

## EXTENSIONS OF REMARKS

HONORING SOLVAY POLYMERS,  
INC., AND SOLVAY INTEROX, INC.

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Solvay Polymers, Inc., and Solvay Interox, Inc., Battleground Road Plant Site, upon their selection by the La Porte/Bayshore Chamber of Commerce as the 1998 Industry of the Year. Solvay's commitment to building a better future for the La Porte/Bayshore community has made it an example all industry can follow.

Solvay Polymers and Solvay Interox are subsidiaries of Solvay America, Inc., a holding company for the Solvay Group, a multinational group of chemical and pharmaceutical companies headquartered in Brussels, Belgium, with operations in more than 40 countries. Some 600 employees and approximately 500 contractors work at the two companies' Battleground Road plant. Located on 274 acres, the plant in more than four decades has grown from a one-product site into the two businesses that manufacture a wide range of products.

In addition to being an integral part of the area economy, the two companies also contribute greatly to the community. Their employees participate in such organizations as La Porte's Local Emergency Planning Council, Citizens' Advisory Council, La Porte Education Foundation, La Porte/Bayshore Chamber of Commerce, and Boys and Girls Harbor. The employees contribute almost 5,000 volunteer hours annually to surrounding communities. The company's stated goal is for La Porte citizens to feel that the community is a better place because of their neighbors, Solvay Polymers and Solvay Interox.

Dedication to worker safety and environmental performance has also been a hallmark of the two companies. Their employees actively participate in the Chemical Manufacturers Association's Responsible Care program, which promotes continuous improvement of health, safety, and environmental performance. Through a pollution prevention and waste minimization program, the plant reduced emissions of government reportable waste compounds by 50 percent between 1987 and 1996. The site holds a charter membership in Clean Texas 2000, and employees are dedicated to demonstrating a high level of commitment to the continued safe operations of the plant, along with the safety of the surrounding community.

The Battleground Road plant has a significant history. Solvay's predecessor at the site, Celanese Corporation, started plastic production at the plant in 1957, making it one of the first sites to produce high-density polyethylene. Today, Solvay Polymers, the plastics company, annually produces 1.7 billion pounds of high-density polyethylene and nearly 800 million pounds of polypropylene at this

site. This combined production level makes the site one of the world's largest plastic production facilities.

These plastics are used to make many products essential to everyday life. For example, high-density polyethylene is used to manufacture milk bottles, gas tanks, children's play toys, plastic bags, and liners. Polypropylene products include food containers for products such as ketchup and syrup, carpet backing, and children's products such as car seats and high chairs. The site's new polypropylene gas-phase line makes a special impact resistant polymer used to make automobile bumper fascias and other car parts.

The second company, Solvay Interox, produces more than 100 million pounds of hydrogen peroxide each year. This product is used in the pulp and paper industry as a wood pulp bleach and also has many environmental applications such as wastewater treatment and cleanup of contaminated soil. The company's high purity hydrogen peroxide is used as a cleaning and etching agent in the semiconductor industry. The site also produces persalts (percarbonates and perborates), which are used as color-safe brightener/deodorizers for fabric detergents.

Mr. Speaker, I congratulate Solvay Polymers, Inc., and Solvay Interox, Inc., on being named the La Porte/Bayshore Chamber of Commerce 1998 Industry of the Year. This honor is well deserved for their work in expanding business and job opportunities, producing products vital to our everyday lives, their commitment to environmental protection and worker safety, and their many contributions to the community.

IN HONOR OF THE 100TH ANNIVERSARY OF THE FRANK E. CAMPBELL BURIAL AND CREMATION COMPANY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Frank E. Campbell Burial and Cremation Company on the occasion of its centennial anniversary. On Wednesday, October 21, Cardinal John O'Connor will be a special guest at Frank E. Campbell's 100th anniversary celebration.

In 1898, when Frank E. Campbell first opened the doors of his funeral home, he revolutionized the way people thought about funeral service. In the late nineteenth century, most funerals were conducted in private homes. But since a majority of New York City residents were living in apartments by this time, they did not have the capacity to handle large events.

Frank Campbell also understood the need of families to have time to grieve for their loved ones. By transferring the burden of planning a funeral from the families to a funeral home, Campbell eased the time of mourning.

Frank Campbell's funeral home combines a peaceful and serene atmosphere with an attentive and courteous staff. Over the past one hundred years, the Frank E. Campbell Burial and Cremation Company has served families from every strata of society including royalty of many nations and members of the arts and entertainment world. Frank Campbell's makes a concerted effort to honor the individual in the style in which he or she lived.

Over the past century, Frank E. Campbell has become a landmark on the Upper East Side of Manhattan.

Mr. Speaker, I am honored to bring to your attention the Frank E. Campbell Burial and Cremation Company as it celebrates 100 years of serving New Yorkers in their times of grief.

RAILROAD ECONOMIC REGULATION

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BACHUS. Mr. Speaker, Dr. Alfred E. Kahn, the noted economist and "father of deregulation," has rightly earned our gratitude for his work over the years. With all due respect, however, Dr. Kahn is doing himself and his many admirers a disservice in his continued calls for increased economic regulation of the freight railroad industry in this country.

Dr. Kahn testified on April 22, 1998, before the Subcommittee on Railroads of the Committee on Transportation and Infrastructure. At that hearing, he testified at length on his perception of anti-competitive conduct by the rail industry and his suggestions on steps that should be taken to alleviate such conduct. Dr. Kahn has repeated his viewpoints at other times and in other venues in recent months, including testimony to the Surface Transportation Board. Most recently, an interview with Dr. Kahn was the basis for an article in the October 5, 1998 issue of *Traffic World*. In that interview, Dr. Kahn continues to advocate misguided railroad reregulation.

At the April 22, 1998 hearing at which I was present and engaged in considerable discourse with proponents of reregulation, Dr. Kahn was challenged by a number of experts in railroad economics and finance. In my opinion, his pronouncements were inconsistent with operating and marketplace realities. I respectfully submit he likewise errs on a number of points in the recent *Traffic World* article, including the following:

Dr. Kahn's basic premise is that service by a single railroad is equivalent to monopolization and that competition does not now exist for shippers. To the contrary, railroads face intense competition from other railroads, from other modes such as trucks and barges, and from other sources for the vast majority of their traffic. Shippers of all types, including those which are served by only one railroad,

• 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.

almost always have ways to obtain competitive transportation. And because of this competition, rail customers exert meaningful power in negotiating railroad rates and services.

In those relatively few cases wherein shippers do not have effective transportation options, existing maximum rate regulation protects shippers from egregious railroad rates. In two recent cases, for example, two utilities were awarded millions of dollars in reparations by the STB because they were deemed to have been charged unreasonably high rates by the railroads that served them. In response to criticisms by Dr. Kahn and others that rate reasonableness case procedures were cumbersome, lengthy and expensive, expedited procedures for small shipper cases were recently implemented by the STB, though shippers have not taken advantage of them to date.

Dr. Kahn is wrong in dismissing the likelihood of reduced investment in rail infrastructure if mandated access forces rates too low. Under forced access, railroads would be unable to recoup the full costs of their investment in their infrastructure.

Without the ability to cover total costs, railroads would be unable to maintain or increase their investment commitment. This would lead to deterioration and/or shrinkage of the national rail system and reduced service levels. Given the vital importance of transportation to the national and global economies, this is the last thing the national transportation system needs.

Dr. Kahn is wrong in claiming that "structural remedies" such as mandated competitive access would assure rail-to-rail competition and permit market forces to determine rate and service levels. In fact, under a system of forced access, government bureaucrats would have to regulate anew an incredible variety of price and operational decisions, creating a system of economic regulation that would be far more costly and pervasive—and far less effective—than the current system.

Proponents of mandated access, like Dr. Kahn, essentially advocate that freight railroads should be regulated on the basis of how many railroads serve an individual shipper, rather than on the presence or absence of competition. They propose that access to a railroad's privately owned and maintained infrastructure by its competitors should be mandated, and that the fees for access should be set by regulation, not by competitive market forces. This uneconomical reregulation of freight railroads is an attempt to gain short-term rate reductions for some shippers, at the expense of other rail customers, railroad investors and society in general.

Deregulation of the U.S. railroad industry has led to tens of billions of dollars in savings since 1980 to shippers and, ultimately, to all of us. It would be a tragedy of enormous proportions to jettison these gains in favor of cleverly disguised regulation that has failed in the past and would fail again.

A TRIBUTE TO THE LATE MAYOR,  
ANTHONY E. O'BLOCK

**HON. RON KLINK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. KLINK. Mr. Speaker, I rise today to honor the memory of Anthony O'Block, the

distinguished and memorable first Mayor of Plum Borough. In his thirty years of service, Mayor O'Block, through his extraordinary commitment and diligence, placed the needs of his community front and center. He immigrated as a small child to the United States from Slovenia and settled in Plum.

His early life in Plum was extremely modest, yet in the spirit of the American dream, he established his own construction company, presided over the successful People's Bank of Unity, and was one of the most respected figures in Pennsylvania Democratic politics. Despite his successes, he never forgot his roots, his family, or his neighbors throughout the borough. His love for his community led him to tirelessly focus on the needs of others and of the entire borough. During his tenure, Plum Borough gained recognition as a prosperous community, both for businesses and for families.

Through his contributions to the growth and the development of the Plum community, he expanded social and community services, attracted business investment, and made the Borough a truly exceptional place in which to live. All this was accomplished while keeping taxes at an all time low, a truly remarkable task.

Mr. Speaker, I once again urge my colleagues to rise in tribute to Mayor Anthony E. O'Block. Mayor O'Block honored his family, his friends, and his community. He will forever be remembered as a friend and mentor to so many people. He will truly be missed.

TRIBUTE TO DR. ANTHONY S.  
LENZO

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise before you to congratulate one of Northwest Indiana's most noble, selfless, and dedicated individuals: Dr. Anthony S. Lenzo, of Crown Point, Indiana. On October 11, 1998, Dr. Lenzo will be honored by the Cesare Battisti Lodge #27, as this year's Member of the Year. In addition to his many years of service to the Lodge, he is being honored for his tireless efforts as a community leader.

The Cesare Battisti Lodge #27 has been honoring its most dedicated members since 1966. A lifelong member of the organization, Dr. Lenzo serves as an excellent role model for both members of the Cesare Battisti Lodge, and for the people of Indiana's First Congressional District. Not only has he maintained a lifelong membership with Lodge #27, Dr. Lenzo has been a lifelong leader of the Lodge. He is currently the financial secretary and the editor of the Lodge newspaper. As Walter Lippman said, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." Dr. Lenzo's efforts in the community, in addition to his nationwide efforts for peace, have certainly inaugurated an enduring legacy. For many years, he has worked to have the United Nations designate a "Weekend of Prayer, Meditation, and Thought on the Futility of War and the Desperate Need for Peace in the World." In his own words, "It will be a thankful day

when we can once again live in peace . . . peace in the world, peace within our nations, peace in our neighborhoods, peace in our streets."

Since he began his campaign for peace, Dr. Lenzo has met with great success. He has received positive responses from former Secretary-General of the United Nations Boutros-Boutros Ghali, Pope John Paul II, and Elizabeth Taylor. Nearly all who hear Dr. Lenzo's plea for peace commend him on his campaign. I also commend Dr. Lenzo for his activism, leadership, and ardent dedication to a noble cause. This campaign is as poignant now as it was in January 1991 when I first called your attention to it. As members of NATO stand poised to initiate air strikes in Kosovo and Serbia, Dr. Lenzo's works remind us of the gravity of the actions they contemplate. As options are considered, his message to these nations is to keep the goal of peace in sight. Dr. Lenzo's suggestion that we step back and remember to whom we are accountable is as important now as it was then.

Mr. Speaker, Dr. Tony Lenzo is an inspiration to us all. I ask that you and my distinguished colleagues join me in commending Dr. Lenzo for not only his award as Cesare Battisti Lodge #27's Member of the Year, but also for his extraordinary campaign for world peace. His superhuman efforts and selfless dedication are an example for every citizen of the United States to emulate. Northwest Indiana is lucky indeed to have such a resident.

IN HONOR OF THE ATHENIANS  
FEDERATION OF ATHENS CELEBRATION OF THE LIBERATION  
OF ATHENS

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Athenian Federation of the United States of America and Canada. The Association is organizing the twentieth Archieratical Tedeum to commemorate the Liberation of Athens from the Nazis 54 years ago.

The official Archieratical Tedeum will be held at the Greek Orthodox Church Cathedral in New York City on Sunday, October 11, in the presence of the Consul, officials of the Greek community, Greek organizations and members of the Greek community.

The Tedeum commemorates the Liberation of Athens from Nazi occupation by the Allied Forces on October 12, 1944.

On April 27, 1943, Nazi tanks entered Athens as the remnants of the British forces evacuated Greece. The citizens of Athens lived under the siege of Nazi terror and occupation for three and a half years until liberation when the Allied Forces hoisted a Greek flag on the holy rock of Acropolis, signaling the end of the occupation. The Greek flag replaced the flag of the Nazi regime which hung over the Acropolis of Athens throughout the occupation.

The anniversary of the liberation is celebrated annually in Athens and amongst Greek communities here in the United States.

Mr. Speaker, I am honored to bring to your attention this important anniversary in the history of Greece, Greek citizens, and Greek-

Americans. The Athenian Federation of U.S.A. and Canada makes a remarkable effort to keep the spirit of freedom alive with their annual Archieratical Tedeum. I am proud to have such a strong Greek community in my district and an organization such as the Athenians Federation of U.S.A. and Canada to promote issues of importance to this wonderful community.

THE PLIGHT OF THE  
MONTAGNARDS

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. ETHERIDGE. Mr. Speaker, I rise today to bring the attention of the Congress to the Montagnard refugees from the Central Highlands of Vietnam.

The Montagnards were loyal allies of American Special Forces and served bravely with our U.S. military troops during the Vietnam War. Montagnards have suffered terribly in Vietnam for their religious and political beliefs and they continue to suffer. I strongly support human rights and strongly oppose persecution throughout the world; values at the heart of our faiths and our American democracy.

Since 1986, my state of North Carolina has been privileged to receive several hundred Montagnard refugees from the Central Highlands of Vietnam. There are over one thousand Montagnards who now live in Greensboro, Raleigh, and Charlotte, thanks to the hard work and compassion of people of faith and human rights activists such as Lutheran Family Services of North Carolina. The Department of State has called the resettlement of this new immigrant community one of the most successful resettlement programs in the United States.

The Montagnards have become U.S. citizens, they enrich our nation, they are productive, proud people who love freedom and the chance for survival that this nation has offered them. The Montagnards stood by our nation and now we should do all we can to insure that their family members are allowed to emigrate from Vietnam.

I am encouraged by the emphasis Ambassador "Pete" Peterson, himself a former Vietnam Prisoner of War and Member of Congress, has promised to place on the plight of the Montagnards. Our nation must strengthen its efforts in gaining measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program (ODP) and the Resettlement Opportunity for Vietnamese Returnees agreement (ROVR). We should expect and demand progress on all of the Montagnard cases. These families have waited too long to be reunited with loved ones.

IN HONOR OF MORT MEYERS

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Mort Meyers, as he will soon be receiving

the Humanitarian of the Year award from the David Posnack Jewish Community Center in Davie, Florida. Mort's record of public service on behalf of the people of South Florida is truly impressive and deserving of this formal recognition.

Born in Detroit, Mort moved to Florida after his brother Dennis took up residence in Miramar. After a series of sales jobs, Mort bought a coffee shop on Hollywood's City Hall Circle, where he and his wife Ethyl spoiled their customers rotten. Even Mort's mother Gussie became involved, making her signature cakes and pastries that are now known as "Gussie's Goodies."

Times change, and so did the Meyers family. Mort and his brother Dennis joined their father in a surplus electronics and hardware venture. After some rough times early on, the family ultimately achieved a great deal of success. Today, Mort is involved with the family business—Arco Distributors in Davie, Florida—selling industrial adhesives, electronic components, and point of sale equipment. However, Mort's devotion to his business is only part of his story.

Over the past 29 years since Mort Meyers arrived in Florida, the community has benefited greatly due to Mort's presence. A Founding Member of the Davie Coalition of Condos and Homeowners Associations, he has served on the Davie Economic Development Council, the Davie/Cooper City Chamber of Commerce's Economic Development Committee, the Davie Budget Committee, and the Davie Visions 2000 Committee. In addition, Mort was Vice President of the Davie Democratic Club and chairman of the South Broward Park District. Mort also served with distinction on the Jewish Federation of Broward County's Board of Directors.

Much of Mort's time over the past 10 years has been devoted to his involvement at the David Posnack Jewish Community Center. The award that the Center is bestowing on Mort Meyers is surely a reflection of his dedication and hard work. He has been involved with the Center since the dedication of its land site—serving on committees, donating money for camps or program scholarships, maintaining the building itself, and more.

Mr. Speaker, all who know him or know of him will surely agree that Mort Meyers is an extraordinary individual. With his impending acceptance of the Humanitarian of the Year award from the David Posnack Jewish Community Center, I wish to convey a heartfelt congratulations and many thanks to him for his work benefiting the entire South Florida community.

WORLD POPULATION AWARENESS  
WEEK

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. MORELLA. Mr. Speaker, in my capacity as Co-Chair of the Congressional Coalition on Population and Development, and on behalf of my fellow Co-Chair, Congressman SAWYER, I would like to share with our colleagues the following proclamation, endorsed by 19 of our colleagues, regarding World Population Awareness Week:

WORLD POPULATION AWARENESS WEEK

World population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries.

A total of 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day; 1.5 billion people—nearly one-quarter of the world's population—lack an adequate supply of clean drinking water or sanitation; more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished.

Demographic studies and surveys indicate that in the developing world there are at least 120 million married women—and a large but undefined number of unmarried women—who want more control over their fertility but lack access to family planning. This unmet need for family planning is projected to result in 1.2 billion unintended births.

The 1994 International Conference on Population and Development in Cairo determined that a combination of political commitment and appropriate programs designed to provide universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

We, the following members of the United States House of Representatives are pleased to support the week of October 24-31, 1998 as World Population Awareness Week, and urge all citizens to take cognizance of this event and to participate appropriately in its observation.

Constance A. Morella, Thomas C. Sawyer, Brad Sherman, Sam Gejdenson, Karen McCarthy, Lloyd Doggett, James P. McGovern, Elizabeth Furse, Maurice D. Hinchey, John Lewis, George E. Brown, Jr., Marcy Kaptur, Jim McDermott, Martin Frost, David E. Price, Benjamin A. Gilman, Nita M. Lowey, Carolyn B. Maloney, Tom Lantos.

AUTHORIZING THE COMMITTEE ON  
THE JUDICIARY TO INVESTIGATE  
WHETHER SUFFICIENT GROUNDS  
EXIST FOR THE IMPEACHMENT  
OF WILLIAM JEFFERSON CLINTON,  
PRESIDENT OF THE UNITED  
STATES

SPEECH OF

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. STOKES. Mr. Speaker, I rise in opposition to the Hyde impeachment inquiry resolution. This is a sad day in the history of our Nation when the majority in Congress continues to search for an impeachable crime—in its ongoing political mission—to destroy the President of the United States.

While the American people do not condone the behavior of the President, they do want him to have a fair hearing. The excessive investigation of President Clinton has gone too far, and has gone on far too long.

What is needed is a fair, common sense and responsible inquiry not a continuing witch hunt. The American people and the President and his family deserve better.

So, Mr. Speaker, the matter at hand is not about whether to proceed with an impeachment inquiry. It is about how we should proceed. We must first consider the constitutional

standard for such. For the sake of the American people and the Clinton family, this inquiry must be done fairly and concluded quickly.

I am concerned that the majority unilaterally announced at a recent news conference that they intended to ask for an inquiry of impeachment before considering the constitutional standard for the impeachment of a President. We must begin with a consideration of the constitutional standard for impeachment, a comparison of the allegations with the standard, and an examination of the sufficiency of the evidence, before any vote is taken on conducting formal inquiry proceedings.

I firmly believe that we must rise above all partisan and political differences. Therefore, it is imperative that the Congress and the American people proceed with due caution and appropriate fairness to President Clinton and his family without allowing philosophical differences to divide us. President Clinton has led our country well, and like any other American citizen he has a right to due process.

As such, whatever our personal beliefs may be, we must work together to ensure that President Clinton is not denied that right. That responsibility rests with each of us individually and collectively.

