families; so that parents and teachers can work together to give our kids the best education they can get; and our communities, once again, become vibrant.

**TRIBUTE TO WILLIAM P. SHERMAN**

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. William P. Sherman who retired as director of the Huron-Clinton Metropolitan Authority after 8 years of exemplary service. The park authority operates 13 parks in southeastern Michigan.

Mr. Sherman's career began with the HCMA 40 years ago when he was hired as a beach patrol officer. He became park superintendent at Metropolitan Beach in 1968 and served in that capacity until 1985. During his 8 years as director, the authority opened a new park, Wolcott Mill, and added many new facilities such as the Marshlands Museum and Nature Center, the activities building, and an 18-hole golf course at Lake Erie. I personally appreciate his support and assistance with the Macomb County hike and bike path.

When the HCMA celebrated its 50th anniversary in 1992, much of the infrastructure in the older parks was wearing out or was outdated. Under Mr. Sherman's guidance, the HCMA was able to maintain and upgrade existing facilities and complete expansion projects while keeping user fees down. He should be proud of his accomplishments and I am sure he will continue to visit the parks often to spend some of his leisure time.

I am confident that Bill Sherman will be missed as director and I wish him and his wife Joanne all the best in retirement. I urge my colleagues to join me in saluting Mr. Sherman. His dedicated service and commitment to our community are sincerely appreciated.

A TRIBUTE TO DAVID M.  
LAWRENCE, M.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. WAXMAN. Mr. Speaker, as chairman and CEO of Kaiser Foundation Health Plan and Hospitals, David M. Lawrence, M.D., has helped reshape the delivery of health care in this country. During Dr. Lawrence's tenure as CEO for the past 5 years, he has reaffirmed Kaiser Permanente's 50-year commitment to serving the community as a nonprofit health care system. As a result of Dr. Lawrence's leadership, Kaiser Permanente continues to serve as a national example of delivering high-quality health care that is affordable to all American families. In addition, Dr. Lawrence has committed Kaiser Permanente resources to funding landmark research that has resulted in a new national vaccine for immunizing children, new standards for detecting cancer, and better practices for delivering healthier babies. Under Dr. Lawrence's guidance, his organization has contributed millions of dollars to the health and safety of children around the country. Through educational theater programs, grants to local hospitals, and operation of the Watts Learning Center, Kaiser Permanente stands as an example of community responsibility and integrity. On this occasion of Dr. Lawrence's fifth-year anniversary, we extend our regards and congratulations.

THE INTRODUCTION OF THE NU-  
CLEAR DISARMAMENT AND ECO-  
NOMIC CONVERSION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Ms. NORTON. Mr. Speaker, the cold war is over, but nuclear weapons remain. The bill I

introduce today would substantially reduce the likelihood that nuclear weapons will become a renewed threat. The Nuclear Disarmament and Economic Conversion Act would require the United States to disable and dismantle its nuclear weapons and to refrain from replacing them with weapons of mass destruction once foreign countries possessing nuclear weapons enact and execute similar requirements. The United States, the leading nuclear power in the world, has an obligation to take far bolder leadership in moving to help disarm these weapons.

The act would then require that resources used to sustain nuclear programs be used to address human needs such as housing, health care, education, agriculture, and environmental restoration. Funding such initiatives here in the United States is necessary to bring peace within our own country. As deficit reduction forces cuts, reducing needless nuclear weaponry is the place to begin.

This bill is especially relevant today with the Clinton administration's push to expand the number of countries that are members of NATO and would be bound by the treaty to come to each other's defense.

My bill will put our money and our principles where our mouth has been. We must not continue to spend on nuclear weapons while we preach peace and the end of nuclear proliferation.

THOMAS J. FERRITO, J.D.:  
DEFENDER OF OUR ENVIRONMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. STARK. Mr. Speaker, I rise today to recognize Mr. Tom Ferrito of Los Gatos, CA, who will end his service on the Bay Area Air Quality Management District Hearing Board on April 21, 1997 as a result of the district's term limit rule.

A successful full-time attorney, Tom Ferrito's accomplishments and credits earned him the State-mandated attorney position on the five-member Bay Area Quality Management District Hearing Board, on which he served 15 years. Prior to that service, Tom served 3 years on the district's board of directors.