Mr. Speaker, I ask my colleagues to oppose the Hyde impeachment inquiry resolution.

COMMENDING GARY AND IRIS  
GREENBAUM

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Gary and Iris Greenbaum, of Munster, Indiana. On November 1, 1998, Gary and Iris will be honored for their exemplary and dedicated service to our community and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the 1998 Israel Builders of Freedom Award. The Freedom Builder Awards are given each year to worthy recipients who demonstrate their dedication and service to Israel, the State of Israel Bonds, the Jewish community, and our own community. The Greenbaums are most certainly worthy recipients of this year's award. True community activists, Gary and Iris give much of their time to local charities and service organizations. These community groups include the Munster Citizens Police Commission, the Northwest Indiana Jewish Welfare Federation, the Gleaner Food Depository, Temple Israel, Congregation Beth Israel, and the local Jewish Federation.

Gary and Iris, longtime residents of Munster, hale from Gary and Chicago, respectively. After both graduated from Indiana University, they returned to Gary's native region, Northwest Indiana, and have made our area their permanent home. In 1971, Gary started his career as an insurance agent. After a few years gaining quality experience, in 1976 he founded the Greenbaum Insurance Agency, located in Griffith, Indiana; Iris also works for the Agency as its most important unpaid worker in her dual role as office manager and insurance agent. Gary and Iris are the parents of two sons, Jason and Evan, of whom they

are immensely proud. Both Gary and Iris have their own interests outside of work and their dedicated community activities. Gary is an antique automobile buff, and Iris is a master gardener; both enjoy traveling together. They plan on continuing their charity and community work, in addition to providing affordable, local insurance services to Northwest Indiana residents.

In the words of Gary himself, "I believe every Jew has the solemn responsibility to safeguard his brothers from oppression by helping to guarantee that Israel exists as a haven where any Jew can choose his own destiny." As America has served as a haven of freedom and opportunity for immigrants the world over, so her citizens now reach out and ensure that the freedom-loving peoples of the world are safe and secure. To quote Thomas Paine, "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it." No one is more deserving of the opportunity and freedom guaranteed by America than Gary and Iris Greenbaum; their efforts have truly gone above and beyond the call of duty.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Gary and Iris Greenbaum for receiving the 1998 Israel Builders of Freedom Award. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable. No government, leader, or military can safeguard the twin blessings of freedom and opportunity without the labors of dedicated, conscientious citizens. With their support, our world has become a better place, a place of freedom, democracy, and opportunity. Indiana's First Congressional District is proud to count two such dedicated, conscientious citizens, Gary and Iris Greenbaum, among her residents.

TRIBUTE IN MEMORY OF JUDGE  
MARSHALL CRAIG

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. EMERSON. Mr. Speaker, I would like to take this opportunity to eulogize a great man who lived in my Congressional District in Sikeston, MO. Judge Marshall Craig died on August 31, 1998, at the age of 91. As an editorial in the local newspaper written by Mike Jensen stated "Judge Marshall Graig was in a league of his own. Universally respected and genuinely admired by all of those who knew him . . . he leaves a legacy of community involvement, professional accomplishment and unparalleled admiration. We will likely not see another of his caliber come along for many years."

Judge Craig was born on February 10, 1907, near Hickman Mills in Jackson County, MO, to the late Robert Lee and Theodocia Cowherd Craig. He graduated from high school in Columbia, MO, in 1926, from the University of Missouri-Columbia in 1930, and from the University Missouri Law School in 1932. He played basketball for the Missouri Tigers, leading his team to the Big-Six Championship in 1930, as the team captain. He was selected to the First Team All-conference squad that same year.

Craig was an assistant U.S. Attorney in St. Louis, and later served as prosecuting attorney in Mississippi County. He served his country in the U.S. Army during World War II, prior to moving to Sikeston and joining the Bailey Law Firm as a partner. He served four terms as Circuit Judge and was then appointed as the first senior judge in the state of Missouri.

Judge Craig loved his family, church and community and took an active role in every organization he deemed important . . . and they were many. He received almost every honor and award that existed in Sikeston. In Mr. Jensen's editorial he stated, "If you wanted instant credibility on any board or for any issue or cause, the first name to surface was Marshall Craig. His reputation brought that degree of authority and respect. To many of us, if Marshall Craig thought it was a good idea, that was good enough for us."

Judge Craig also had a profound effect on a member of my staff when he presided over the adoption proceedings of my Executive Assistant, Kacky Garner, when C.W. and Lucille Martin adopted her. Kacky has related to me that Judge Graig often told her that having been involved in her adoption and then watching her grow to adulthood in that happy home was one of the nicest and most rewarding things he ever got to do as a Judge.

One son, Michael H. Craig of Memphis, TN, one daughter, Nancy McMahon of Sikeston; four grandchildren and four great-grandchildren survive Judge Craig. His wisdom, strength of character, and faith will never be forgotten by all those who knew and respected him. He was truly a great American.

DYSTONIA AWARENESS WEEK

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. PACKARD. Mr. Speaker, I rise today to recognize Dystonia Awareness Week, October 11-18, 1998. This important occasion was brought to my attention by my constituent, Mr. Robert W. McCabe of Vista, California.

Dystonia is the third most common movement disorders after Parkinson's Disease and Tremor, affecting over 300,000 people in North America alone. Dystonia is a neurological disorder causing involuntary spasms that are disabling and often extremely painful.

The American public knows little about dystonia, and many people react to its physical manifestations by avoiding those who suffer from the disorder. Greater recognition and understanding of dystonia is much-needed in both the medical and lay communities. I urge all citizens to learn more about this disorder and to support those who are affected by it.

There is no cure for dystonia at this time. In 1997, however, the gene for early-onset generalized dystonia was discovered, offering hope for future research and development of a possible cure. I would like to add my name to the list of supporters of dystonia research and encourage every Member of Congress to do the same.

In conclusion, Mr. Speaker, I invite my colleagues to join me in recognizing October 11-18, 1998 as Dystonia Awareness Week.

A TRIBUTE TO HENRY OTIS  
BARBOUR

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to Henry Otis Barbour, a long-time employee of Army Navy Country Club, who passed away suddenly on August 23, 1998. Otis, as all the members at the club affectionately called him, was the sixth of ten children born to the late Richard and Helen Barbour.

He was educated in the public school systems of Arlington County, Virginia and Washington D.C. When he was nine years old he began frequenting Army Navy Country Club retrieving golf balls in order to make a little spending money. He continued this practice until he was offered a permanent position at the club.

In every successful organization there are one or two individuals that directly contribute to its success; Otis was one of those special people. For forty-four years he mastered nearly all the support services of the golf course—from caddying, to maintaining the range, to servicing and maintaining more than 90 golf carts, to helping members understand the intricacies of the golf swing. Many have said that Otis knew more about the golf swing than all the golf professionals at Army Navy Country Club combined. When you arrived at the club, be it rain or shine, summer or winter you could always count on being greeted by a tip of the hat from Otis.

In the truest sense of the word—he was a gentleman—who generously shared what he had with all he encountered.

The members of Army Navy Country Club can consider themselves fortunate to have known Otis, and worse off for having lost him at such a young age.

To all his relatives I send my condolences. Otis you will be missed but never forgotten.

SPEECH GIVEN BY BEZALEL  
BRIAN BENSON FOR THE DIS-  
ABLED AMERICAN VETERANS  
AUXILIARY STATE CONVENTION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Ms. LEE. Mr. Speaker, I call your attention to the work of the Disabled American Veterans Auxiliary (DAVA), Oakland Unit No. 7 with students in my community. We are particularly proud of the speech that twelve year old Bezalel Brian Benson delivered at the annual Americanism program held February 14, 1998. The inspiring quality of this speech moves me to share it with you.

Bez, as he is called, is an outstanding student at St. Joseph's Elementary School. He came to the attention of DAVA because of two essays which won first place in the DAVA State contests held in 1997 and 1998 entitled: "Why I Love America" and "What the Flag Means To Me." The following is the text of his speech of February 14th:

Good afternoon. To the California State Senior Vice Commander Donna Stennett,

junior State Commander Evonne Oden, Acting Commander of the Auxiliary for Unit #7 Pat Kinzel, Co-chairman Gloria Almodovar; Members of the Auxiliary and honored guests.

It is a blessing to be here this afternoon. It was an honor to win the overall contest of the district last year, and to win first place in the California State Disabled American Veterans Essay Contest. I was also blessed with receiving a personal letter from the President of the United States, President Bill Clinton, a flag flown over our nation's Capitol, and a letter of authenticity.

Over the last year, I have maintained my status as an "A" student, I was appointed to the journalism team at St. Joseph Elementary School, and again made it to the school's spelling bee finals. Because of God's blessings and freedom of our nation, these achievements were made possible.

At this time I would like to talk about why we should show appreciation through our actions for the war veteran's tremendous efforts.

After learning about the history of America throughout my life, I have realized just how much effort, courage, and bravery it took to make America a free country and a great one as well.

Over the years Americans have sacrificed for what they believed in. The 13 colonies in North America sacrificed by bravely rebelling against England and going through many hardships and conflicts. They did this for the cause of freedom. The war veterans, the government of the United States, and even U.S. citizens sacrificed during both World War I and World War II, the Korean War, the Vietnam War, and even the war on Bosnia. They did this because they believed in fighting for people's rights and the gift of freedom. Change often comes by sacrifice and that is what Americans have done.

After imaging how I would have felt participating in a war, I realized that times were pretty scary. It must have been hard having bullets whizzing past your head, and the ground shaking beneath your feet because of cannon fire. It must have been hard running on the battlefield, dodging bullets, with explosions all around you. It must have been hard living every day with the fear of death, and not knowing if you will ever see your families again.

Yet these war veterans who stood up to their country succeeded during these hardships because they had strength from God and a strong love for America.

When you have God in your life, and you love Him truly and honestly, and you call upon Him for guidance, you will have an inner strength that no person or thing can take away from you. A strength so powerful, that not even the fear of death can destroy it. I'm sure that these war veterans had strength from God and a strong love for America.

Because of the veterans' efforts in these wars, they helped America become one of the greatest countries on the face of the earth. Because of their love and sacrifice we live in a nation today that is governed by a fair and democratic government. Because of their efforts they helped protect not only the rights of Americans over the years, but the rights of other people throughout the world as well.

I believe that all Americans should show appreciation for the veterans' tremendous effort. We must realize that many people died for us! We must realize that someone lost an arm, or lost their legs for the sake of our freedom. So don't you think that we should do our part, and give something back to them, by helping to make America the best country it can be? Our veterans fought and died for America, so shouldn't we take care of the country they loved, and continue to

make it a better place for all of us? If we don't, we will literally ruin and destroy our country, and all the efforts of our war veterans will be wasted. One person cannot make America a great country. But if we all try to be the best Christians we can be, America will continue to be a wonderful nation.

If we do this, then the 12,000 Americans who died for us in World War II alone would have died to make America a great country and not for any reason at all. If we do this, then the men and women who died for our freedom, the men that lost their limbs, the families whose men and women became widows, the children who would never see their parents again will know that they fought for a worthy cause. If we do this, America, will continue to be a great nation, and the war veterans' efforts will not be wasted.

As Americans we must follow the example of the war veterans. In our everyday lives, we must show bravery, courage, and effort through our actions, whether it is in the work force, taking care of a child, or trying to make people's lives better through science and technology. We must take care of the standards of living that the war veterans helped to give us.

If all the people in this diverse culture act in a superb manner everyday, then our country will be superb as well. That is why I would like to be the very best person I can be. I would like to follow the example of the war veterans, and give something back to these courageous fighters.

I and many other youth my age will try to do our best to continue to carry the torch for freedom. We should and we will have God as the guidance of our lives as we try to lead the United States into the 21st century.

With God as my leader, I will try to walk on the roads of life with the Holy Spirit as my light and I will try to use the lessons that the war veterans have taught me to overcome life's obstacles and challenges. The war veterans have made a tremendous impact on all our lives, and all of us as Americans must continue to carry the touch of freedom.

I would like to thank you for inviting me here today, and I praise the Lord for allowing me to live in a country I love, the United States of America.

OPEN COMPETITION FOR THE U.S.  
WIRELESS TELECOMMUNI-  
CATIONS INDUSTRY

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. CRANE. Mr. Speaker, on behalf of myself, as chairman of the Ways and Means Trade Subcommittee, and my distinguished colleague and ranking member of the Subcommittee, ROBERT MATSUI, I rise today to inform my colleagues of a critically important telecommunications trade issue. While companies from around the world are busy developing innovative new wireless telecommunications devices, potentially serious roadblocks to the free trade of these products are being erected in the form of exclusionary standards.

The European Union (EU) is on the verge of adopting legislation that would mandate the use of exclusionary third generation wireless standards incompatible with existing American-developed telecommunications equipment and systems. If this measure were adopted, all other technologies, specifically American-developed technology, would be blocked from competing in Europe as a matter of law.

In addition, the European Telecommunications Standards Institute (ETSI) recently adopted a single third generation wireless standard, Wideband CDMA (W-CDMA), and has submitted this one standard to the International Telecommunications Union (ITU) for approval. This is an inappropriate role for Europe's regulators: picking winners by administrative fiat. That is the role of the marketplace.

These regulations will harm the United States in numerous ways. American jobs will be lost, American-developed telecommunications products and services will quickly become obsolete, and billions of dollars of American investment that built telecommunications networks will be kept out of Europe's vast marketplace. It should be noted that no such arbitrary rules prevent European developed technologies from competing for customers in the American market. Further, the EU's actions in this regard run directly counter to the laudable trade liberalization goals contained in the Transatlantic Economic Partnership (TEP)—a recently announced initiative between the EU and the United States.

In response to a recent inquiry made by Mr. MATSUI regarding this issue, U.S. Trade Representative Charlene Barshefsky stated that the administration would actively monitor the EU's commitment to transparent and non-trade distorting standards, including the possible use of the World Trade Organization dispute settlement procedures.

Congressman MATSUI and I are concerned that the same problem may emerge in Japan. Japan is also considering a new wireless telecommunications standard and could adopt an identical exclusionary standard as Europe, which could have the same effect in disadvantaging U.S. suppliers.

Such actions by Japan and Europe threaten to disrupt the fair and objective evaluation of telecommunications standards currently underway at the International Telecommunications Union (ITU). If countries prematurely adopt standards and make them mandatory before the ITU has fully evaluated different proposals and had a chance to encourage harmonization, then a valuable opportunity to ensure fairness and consideration of global needs will have been lost.

In the Americas, we have tried to build a consensus on how to approach the development of wireless standards through the Inter-American Telecommunication Commission (CITEL). On September 18, a CITEL resolution was adopted to guide member states participating in the ITU standards process. The guidelines were designed to ensure that the standards selection process does not adversely affect users and suppliers of existing wireless networks based on U.S. technology, which must incorporate a new standard to provide advanced services. The United States strongly endorsed these principles and on September 30, formally asked Japan to adopt similar principles as it considers its new wireless standards.

As the representatives of the Ways and Means Trade Subcommittee, Mr. MATSUI and I urge our colleagues to insist that the telecommunication markets in Europe and Japan open themselves to American innovation, in the same manner that American markets are open to foreign competition.

We anticipate that this issue will be an important one for the 106th Congress. The Congress, together with Office of the United

States Trade Representative, will vigorously monitor this important trade issue, ensuring that the worldwide market in this rapidly emerging technology is open for American-developed technologies and standards.

IN RECOGNITION OF THE HONORABLE D. FRENCH SLAUGHTER, JR.

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. WOLF. Mr. Speaker, Virginians were saddened to learn of the recent death of the Honorable D. French Slaughter, Jr. Our colleagues may recall that he represented the 7th District of Virginia, areas of which are now part of the 10th District, which I represent.

We don't have many heroes today, sadly, but French Slaughter was a true American hero. He fought in World War II, was wounded and decorated. When his country needed him, he went.

He was also a true Virginia gentleman. He served in the General Assembly for 20 years. He was the father of the community college system in Virginia. Mr. Slaughter and I worked together in Congress to help save a number of historic Civil War battlefields. We also worked together to help the Virginia Inland Port in Front Royal, Virginia.

Mr. Slaughter was a dedicated public servant. I was proud to call him my friend and to serve in Congress with him. We send our deepest sympathies to his family.

I would submit for the RECORD the obituary notice from the October 4, Washington Post.

D.F. SLAUGHTER DIES AT AGE 73;  
CONGRESSMAN FROM VIRGINIA  
(By Martin Weil)

Daniel French Slaughter Jr., who was elected to Congress four times as a Republican from Virginia's 7th District, which includes parts of the Washington suburbs, died Oct. 2 in a nursing home in Charlottesville. The 73-year-old lawyer, a Culpeper resident, had Alzheimer's disease.

Mr. Slaughter was elected to Congress in 1984 and announced in 1991 that he was resigning after a series of mild strokes.

The district he represented stretched from Manassas southeast to Fredericksburg and west to Charlottesville. While in Congress, Mr. Slaughter was known for providing residents of his district with a high level of constituent service.

During one of his congressional campaigns, a Democrat criticized Mr. Slaughter for maintaining a low profile on Capitol Hill. "He does what he gets paid for," a state Republican official said in his defense, "and that's why people like him."

In 1991, after his retirement was announced, another state party official praised his integrity and said that he "epitomizes what is a real Virginia gentleman."

While in Congress, Mr. Slaughter was viewed as one of the last Virginia officials who had sprung from the rural, conservative political machine founded by the late senator Harry F. Byrd (D).

While serving in the General Assembly from 1958 to 1978, Mr. Slaughter supported "massive resistance," a policy under which many Virginia localities shut down the public schools rather than integrate them.

Mr. Slaughter said later that he could not think of specific votes that he would change

if he had the chance. He added that he believed "in equal opportunities for everyone."

Mr. Slaughter, who generally used his first initial and was known as French, was born in Culpeper. He attended Virginia Military Institute before serving in the Army infantry in World War II, and receiving the Purple Heart.

After the war, he graduated from the University of Virginia and its law school and practiced law in Culpeper.

While in the General Assembly, he was regarded as a key proponent of the state's community college system.

In Congress, he served on the Judiciary, Small Business, and Science, Space and Technology committees. He emphasized issues of significance to the elderly, particularly health care. A Health Care Safety Account bill he introduced would have allowed tax credits for people older than 65 who set up special savings accounts to pay health care expenses.

In 1990, he boycotted a speech given to a joint congressional session by Nelson Mandela, now South Africa's president. He said he believed that Mandela refused to rule out violence in the struggle against apartheid.

Survivors include a son, D. French Slaughter III, of Charlottesville; a daughter, Kathleen Slaughter Smith, of Gilbert, Ariz.; a brother, Johnson Slaughter, of Houston; and nine grandchildren.

TRIBUTE TO KAY SCHULZE

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. BRADY of Texas. Mr. Speaker, I rise today to pay tribute to a very unique, special person—Kay Schulze of Bryan-College Station, Texas.

It's been said that a person has not lived a perfect day unless you have done something for someone who will never be able to repay you. By that measure, Kay has enjoyed many a perfect day.

Originally a native of Ohio, where much of her family still resides, Kay worked hard to put her young husband through school. In a home rich with love and faith, Kay raised four children of whom she is unabashedly proud. She didn't just teach, but practiced daily her strong belief that human dignity, economic freedom and individual responsibility are the characteristics that distinguish our nation.

As her children entered their teenage years, Kay saw an opportunity to increase her citizen duty-to-country and began volunteering in local Ohio elections for public office. It was an obligation she learned early in life through her uncle who served with distinction in the State Legislature of Ohio. In 1980 she proudly attended her first GOP national convention.

Four years later Texas received the gift of her enthusiasm and work ethic when her family moved to College Station, Texas. Kay wasted little time in continuing her civic duty and sharing her wonderful leadership skills, serving as president of the Republican Women of Brazos County no less than three terms. Time and time again she happily shouldered the time-consuming task of coordinating local get-out-the-vote phone banks and encouraged young and old alike to become more involved in shaping the direction of our democracy. Inevitably, by unanimous acclamation, in 1990

Kay was honored as the Brazos County Volunteer-of-the-Year by the Republican Party of Brazos County. Somehow, through it all, she always makes time to be a good friend, wife, mother and confidant to those in need of common-sense advice.