The Bay Area Quality Management District Hearing Board, a quasi-judicial body, adjudicates various types of situations and is guided by the code of judicial conduct adopted by the California Judges Association. The hearing board carries out the judicial function of the district, holding hearings on citizens' appeals on the rightful issue of permits, and disputes between air pollution control officers and operators on the interpretation of air pollution rules.

Last year, the seven-county Bay Area Air Quality Management District was recognized by the Environmental Protection Agency as being the Nation's largest metropolitan clean air region. This title represents 40 years of progress toward improving air quality. It has been achieved by a long-term program of adoption and enforcement of regulations applicable to stationary sources—in a sound, methodical and sensitive manner. Tom Ferrito has played an active role in implementing that program and protecting the San Francisco Bay Area environment for over 18 years.

As the senior member of the hearing board, Tom Ferrito has set high standards of honesty and excellence. He stands out as a committed citizen, willing to give of his time for the betterment of the environment at both the local and regional levels.

The service of this accomplished attorney and dedicated public servant will be missed by myself and the entire Bay Area community. We wish him well in every future endeavor.

CLARIFICATION OF VOTE ON H.R.

581

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. PORTER. Mr. Speaker, during the vote on H.R. 581 on February 13, 1997, I was unavoidably detained chairing a hearing in my subcommittee and was not able to come to the floor to vote until immediately prior to conclusion of the time for voting. I was under the mistaken impression that the vote being held was on House Resolution 46, the rule for consideration of H.R. 581. Accordingly, I voted in favor of passage. After the vote had closed, I learned that the rule had passed by voice vote and the recorded vote was in fact on passage of H.R. 581 which I intended to oppose. I want to clarify that I oppose H.R. 581 and my vote in support of it on February 13 was made in error.

REV. ERNEST SMITH KEEPS HIS-  
TORY ALIVE IN THE LEBANON  
VALLEY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. SOLOMON. Mr. Speaker, It is often said that we must always remember where we have been if we are to truly know where we are going. Too often in today's hectic world, we lose sight of our social and cultural past, which have shaped our daily experiences and the very society in which we live. Luckily, however, there remain some insightful individuals who dedicate their time and energy to preserving our historical roots so that we may always remember and learn from the people and events which came before us. I personally am extremely grateful for the endeavors of admirable individuals like Rev. Ernest Smith, who, through his diligent and enthusiastic efforts, has ensured that the rich history of the Lebanon Valley will remain alive and accessible for many generations to come.

Reverend Smith's service has spanned many years and a multitude of avenues of historical pursuit. He has been the town historian for the town of New Lebanon for almost a decade, during which time his endeavors included penning a remarkable short history of the town for its gala 175th anniversary celebration. Reverend Smith also spearheaded the successful monument restoration program as the Chair of the Tilden Restoration Committee, which carefully utilized State and local grants in combination with individual donations to rejuvenate the aging memorial. Reverend Smith is also an

extremely prolific writer. I know that thousands of others have enjoyed reading his clever "Valley Tales" columns in the *Echo* as much as I have over the years. Some of these columns have now been published in two books, offering many newcomers to Reverend Smith's writings the opportunity to learn from his insight into the Lebanon Valley region.

Most recently, Reverend Smith was elected to and served the maximum term of 3 years as the president of the Lebanon Valley Historical Society. Under his leadership, the historical society thrived, its membership and event attendance multiplying dramatically. Among other opportunities, the society provided people the chance to learn about the historical homes in the area, where many of the meetings were held. During his term of service, Reverend Smith took a faltering organization and, through his hard work and dedication, brought it back to life, so that it may now flourish and grow further in the future.

Mr. Speaker, committed and creative individuals such as Reverend Smith are among our most valuable resources in retaining a positive perspective on our cultural and societal history. I ask that all Members join me in expressing our sincerest gratitude and admiration for Reverend Smith and his impressive endeavors, and wishing him continued success in his efforts to preserve the rich heritage of the Lebanon Valley.

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THE HEALTH INSURANCE BILL OF RIGHTS ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. DINGELL. Mr. Speaker, the legislation we are unveiling today is not based on theoretical or theological constructs. It is rooted in the real-life experience of people dealing with their health care system.

Ten years ago, fewer than one in seven Americans with private insurance were enrolled in some form of managed care. Today, three of every four Americans with private insurance are in managed care. Including Medicaid and Medicare beneficiaries, more than 140 million Americans were covered by managed care plans as of 1995.