Many citizens who serve in public office in Brazos County, the Texas Legislature and in the halls of the United States Congress owe a great debt to the tireless efforts of Kay Schulze. I am delighted to admit that I would not now be serving my first term in the U.S. House of Representatives representing the Eighth Congressional District of Texas had Kay Schulze not believed in me. For the past two years she had also served on my Texas A & M University Agricultural Intern Selection Committee, interviewing and recommending bright young students who she believes can contribute to serving the constituents of our district.

Kay Schulze is a phenomenal person with a wonderful intellect, an unshakable faith and a very, very good heart. I am proud and blessed to call her my friend.

Recently, I am sad to report, Kay rejoined her family in Ohio as she continues her courageous battle against cancer. But there is no spot on this Earth distant enough to reach beyond the love, thoughts and prayers of her dedicated friends in Texas.

America is a better place today because of Kay Schulze.

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#### NEW GLOBAL ECONOMIC PLAN

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. PAUL. Global leaders are scurrying around to put together, as quickly as possible, a new plan to solve the international financial crisis.

The world economies have been built on generous credit expansion with each country inflating their currencies at different rates. Additionally, each country has had different political, tax, and regulatory policies leading to various degrees of trust and stability. Economies that have "enjoyed" inflationary booms, by their very nature, must undergo a market correction. The market demands deflation of all excesses, while the politicians and special interests agitate for continued credit inflation. Under these circumstances, financial assets may deflate in price but monetary inflation continues and the currency is further depreciated thus putting serious pressure on the dollar; as in the case of the United States.

Fluctuating fiat currencies, no matter how inefficient as compared to a world commodity monetary standard, function solely because exchange rates are allowed to fluctuate and currency movements across borders are freely permitted as capital seeks the most efficient market. This process provides an indication when host countries need to improve monetary and fiscal policy.

A gold standard solves capital flow problems automatically and avoids all currency speculation. Gold prevents excesses from developing to any dangerous level.

Decades ago, the gold standard was abandoned and now our global planners want to take another step to regulate all capital flows

throughout the world thus removing the only good indicator left to warn of dangers ahead and the need for sound reform. The rapid transfer of capital around the world is the messenger and not the cause. Killing the messenger will only hide and increase distortions while prolonging the economic pain.

The proposal of the Group of 22 to regulate capital flows through a new "World Central Bank" prevents any effort to restore efficient market mechanisms and prevents any serious discussion for using gold as the money of choice.

All money managers in major countries decry currency controls by any individual country yet are now about to embark on a new world-wide approach to regulating all capital flows—a global economic plan to socialize all world credit. But, it won't work because the plan is deeply and inherently flawed.

First, the plan demands additional appropriations to transfer wealth from the richer to the poorer nations through increased funding of the International Monetary Fund, World Bank, Development Bank, and direct foreign aid programs.

Second, it calls for more credit expansion by the richer nations, more loan guarantees, and export-import bank credits and, indirectly, by providing credit to the Exchange Stabilization Fund and possibly to the Bank International Settlements.

Third this plan calls for an international government agreement to strictly control capital flows and mandate debt forgiveness in contrast to allowing countries to default. Controlling swift movements of capital is impossible and any attempt only encourages world government through planning by a world fiat monetary system. Any temporary "benefit" can only be achieved through an authoritarian approach to managing the world economy, all done with the pretense of preserving financial stability at the expense of national sovereignty and personal liberty.

Let there be no doubt, the current chaos is being used to promote a new world fiat monetary system while giving political powers to its managers.

Instead, we should be talking about abandoning the paper money system we have lived with for 27 years. It has, after all, brought us the current world-wide financial mess.

Free markets and stable money should be our goal, not further institutionalizing of world economic planning and fiat money at the sacrifice of personal liberty. Indeed, we need a serious discussion of the current crisis but so far no one should be encouraged by the direction in which the Group of 22 is going. Our responsibility here in the Congress is to protect the dollar, not to sit idly by as it's being deliberately devalued.

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#### STARTING TO USE THE NEWLY RATIFIED TREATY AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Ms. LEE. Mr. Speaker, I rise to call to the attention of the Honorable Members of the

House, and the American people, the recently ratified Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is one of the five basic human rights treaties the United States has ratified.

I am following the lead of Congressman RONALD V. DELLUMS, who read into the RECORD important sections of the International Covenant on Civil and Political Rights. It is important that its provisions become part of our thinking and that we carry out our treaty commitments as we build enforcement of human rights law throughout this country at the federal, state and local levels. Our work against torture and other illegal practices in this country will strengthen work against torture in other countries.

This Convention Against Torture entered into force for the United States on October 21st, 1994 with no fanfare or coverage by the media. By ratifying this Convention, the United States made it part of the supreme law of the land under the U.S. Constitution, Article VI, paragraph 2. And the U.S. Government committed itself to take three steps:

1. To publicize the text throughout the nation, including notifying the states to publicize the text at the state and local levels;

2. To prepare a report on "the measures they have taken to give effect to their undertakings" under the treaty within one year after its entry into force, and every four years thereafter;

3. To meet with the UN Committee Against Torture after filing each report in order to work toward compliance with all provisions of the Convention in all federal agencies and at the state and local levels.

The treaty describes at length what the United States and all signatory nations must do to stop torture. Article 16 commits each nation to take the same steps to stop cruel, inhuman or degrading treatment or punishment. In order to stop both kinds of practices, the United States made a commitment in Article 10 to "ensure that education and information regarding the prohibition against torture [and other cruel, inhuman or degrading treatment or punishment] are fully included in the training of law enforcement personnel, . . .", as I will read in full later.

I am happy to report to the House, and to the American people, that experience with UN human rights treaties is that the reporting process works. Studies show that 32 out of 36 countries have improved their human rights laws after going through the reporting process more than once. The method of enforcement is familiar to many of us: it is the mobilization of shame. The Committee hears from a government, dialogues with officials of that government, makes its report, which it discusses with that government, and then can report its findings to the UN General Assembly.

However, the United States has not yet filed its first report, due Oct. 21, 1995. The second U.S. report will be due Oct. 21, 1999. Each report by the UN Committee Against Torture must mention that the U.S. has not met its treaty obligations to date.

I now offer several pages of excerpts from the Convention. All deletions are marked with . . . The full treaty is available in International Legal Materials, Volume 23, page 1027 and Volume 24 at p. 535 (1985). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1) entry into force for the United States 21 October 1994 (President signed 18 April 1988; see 136 Cong. Rec. S17491-2, October 1, 1990.

The States Parties to this Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person, Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms, Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, . . .

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world, Have agreed as follows:

#### PART I

Article 1:1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2: 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3: 1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4: 1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5: 1. Each State party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6: 1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7:1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8:1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no ex-

tradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9:1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings. . . .

Article 10:1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11: Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view of preventing any cases of torture.

Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14: 1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15: Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16: 1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do

not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

#### PART II

Article 17: 1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. . . .

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting. . . .

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. . . .

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. . . .

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18: 1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. . . . After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19: 1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

### ON THE REAL STORY ABOUT WORKERS' COMPENSATION FRAUD

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KUCINICH. Mr. Speaker, I rise to present the findings of a significant, new report on workers' compensation fraud, prepared for the Injured Workers Bar Association. The report finds that allegations of fraud due to false worker's claims are far out of proportion to their occurrence. I ask that my colleagues consider these findings.

#### WORKER'S COMPENSATION FRAUD: THE REAL STORY

(Prepared by the Labor Research Association, Greg Tarpinian, executive director)

##### Executive Summary

Escalating workers' compensation insurance premiums in the late 1980s and early 1990s set off a series of unsubstantiated charges about widespread claimant fraud as a major cost driver in the workers' compensation system. A number of states passed anti-fraud legislation and began to pursue fraud cases and to collect information about fraud on a serious basis. These efforts have uncovered no evidence to support the charges of widespread claimant fraud and, in fact, have revealed that employer fraud is a far larger drain on the system. The misplaced focus on claimant fraud has created an atmosphere of fear and intimidation for injured workers with legitimate claims. It has also distracted policymakers, law enforcement officials and the public from the real fraud problem in workers' compensation: employer fraud.

Dramatic increases in workers' compensation premiums throughout the late 1980's and early 1990's fueled unsubstantiated charges that costs were high in part because workers abused the system, fraudulently collecting benefits for faked injuries or remaining on benefits far longer than their recovery required. The American Insurance Association estimated fraud losses at 10% of the cost of claims paid, or about \$3 billion. The National Insurance Crime Bureau doubled the ALA's estimate to \$6 billion, even though it was involved in only 99 fraud prosecutions in 1994 and 134 in 1995 nationwide. The Coalition Against Insurance Fraud adopted the AIA's estimate. One insurance company president put the cost of workers' compensation fraud at \$30 billion a year. These huge numbers grabbed the attention of the public and policyholders. The presumption in the press and in the state houses was that fraud was rampant and that most workers' compensation fraud was claimant fraud.

Since that time, more than half of the states have passed legislation on workers' compensation fraud, with most of the laws

directed primarily at claimants. Thirty-three states currently have active workers' compensation insurance fraud units, many of them geared to fighting claimant fraud. In every state, some claimant fraud has been discovered; publicity about these cases has created a deterrent for workers who might contemplate fraudulent claims. But it has also created an atmosphere that Frederick Hill, California analyst for Firemark Research of New Jersey, describes as the "unwarranted and anecdotal vilification of the work force."

In its extensive investigation of workers' compensation fraud, the Santa Rosa Press Democrat concluded that, "The perception that workers are cashing in by faking or exaggerating injuries has created a climate of mistrust in which every person who is injured and files a claim can become the subject of suspicion by insurance adjusters, doctors and industry lawyers." Perhaps most importantly, the fixation on claimant fraud has distracted policymakers, enforcement agencies, and the public from growing evidence of the real problem: millions of dollars in employer and provider fraud.

##### Fixation on Claimant Fraud

Few experts believe that claimant fraud is a major cost driver in workers' compensation. But some estimates, including those adopted by California Governor Pete Wilson, suggest that fraud accounted for 25% of all employers' workers' compensation costs and 10% of the claims. In California, a wave of legislation in the late 1980s and early 1990s was fueled by allegations from employers that workers' compensation costs were too high and that fraud was rampant in the system. But between 1979 and 1991, insurance carriers in California reported only 532 cases of alleged fraud.

According to the Santa Rosa Press Democrat, "Some insurance companies saw fraud as a way to explain why premiums were soaring, and politicians and the media jumped on the bandwagon." The Press Democrat found that, "While some insurance companies claim one out of three workers lie about their injuries, or 33%, the actual number of fraud cases sent to prosecutors is less than 1 out of 100, or less than 1%."

In its estimates of fraud within its own state, Kentucky reversed California's estimate of fraud accounting for 10% of claims and 25% of costs, saying that "as much as 25% of all workers' compensation claims involve some element of fraud, accounting for 10% of paid premium." Kentucky then calculated its own fraud losses as \$60 million a year. It noted, however, that "while the extent of the fraud cannot be quantified, there is no doubt that workers' compensation fraud is in the public eye. Reports of fraud . . . are proliferated by the media."

High workers' compensation costs led to more anti-fraud efforts. The Arkansas legislature created the Workers' Compensation Fraud Investigation Unit in 1993, in response to then-escalating workers' compensation costs. In its first year of operation, the new Fraud Unit opened 116 investigations, leading to 10 claimant fraud prosecutions and five employer fraud prosecutions, and quickly discovered that the employer cases accounted for a large portion of the dollar value involved.

New York's massive 1996 workers' compensation legislation, including its fraud provisions, resulted a directly from employer claims that workers' compensation costs were out of control. New York State Controller H. Carl McCall announced flatly in October of 1997, "Fraud is a factor in New York's compensation costs." A statement from his office made the link between rising costs and the presumption of widespread fraud, stating

that, "In response to the high cost of workers' compensation, reforms aimed at fraud detection and prosecution were enacted in 1996." But according to the New York State Insurance Department's annual report on insurance fraud, workers' compensation fraud represented only 3% of all the fraud reports in the state in 1996, the year that the legislation was passed.

Of the more than \$6 million in insurance fraud documented in the New York report, workers' compensation claimant cases accounted for less than 2%. The report cited cases of pharmacists, physicians, and medical clinics making a total of almost \$3 million in fraudulent claims. Three cases of premium embezzlement totaled over half a million dollars. The report cited only five cases of claimant fraud totaling \$107,300. Like other states that are pursuing workers' compensation fraud, New York is quickly discovering that the real drain on the system stems from employer and provider fraud.

#### *Common Forms of Employer Fraud*

The best evidence from the states that have pursued fraud and generated detailed records indicates that for every \$1 lost in claimant fraud, at least \$4 to \$5 (and in some states as much as \$10) are lost through premium fraud. Premium fraud includes a number of schemes used by employers to reduce the workers' compensation insurance premiums by underreporting payroll, misclassifying employees' occupations and misrepresenting their claims experience. According to the National Council on Compensation, the most common frauds include:

**Underreporting payroll.** Employers reduce their premiums by not reporting parts of the work force, paying workers off the books or creating a companion corporation to hide a portion of the employees.

**Declaring independent contractors.** Employers avoid premium payments for employees by classifying them as independent contractors even though they are legally employees.

**Misclassifying workers.** Employers intentionally misrepresent the work employees do to put them in less hazardous occupational categories and reduce their premiums.

**Misrepresenting claims experience.** Employers hide previous claims by classifying employees as independent contractors or leased employees or creating a new company on paper.

Employers deliberately underestimate employment projections at the beginning of the premium year and essentially receive an interest-free loan from the insurance company for the amount that would have been required to insure new employees.

In addition to premium fraud, employers often fail to purchase workers' compensation insurance, despite state laws mandating that they do so. There are also reports of employers instructing injured workers to seek treatment under group health insurance than workers' compensation, employers discouraging workers from filing workers' compensation claims and firing workers who file claims.

#### *Recognizing the Real Fraud*

While some states and the media continue to focus on claimant fraud, states that have pursued workers' compensation fraud in a serious way are now concluding that the emphasis on claimant fraud is misplaced, and employer fraud is by far the greater problem. According to Jerry D. Stewart, the bureau chief of workers' compensation/law enforcement operations at the Division of Insurance Fraud in Florida, "Historically, there has been a common presumption that those committing the most costly type of workers' compensation fraud have been claimants whose actions, such a double-dipping or

claims for false injuries, drove up the cost of workers' compensation insurance. While claims fraud is a significant problem in Florida it pales in comparison with the occult type of fraud known as 'premium fraud,' where loss estimates range around \$400 million. Stewart notes that, "Premium fraud scams are costly to companies in Florida, causing workers compensation insurance rates to escalate and legitimate companies to lose business because they are less able to compete with companies shirking the system."

In Florida, the construction industry, the state Workers' Compensation Oversight Board, and the House of Representatives Committee on Financial Services all lobbied for increased enforcement of premium fraud and stiffer penalties for employers. Since 1996, Florida has turned its attention to premium fraud, with dramatic results. Florida now has a special strike force mobilized solely to fight premium fraud. The state prosecutor has also impaneled a statewide grand jury to hear complex insurance fraud schemes such as premium fraud. During the last months of 1997, 11 persons were charged with racketeering and schemes to defraud, which involved \$7.5 million in workers' compensation premium fraud losses.

In one case, a Palm Beach leasing firm misclassified employees and underreported their payroll, thus avoiding payment of more than \$800,000 in workers' compensation insurance premiums. Another case involved underreporting of payroll at a large fruit harvesting company, with fraud charges totaling \$3.5 million. Yet another employer in central Florida was charged with defrauding insurers of \$2 million while operating one of the state's largest temporary employment agencies. The employer disguised the high-risk nature of the work done by many of the employees, concealed its claims history, prevented insurance companies from conducting audits and lied on applications for workers' compensation insurance. In January of 1998, two Florida insurance executives and their attorney were charged with multiple criminal counts in connection with the \$100 million collapse of two insurance companies caused by kickbacks to reduce workers' compensation premiums.

Under a state law that took effect in 1994, Wisconsin's Division of Workers' Compensation now collects information and issues annual reports on fraud. In 1994, the division referred to the district attorney five cases of claimant fraud, involving \$44,674, out of 73,678 work-related injuries reported for the year. In its 1997 study, the division concluded that, "There is no evidence that criminally prosecutable fraud is more than one percent of all reported claims in Wisconsin—a far cry from the 20-30% estimates thrown about elsewhere." In 1996, there were 152 allegations of workers' compensation claimant fraud made to the division in Wisconsin. Eleven of those were referred to the district attorney, and seven were pursued, with fraud losses valued at total of \$175,389. The division found that fraud is involved in six-tenths of one percent of all reportable claims in Wisconsin.

A Texas study of workers' compensation fraud conducted by the state's Research and Oversight Council on Workers' Compensation found that, "In 1996, health care provider fraud was the most expensive type of fraud detected in the Texas workers' compensation system in terms of total dollars lost (\$1,200,952), accounting for over eight times the dollar amount of injured worker benefit fraud (\$134,351)." In 1996, only 18 injured worker benefit fraud cases were referred to district attorneys, with an average fraud of \$7,464 per case, compared with 46 health care providers, with an average fraud of \$26,108 per case.

The Texas report found, however, that insurance carriers spent more money investigating injured worker benefit fraud than any other type of workers' compensation fraud. In 1996, Texas insurance carriers spent an average of \$1,257 per claimant fraud investigation, compared with \$991 per employer premium fraud investigation and \$823 per health care provider fraud investigation. In 1996, the nineteen insurers studied spent over \$5.5 million investigating workers' compensation fraud in Texas, yet recovered a total of \$1,520,179. Of the 4,077 cases of claimant fraud that the carriers investigated, only 18 were referred for criminal prosecution. The report concluded: "It is clear that more resources should be spent fighting the most expensive and overlooked types of workers' compensation fraud: employer premium and health care provider fraud."

A 1995 law that requires the reporting and investigation of premium fraud has helped to shift the focus in California. "In terms of dollar costs, there's no question that employer fraud today costs more dollars to carriers and to the industry than employee fraud," according to Richard Schultz, a spokesman for the State Compensation Insurance Fund, California's largest compensation insurer. A recent study by the California Department of Industrial Relations and the Employment Development Department (EDD) calculated that 19% of employers—nearly one out of every five—either under-report payroll to EDD or have no workers' compensation insurance. The California Department of Insurance concludes that, "Losses on premium fraud can and usually do exceed the amount of loss in claimant fraud, and, in some instances, medical mill fraud. For example, in several cases where criminal charges have already been filed, losses due to premium fraud for each case are estimated to be in excess of \$5 million.

New York's new anti-fraud efforts have dramatically increased arrests for workers' compensation fraud. In 1997, the New York Insurance Department investigated 408 cases of alleged workers' compensation fraud and made 37 arrests, with \$900,000 saved by insurance companies and more than \$1.2 million in court-ordered restitution. Although New York continues to focus on claimant fraud, its investigations have uncovered premium fraud cases of far greater significance than any of the claimant cases. In one recent case, the comptroller of a trucking company pleaded guilty to mail fraud after he falsified the company's payroll records to defraud the State Insurance Fund of more than \$1.2 million in workers' compensation insurance premiums.

Massachusetts's largest workers' compensation fraud case for 1997 involved an employer who fraudulently reduced the premiums for his rubbish collection workers by classifying them as clerical workers, hiding payroll and using shell corporations to evade surcharges based on the business's unfavorable prior accident history. The employer concealed more than \$1 million in payroll from insurance auditors.

Employers also abuse the system when they fail to provide workers' compensation insurance for their employees or take out a policy but then fail to pay the premiums. California is beginning to investigate employers who fail to provide workers' compensation insurance. In March of 1998, California launched a three-part pilot project to match computer databases from various state agencies to identify employers who are illegally uninsured for workers' compensation. According to John C. Duncan, Director of the California Department of Industrial Relations, the project is designed to "level the playing field for law-abiding insured employers and reduce the taxpayer burden created by those who are not."

California's Commission on Health and Safety and Workers' Compensation 1997 report concludes that, "Especially in industries with high premium rates, the illegally uninsured employer is able to underbid the insured employer. Insured employers are again disadvantaged when taxes are raised to cover costs shifted to government services to assist the injured workers of employers who are illegally uninsured."

Several other states, including Wisconsin and Colorado, are also using proactive programs to identify uninsured employers using computerized lists of employers and workers' compensation politics. In New York, a 1997 audit by the state comptroller's office revealed that employers owe more than \$500 million in overdue unpaid workers' compensation insurance premiums to the State Insurance Fund. Failure to secure workers' compensation insurance is only a misdemeanor offense in New York. In West Virginia, the state has been forced to initiate a series of lawsuits to force payment of more than \$100 million in unpaid workers' compensation premiums.

#### *Medical Provider Fraud*

Workers' compensation fraud also occurs among medical providers. These forms of fraud evolve as the nature of medical care changes over time. Outright fraud occurs when providers bill for treatments that never occurred or were blatantly unnecessary. Some of the newer forms of medical provider fraud include kickbacks from specialists and other treatment providers to referring physicians, and provider upcoding, where provider charges exceed the scheduled amount. Providers also shift from the less expensive, all-inclusive patient report to supplemental reports, which add evaluations and incur separate charges.

Medical provider schemes include: creative billing—billing for services not performed; self-referrals—medical providers who inappropriately refer a patient to a clinic or laboratory in which the provider has an interest; upcoding—billing for a more expensive treatment than the one performed; unbundling—performing a single service but billing it as a series of separate procedures; product switching—a pharmacy or other provider bills for one type of product but dispenses a cheaper version, such as a generic drug.

Newer forms of fraud and abuse occurring under managed care arrangements include: underutilization—doctors receiving a fixed fee per patient may not provide a sufficient level of treatment; overutilization—unnecessary treatments or tests given to justify higher patient fees in a new contract year; kickbacks—incentives for patient referrals; internal fraud—providers collude with the medical plan or insurance company to defraud the employer through a number of schemes.

According to the National Council on Compensation, "The increased use of managed care for workers' compensation, as well as for other insurance lines, is bringing new twists to old schemes." Managed care creates more opportunities for fraud because of the financial relationships and incentives between players.

Although the campaign against California medical mills wiped out a substantial part of medical provider abuse in that state, new cases continue to emerge. In October of 1997, for example, a pharmacist plead guilty to 21 counts of fraudulent workers' compensation insurance billing. The pharmacist increased his revenues by up to 500% per prescription on more than \$600,000 of drugs sold over a four year period.

#### *Insult Added to Injury*

Because of the assumption of widespread claimant fraud, injured workers who file a

workers' compensation claim may be subjected to insulting questions and treated as malingerers and cheats. Under the auspices of "fraud prevention," they may face endless questioning and unnecessary medical examinations. They may be subjected to constant video surveillance by private investors hired to follow their every move. Their employer may refuse to provide light duty work, or take retaliatory actions against them when they return to work. If they look for another job, their application may be screened for prior workers' compensation claims.

Although some of these tactics are used in legitimate attempts to investigate questionable claims, they have also become part of a broad employer attempt to intimidate workers from filing workers' compensation claims. Under the pretext of controlling what has been falsely presented as rampant claimant fraud, injured workers are discouraged from exercising their legitimate rights to workers' compensation benefits. As a recent Michigan study demonstrated, the real problem in workers' compensation is not that too many workers claim benefits, but that too few do so. The study, sponsored by the National Institute for Safety and Health, found that only one in four workers with occupational diseases file for workers' compensation. Unsubstantiated charges of rampant claimant fraud undermine public confidence in the system and discourage legitimately injured workers from seeking the benefits they need and deserve.

In California, a detailed investigation by state auditors found that "workers' compensation insurers violated workers' rights in about half the claims it audited." The violations included "unacceptably high amounts" of unpaid benefits, late payments, inaccurate benefit notices and failure to notify injured workers of their rights. In describing the experience of many workers' compensation claimants. The Santa Rosa Press Democrat found that many injured workers slam into a wall of suspicion and distrust that will paralyze them with shame and frustration and delay their recovery. One of the injured workers interviewed by the newspaper commented: "You get the feeling that even though you have a legitimate complaint and a six-inch scar, you're somehow a malingeringer."

The grossly overstated estimates of claimant fraud have not only subjected injured workers with legitimate claims to fear and intimidation, but have also obscured a more serious look at the workers' compensation system and the benefits it provides. The real question is not why there is so much claimant fraud, but why there is so little. In most states, workers' compensation benefits provide little more than poverty-level existence. Workers often wait weeks and months for payments.

Many employers refuse to provide light duty or alternative jobs for workers who might be able to go back to work in a modified capacity while they continue to recover, so workers are forced to continue on inadequate benefit payments even though they may be able to work in some capacity. Some injured workers lose their jobs or are offered positions at much lower pay. It is little wonder that so many claimant fraud cases involve workers illegally continuing to accept benefits when they are in fact working at another establishment. Too many times, inadequate benefits put people in desperate straits, and they take desperate measures as a result. A system that leaves people in poverty invites abuse.

The presumption of widespread malingering and dishonesty undercuts any meaningful discussion of the adequacy of benefits and provides a convenient response for those opposed to the benefit increases that are so

critically needed in many states. Until the misplaced focus on claimant fraud is overcome, district attorneys will continue to fry the small fish while the big fish go free, and the voting public will remain distracted by anecdotes.

#### PERSONAL EXPLANATION

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. DAVIS of Illinois. Mr. Speaker, on September 17, 1998, I was unavoidably detained from casting my vote on Roll Call number 448. However, if I had been present, I would have voted "aye" on this amendment.

#### PRESCRIPTION DRUG PRICING

**HON. MARION BERRY**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. BERRY. Mr. Speaker, I rise today to announce the formation of the Prescription Drug Task Force.

I have enjoyed working with Representatives ALLEN and TURNER to form the task force.

The task force will work to bring attention to issues involving the costs and availability of prescription drugs.

The task force will serve as a clearinghouse for information on these issues and will host educational forums, briefings, and hearings.

One of the things we will focus on is continuing to hold forums like the one we hosted last week, where members will be given an opportunity to participate in discussions and learn how consumers are being affected by the pricing decisions of pharmaceutical companies.

One thing I would like to talk about tonight is how the most profitable industry in existence (that is legal) and why that industry's practice of making excessive profits from the elderly and uninsured Americans is bad news.

According to industry ratings of Fortune 500 companies—pharmaceutical companies are the most profitable businesses in existence. They made \$24.5 billion in profits last year. Pharmaceutical companies had a 17.2 percent return on revenues. That compares to telecommunication companies who had an 8.1 percent, computers and office equipment manufacturers who had 7.3 percent, food and drug stores that made 1.7 percent.

One might think the successful pharmaceutical companies would be of tremendous benefit to American consumers. This couldn't be more wrong.

And unfortunately, while the pharmaceutical companies are making tremendous profits, the American people are being gouged. Thousands of consumers, especially seniors, have found themselves affected by the price of prescription drugs in this country.

Studies that have been conducted by the minority staff of the Government Reform and Oversight Committee for several Members of Congress, including myself, over the last several months. These studies have shown the prices seniors and other consumers are

charged are significantly higher than what pharmaceutical companies charge their favored customers such as HMOs, insurance companies and the Federal Government.

Because of this price gouging, seniors across the country are gathering their friends and traveling to other countries such as Mexico and Canada to purchase prescription drugs because to buy them in our own country, is just too expensive. Why not go somewhere else when you can pay a lower price somewhere else?

Here's the reality—prescription drug prices are higher in the United States than they are in neighboring countries. According to the General Accounting Office (GAO), prescription drugs in the U.S. were priced about 34 percent higher than the same products in Canada.

The average price for products sold in the U.S. was \$45.17, ranging from \$2.35 (for Deltasone, 5 mg. tablets) to \$304.32 (for PCE, 333 mg. tablets). The average price for the same products sold in Canada was \$33.78, ranging from \$1.29 (for Deltasone) to \$211.98 (for PCE). The comparisons were based on data collected from both countries for 121 prescription drugs in the same quantities for each product.

Also, the group Public Citizen conducted a study of eight newly developed antidepressant and antipsychotic medications. They found that the prices for each of these eight drugs were higher in the U.S. than they were in 17 other European and North American countries. That's every country looked at in the study.

The study showed that on average, American prices were twice as high as other countries', and for individual comparisons with other countries, the American price was as much as six times higher.

The consequences are that many individuals who need these new drugs, for financial reasons, are not getting the treatment they need.

GAO says the reason for this differential in the drug prices in the two countries is because Canadian law controls prices of both new drugs entering its market and any increases in prices of pharmaceuticals already on the market.

If the manufacturers see profits in countries with price controls and/or government purchasing plans, why do they charge higher prices elsewhere?

When consumers in one area cannot buy in another, the seller may be able to increase its profits by engaging in what economists call price discrimination. That is what is going on in our country, pure and simple, price discrimination. And what this price discrimination amounts to is our seniors are being ripped off.

Mr. Speaker, if someone were going around stealing from seniors in your town or city, stealing right out of their homes and their pockets, people would be outraged. The police would be called and those thieves would be arrested. Then why are we allowing the pharmaceutical companies to rob our seniors? Isn't price discrimination the same thing?

We try to allow people to live longer, but then when a doctor prescribes a drug, the senior can't take it because they can't afford it.

We live in the richest country in the world but we allow people to starve, go without heat, and only take half of their medicine because they can't afford to take the prescribed

amount. It is also wrong that seniors have to travel hundreds of miles for medication, they need, often just to stay alive.

#### PRESCRIPTION DRUG PRICING

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank Congressman ALLEN and Congressman BERRY for their work in organizing today's special order.

As we are hearing today, many seniors are unable to afford the cost of prescription drugs due to a lack of insurance coverage and excessive drug price inflation.

Ninety percent of Americans over 60 years or older take one or more medications. The days when someone only takes one drug a day are long gone. Today's seniors take three or four drugs a day at least. At the same time, 45 percent of seniors, age 65 and older, do not have prescription drug coverage.

High drug costs, coupled with this lack of coverage, often means making choices between groceries, heating oil, or prescription drugs. How many of our constituents have had to choose between buying certain foods at the grocery store or buying high blood pressure medicine? How many of them had to make sacrifices, just so they could buy their medicines?

For three out of four seniors, prescription drugs represent the highest out-of-pocket medical care cost; only long term care costs more.

The prices of the top selling prescription drugs have risen nearly four times the general rate of inflation between 1985 and the early 1990s. Meanwhile, the Federal Government and the taxpayer spends billions of dollars to help find drugs to treat the diseases of our generation: cancer, Alzheimers, high blood pressure, diabetes, and other chronic conditions.

The industry must do their share as well, and so far they are not doing enough. The pharmaceutical industry is the most profitable industry in the world. In FY 96, it made over \$106 billion in sales and revenues and \$16.2 billion in sheer profits.

One example of the profits made in the pharmaceutical industry is from the drug TAXOL. TAXOL is an anti-cancer drug that treats breast, lung, and ovarian cancers. It makes \$800 million in profits annually. The NIH budget supplied \$32 million of the money needed to research this drug. Furthermore, a cancer patient taking TAXOL may pay in excess of \$100,000, while the cost to the pharmaceutical company that manufacturers this drug is only about \$500 per patient. We pay for the development of these medications, and then pay high prices for their use.

The bill that I introduced this spring with two of my colleagues, Republican Congressman TOM CAMPBELL of California and Independent Congressman BERNIE SANDERS of Vermont, gets at both the need for seniors' prescription drug coverage and the rising costs of these medicines. The bill, called Making Affordable Prescriptions for Seniors Act, will provide up to \$500 of such assistance, for any legally marketed prescription drug that is safe and effective according to the FDA.

Also, I am a proud sponsor of the Prescription Drug Fairness Act, by Congressman ALLEN and Congressman BERRY.

The Prescription Drug Fairness for Seniors Act protects senior citizens from drug price discrimination and makes prescription drugs available to Medicare beneficiaries at reduced prices.

The legislation is a "win-win" bill because it allows pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low prices available under the Federal Supply Schedule. The legislation has been estimated to reduce prescription drug prices for seniors by over 40 percent.

It is time that we help alleviate the burden on our nation's seniors and become accountable for rising drug costs. It is only fair that we end the need to make choices between a good nutrition and shelter or critical medication.

#### PRESCRIPTION DRUG PRICING

**HON. THOMAS H. ALLEN**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. ALLEN. Mr. Speaker, I am pleased to join my colleagues to address a very serious problem, the high price of prescription drugs. We only have a few remaining days left in this Congress. I would like to spend this time discussing the issues which matter to the American people such as HMO reform, reducing class size, and yes, improving the health and well being of our seniors.

As I travel throughout the first district of Maine, people, particularly seniors, share their experiences regarding the high cost of prescription drugs.

The high cost of prescription drugs is particularly difficult for seniors, who use one third of all prescriptions. While the average American under 65 uses only four prescriptions a year, the average senior uses 14 prescriptions a year. Furthermore, most older Americans suffer from more than one chronic condition, such as hypertension, diabetes, arthritis, glaucoma and circulatory problems.

Medicare does not provide prescription drug coverage, so many seniors do not have prescription drug coverage and must incur these expenditures out-of-pocket.

To bring attention to some of the above mentioned problems, and to consider appropriate action, I have joined my colleagues, Representative MARION BERRY and Representative JIM TURNER in establishing the Prescription Drug Task Force.

Last June I requested that the Government Reform and Oversight Committee investigate whether pharmaceutical companies are taking advantage of older Americans through price discrimination, and, if so, whether this is part of the explanation for the high drug prices being paid by older Americans.

According to a recent Standard & Poor's report on the pharmaceutical industry, "drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care companies. This practice is known as 'cost shifting.'" I understand that this is the first study which attempts to quantify the extent of price discrimination and how it affects seniors.

The study investigated the prices of the 10 brand name drugs with the highest sales to the elderly (Zocor, Prilosec, Fosamax, Norvasc, Relafen, Procardia XL, Cardizem CD, Zolofit, Vasotec & Ticlid).

The study estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies and HMOs, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in the first district of Maine.

These prices are compared to the prices paid by the drug companies most favored customers. Then, for comparison purposes, the study estimates the differential between retail prices and prices for favored customers for other consumer items.

This study has since been conducted in a number of congressional districts across the country. This is clearly a problem not only in Maine—but nationwide. A national report summarizing the investigations in our districts has been completed. I would like to take a few moments to share some of the findings of the national report.

Older Americans and others who pay for their own drugs are charged far more for their prescription drugs than are the drug companies' most favored customers, such as large insurance companies and health maintenance organizations.

A senior paying for his or her own prescription drugs must pay, on average, almost twice as much for the drugs as the drug companies' favored customers. This unusually large price differential is approximately four times greater than the average price differential for other consumer goods. The average price differential for the ten prescription drugs used in this study was 86 percent, while the average price differential for the other items was only 22 percent.

Other drugs commonly used by seniors that are not among the top ten have even higher price differentials. For example, an equivalent dose of Synthroid, a commonly used hormone treatment, would cost the favored customers only \$1.75, but would cost the average senior almost \$30.00! This is a price differential of 1,603 percent!

The high price of prescription drugs is not the fault of our pharmacists. Pharmacies have relatively small markups for prescription drugs—somewhere between 3–22 percent. Large pharmaceutical companies drive up the prices. Drug manufacturers make six times more profit on prescriptions than retail pharmacies.

A recent lawsuit alleged that pharmaceutical companies have created a dual price system of drug distribution. Drug companies give discounts to the big managed care companies and HMOs, while charging higher prices to independent drugstores and pharmacy chains. Four of the pharmaceutical companies chose to settle for \$350 million. Other cases are still pending.

Drug companies make unusually high profits compared to other companies. The average manufacturer of brand name consumer goods, such as Proctor & Gamble of Colgate-Palmolive, has an operating profit margin of 10.5 percent. Drug manufacturers, however, have an operating profit margin of 28.7 percent—nearly three times greater.

Unquestionably, pharmaceuticals have improved the lives of millions of people with very

serious illnesses and chronic disabilities. Each year, drug companies introduce new drugs that restore the health, extend the life expectancy and improve the quality of life for people. However, these contributions are not a license for profiteering and price gouging.

The problems outlined in these reports, are not simply a series of numbers and charts and dollar amounts. These problems affect real people, everyday, in Maine and throughout the nation.

Recently, I joined several of my colleagues to introduce H.R. 4627, the Prescription Drug Fairness for Seniors Act. When we introduced the bill we were joined by one of my constituents, Vi Quirion.

Vi traveled from Maine to Washington to speak not only of her difficulties, but also of those of her friends and neighbors. Vi has arthritis and stomach troubles. She lives on about \$900 per month from Social Security and cannot afford supplemental coverage for her prescriptions.

Vi, like many seniors, cuts back on her medication or does not take it at all. As she said: "I can't afford to pay my prescriptions and gas and eat too. If I don't take Relafen it won't kill me, but it will certainly change my life. I won't be able to walk. We should not have to live like that."

It was for Vi and those like her that we introduced the Prescription Drug Fairness for Seniors Act. No older American should ever again have to choose between buying the drugs prescribed by their doctors and buying food for their tables or heat for their homes.

The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low price available under the federal supply schedule through the Secretary of the Department of Health and Human Services. The legislation has been estimated to reduce prescription drug prices for seniors by over 40 percent.

I understand that Pharmaceutical Research and Manufacturers of America President Alan Homer recently said: "the well-meaning efforts of the bill's sponsors unfortunately are likely to backfire on America's seniors. In a very real sense, this bill is a dagger pointed at the hearts of America's senior citizens."

This quote comes from an industry whose annual profits of the top ten drug companies is nearly \$20 billion. Pharmaceuticals rank as the number one industry in return in revenues and return on assets. Yes, pharmaceuticals rate well above the telecommunications and computer industries.

It is time to level the playing field and stop this price discrimination. It is time to put seniors' lives ahead of pharmaceutical profits. Support the Prescription Drug Fairness for Seniors Act.

#### PRESCRIPTION DRUG PRICING

**HON. HAROLD E. FORD, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. FORD. Mr. Speaker, at its core, the issue we are discussing today—the astronomically high prices seniors pay for prescription drugs—is about fairness.

Anyone in America who has older relatives or friends who are living on a fixed income

and taking prescriptions drugs, understands first-hand the devastating impact that the high cost of medication can have on the health and well-being of seniors.

As we all know, with age comes a greater susceptibility to health problems. As such, it is no surprise that: on average Americans over the age of 65 spend three times as much of their income (over 20%) on health care than Americans under the age of 65; 75% of Americans 65 and older take prescription drugs; on average older Americans take 2.4 prescription drugs at any one time; and even though older Americans only comprise 12% of the population, they take 33% of the nation's prescription drugs.

One would think that since older Americans make-up such a large segment of the market for prescription drugs that they would pay reasonable prices for their medication.

Unfortunately, that is not the case. Rather due to a pharmaceutical industry practice known as "cost-shifting" and the limited powers of seniors, they get the short end of the stick compared to HMO's and other "most favored customers" when it comes to the cost of drugs.

For example, studies conducted by the Government Reform & Oversight Committee of Congressional Districts across the nation (see Attachment "Prescription Drug Pricing in the 9th Congressional District in Tennessee, Drug Companies Profit at the Expense of Older Americans") shows that for commonly prescribed drugs, seniors on average pay between 96%–104% more than "most favored customers." Back home in my Congressional District, seniors who have suffered a stroke or have high blood pressure or depression, can pay anywhere from \$110–\$275 for their prescription medication. For the senior in my District that is taking the national average of 2.4 prescription drugs, that means a medication bill of: at least \$264 a month or \$3,168 a year; or at most \$633 a month or \$7,600 a year.

No matter how you cut it, these prices and the discrepancy in cost between what seniors and HMOs pay is fundamentally unfair and must come to an end. In my view, if anything, seniors and not HMOs should be the "most favored customers" of pharmaceutical companies.

Fortunately, thanks to the leadership of my colleagues JIM TURNER and TOM ALLEN, we now have legislation—the Prescription Drug Fairness Act and the Prescription Drug Fairness for Seniors Act—designed to help level the playing field when it comes to the cost of prescription drugs. Under these measures, the price of medication for seniors will be reduced, among other ways, by: providing Medicare beneficiaries with a drug benefit card that will entitle the holder to purchase drugs at reduced prices from participating pharmacies; and allowing pharmacies to purchase drugs at the same lower price as the Federal Government, thus allowing pharmacies to pass the savings on to seniors.

As Congress continues in the weeks and months ahead to discuss and debate the scope and nature of health care reform, it is critically important that we take the time to confront issues like this—issues that affect the ability of millions of Americans to receive quality health care in an efficient and cost effective manner.