There is a growing body of anecdotal and statistical evidence to suggest that many of the changes in our health care system over these last few years are not without flaws or imperfections.

Let me be clear. Managed care plans, and health maintenance organizations, perform good and great works every day. With managed care, we get a better overview of the care provided, so that we can identify and end improper or unnecessary practices. We can better coordinate the care received by a single patient. And we can get the benefits of bargaining collectively with providers to cut costs.

The traditional fee-for-service system built in a series of incentives to generate more revenue by providing more services. My concern is that the pendulum may have swung back too far in the other direction. We've gone from cost being no consideration to cost being the only consideration in providing health care. And neither extreme is healthy for the public.

You may have heard the stories: Heart attack victims forced to drive miles to an ap-

proved emergency treatment hospital. Patients denied payment for emergency care. Medicaid HMO's refusing to pay for antibiotics to stop a childhood dysentery epidemic. Cardiac surgery centers selected on the basis of price rather than survival rate. Marketers charged with mail fraud, forgery, or bribery. According to surveys, 80 percent of the American people agree that quality care is often compromised to save money.

I don't believe these problems are necessarily typical of HMO's or the managed care business. The vast majority of plans are operated by honorable men and women. The same can be said of any other endeavor or profession. Most stockbrokers are honest, as are most doctors, or police, or even—believe it or not—most Members of Congress. But that doesn't obviate the need for laws or regulations to corral and control the bad actors.

Concern about the practices of some managed care plans prompted us to pass legislation in the last Congress to guarantee that a woman and her doctor would decide how long she should remain in the hospital after giving birth. This Congress, Congresswomen DELAURO and ROUKEMA and I introduced similar legislation on the length of stay after a mastectomy.

I'm well aware that some have criticized legislation on births or mastectomies because they are specific to one condition. I find that criticism amusing. When we tried to enact comprehensive health care reform, many of the same people told us we were doing too many things all at once.

I'm also aware of another criticism, and that is that Congress should not be making medical decisions.

I couldn't agree more. Congress shouldn't have to concern itself with the length of a hospital stay after a mastectomy or birth. Those decisions should be made by qualified medical professionals and their patients. But the harsh fact of the matter is that when cost, and not care, is the primary consideration, the wisdom of doctors and patients is too often supplanted by insurance companies. The Congress is simply acting to restore some balance to the equation.

That's the guiding principle behind the legislation that Senator KENNEDY and I are introducing today, the Health Insurance Bill of Rights Act.

This legislation deals with the four cornerstones of a system that tips the balance in favor of the client—a system that puts patients first—access, quality, information, and dispute resolution.

First, the bill would ensure that patients can get their health care in the best place and from the best people—whether it is a primary care provider, a specialist, a specialty hospital, or even a high-quality clinical trial. The key here is the health of the patient, not whether a provider is a member of the health plan's network.

The legislation will make sure that a sick patient can complete a course of treatment with the doctor and hospital the patient knows and trusts, and that a healthy patient will have real choice of providers in receiving routine health care. For example, a woman who regularly sees an obstetrician-gynecologist can consider that doctor as her primary care provider. Or a cancer patient's oncologist can refer the patient to other specialists for related treatments, without going through a "gatekeeper."

Our bill deals carefully with the thorny issue of drug substitution. We don't mandate prescription drug coverage, and we don't forbid drug formularies. We simply say that health plans ought to consult with their own doctors in developing their formularies, and ought to provide a way for those doctors to substitute drugs when they believe it's medically necessary.

Second, quality.

This bill lays out a number of components of a good quality assurance program—components that mirror what the best of your health plans already do for their patients. We would require health plans to collect data and make information available in plain language, so patients can compare different plans and make wise choices.

Third is patient information. The minimum quality and information components in this bill are things we have been told patients want and need to know: The plans' criteria for determining medical necessity, appropriateness, efficiency, and access; their policies to ensure confidentiality of medical records; the scope of their utilization management activities; and the way the plans evaluate consumer satisfaction. In other words, the bare-bones components of a top-notch health plan.