As a public policy maker at the federal level, I believe Congress has a responsibility to help

protect seniors—who because of their pressing health needs and limited incomes are particularly vulnerable—from the unreasonably high costs of prescription drugs.

The Prescription Drug Fairness Act and the Prescription Drug Fairness for Senior Act are designed to accomplish just that.

**PRESCRIPTION DRUG PRICING IN THE 9TH CONGRESSIONAL DISTRICT IN TENNESSEE DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS**

**EXECUTIVE SUMMARY**

This staff report was prepared at the request of Rep. Harold E. Ford, Jr. of Tennessee. In Mr. Ford's district, as in many other congressional districts around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Ford requested that the minority staff of the Committee on Government Reform and Oversight investigate this issue.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study, the first of its kind in Tennessee, presents new and disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for

their prescription drugs than are the drug companies' most favored customers, such as large insurance companies and health maintenance organizations. The findings show that a senior citizen in Mr. Ford's district paying for his or her own prescription drugs must pay, on average, over twice as much for the drugs as the drug companies' favored customers. The study found that this is an unusually large price differential—more than five times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of "discriminatory" pricing that victimizes those who are least able to afford it. Large corporate and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts their favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of Americans.

**A. Methodology**

This study investigates the pricing of the ten brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies and HMOs, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in Mr. Ford's congressional district in Tennessee. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

**B. Findings**

The study finds that:

Older Americans in Tennessee pay inflated prices for commonly used drugs. For the ten drugs investigated in this study, the average price differential in Mr. Ford's district was 115% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers.

**TABLE 1: AVERAGE RETAIL PRICES FOR THE BEST-SELLING DRUGS FOR OLDER AMERICANS IN TENNESSEE ARE TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS**

Prescription drug	Manufacturer	Use	Price for favored customers	Retail Prices for Tennessee senior citizens	Price differential for Tennessee senior citizens (percent)
Ticlid	Hoffman-LaRoche	Stroke	\$33.57	\$120.02	258
Zocor	Merck	Cholesterol	42.95	111.05	159
Prilosec	Astra/Merck	Ulcers	58.38	118.97	104
Norvasc	Pfizer Inc.	High Blood Pressure	58.83	118.02	101
Procardia XL	Pfizer Inc.	Heart Problems	67.35	133.07	98
Relafen	Smithkline Beecham	Arthritis	62.58	122.76	96
Vasotec	Merck	High Blood Pressure	56.08	109.32	95
Fosamax	Merck	Osteoporosis	31.86	58.28	83
Zolof	Pfizer, Inc.	Depression	123.88	220.10	78
Cardizem CD	Hoechst Marriou Roussel	Angina/Hypertension	99.36	175.02	76
Average price differential					115

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans, and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was synthroid, a commonly used hormone treat-

ment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Tennessee was 1,512%. An equivalent dose of this drug would cost the manufacturer's favored customers only \$1.78, but would cost the average senior citizen in Tennessee \$28.69. For Micronase, a

diabetes treatment manufactured by Upjohn, an equivalent dose would cost the favored customers \$6.89, while seniors in Tennessee are charged \$48.33. The price differential was 601%.

**TABLE 2: PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,500%**

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for Tennessee senior citizens	Price differential for Tennessee senior citizens (percent)
Synthroid	Knoll Pharmaceuticals	Hormone treatment	\$1.78	\$28.69	1512
Micronase	Upjohn	Diabetes	6.89	48.33	601

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies and HMOs. Because these customers typically buy in bulk, some difference between retail prices and "favored customer" prices would be expected. The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the ten prescription drugs was 115%, while the price dif-

ferential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prices being paid by seniors in Mr. Ford's congressional district, the study compared average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that Ten-

nessee pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in Tennessee are 8% above the published national Average Wholesale Price. The differential between retail prices and a second indicator of pharmacy costs, the prices from one wholesaler, is only 27%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

### I. THE VULNERABILITY OF OLDER AMERICANS TO HIGH DRUG PRICES

This report focuses on a continuing, critical issue facing older Americans—the cost of their prescription drugs. Numerous surveys and studies have concluded that many older Americans pay high costs for prescription drugs and are having a difficult time paying for the drugs they need. The cost of prescription drugs is particularly important for older Americans because they have more medical problems, and take more prescription drugs, than the average American. This situation is exacerbated by the fact that the Medicare program, the main source of health care coverage for the elderly, fails to cover the cost of most prescription drugs.

According to the National Institute on Aging, “as a group, older people tend to have more long-term illnesses—such as arthritis, diabetes, high blood pressure, and heart disease—than do younger people.”<sup>1</sup> Other chronic disease which disproportionately affect older Americans include depression and neurodegenerative diseases such as Alzheimer’s disease, Lou Gehrig’s disease, and Parkinson’s disease.\*

According to the American Association of Retired Persons, older Americans spend almost three times as much of their income (21%) on health care than do those under the age of 65 (8%), and more than three-quarters of Americans aged 65 and over are taking prescription drugs.<sup>2</sup>

The average older American takes 2.4 prescription drugs.<sup>3</sup> More importantly, older Americans take significantly more drugs on average than the under-65 population.<sup>4</sup> It is estimated that the elderly in the United States, who make up 12% of the population, use one-third of all prescription drugs.<sup>5</sup>

Although the elderly have the greatest need for prescription drugs, they often have the most inadequate insurance coverage for the cost of these drugs. A 1996 AARP survey indicated that 37% of older Americans do not have insurance coverage for prescription drugs.<sup>6</sup> As a result, many older Americans—a large percentage of whom live on a limited, fixed income—are forced to pay the full, out-of-pocket expense of prescription drugs.

The primary reason for this burden is that, with the exception of drugs administered during in-patient hospital stays, Medicare generally does not cover prescription drugs. While Medicare managed care plans may offer optional prescription drug coverage, they are available only as an option subject to the discretion and fiscal priorities of the health plans. Moreover, these Medicare managed plans currently serve only a small portion of the Medicare population.

Although Medicare beneficiaries can purchase supplemental “Medigap” insurance privately, these policies are often prohibitively expensive or inadequate. For example, one of the standardized Medigap policies available provides only a \$3,000 drug benefit, while still leaving beneficiaries vulnerable to a high deductible and to paying at least half of their total drug cost.<sup>7</sup>

Medicare beneficiaries without public or private prescription drug coverage are the group most at risk of high out-of-pocket prescription drug costs. According to the Senate Special Committee on Aging, this group includes those “who are not poor enough to receive Medicaid, do not have employer-based retiree prescription drug coverage, and cannot afford any other private prescription drug insurance plans.”<sup>8</sup>

The high costs of prescription drugs, and the lack of insurance coverage, directly affect the health and welfare of older Americans. In 1993, 13% of older Americans sur-

veyed reported that they were forced to choose between buying food and buying medicine.<sup>9</sup> By another estimate, five million older Americans are forced to make this difficult choice.<sup>10</sup>

### II. ARE DRUG COMPANIES EXPLOITING THE VULNERABILITY OF OLDER AMERICANS?

Rep. Harold E. Ford, Jr. of Tennessee asked the minority staff of the Committee on Government Reform and Oversight to investigate whether pharmaceutical manufacturers are taking advantage of older Americans through price discrimination, and if so, whether this is part of the explanation for the high drug prices being paid by older Americans in his congressional district. This report presents the results of this investigation.

Industry analysis have recognized that price discrimination occurs in the prescription drug market. According to a recent Standard & Poor’s report on the pharmaceutical industry, “[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care customers. This practice is known as ‘cost shifting.’”<sup>11</sup> Under this practice, “drugs sold to wholesale distributors and pharmacy chains for the individual physician/patient are marked at the higher end of the scale.”<sup>12</sup>

Although industry analyses acknowledge that price discrimination occurs, they have not estimated its degree or impact. This report, prepared at Mr. Ford’s request, is the first attempt to quantify the extent of price discrimination and its impact on senior citizens in Tennessee.

The study design and methodology used to test whether drug companies are discriminating against older Americans in their pricing are described in part III. The results of the study are described in part IV. These results show that drug manufacturers appear to be engaged in substantial price discrimination against older Americans and other individuals who must pay for their own prescription drugs. Drug manufacturers’ profitability is discussed in part V.

### III. METHODOLOGY

#### A. Selection of Drugs for this Survey

This survey is based primarily on a selection of the ten patented, nongeneric drugs with the highest annual sales to older Americans in 1997. The list was obtained from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE). The PACE program is the largest out-patient prescription drug program for older Americans in the United States for which claims data is available and is used in this study, as well as by several other analysts, as a proxy database for prescription drug usage by all older Americans. In 1997, over 250,000 persons were enrolled in the program, which provided over \$100 million of assistance in filling over 2.8 million prescriptions.<sup>13</sup>

#### B. Determination of Average Retail Drug Prices for Seniors in Tennessee

In order to determine the prices that the elderly are paying for prescription drugs in Tennessee, the minority staff and the staff of Mr. Ford’s congressional office conducted a survey of ten pharmacies in Mr. Ford’s congressional district. Mr. Ford represents Tennessee’s 9th Congressional District, located in Memphis.

#### C. Determination of Prices for Drug Companies’ Most Favored customers

Drug pricing is complicated and drug companies closely guard their pricing strategies. The best publicly available indicator of the prices companies charge their most favored customers, such as large insurance companies and HMOs, is the Federal Supply Schedule (FSS).

The FSS is a price catalog containing goods available for purchase by federal agencies. Drug prices on the FSS are negotiated by the Department of Veterans Affairs. The Prices on the FSS closely approximate the prices that the drug companies charge their most favored nonfederal customers. According to the U.S. General Accounting Office (GAO), “[u]nder [General Services Administration] procurement regulations, VA contract officers are required to seek an FSS price that represents the same discount off a drug’s list price that the manufacturer offers its most-favored nonfederal customer under comparable terms and conditions.”<sup>14</sup> Thus, in this study, FSS prices are used to represent the prices drug companies charge their most favored customers.

#### D. Determination of Prices Paid by Pharmacies

The survey also looked at two other pricing indicators: (1) the Average Wholesale Price (AWP) and (2) the prices charged pharmacies by a large drug wholesaler. These two prices provide an indicator of the extent of markups that are attributable to the pharmacy (in contrast to those that are due to the drug manufacturer). The AWP is an average of prices charged by the drug wholesalers to retail pharmacies. The AWP prices were obtained from the 1997 Drug Topics Red Book.<sup>15</sup> As another measure of wholesale prices, the study used the wholesale prices charged pharmacies by McKesson, the world’s largest wholesaler.

#### E. Determination of Drug Dosages

When comparing prices, the study used the same criteria (dosage, form, and package size) used by the GAO in its 1994 report, Prescription Drugs: Companies Typically Charge More in the United States Than in Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book.

#### F. Comparison of Price Differentials for Other Retail Items

In order to determine whether the differential between FSS prices and retail prices for drugs commonly used by older Americans is unusually large, the study compared the prescription drug price differentials to price differentials on other consumer products. To make this comparison, a list of consumer items other than drugs available through the FSS was assembled. FSS prices were then compared with the retail prices at which the items could be bought at a large national chain.<sup>16</sup>

### IV. DRUG COMPANIES CHARGE OLDER AMERICANS DISCRIMINATORY PRICES

#### A. Discrimination in Drug Pricing

For the ten patented, nongeneric drugs most commonly used by seniors, the average differential between the price that would be paid by a senior citizen in Mr. Ford’s congressional district and the price that would be paid by the drug companies’ most favored customers was 115% (Table 1). The study thus showed that the average price that older Americans and other individual consumers in Mr. Ford’s district pay for these drugs is more than double the price paid by the drug companies’ favored customers, such as large insurance companies and HMOs.

For individual drugs, the price differential was even higher. Among the ten best selling drugs, the highest price differential was 258% for Ticlid, a stroke treatment manufactured by Hoffman-LaRoche. Zocor, a cholesterol-reducing drug manufactured by Hoffman-LaRoche, had a price differential of 159%.

For other popular drugs, the study found even greater price differentials. The drug with the highest price differential was

\*Footnotes appear at end of article.

Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Tennessee was 1,512%. An equivalent dose of this drug would cost the most favored customers only \$1.78 but would cost the average senior citizen in Tennessee \$28.69. For Micronase, a diabetes treatment manufactured by Upjohn, the price differential was 604%.

Every drug looked at in this study had a large price differential. Eight of the ten best-selling drugs had price differentials of over 80%. Four of the ten drugs had price differentials over 100%. Cardizem CD, the drug with the lowest markup, still had a differential of 76%.

**B. Comparison With Other Consumer Goods**

The study also analyzed whether the large differentials in prescription drug pricing could be attributed to a volume effect. The drug companies' most favored customers, such as large insurance companies and HMOs, typically buy large volumes of drugs. Thus, it could be expected that there would be differences between the prices charged the most favored customers and retail prices. The study found, however, that the differentials in prescription drug prices were much greater than the differentials in prices for other consumer goods. The study found that, in the case of other consumer goods, the average differential between retail prices and the prices charged most favored customers, such as large corporations and institutions, was only 22%. The average price differential in the case of prescription drugs was more than five larger than the average price dif-

ferential for other consumer goods. This indicates that a volume effect is unlikely to explain the large differential in prescription drug pricing.

**C. Drug Company Versus Pharmacy Responsibility**

Finally, the study sought to determine whether drug companies or retail pharmacies were responsible for the high prices being paid by older Americans. To do this, the study compared the average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The study found that the average retail price for the ten most common drugs was only 8% higher than the published national Average Wholesale Price, and only 27% higher than the price available directly from one large wholesaler. This finding indicates that it is drug company pricing policies, not retail markups, that account for the inflated prices charged to older Americans and other individual customers. These findings are consistent with other experts who have concluded that because of the competitive nature of the pharmacy business at the retail level, there is a relatively small profit margin for retail pharmacists.<sup>17</sup>

Moreover, the study found few differences between retail prices at pharmacies in different parts of Mr. Ford's district. Further, although there were variations in prices between chain and independent pharmacies, these differences were small and not systematic.<sup>18</sup>

**V. DRUG MANUFACTURER PROFITABILITY**

Drug industry pricing strategies have boosted the industry's profitability to extraordinary levels. The annual profits of the top 10 drug companies is nearly \$20 billion.<sup>19</sup> Moreover, the drug companies make unusually high profits compared to other companies. The average manufacturer of branded consumer goods, such as Proctor & Gamble or Colgate-Palmolive, has an operating profit margin of 10.5%. Drug manufacturers, however, have an operating profit margin of 28.7%—nearly three times greater.<sup>20</sup>

These high profits appear to be directly linked to the pricing strategies observed in this study. For instance, Merck, the country's largest pharmaceutical manufacturer, had an increase in profits of 15% to 18% in the second quarter of 1998. According to industry analysts, Merck's increased profits were due in large part to sales of Zocor and Fosamax.<sup>21</sup> Both of these drugs are sold at large price differentials to seniors and other individual consumers in Mr. Ford's district. Zocor, which is sold in Mr. Ford's district at a price differential of 159%, itself accounts for 6% of Merck's revenue.<sup>22</sup>

Overall, profits for the major drug manufacturers are expected to grow by about 20% in 1998, compared to 5% to 10% for other companies on the Standard & Poors Index. The drug manufacturers' profits are expected to grow by up to an additional 25% in 1999.<sup>23</sup> According to one analyst, "the prospects for the pharmaceutical industry are as bright as they've even been."<sup>24</sup>

**APPENDIX A.—INFORMATION ON PRESCRIPTION DRUGS ANALYZED IN THIS STUDY**

Brand name drug	Dosage and form	Indication	Prices (dollars)				Price differential (percent)
			FSS	Major wholesaler	AWP	Average retail price	
Ticlid	250 mg, 60 tablets	Stroke	\$33.57	\$99.44	\$108.90	\$120.02	258
Zocor	5 mg, 60 tablets	Cholesterol reducer	42.95	85.47	106.84	111.05	159
Norvasc	5 mg, 90 tablets	Blood pressure	58.83	97.92	125.66	118.02	101
Relafen	500 mg, 100 tablets	Arthritis	62.58	88.88	111.10	122.76	96
Prilosec	20 mg, 30 capsules	Ulcer	58.38	99.20	108.90	118.97	104
Procardia XL	30 mg, 100 tablets	Heart	67.35	105.05	131.31	133.07	98
Fosamax	10 mg, 30 tablets	Osteoporosis	31.86	50.91	51.88	58.28	83
Vasotec	10 mg, 100 tablets	Blood pressure	56.08	85.56	102.94	109.32	95
Cardizem CD	240 mg, 90 tablets	Angina	99.36	154.10	165.42	175.02	76
Zoloft	50 mg, 100 tablets	Depression	123.88	172.44	215.55	220.10	78
Average price differential							115

**APPENDIX B.—THE 10 TOP SELLING PATENTED, NON-GENERIC DRUGS FOR SENIORS RANKED BY TOTAL DOLLAR SALES**

Rank	Drug	Manufacturer	Indication
1	Prilosec	Astra/Merck	Ulcer.
2	Norvasc	Pfizer, Inc	High Blood Pressure.
3	Zocor	Merck	Cholesterol reduction
4	Zoloft	Pfizer, Inc	Depression.
5	Procardia XL	Pfizer, Inc	Heart Problems.
6	Vasotec	Merck	High Blood Pressure.
7	Cardizem CD	Hoechst Marion Roussel.	Angina.
8	Ticlid	Hoffman-LaRoche	Stroke.
9	Fosamax	Astra/Merck	Osteoporosis.
10	Relafen	Smithkline Beecham	Arthritis.

Source: Pharmaceutical Assistance Contract for the Elderly ("PACE"), Pennsylvania Department of Aging, Annual Report to the Pennsylvania General Assembly (January 1–December 31, 1997).

**APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS—Continued**

Item	FSS price	Retail price	Differential (percent)
Scissors	10.88	12.99	19
Pencils, #2, 20-pack	1.03	1.26	22
Paper Towels	22.94	29.98	31
Post-It Notes	2.08	2.89	39
Envelopes, 500, White, 20 lb. weight	6.45	9.49	47
Correction Fluid, 18 ml., dozen	6.66	9.99	50
Average price differential			22

**FOOTNOTES**

- <sup>1</sup>National Institute on Aging (NIA), NIA Age Page ([www.nih.gov/nia/health/pub/medicine.htm](http://www.nih.gov/nia/health/pub/medicine.htm)).
- <sup>2</sup>AARP Public Policy Institute and the Lewin Group, Out of Pocket Health Spending By Medicare Beneficiaries Age 65 and Older: 1997 Projections (February 1997).
- <sup>3</sup>AUS/ICR for the American Association of Retired Persons, National Pharmaceutical Council, and Pharmaceutical Executive Magazine, Survey on Prescription Drug Issues and Usage Among Americans Aged 50 and Older, I (May 1996).
- <sup>4</sup>Senate Special Committee on Aging, Developments in Aging: 1996, 1 S. Rep. 36, 105th Cong., 1st Sess. 121 (1997).
- <sup>5</sup>Senate Special Committee on Aging, Developments in Aging: 1993, 1 S. Rep. 403, 103d Cong., 2d Sess. 35 (1994).
- <sup>6</sup>AARP Public Policy Institute and the Lewin Group, supra note 1.
- <sup>7</sup>Families USA Foundation, Worthless Promises: Drug Companies Keep Boosting Prices, 6 (March 1995).
- <sup>8</sup>Senate Report 36, supra note 4, at 122.
- <sup>9</sup>Families USA Foundation, supra note 7, at 6.
- <sup>10</sup>Senate Special Committee on Aging, A Status Report—Accessibility and Affordability of Prescription Drugs For Older Americans, S. Rep. 100, 102d Cong., 2d Sess. 2 (1992).
- <sup>11</sup>Herman Saftlas, Standard & Poor's, Healthcare: Pharmaceuticals, Industry Surveys, 19–20 (December 18, 1997).
- <sup>12</sup>Id., at 19.
- <sup>13</sup>Pharmaceutical Assistance Contract for the Elderly ("PACE"), Pennsylvania Department of Aging, Annual Report to the Pennsylvania General Assembly (January 1–December 31, 1997).
- <sup>14</sup>U.S. General Accounting Office, Drug Prices: Effects of Opening Federal Supply Schedule for Pharmaceuticals Are Uncertain (June 1997) (emphasis added).
- <sup>15</sup>Medical Economics Company, Inc., 1997 Drug Topics Red Book.
- <sup>16</sup>The items were binder clips, rubber bands, toilet paper, rolodexes, tape dispensers, wastebaskets, scissors, pencils, paper towels, post-it notes, envelopes, and correction fluid.
- <sup>17</sup>National Association of Chain Drug Stores, Did You Know ... (pamphlet) [citing financial data assembled by Keller Bruner & Company, P.C., Certified Public Accountants (1995)].
- <sup>18</sup>In 1993, independent pharmacies sued 19 drug manufacturers, alleging that the differential between the prices charged most favored customers and the prices charged pharmacies violated anti-trust laws. In 1996, 11 of these drug manufacturers agreed to settle with the pharmacies. Under this

**APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS**

Item	FSS price	Retail price	Differential (percent)
Binder Clip, small, 1 box	\$0.49	\$0.49	0
Rubber Bands, 1 lb	2.57	2.67	4
Toilet Paper, 96 Rolls	44.74	47.98	7
Rolodex, 500 cards	13.24	14.29	8
Tape Dispenser	1.44	1.69	17
Wastebasket, Plastic, 13 qt	2.95	3.49	18

agreement, these pharmaceutical companies promised to offer pharmacies the same price discounts as favored customers like large HMOs if the pharmacies could show the same ability to move market share as the favored customers. On July 13, 1998, four additional drug manufacturers agreed to a settlement under similar terms.

Unfortunately, the results of this study cast doubt on whether these agreements are likely to end the price discrimination practices of the large pharmaceutical companies. Eight of the ten most popular prescription drugs in this survey—Zocor, Norvasc, Prilosec, Procardia XL, Relafen, Vasotec, Fosamax, and Zolof—are covered by the agreement reached in 1996, and there is still large price discrimination for all of these drugs. Synthroid is also covered under the agreement, and this drug has a price differential of 1,512%.

The reason for the continued high price differentials may be that, unlike hospitals or HMOs, pharmacies cannot control decisions made by doctors about what drugs to prescribe, and thus are unable to demonstrate to the drug manufacturers that they can influence market share. The doubts raised by this study are consistent with the observations of other industry analysts, who note that "there is already intense skepticism among retail buying groups for independent drugstores about whether the smaller independents will have the ability to qualify for the potential windfall and pass the savings on to customers." *Wall Street Journal*, Drug Makers Agree To Offer Discounts For Pharmacies, July 15, 1998, p. B4, column 3.

<sup>19</sup>See 1998 Fortune 500 Industry List ([www.pathfinder.com/fortune500/indlist.html](http://www.pathfinder.com/fortune500/indlist.html)).

<sup>20</sup>Paul J. Much, Houlihan Lokey Howard & Zukin, Expert Analysis of Profitability (February 1988).

<sup>21</sup>USA Today, Drugmakers Have Healthy Outlook (July 20, 1998).

<sup>22</sup>IMS America, Top 200 Drugs of 1997 (1998).

<sup>23</sup>USA Today, supra note 22.

<sup>24</sup>Id., D1.

## PRESCRIPTION DRUG PRICING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SANDERS. Mr. Speaker, I want to bring attention to a crisis in our nation. Our seniors are dying because they cannot afford the medication prescribed to them by their doctors. Either they don't take their medicine, or they stop eating in order to save money to fill their prescriptions. This is a travesty.

I am pleased to join my colleagues in supporting the Prescription Drug Fairness for Seniors Act, which will allow elderly Americans to purchase their prescriptions at a lower and fairer price. Currently, many large groups, such as HMOs, insurance companies, and hospitals, purchase drugs at a reduced price from the pharmaceutical companies. These are known as most favored customers. However, one group that makes up about one-third of the drug-buying market is left out of this discount—Medicare beneficiaries.

The Prescription Drug Fairness for Seniors Act will give Medicare beneficiaries a drug benefit card that they can use to purchase prescription drugs at reduced prices from participating pharmacies. The Government Reform and Oversight Committee estimates that seniors will be able to receive more than a 40-percent discount. This will be a much-needed, in fact, lifesaving, change for our nation's elderly citizens.

The average income for all seniors was \$17,000 in 1996. However, that number plummets to only \$13,000 per year for elderly women, or just over \$1,000 per month. Many seniors pay at least one-half that amount for prescription drugs. It is absurd to charge those individuals who can least afford it the highest

prices for their needed medication. I've heard from seniors in my state that they not only are paying a huge amount of their monthly income for prescriptions, but that they don't know how they can deal with the prices that continue to rise.

And our seniors are somewhat lucky in Vermont. There are two programs run by the state that give low-income seniors help with paying for their prescription drugs. One program, V-HAP, is for very low-income seniors who earn too much for Medicaid. This program allows seniors to pay just a few dollars a month for their drugs. The other program, VScript, has a higher income threshold and gives seniors with chronic illnesses a 50-percent discount on their prescriptions. And still, many seniors either do not know about these state programs, or they take advantage of them and still find it difficult to pay for their drugs, even with the 50-percent discount!

In two recent cases in Vermont, my constituents went to have their prescriptions refilled and found that the price had more than doubled in less than 2 months with no notice to them. This is ridiculous! One of the pharmacists even had the audacity to ridicule one of my constituents when she became upset at the huge increase in price and wondered how to pay for it.

Another of my constituents, Katherine Bentley, whose story is mentioned in my Vermont report on seniors' drug prices, was unable to pay her electric bill because she was paying almost \$600 per month—more than half her income—for her prescription drugs. This forced her out of her home and she still cannot afford all of her medication. Our seniors deserve to be treated much, much better than this.

In recent years, many Members of Congress, including myself, have advocated having Medicare cover prescription drugs. I still believe that this is a fair, solid proposal. However, why should the Federal Government take up the cost of this plan when the pharmaceutical companies, with annual profits in the billions of dollars, which put them on the Forbes 50 list annually, could and should offer the same discount to Medicare beneficiaries as they offer to HMOs and insurance companies? Who do we side with here? The multi-billion dollar pharmaceutical companies or poor, sick, elderly Americans who need prescription drugs? It is only fair to allow Medicare beneficiaries with their considerable buying power, to get the same discount on their drugs as large corporations.

In addition to allowing seniors to purchase drugs at this reduced rate, another solution to providing lower-cost drugs for all Americans, including the elderly, is to reinstate the reasonable pricing clause at NIH. This provision was repealed in 1995. It directed NIH to take into account the cost that a pharmaceutical company would charge future customers for a drug before agreeing to issue a cooperative research and development agreement (CRADA). I have introduced bipartisan legislation, along with Representatives ROHRBACHER, CAMPBELL, and PATRICK KENNEDY, to reinstate this provision. The bill is H.R. 3758, the Health Care Research and Development and Taxpayer Protection Act.

Let me detail how important the reasonable pricing clause is. Today, drug companies charge whatever they want for drugs. Taxpayers get hit twice—once when their tax dol-

lars go to develop these drugs at NIH and again when they have to buy the medication.

Here are some examples of how the taxpayers are gouged by the pharmaceutical companies: Taxol, a breast cancer treatment drug, costs its manufacturer, Bristol Myers Squibb, \$500. Bristol Myers Squibb turns around and charges \$10,000 for that drug. This drug makes the pharmaceutical company \$1 million every day. In this decade, two million women will be diagnosed with breast cancer—1/2 million of them will die. They are dying because they do not have \$10,000 for Taxol, which would save thousands of lives. Levamisole, which was sold by Johnson&Johnson as an anti-worm drug for sheep at six cents a pill, was found to treat colon cancer. With this discovery, Johnson&Johnson began charging \$6 a pill, a 100-percent markup. Colorectal cancer killed over 50,000 Americans in 1995. Again, seniors are dying because they cannot afford these ridiculously expensive drugs to treat their cancer.

I hope that we can pass both pieces of legislation quickly—both the seniors drug pricing legislation and the NIH reasonable pricing clause legislation—as many of my constituents have urged, so that no more seniors are forced out of their homes, or are forced to choose between food or medicine. This is disgraceful and we need to give seniors access to their medication at a fair price.

## PRESCRIPTION DRUG PRICING

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. TIERNEY. Mr. Speaker, and I would first like to thank my good friend from Maine, Tom Allen, for his work to end the gouging of prices for prescription drugs by pharmaceutical companies.

We have heard horror stories about seniors forgoing food, electricity or other necessities in order to pay for their monthly medications. In some instances, seniors will choose one medication of the other, alternating each month, because they simply cannot afford to be buying everything they need. We have seen the profits of pharmaceutical companies skyrocket to nearly \$20 billion a year. And there profits will continue to grow, at the expense of our nation's seniors. It is time to end this cycle of discrimination.

In Massachusetts, we are fortunate to have a number of safety nets in place to help seniors with their prescription drug needs. Our state Medicaid system, MassHealth, protects the poorest of the poor. Our State Pharmacy Program provides up to \$750 a year in prescription drug coverage. The State Legislature even passed a law in 1994 to require all Medicare HMO's to provide an optional prescription drug benefit. Approximately 75 percent of the 211,000 beneficiaries in the state enrolled in Medicare HMO's benefit from this option.

However, there are many who fall through the cracks and for reasons beyond their control, are not eligible for any federal or state assistance.

For example, Georgia LaPine from North Andover, MA is a 74 year old retiree who is completely dependant on her monthly Social Security check. She is on numerous medications, including three different asthma inhalers,

thyroid pills, nitroglycerine for a heart condition, and Lorazepam for her nerves. She cannot afford to purchase all of these medications each month. Subsequently, she was forced to forgo her heart medication, and has had trouble affording groceries. Georgia tries to put money aside each month to buy the medication she needs, but each time she foregoes any medication or doesn't eat properly, her condition worsens. She constantly worries about her monthly prescription requirements and as a result, her asthma and anxiety problems have worsened.

And it is not only the seniors who suffer. Thousands of independent pharmacies go out of business each year because they simply cannot afford to purchase certain drugs from pharmaceutical companies. Pharmacists in my district care about their customers and have told me how painful it is to explain to a senior citizen why the medication that cost \$15 last month now costs \$65. But, if the pharmacy doesn't stock the medications, they will lose considerable business.

Jack Collins of Lynn Fells Pharmacy in Saugus, MA, stated "They know that we will expose them and their pricing policies . . . it's independent pharmacist who will take the time to explain to a senior citizen just how they are being ripped off. We are their enemies and they are determined to eliminate us." He goes on to say that, "If you and your colleagues in Congress don't stand up to this cartel and level the playing field on prescription pricing, the people in this country paying cash for their medicines will continue to neglect filling their prescriptions, necessitating more hospital visits and further driving the cost of health care through the roof."

It if becomes too late this session to act on legislation such as Mr. Allen's Prescription Drug Fairness for Seniors Act, I would urge my colleagues on both sides of the aisle to make this a priority for the 106th Congress. This is not a partisan issue. Every district has seniors like Georgia LaPine and independent pharmacists like Jack Collins. We constantly talk about protecting seniors and helping small businesses. We simply cannot continue to provide pharmaceutical companies with research and development funding and close our eyes to discriminatory pricing schemes that target seniors, among others, or their exorbitant price increases. This legislation that we have introduced would benefit seniors and pharmacies by allowing them to purchase low-cost prescription drugs by taking advantage of the purchasing power of existing Federal Supply Schedule prices.

This is a plan that is budget neutral, and which, given the drug manufacturers' uncommon profit margins, need not adversely affect prices in general. This is an effective and much-needed solution. I urge both the Republican and Democratic Leadership to make this issue a priority for the next session.

AUTHORIZING AWARD OF CONGRESSIONAL MEDAL OF HONOR TO THEODORE ROOSEVELT

SPEECH OF

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. CLAY. Mr. Speaker, if there had been a recorded vote rather than a voice vote on H.R.

2263, a bill to confer the Congressional Medal of Honor on Colonel Theodore Roosevelt, I would have voted "no". To honor the former President some 100 years after his alleged act of bravery during the battle of San Juan Heights, Cuba, would be just another example of how American history is constantly and erroneously revised.

Common sense should dictate that if Mr. Roosevelt accomplished the great and valiant deeds of heroism that he (Mr. Roosevelt) claims, then he would have been awarded the medal many years ago. If Roosevelt's popularity immediately following the Spanish American War played a major role in his being elected governor of New York and helped his many friends in the highest places of government, why was he denied the honor?

Roosevelt enlisted the aid of his political powerful friend, Senator Henry Cabot Lodge to pursue the matter and still was rejected. The primary basis for the rejection was there were no eyewitnesses to Mr. Roosevelt's courageous actions. His superior officers, Generals Leonard Wood, Joseph Wheeler and William Shafter all submitted glowing endorsements of Roosevelt's "distinguished gallantry", but they were viewed with little merit as none of them actually witnessed his alleged heroic charge. The only credible eyewitness was Roosevelt's personal publicist, Richard Harding Davis, who accompanied Roosevelt to Cuba.

Hundreds of highly decorated units of black soldiers were among the first to be sent to Cuba in 1898 to fight in the Spanish American War, including the 9th and 10th Cavalry and the 24th and 25th Army Regiments. These heroic soldiers waged a furious battle, capturing El Caney and charging the enemy from the summit at San Juan Hill. Their acts of bravery enabled Colonel Roosevelt and his "Rough Riders" to win San Juan Hill the following day. According to an article which appeared in the *Washington Times* on February 8, 1991, "Neither Col. Theodore Roosevelt, whose name is most commonly associated with the battle of San Juan Hill, nor any other Roughrider reached the summit before the black calvary".

The Americans outnumbered the Spanish militia 10 to 1, but the undermanned Spaniard troops fought fiercely from their concrete blockhouses. American casualties were heavy. More than 200 were killed or injured. Five Negro soldiers won Congressional Medals of Honor for bravery in the battle at El Caney and San Juan Hill. They were Dennis Bell, Edward Baker, Fitz Lee, William Thomkins and George Wanton. Secretary of the Navy, Frank Knox, lauded them as being the "bravest men" he had ever seen.

Mr. Speaker, Teddy Roosevelt was no hero at San Juan and his insistence that he was is not sufficient to justify the House of Representatives authorizing the President to award him the Congressional Medal of Honor. This high distinction is reserved for those who have performed extraordinary fetes of bravery.

DESIGNATING OCTOBER 16TH AS "SAN DIEGO MAGAZINE DAY"

**HON. BRIAN P. BILBRAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BILBRAY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to San

Diego Magazine on their 50th anniversary by joining the residents of San Diego in proclaiming October 16th "San Diego Magazine Day."

The San Diego publication has earned a reputation for remaining on the forefront of issues which are important to San Diegans. It is also known for articles which are always intelligently written, witty, and never cynical or disparaging. Throughout the years, the magazine has remained a source of unbiased and comprehensive coverage of local news and perspectives for its readers.

Since its debut in 1948, San Diego Magazine has followed matters which are still relevant today such as: the improvement of the downtown library; the San Diego airport which was designed to grow to meet the needs of the city; the need for an efficient public transportation system, and the need for better city planning in Mission Valley. In the last two decades, the magazine has also published stories addressing San Diego's exponential growth as a major business market, technology center, and tourist destination.

Fifty years of striving for excellence has paid off for San Diego Magazine. Its recent sweep of 17 Press Club Awards for high accomplishment in journalism, special publications, and art direction has made it a standard upon which many other regional magazines are modeling their publications.

Mr. Speaker, on behalf of my constituents, I extend my highest congratulations to San Diego Magazine on their Golden Anniversary. We look forward to many more years of forward-thinking and entertaining articles which beautifully reflect the character of the San Diego area.

LONG-TERM CARE PATIENT PROTECTION ACT OF 1998

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. TOWNS. Mr. Speaker, When a family makes the difficult decision to place an aging relative in a nursing home, they trust the institution to care properly for their loved one. However, over the last few years, numerous concerns have been raised about the quality of care and standards within the nursing home industry. At a time when this industry is experiencing explosive growth, I believe it is imperative that Congress institute safeguards to protect the most vulnerable members of our society.

As the Ranking Member of the Subcommittee on Human Resources, which has held numerous hearings examining our nation's nursing homes, I believe that introducing the Long-Term Care Patient Protection Act of 1998 today will take a pivotal step in the right direction. This bill represents part of the Administration's efforts to improve quality of care within the nursing home industry, and serves as a complement to H.R. 4686, a bill introduced by my esteemed colleague, Mr. Joseph P. Kennedy, II, of Massachusetts.

Specifically, the Long-Term Care Patient Protection Act of 1998, would allow qualified and trained paid staff other than nurses aides and licensed health professionals to provide feeding and hydration assistance to residents in nursing facilities participating in the Medicare and Medicaid programs. It would also

prevent a nursing facility from using any individual as a feeding and hydration assistant in the facility unless the individual has completed a training and competency evaluation approved by their respective state.

Mr. Speaker, I urge my colleagues to join my efforts to assist millions of families across this nation by supporting the Long-Term Care Patient Protection act of 1998.

TRIBUTE TO CHIEF OF POLICE,  
NORMAN N. CHAPMAN, JR.

**HON. JOE SCARBOROUGH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SCARBOROUGH. Mr. Speaker, on October 14, 1998, the citizens of Pensacola and the State of Florida will be losing a man who has dedicated his life to protecting the people of Florida and ensuring the triumph of justice in our community. This gentleman has distinguished himself as a community leader, a dedicated law enforcer, and one of our nation's leaders in the war on crime. The man I speak about today is Chief Norman Chapman of the Pensacola Police Department.

I could praise Chief Chapman for his nearly twenty-five years of law enforcement, during which he served in all phases of Uniform Patrol, Tactile Patrol in high crime areas, the Detective Bureau, Investigations, and in Personnel and Training. I could mention the modernization and efficiency that Chief Chapman brought to the Pensacola Police Department over the last four years as Chief of Police. Or I could applaud his efforts to bring to justice Ted Bundy, one of history's most heinous mass murderers. But I'm sure Norman would say that those accomplishments were just part of his duty.

However, in my opinion, Mr. Speaker, Norman has gone above and beyond the call of duty throughout his distinguished career in the field of law enforcement. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a law enforcement professional who always went the extra mile to protect our citizens while striving to support and defend the Constitution of the United States. During his tour in Viet Nam, Norman Chapman came to know and respect our God given rights of freedom. He has never forgotten how important those rights are to the American way of life.

Norman's overall attitude and dedication to public service has been a model in the lives of the hundreds of law enforcement officers and professionals that he has trained, supervised, and encouraged. His legacy will remind new recruits that when at all possible, law enforcement officers should go beyond the call of duty to assist citizens in any way possible and to protect our system of justice from any and all adversaries.

As Norman departs the Pensacola Police Department, he can take pride in knowing that he influenced so many people in a positive way. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of the life-long efforts of Norman N. Chapman, Jr.

HOLY ROSARY CELEBRATES 90TH  
ANNIVERSARY

**HON. JAMES H. MALONEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. MALONEY of Connecticut. Mr. Speaker, it is with great joy that I bring to the attention of the House of Representatives and the American public the celebration in my congressional district of the 90th Anniversary of Holy Rosary Parish in Ansonia, Connecticut.

In the very early 1900's, the rather large Catholic Italian community of Ansonia was served by another local parish that was first formed by Irish immigrants. Church leaders in Hartford recognized the distinct cultural and language differences in the existing parish and moved to create a new one. And, on October 4, 1908, the Feast of the Holy Rosary, Reverend Bonforti celebrated the first Mass for the Ansonia Italian community and took the name, Holy Rosary, in honor of the feast day.

Over the next several decades, the Church continued to grow and serve the community. Many people played a major role in this growth process, including the Reverend Peter Manfredi, who on April 3, 1913, was assigned to the church as its administrator and served in this capacity for over forty years. While ministering to the needs of the parishioners, he gave the church a firm foundation that helped guide it through some very difficult times. Reverend Anthony Salemi came to Holy Rosary in July, 1954. Through his enthusiasm and spiritual dedication, he led the church for the next decade, and most notably, through the rigors of purchasing and paying off their first church building. Miss Annie Larkin, a lay person, established the religious education program as well as most other church parish organizations and served the church as a Sunday school teacher for more than thirty years.

The Reverend Vincent Iannetta, who served as pastor for thirty years starting in June, 1965, provided the leadership that led to a new church and under whose tenure the parish truly matured. Father Ronald Genua now serves as pastor and in just three short years has touched and enriched the lives of parishioners throughout the congregation.