Our bill would require health plans to provide simple information like addresses, telephone numbers, what benefits are included, the cost of premiums, and any cost-sharing requirements. Patients also need to know about the credentials of providers, how to obtain authorization for services, and how to get referrals to providers who are not plan participants. In other words, patients ought to have enough information at their fingertips to navigate the system without frustration and failure. I am sure that any good health plan would be not only willing but anxious for consumers to have all of this information.

And while on the subject of information and communication, I should also mention that this bill incorporates the patient-friendly concepts first introduced by Representatives MARKEY and GANSKE in the last Congress—the concepts that underlie the ability of doctors and patients to communicate freely and understand each other effectively.

Finally, the legislation provides an absolutely essential component of a consumer-friendly health plan—an appeals process that works: Timely notice of a plan's decision not to provide a certain benefit, or not to pay for it, and a workable process for the patient to appeal. This process must be fast when it needs to be fast—such as when the patient is seriously ill or near death. And, as the icing on this cake, the plan must have a real, fair, dispute resolution process which takes account of the views of the patient and provider as well as a third party, such as an ombudsman, who can look at the situation from a new perspective.

This legislation was developed through consultations with literally dozens of interested and affected parties: Consumer groups, hospitals, medical professionals, health plans, and others. It is modeled on State statutes that were fully bipartisan. For instance, the State of New York, with a Republican Governor and Democratic legislature, has enacted similar legislation.

I'm well aware that I'll be criticized for proposing Government intervention and regulation. But the fact is that through our democratic institutions, we routinely establish fair

terms for competition. We prohibit practices we deem unfair, discriminatory, outlandish, or improper. The American people expect Government to set minimum standards of behavior, and keep the playing field level.

In the area of health insurance, we need to see that competition is based on more than just price. Price often tells us very little about value or quality. One of the arguments for changing the Consumer Price Index is the argument that it fails to take into account improvements in quality. And let me observe that if price were the only consideration in buying a care, we'd all be driving around in Yugos.

When it comes to health care, I don't want a Yugo, and I don't need a Rolls-Royce. A Dodge or Chevy or Ford will do quite nicely.

In this instance, that means a system in which patients receive appropriate, quality health care, in which they can understand decisions about their care, and in which they can act effectively on their own behalf. My legislation will accomplish that.

TRIBUTE TO CAPT. RALPH  
MARTIN ALFORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding naval officer, Capt. Marty Alford, U.S. Navy. Captain Alford will soon be completing his assignment as the Director of the Navy Liaison Office to the House of Representatives, which will also bring to a close a long and distinguished career in the U.S. Navy. It is a pleasure for me to recognize just a few of his many outstanding achievements.

A native of Columbia, MO, Captain Alford was commissioned an ensign upon graduation from the U.S. Naval Academy in 1971. Following graduation, he entered flight training, receiving his wings of gold, and designation as a naval aviator in June 1973. Captain Alford's initial tour was with Patrol Squadron 10, homeported at Naval Air Station Brunswick, ME, flying the P-3B Orion aircraft. In February 1977, Captain Alford reported for duty as flag lieutenant to commander, Naval Safety Center, Norfolk, VA. After 18 months he transferred to the staff of commander, Carrier Group 8, also in Norfolk, where he again served as flag lieutenant and aide. Captain Alford's next tour found him at the naval air station in Jacksonville, FL with Patrol Squadron 30. Qualifying as an instructor pilot in both the P-3B and P-3C aircraft, he also served as assistant training officer and maintenance material control officer. In March 1982, he transferred to Patrol Squadron 1 at the naval air station in Barbers Point, HI. He served as training officer and operations officer while completing deployments to Cubi Point in the Philippines and to Kadena Air Base in Okinawa, Japan. In January 1985, Captain Alford reported for duty to Patrol Squadron 4 in Hawaii as the executive officer and deployed to Diego Garcia.

In May 1986, Captain Alford assumed command of Patrol Squadron 4 and led the squadron through a successful deployment to Naval Air Station Adak, AK. Upon successful completion of his command tour at sea in May 1987, Captain Alford began a 1 year assignment as operations officer for Commander Patrol Wing 2, followed by challenging duty in

Washington, DC, as an action officer in the Strategy, Plans and Policy Division of the Naval Staff. Following selection for Fleet Reserve Squadron Command in July 1989, Captain Alford reported as commanding officer of Patrol Squadron 31 at Naval Air Station Moffet field in California. After completing his second command tour in July 1990, he began a 1 year assignment as a student at the National War College at Fort McNair in Washington, DC. After graduating in June 1991, he was assigned to the staff of the Assistant Chief of Naval Operations, Air Warfare as a branch head. Captain Alford reported as commander, Patrol Wing 10 in March 1992 and led the wing through several highly successful operational deployments and numerous detachments throughout the world in support of a wide variety of missions. Captain Alford completed his third major command tour in October 1993 and reported as Director, Navy Liaison to the House of Representatives in February 1994.