Mr. Speaker, Holy Rosary is a mainstay of the community and serves this diverse parish well. On behalf of the 5th Congressional District and the House of Representatives, I congratulate all parishioners and clergy, past and present, on this 90th Anniversary and send best wishes for a very successful celebration and all continued success.

TRIBUTE TO ADDISON McLEON

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a man whose contributions to his community and to the entire state of New Jersey are legendary, former Assemblyman Addison McLeon of Jersey City. He will be honored on October 22, 1998 at a special event: "A Tribute to Addison

McLeon: A Lifetime of Community Leadership."

Mr. McLeon made history when he was elected the first African American from Hudson County to serve in the State Assembly, a post he held from 1966 to 1970. He also served in the Jersey City Housing Authority, beginning in 1954; as a member of the Jersey City Board of Education; as Director of Housing for the Essex County Urban League; and as a member of the Jersey City Branch of the National Association for the Advancement of Colored People (NAACP). In addition, he is the founder of the Civic Awareness Council, a citizens' action organization.

Assemblyman McLeon, who was born on June 17, 1921, attended public schools in Jersey City, including School Number 14 and Lincoln High School. He enrolled in Lincoln University, Pennsylvania in 1940, but his education was interrupted by World War II in 1944. He served in the U.S. Air Force during the war, rising from the rank of private within a year to Personnel Sergeant Major, the highest rank for enlisted men. He returned to Lincoln University in September of 1948 and received a Bachelor of Arts degree. He married the former Louise Williams and they produced three children.

Although former Assemblyman McLeon is retired now, he has remained an active and passionate advocate for the cause of justice and continued progress. He has truly been an inspiration to all who have had the privilege of knowing him.

Mr. Speaker, I know my colleagues join me in congratulating former Assemblyman McLeon and wishing him all the best.

HONOR THE VICTIMS OF THE  
UKRAINIAN FAMINE

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BONIOR. Mr. Speaker, the Ukrainian famine of 1932-33 stands as one of the most tragic events of this century.

Millions of Ukrainian men, women and children were starved to death in one of the cruellest acts of inhumanity every recorded.

Ukraine was the breadbasket of Europe. Its land was rich and productive. Its farmers helped to feed the world.

So it made no sense in 1932 when peasants began to scavenge around in harvested fields for food—or when their diets were reduced to nothing but potatoes, beets and pumpkins.

Peasants began leaving Ukraine, trying to search for food in Russia and other neighboring territories, but they were soon turned back.

Instead of planting seeds for the next crop, peasants were reduced to feeding those seeds to their children.

As a result, little grain was harvested for the next crop, and the situation grew worse.

Soon, people began dying—millions of people.

Incredibly, as many as ten million may have died in this famine.

That's fully one-quarter of the people in rural Ukraine.

Of course, the truth about the famine was not revealed for far too long a time.

The Kremlin was starving the people of Ukraine to death, because Josef Stalin and the Soviet dictators wanted to avoid mass resistance to collectivization.

So they killed the peasants—slowly, deliberately, diabolically—through mass starvation.

The West did little at the time to put an end to the man-made famine. They continued to buy grain at cheap prices from Russia, taking more food away from the Ukrainian people.

We should never forget this tragedy.

We should honor the memory of the millions of victims.

And we should support the efforts of the people of Ukraine, who were subjected to the famine and to decades of oppressive Soviet rule, as they continue on their path to democracy, respect for human rights, and economic progress.

Mr. Speaker, I urge my colleagues to support this important resolution and stand together with the people of Ukraine.

#### TRIBUTE TO STEVE WATKINS

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a member of my staff who has decided to pursue a new career.

Steve Watkins has been a part of my team since I came to Congress in 1997. Indeed our association goes further than that as he was the Press Secretary for my first campaign for Congress. Steve was critical in managing my transition from candidate to Member and establishing a healthy relationship with members of the press in Arkansas. Within a short time I named him District Director in recognition of the vital role he was playing in the 1st District.

As a native of the 1st District and a resident of Jonesboro, Steve has given his time, talent, and dedication to the people of Arkansas for the last two years. He has helped them with their interactions with the federal government, with vital water and sewer projects, and responded to their concerns.

Steve has decided to pursue a career with Arkansas State University, his alma mater, and although their gain is our loss, Steve will always be a part of our team wherever he is.

Steve I wish you the best of success in your new career and continued happiness for you, Audrey, Adam and Emma. On behalf of the people of the 1st District, of my wife Carolyn, and of all your colleagues in Jonesboro and Washington, I thank you for a job well done and wish you continued happiness and success.

WORLD FOOD PROGRAMME'S  
FRONTLINE: DOUGLAS BRODERICK OF ROCKLAND COUNTY,  
NEW YORK

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. GILMAN. Mr. Speaker, Douglas Broderick of Rockland County, New York, is an important part of the U.N. World Food Program's

(WFP) history. Working for WFP since 1992, Broderick has been on the frontline of numerous crises including the former Yugoslavia, Somalia, and Rwanda.

Today, as a WFP Senior Advisor to the Country Director in North Korea, Doug Broderick is the senior American helping to run the biggest emergency operation in WFP's history.

WFP, which has been marshaling food aid for North Korea since government mismanagement and destructive floods hit the country, appealed to the international community to provide more than 600,000 tons of emergency food aid worth \$346 million for the 12 months through next March. Three years of disastrous flooding, droughts, and tidal waves exacerbated the already existing agricultural problems facing North Korea. The result has been chronic food shortages, widespread hunger, and malnutrition.

From Mr. Broderick's base in Pyongyang, WFP is currently delivering 392,000 tons of food to over 6 million persons or almost one-third of the population. He helps manage WFP operations including a staff of 74 and sub-offices in Chongjin, Hamhung, Sinuiju, and Wonson.

By the end of 1997, WFP was able to provide emergency food to over 2.6 million children aged 6 and under, one million hospital patients as well as 250,000 farmers participating in food-for-work agricultural projects.

In North Korea, children make up the largest group of recipients—totaling 5 million. WFP's aid targets the most vulnerable populations—children, pregnant, and nursing women, orphans and hospital patients.

On the event of World Food Day, I want to hail Doug Broderick and his team who are saving lives each day in North Korea. On behalf of Rockland County and the Nation as a whole, we are proud of Doug and his WFP colleagues in their work to end hunger around the world.

#### CONSOLIDATED TAX RETURN LEGISLATION

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. CRANE. Mr. Speaker, today, I am introducing, along with Representatives NANCY JOHNSON, BARBARA KENNELLY, JIM RAMSTAD and JERRY WELLER, legislation which would repeal a number of limitations contained in the consolidated return provisions of the Internal Revenue Code. These limitations, which were enacted in 1976, are a relic from a time when the financial services world, and the taxation of financial institutions, particularly insurance companies, was far different from today. The limitations serve no purpose today other than to make the application of the tax laws more complicated for both the taxpayers who have to follow them and for the Internal Revenue Service which must devote an inordinate amount of resources to review the tax returns when they are filed. Needless to say, these restrictions also place affiliated groups of corporations which include life insurance companies at an economic disadvantage compared with other corporate groups.

I had hoped that we would have been able to consider tax simplification in the consoli-

dated return provisions this year, as part of our ongoing efforts to make the tax laws easier to understand and administer. Unfortunately, that did not happen. It is my hope that introduction of this bill now will serve as a vehicle to focus attention on this problem and lead to repeal of these limitations when we consider tax legislation next year.

#### BACKGROUND

With that introduction, I would like to give a short explanation of the issues that this legislation addresses.

The consolidated return provisions in the tax laws were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a "consolidated" return is available regardless of the nature or variety of the businesses conducted by the affiliated corporations. The thinking behind this is easy to understand. We should be taxing a complete business entity, not separate parts. It should not matter whether an enterprise's businesses are operated as divisions within one corporation or as subsidiary corporation with a common parent company. If the group is one economic unit, it should have to file only one tax return each year. The tax return should reflect the taxable income of the entire enterprise.

Corporate groups which include life insurance companies, however, are denied the ability to file a single consolidated return until they have been affiliated for at least five years. Even after groups with life insurance companies are permitted to file on a consolidated basis, they are subject to two additional limitations that do not apply to any other type of affiliated group. First, non-life insurance companies must be members of an affiliated group for five years before their losses may be used to offset life insurance company taxable income. Second, non-life insurance affiliate losses (including current year losses and any carryover losses) that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company taxable income or 35 percent of the non-life insurance company's losses.

Prior to 1976, life insurance companies could not file consolidated returns with other affiliated companies. The inability to file consolidated returns was of little consequence until the 1960s and early 1970s when states first began to change the laws to allow life insurance companies to have subsidiaries. Thus, the rules in present law were considered a modest step in the right direction.

The historical argument against allowing life insurance companies to file consolidated returns with other, non-life companies was that life insurance companies were not taxed on the same tax base as non-life companies. This argument is unfounded today. Prior to 1958, life insurance companies were taxed under special formulas that did not take their underwriting income or loss into account. Legislation enacted in 1959 took a major step toward taxing life insurance companies on both their investment and underwriting income. In fact, at the time the present law rules were under consideration in 1976, the Treasury Department took the position that full consolidation was consistent with sound tax policy.

In 1984 and 1986, Congress reviewed the taxation of life insurance companies and made a number of substantial changes that have resulted in these companies being subject to tax on their total income at the regular corporate

tax rates. Today, life insurance companies are as fully taxed on their income as are other corporations. There is no reason to treat them differently today.

## THE PROBLEM

The current restrictions placed affiliated groups of corporations which include life insurance companies at an economic disadvantage compared with other corporate groups and also create substantial administrative complexities for taxpayers and the Internal Revenue Service. The five-year limitations, in particular, create irrational disparities between groups containing life insurance companies and other consolidated groups. Let me provide three examples:

1. When a consolidated group acquires a target consolidated group with a life insurance company member, the target group is deconsolidated. This means that, unlike other groups, intercompany gains in the target group would be triggered into income while losses would continue to be deferred.

2. For the five year period following a consolidated group's acquisition of a life insurance company, gains on any intercompany transaction cannot be deferred. Gains of other groups, which are allowed to file a consolidated return, are allowed to be deferred.

3. Section 355 spin off transactions raise questions concerning the five year ineligibility period for the spun-off company even if the group had existed and been filing a consolidated return for many years.

The ability to file consolidated returns is particularly important for affiliated groups containing life insurance companies. Many corporations in other industries can, in effect, consolidate the returns of affiliates by establishing divisions within one corporation, rather than operating as separate corporations. Unfortunately, state law and other, non-tax, business considerations generally require a life insurance company to conduct its non-life business through subsidiaries. The inability to file consolidated returns thus operates as an economic barrier inhibiting the expansion of life insurance companies into related areas.

## SOLUTION

There are no sound reasons to deny affiliated groups of corporations including life insurance companies the same unrestricted ability to file consolidated returns that is available to other financial intermediaries (and corporations in general). Allowing the members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure, i.e., multiple legal entities, from obscuring the fact that the true gain (or loss) of the business enterprise is the aggregate of the gain (or loss) of each of the members of the affiliated group. The limitations contained in present law are so clearly without policy justification that they should be repealed.

The legislation we are introducing today will repeal the two five-year limitations for taxable years beginning after this year. For revenue reasons, the legislation will phase out the 35% limitation over seven years. This bill should be a part of any simplification or taxpayer relief legislation that may be enacted next year, and I hope my colleagues will join me in this worthwhile effort.

HONORING MEGHAN ANN  
ELLWANGER, WINNER OF THE  
NATIONAL BUSINESS PLAN COM-  
PETITION

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. KIND. Mr. Speaker, I rise today to commend a young lady from my congressional district who has made the State of Wisconsin proud. Meghan Ann Ellwanger, of Somerset, Wisconsin, has proven herself to be an astute entrepreneur at the age of 15. Her business plan for "Berry Patch Nannies" won the 1997-98 Business Plan Competition sponsored by "An Income of Her own" a nonprofit organization dedicated to improving the economic literacy of teen girls.

Berry Patch Nannies will be a business devoted to the raising of goats and the sale of goat products which include milk, cheese, and soap lotion. It will also be an "environmentally aware business with products that are drug, disease and pest free." Miss Ellwanger gained some of the experience she will need to implement her plan for Berry Patch Nannies while she was operating Meghan's Poultry Palace, a family operated poultry business. Miss Ellwanger plans to cover her startup costs by applying for a 4-H business loan. She intends to invest her profits in a college education.

I wish her success and congratulate her on this impressive accomplishment.

**LITTLE ROCK NINE MEDALS AND  
COINS ACT**

SPEECH OF

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the bill H.R. 2560 to present Gold Medals to Ernest Green, Elizabeth Eckford, Jefferson Thomas, Dr. Terrence Roberts, Carlotta Walls Lanier, Minniejean Brown Trickey, Gloria Ray Karlmark, Thelma Mothershed-Wair, and Melba Pattillo Beals, collectively known as the Little Rock Nine.

I was a 16-year-old college freshman at Arkansas A.M. of N. College in Pine Bluff, Arkansas; and on a daily basis we waited with baited breath to hear or see what had taken place on that day at Central High School in Little Rock. The nine young people gave all of us a sense of pride and fulfillment as we observed their strength, courage, and determination. They were all outstanding; however, I was particularly struck by the fact that my mother, a very soft-hearted and genteel woman, declared Minniejean Brown as her hero.

These were indeed heady times for all of us in Arkansas and especially so, for those of us who were Black. Daisy Bates, president of the Little Rock NAACP became a goddess for those of us who were liberation hungry and searching for equality, equal justice, and equal opportunities. Attorney Wiley Branton, Dr. Cleon Flowers, Attorney Flowers, Dentist Mazique, President Lawrence A. Davis, Dean J.B. Johnson, Earl Evans, and others became

in my mind great civic and community leaders. I am indeed pleased to see this recognition provided to the Little Rock Nine as evidence of the significant role which they, their parents and leaders like Daisy Bates and Wiley Branton played in the school desegregation and Civil Rights Movement in this country. They were Golden Children and deserve Gold Medals.

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

**TRIBUTE TO AMERICAN YOUTH  
SOCCER ORGANIZATION****HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to the American Youth Soccer Organization (AYSO) and its chairman of the board, Burton K. Haines. AYSO was founded in Torrance, CA in 1964, "everyone plays" and "balanced team" philosophies have generated a youth soccer program which has literally swept the country.

Today, AYSO has 900 regional programs and 46,000 teams. The division into geographic regions has resulted in a grassroots program with local leadership. AYSO soccer is a family affair with more than 600,000 players ranging from 4½ through 18 years old. An average of one parent per family actively participates in AYSO acting as coach, referee, team parent, administrator or sponsors. AYSO is currently supported by more than 250,000 volunteers. Through AYSO, youngsters of diverse backgrounds, ethnicity, and athletic abilities are given the opportunity to participate in soccer. AYSO and its sponsors are proud to provide quality programs for its youngsters and volunteers.

Today's AYSO program is different in many respects from its origin. The emphasis is now placed on the training and development of adult volunteers. That way they can be sure the quality as well as the quantity of their programs increases. AYSO, with the help of noted experts, is working to improve the education of volunteers in the areas of child development, human behavior, sports psychology, ethics and sportsmanship.

AYSO programs work because their volunteers work. They work because they believe in the programs. Their phenomenal growth reflects AYSO's commitment to a healthy competitive atmosphere for youth soccer players and a concern for the development of caring and responsible individuals.

Recognizing the special needs within our communities, AYSO has carefully created unique programs including: TEAM-UP to provide assistance where there are ongoing economic challenges, be it rural area, small town, Native American reservation or the inner city; VIP (Very Important Player) program created to provide a quality soccer experience for children whose physical or mental challenges make it difficult to successfully participate on regular AYSO teams; CAP (College Athlete Program) designed to prepare soccer players to attend college and play soccer while in college; Girls Initiative to promote girls' participation in soccer along with fostering the development of women as coaches, referees and administrators; and Safe Haven designed to address the growing need for child and volunteer

protection through an educational program that includes accreditation, volunteer certification, and protection policies.

Mr. Speaker, distinguished colleagues, please join me in honoring the American Youth Soccer Organization (AYSO); the role model for sportsmanship and citizenship in our country today.

SENSE OF THE HOUSE REGARDING  
IMPORTANCE OF MAMMOGRAPHY  
AND BIOPSIES IN FIGHTING  
BREAST CANCER

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak about an issue of vital importance to the women of this Nation—breast cancer prevention. As a woman and a mother, I feel that there are few issues as important to women's health as the breast cancer epidemic facing our Nation.

The resolution in front of us today expresses the sense of the House of Representatives that mammograms and biopsies are crucial tools in the fight against breast cancer. As you may know, breast cancer is the most commonly diagnosed cancer in American women today.

An estimated 2.6 million women in the United States are living with breast cancer. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more who do not yet know that they have the disease. It was estimated that in 1996, 184,300 new cases of breast cancer would be diagnosed and 44,300 women would die from the disease.

Breast cancer costs this country more than \$6 billion each year in medical expenses and lost productivity. These statistics are powerful indeed, but they cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children and families.

The most effective technique for early detection of breast cancer is mammography. When detected early, the probability that a woman can survive breast cancer is 90%. Safe and accurate testing offered through mammography is essential to save women's lives.

I am sure that all Members support this resolution today. I support it on behalf of all of our daughters, sisters, mothers, and grandmothers. We must continue to do whatever we can in order to detect, treat and prevent this devastating disease.

HONORING CHIEF PHILLIP MARTIN

**HON. PHIL ENGLISH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Chief Phillip Martin who has made the Mississippi Band of Choctaw Indians an American success story.

The changes Chief Martin has implemented show that he is a true friend of the Choctaw Nation and all Native Americans. His vision of self-sufficiency and commitment to entrepreneurship has helped his people succeed. Chief Martin has reversed the injustices faced by his people by establishing an independent and productive reservation-based economy. This is a testament to the understanding and foresight of tribal governments.

It is my sincere hope that others will follow the course Chief Martin has set in establishing private enterprise for the Choctaws. His determination and vision has been rewarded by his many accomplishments. I am certain these positive investments will continue to help his fellow citizens for many years to come.

LYNN D. ALLEN, A DEDICATED  
PUBLIC SERVANT

**HON. JOE KNOLLENBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. KNOLLENBERG. Mr. Speaker, I rise today to thank Lynn Allen for his dedication to public service.

Born and raised in Pontiac, Michigan, Lynn served in WWII as a combat pilot. After completing his service, Lynn entered college at the University of Detroit and graduated from Northern Illinois University's College of Optometry, earning B.S. and doctors degrees.

After 18 years of practice as an optometrist, Lynn was elected in 1968 as the Oakland County Clerk and Register of Deeds, a position he holds today. Lynn has served the people of Oakland County honorably and with distinction. An innovative leader, Lynn helped design and implement the first on-line computer court system in the world and established an on-line system for campaign finance reporting.

Lynn has served as the president of the Michigan Clerks' Association and has been selected as the County Clerk of the Year in the State of Michigan. Currently, Lynn serves as chairman of the Court Committee for the Michigan Clerks and chairman of the Court and Charter Committee for the International Association of Clerks, Records, Election Officials and Treasurers.

In addition to his official duties, Lynn has made many other contributions to his community. He has been active in the Jaycees and has been named the Pontiac Jaycees Man of the Year. He has also been an active member in the West Pontiac Kiwanis Club, the American Legion, the Oakland County Sportsman's Club, and the First Presbyterian Church.

Lynn is retiring as the Oakland County Clerk and Register of Deeds on October 16. His leadership will be missed. He has made Oakland County and the State of Michigan a better place to live.

I wish Lynn and his wife, Mary Ann, the best of luck in their future endeavors.

SONNY BONO COPYRIGHT TERM  
EXTENSION ACT

SPEECH OF

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 1998*

Mr. GORDON. Mr. Chairman, I rise in opposition to Title II, the Music Licensing Exemptions title in S. 505, the Copyright Term Extension Act. Although some characterize this provision as a "compromise," this provision is entirely unfair to American songwriters.

Mr. SENSENBRENNER's "compromise" on Musical Licensing would exempt certain sized bars and restaurants from paying royalties for radio and television broadcasts in their establishments.

Restaurant owners must pay produce vendors for the fruit and vegetables they serve, alcohol distributors for the beer and wine they sell and furniture suppliers for the tables at which their customers sit. It is absurd to suggest that you should not be compensated for the use of someone's music. Intellectual property must enjoy the same status as real or personal property; a person cannot use or improperly interfere with another's property without facing consequences.