Mr. Speaker, Marty Alford, his wife Terri, and their two children, Michelle and Mary Beth, have made many sacrifices during his 26-year naval career. Marty has spent a significant amount of time away from his family to support the vital role our naval forces play in ensuring the security of our great Nation. Captain Alford is a great credit to the U.S. Navy and the country he so proudly served. As he now prepares to depart the Navy for new challenges ahead, I call upon my colleagues from both sides of the aisle to wish him and his family every success, as well as fair winds and following seas, always.

THE 401(k) PENSION PROTECTION  
ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 25, 1997*

Mr. CONDIT. Mr. Speaker, I have today introduced the 401(k) Pension Protection Act of 1997. Last year I introduced a similar bill, H.R. 3688. This legislation would close an important gap in pension protection affecting tens-of-millions of working Americans.

Federal law currently provides less protection to participants in 401(k) plans than it provides to participants in traditional pension plans. A traditional plan may not invest more than 10 percent of its assets in the company sponsoring the plan. The purpose of this limitation is the protection of employees who might otherwise lose their jobs and pensions at the same time.

This limitation does not apply to 401(k)s, despite their having become the predominant form of American pension plan, enrolling 23 million employees and investing nearly \$700 billion. When a company goes bankrupt with a large percentage of its 401(k) invested in the company, the impact on employees can be catastrophic. The largest department store chain in California went bankrupt with more than half of its 401(k) invested in the chain's stock, 10,000 401(k) participants, many near retirement after decades of work, lost 92 percent of their stock investment.

The 401(k) Pension Protection Act would prevent this from occurring. The bill applies the 10 percent limit to 401(k)'s—unless the participants, not the company sponsoring the plan, make the investment decisions. After all, it is the employees' money, they bear the in-

vestment risk, and their 401(k)'s, unlike traditional plans, have no Pension Benefit Guaranty Corporation insurance. No participant should be required to invest more than 10 percent of his or her 401(k) contribution, known as a salary deferral, in the company sponsoring the plan.

Mr. Speaker, millions-of-Americans are working hard every day to save for their retirement and provide for their families. Enactment of this legislation will protect the retirement assets of working Americans. I urge our colleagues to join me in support of this important measure.

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 "401(k) Pension Protection Act of 1997".

**SEC. 2. SECTION 401(K) INVESTMENT PROTECTION.**

(a) LIMITATIONS ON INVESTMENT IN EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY BY CASH OR DEFERRED ARRANGEMENTS.—Paragraph (3) of section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) is amended by adding at the end the following new subparagraph:

“(D) The term ‘eligible individual account plan’ does not include that portion of an individual account plan that consists of elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) pursuant to a qualified cash or deferred arrangement as defined in section 401(k) of the Internal Revenue Code of 1986 (and earnings thereon), if such elective deferrals (or earnings thereon) are required to be invested in qualifying employer securities or qualifying employer real property or both pursuant to the documents and instruments governing the plan or at the direction of a person other than the participant (or the participant's beneficiary) on whose behalf such elective deferrals are made to the plan. For the purposes of subsection (a), such portion shall be treated as a separate plan. This subparagraph shall not apply to an individual account plan if the fair market value of the assets of all individual account plans maintained by the employer equals not more than 10 percent of the fair market value of the assets of all pension plans maintained by the employer.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—

(A) IN GENERAL.—In the case of a plan which on the date of the enactment of this Act, has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section applies to any acquisition of such securities and property on or after such date, but does not apply to the specific holdings which constitute such excess during the period of such excess.

(B) SPECIAL RULE FOR CERTAIN ACQUISITIONS.—Employer securities and employer real property acquired pursuant to a binding written contract to acquire such securities and real property entered into and in effect on the date of the enactment of this Act, shall be treated as acquired immediately before such date.