In my home state of Tennessee, music is one of our area's largest economic assets, and it is vital that the United States maintain high protection and enforcement standards in the U.S. and throughout the world.

Mr. Chairman, I have letters from constituent songwriters and Opry performers that don't understand why writers of books, movies, television programs are all compensated each time their work is enjoyed, and songwriters should not be allowed the same protection and compensation.

I believe it is hypocritical of the leadership of this body to pass this lop-sided provision, when tomorrow, we bring to the floor the conference report on H.R. 2281, the WIPO International Copyright Treaty Implementation Act. H.R. 2281 strengthens U.S. copyright laws regarding the transmission of copyrighted materials. Tonight, this music licensing exemption weakens copyright protection for songwriters and their creative works.

Commerce Secretary William Daley wrote in a letter to Speaker GINGRICH stating strong opposition to the Sensenbrenner music licensing exemption. Specifically, Secretary Daley points out that our trading partners will claim that an overly broad exemption violates our obligations under the Berne Convention for the Protection of Literary Works and the Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement).

We should be concerned that passage of Title II would sacrifice U.S. interests of U.S. music copyright owners abroad in order to satisfy the demands for uncompensated use of music domestically. The American music industry is the most successful in the world, and royalties from foreign performances are an important source of income for U.S. artists and composers, who are small businesses too. If we expand the exemptions as written, other countries could use this as an excuse to adopt exemptions in their own copyright laws, leading to economic losses to U.S. music copyright owners in the hundreds of millions.

Songwriters are small business-persons that are engaged in an extremely difficult and competitive occupation. It is often only after years

of struggle that a writer can even begin to make a living.

As I said before, music is intellectual property—and the owners should be paid for the use of their product—particularly when other businesses are making money by using their work.

Finally, I agree with Rep. Mary Bono in hopes that the House will revisit this issue and its detrimental effect on American songwriters and our international trade agreements in the next session. Enacting Title II of this bill is a grave mistake.

MEDICARE HOME HEALTH AND  
VETERANS HEALTH CARE IM-  
PROVEMENTS ACT OF 1998

SPEECH OF

**HON. LANE EVANS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. EVANS. Mr. Speaker, I rise today in support of the bill, H.R. 4567, although I do so with some reservations. The Committee on Veterans' Affairs has a long tradition of bipartisanship in developing constructive policy to meet the needs of veterans. Under the leadership of Chairman BOB STUMP, our Committee considered, perfected and approved, H.R. 1362, the Veterans Medicare Reimbursement Act of 1997. I continue to believe H.R. 1362 better addresses the needs of veterans and VA while simultaneously providing Medicare savings. These Medicare savings would result from authorizing VA to charge the Health Care Financing Administration for certain care provided by VA to certain Medicare-eligible veterans using a discounted Medicare fee schedule or capitated payment rate. H.R. 1362 was approved by the Veterans' Affairs Committee with the support of the Administration and all of the major veterans' services organizations. Working with the Senate Committee on Veterans' Affairs, the Senate Finance Committee included a provision similar to H.R. 1362 in its version of the Balanced Budget Act of 1997. Unfortunately, this provision was not included in the conference agreement. I hope that future negotiations with the Senate will yield a measure more like H.R. 1362—a more thoughtful and cautious approach than the measure we are considering today.

My support for the measure before us today is due to VA's desperate need for funding from non-appropriated sources on which the Administration is depending. Since it received authority to retain medical care cost recovery funds, VA collections have actually declined. VA intended to use both Medicare reimbursement and medical care cost recovery funds to provide 10-percent of its funding from non-appropriated sources. VA's inability to collect the levels of funds it anticipated from these sources has resulted in a serious unanticipated budget shortfall.

Now VA faces a new challenge—the Under Secretary for Health has committed to “take all comers” into its health care system and provide them with specified health care benefits. Since VA has already committed to enrolling both veterans who bring payment for services to the door with them and veterans without such funding, VA will have no additional incentive to treat those in higher-income

groups. I am uncertain what the consequences of Dr. Kizer's decision to enroll all veterans will be for VA, but I know that additional resources will better ensure its ability to honor this commitment without limiting access to care to other veterans with a higher priority to care.

I commend the gentleman from California, Mr. Thomas, for his work on behalf of VA-Medicare Subvention. However, I believe we need to re-assess VA's health care funding sources and end the funding “shell game” which has subjected VA to an uncertain revenue stream for the last three years. It hasn't worked. If VA is to be a high-quality health care system, Congress must be committed to funding the VA with adequate appropriated resources for the next fiscal year and years to come.

MEDICARE HOME HEALTH AND  
VETERANS HEALTH CARE IM-  
PROVEMENTS ACT OF 1998

SPEECH OF

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. MINK of Hawaii. Mr. Speaker, although I am an original cosponsor of the original version of H.R. 4567, the Medicare Home Health Care Interim Payment System Refinement Act, I am rising in reluctant support for the bill.

The Balanced Budget Act of 1997 implemented a poorly designed formula for Medicare payments to home health agencies which devastated home health agencies around the country. Reimbursements were slashed across the board and more than a thousand home health agencies either closed or began refusing to accept Medicare beneficiaries. The number of Medicare-Certified Home Health Agencies in my home state of Hawaii went from 28 in October 1997, to 22 in August 1998. A 22 percent decline in ten months.

For every agency that is closed, there are several hundred patients who are abandoned. The situation compels immediate action and I am very pleased the House is addressing this problem. Nonetheless I believe more can be done.

I am distressed that this bill is not retroactive. Many agencies have continued to operate in the red for the past year clinging to the hope that Congress would enact retroactive legislation to fix the payment problem. Agencies will not get assistance for losses they took this year and because of this, many will close even with the additional payments provided by this bill.

Furthermore this bill does not address the additional problems that would be created by the impending home health payment reduction scheduled for September 1999. Unless we address this problem we will be in the same situation next September, as we are in now.

Since H.R. 4567's introduction, numerous unrelated provisions have been added to the bill. One of my main objections to this bill is the inclusion of language expanding the Roth IRA limit from \$100,000 to \$145,000. This is a tax shelter for the wealthy and will cost U.S. taxpayers almost \$5 billion over 10 years while providing little, if any, benefit to the majority of the population.

I am pleased that the bill will enable Medicare to reimburse the VA for services provided to Medicare eligible Veterans by VA facilities. This change is fiscally responsible and is predicted to save the Federal Government money in the long run. However, I am concerned that services previously paid for by the VA would now be extracting scarce resources from the Medicare Trust Fund.

In conclusion, although the meager home health payment increase is not at the level I would have liked, this is a step in the right direction and I am relieved that struggling home health agencies will receive some assistance.

TURKMENISTAN: AN OPPORTUNITY  
TO ENHANCE POLITICAL STABIL-  
ITY IN CENTRAL ASIA

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. TOWNS. Mr. Speaker, I rise today to introduce a sense of the Congress resolution supporting United States assistance to the Republic of Turkmenistan to build pipeline routes or take other measures necessary to resume the export of natural gas.

Turkmenistan, a newly independent Republic, bordering the oil and gas rich Caspian Sea, plays a vital role in the stability of Central Asia, a region that is quickly becoming one of the most strategically important areas in the world.

As we enter the 21st century, it should be the goal of the United States to support the exploration and use of cleaner sources of energy, without hampering economic growth. Turkmenistan, a country with one of the largest reserves of natural gas in the world, plays a key role in reaching this goal.

At this point, political and economic factors have hindered Turkmenistan from exporting its natural gas to the world. The United States must act to assist Turkmenistan in resuming the sale of its natural gas. The resumption of Turkmen gas sales is one of the main hurdles that must be overcome before economic and political stability comes to this region.

Without stability, Central Asia could cease to be a viable source of clean energy for the world, and also deteriorate into a “hot spot” where different cultures and political forces could combine to create a threat to our national security.

Again, Mr. Speaker, I ask my fellow members to support this resolution, and in so doing give Turkmenistan encouragement to promote stability and democratization in the region.

TRIBUTE TO DR. IVOR L. GEFT

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Ivor L. Geft, one of the most dynamic and dedicated physicians in Los Angeles. Dr. Geft is the recipient of The Jewish Healthcare Foundation—Avraham Moshe Bikur Cholim's Ahavas Chesed Award. He is being recognized for his excellence in caring

for the health and welfare of all citizens of Los Angeles, regardless of age, sex, creed, or color.

The Talmud states, "He who does Charity and Justice is as if he had filled the whole world with kindness." In the spirit of these words, Dr. Geft continuously performs acts of charity and justice that brings an incredible sense of loving kindness and hope to the greater community of Los Angeles. His dedication to increasing the well being of the ailing is unique. Known for visiting patients young and old alike, he can be spotted in a variety of hospitals and homes throughout Los Angeles around the clock. Amidst the busy schedule of a cardiologist, Dr. Geft does not hesitate to make time for any of his patients. His commitment to helping others has significantly improved the quality of life in our community.

Dr. Geft's compassion is coupled with his reputation as one of the most well respected cardiologists in the city of Los Angeles. Dr. Geft serves as a physician specializing in cardiology, primarily at Cedars-Sinai Medical Center. He also travels throughout the city and has privileges to UCLA Hospital, Midway Hospital, and Century City Hospital. He is an associate clinical professor at the UCLA School of Medicine. However, his well earned reputation began prior to his practice in Los Angeles. Dr. Geft was senior cardiologist at Shaare Zedek Hospital and worked as a fellow in cardiology at the Hadassah Medical Center in Jerusalem, Israel. He attended school at the University of Cape Town in South Africa.

Dr. Geft's list of accomplishments is tireless. He is a member of the world renowned Royal College of Physicians in the United Kingdom. He is also a member of the Israel Board of Cardiologists. He belongs to the California Medical Association, is a fellow at the American College of Cardiology, and is a member of the Israel Medicine Society. His leadership abilities have been recognized by many, including the American Heart Association, who awarded him the Young Investigators Award. Today, his talents are being recognized once again.

Mr. Speaker, please join me in honoring Dr. Geft for his love, dedication, and passionate service to his patients and the community of Los Angeles.

HONORING HENRY B. GONZALEZ  
FOR 4½ DECADES OF SERVICE  
TO THE HOUSE AND THE PEOPLE  
OF THE 20TH CONGRESSIONAL  
DISTRICT OF TEXAS

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a privilege to stand here and extol the achievements of Congressman GONZALEZ. His legacy is as extensive as it is grand, and I find myself awed by his accomplishments.

Congressman GONZALEZ has served in Congress for 38 years. From the moment that he entered the Congressional service on November 4, 1961, Congressman GONZALEZ has represented his constituents, his State, and his Nation with the utmost loyalty and dignity.

As the Representative of the San Antonio area, Congressman GONZALEZ has served on

the House Committee on Banking, Finance, and Urban Affairs and on its housing subcommittees. As the Chairman of the Banking Committee from 1989 to 1994, the Congressman conducted over 500 hearings that covered topics ranging from the Bush Administration's pre-war policy toward Iraq to the Bank of Commerce and Credit International scandal.

While acting as Chairman of the Banking Committee, Congressman GONZALEZ also guided 71 bills through the legislative process. Among these important measures were bills that provided important services such as making more credit available to small businesses and strengthening laws pertaining to financial crimes. As a member and a Chair, Congressman GONZALEZ assisted in the restoration of the savings and loans industry and helped to overhaul the deposit insurance system.

Beyond his work with the Banking Committee, Congressman GONZALEZ has actively promoted legislation that dealt with areas such as civil rights, education, veterans, and equal opportunity.

As the Chairman of the Subcommittee on International Development Institutions and Finance, the Congressman sponsored the "Gonzalez Amendment" that protects U.S. citizens' overseas property from expropriation without just compensation from a foreign government.

As the Chairman of the ad hoc Subcommittee on the Robinson-Patman Act, Anti-trust Legislation, and Related Matters, Congressman GONZALEZ preserved the interests of small businesses. Moreover, the report he issued as the Chair is now revered by anti-trust lawyers.

Most significantly, the Congressman helped his constituents by authoring a series of public laws over a six year period that paved the way to San Antonio's hosting of the 1968 World's Fair. That event generated business for the Congressman's district and resulted in a convention center, an exhibit hall, additional hotels, a new theater and restaurant district, and additional shops.

We will miss Congressman GONZALEZ's dedication and service as a Member of Congress. I know that my home State of Texas will miss the service of one of our great Americans on its behalf in the U.S. Congress. On behalf of Texas, I would like to thank Congressman GONZALEZ for his accomplishments. I wish him the best as he embarks on his well-earned retirement.

HONORING ROBERT C. JAZWINSKI,  
SHENANGO VALLEY CHAMBER  
OF COMMERCE 1998 PERSON OF  
THE YEAR AWARD

**HON. PHIL ENGLISH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Robert C. Jazwinski who was awarded the Shenango Valley Chamber of Commerce 1998 Person of the Year Award.

This award is presented annually by the Shenango Valley Chamber of Commerce in order to honor a person who exemplifies leadership, commitment, and devotion to the Shenango Valley area. Robert Jazwinski's efforts in supporting and promoting the Shenango Valley have been exemplary.

The Shenango Valley is grateful that Mr. Jazwinski has decided to make it his home along with his wife Sally and three daughters Alison, Sarah and Jenny. He is the president and chief executive officer of Jazwinski Financial Services. Robert has established himself as a Certified Public Accountant, Certified Financial Planner and Specialist and has been recognized by the Personal Financial Planning Division of the American Institute of Certified Public Accountants with high distinction.

Mr. Jazwinski has been committed to the Shenango Valley because he cares about bringing its citizens together. He has served on the board of directors of the chamber of commerce and as a commissioner for the city of Hermitage. Currently, he is an F.H. Buhl Trustee, executive vice president of the Shenango Valley Foundation, and a member of the board of directors for the executive committee and treasurer of the Penn Northwest Development Corporation.

It is an honor to recognize Mr. Jazwinski and his achievements. He is a man who has made an important difference in the Shenango Valley.

NATIVE AMERICAN PROGRAMS  
ACT AMENDMENTS OF 1997

SPEECH OF

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support for S. 459, a measure to reauthorize the Native American Programs Act of 1974. The purpose of this bill is to amend the Native American Programs Act to extend the authorization to fiscal year 2000 of appropriations for programs administered by the Administration for Native Americans (ANA) with the Department of Health and Human Services. This legislation would also reauthorize, for a period of 1 year, the Native Hawaiian revolving loan fund.

Mr. Speaker, this legislation is critical to continue the availability of a modest amount of grant funds used by native communities nationwide to foster economic growth, develop tools for good governance and promote social welfare.

In 1974, the Native American Programs Act was enacted by Congress to assist tribes and other Native American communities with developing social, economic, and governance strategies in order to become economically self-sufficient. Since its enactment, hundreds of tribes, reservation communities, and other native organizations have benefited from the programs funded under this Act, programs which foster the development of stable, diversified local economies by developing the physical, commercial, industrial and/or agricultural components necessary for a functioning economic base.

ANA has provided grants for governance, social, and economic development projects; grants to assist with tribal recognition efforts; grants for projects to assist tribes in their capacity to meet environmental requirements; grants to support projects which promote the survival and preservation of Native American languages and funds to support the Native Hawaiian revolving loan fund. These projects

have served to improve the quality of living for thousands of Native American families and communities.

The ANA funding policy is to assist Indian Tribes and Native American organizations to plan and implement their own long-term strategies for social and economic development. The aim is to increase local productivity and reduce dependence on government social services. This legislation will extend until fiscal year 2000 the authorization for these modestly funded yet very successful programs to strengthen and rebuild tribal communities around the United States.

I wish to thank my good friends, Senator CAMPBELL, Senator INOUE and Senator MURKOWSKI for their efforts to extend the authorization for these valuable resources to improve opportunities for self-sufficiency for Native American, Native Hawaiian, Pacific Islander and other native peoples.

Mr. Speaker, the programs authorized in this measure are critical to fostering social and economic self-sufficiency—a goal shared by this Congress as we move toward greater fiscal responsibility in all American communities. I urge my colleagues to act favorably and expeditiously on this measure.

COMMEMORATING THE 160TH ANNIVERSARY OF MONROE TOWNSHIP, NEW JERSEY

**HON. MICHAEL PAPPAS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. PAPPAS. Mr. Speaker, I rise today to congratulate the people of Monroe Township, New Jersey as they celebrate their 160th anniversary.

Monroe, named after our fifth president, James Monroe, became a township on February 23, 1838. The first people to inhabit the land were the Leni Lenape Indians, followed by those seeking religious freedom from England and Scotland who arrived in the mid-seventeenth century. Both groups were attracted to the area's fertile soil, abundant water and miles of woodland. When Monroe became a township 160 years ago, its population was only 2,435.

Over the past 160 years, Monroe has grown from a rural, farming area into an active residential and commercial community. But residents and visitors to this beautiful town can still enjoy its working horse and produce farms and plush woodlands. Monroe Township is the home of five large planned retirement communities where almost half of their population of roughly 27,000 people reside. It boasts a strong educational system, many parks and recreation facilities and a close-knit community atmosphere.

I wish to commend Monroe Township and all of the people of Monroe on this historic anniversary. It is an honor to have this great township within the borders of the twelfth congressional district.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

**HON. TOM BLILEY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. BLILEY. Mr. Speaker, the attached letters are submitted for inclusion in the RECORD.

OCTOBER 6, 1998.

Hon. TOM BLILEY, *Chairman, House Committee on Commerce, Washington, DC.*

DEAR CHAIRMAN BLILEY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to thank you for your support and leadership in reauthorizing the Mammography Quality Standards Act (MQSA). By adopting national standards for the provision of mammography, the Congress has helped ensure that women get the highest quality screening.

We would also like to commend your leadership for working so hard to include a direct notification provision in this year's reauthorization. This is a very important issue for women. As you know, NBCC believes along with the Agency for Health Care and Policy Research (AHCPR) that the best public health policy is for women to receive direct written notification of the results of their mammogram. Direct notification will permit women to make informed medical decisions at a critical time.

Our experience as activists and consumers is that without a requirement that facilities provide direct written notification to patients—it won't always happen. Without direct reporting, some women, waiting to hear from their physician may make the tragic assumption that "no news is good news." It is for that reason that your leadership on including this requirement is so significant.

Thank you again for your commitment to this issue. We look forward to continuing to work with you to eradicate breast cancer.

Sincerely,

FRANCES M. VISCO,  
*President.*

AUGUST 3, 1998.

Hon. TOM BLILEY,  
*Chairman, Committee on Commerce, Washington, DC.*

DEAR REPRESENTATIVE BLILEY: On behalf of the National Breast Cancer Coalition (NBCC), I want to thank you for your leadership in the reauthorization of the Mammography Quality Standards Act (MQSA). This program, which establishes minimum national quality standards for mammography facilities and personnel as well as a rigorous annual inspection program to ensure those standards are being met, is an important component in the arsenal for fighting breast cancer.

The NBCC is extremely pleased that the Committee has included language that would require facilities to provide direct written notification of mammographic results to all patients. We join the Agency for Health Care Policy Research (AHCPR) and other experts and consumers in believing that direct notification is the best public policy.

We also understand that the bill includes language that would permit the Food and Drug Administration (FDA) to conduct a limited demonstration project to determine the feasibility of inspecting high-performing mammography facilities on a less than annual basis. While we have concerns about

backing away from annual inspections, we have been working with the Committee to ensure that any demonstration project is done on a restricted basis with regard to the facilities that are selected for inclusion in the program. Moreover, the demonstration, not to begin before April 1, 2001, should be constructed with the utmost caution to ensure facilities continue to adhere to tough national mammography standards.

We look forward to working with the Committee to continue to find ways to improve the MQSA program. Thank you again for your leadership and support.

Sincerely,

FRAN VISCO,  
*President.*

STATEMENT OF CHRISTINE BRUNSWICK, VICE PRESIDENT, NATIONAL BREAST CANCER COALITION, SEPTEMBER 23, 1998

Thank you very much for the opportunity to speak today. On behalf of the National Breast Cancer Coalition, I want to begin by thanking Chairman Bilely, Chairman Bilirakis, and the Members of the House Commerce Committee for their leadership in reauthorizing H.R. 4382, the Mammography Quality Standards Act. MQSA establishes minimum national quality standards for mammography facilities and personnel and also includes a rigorous annual inspection program to ensure those standards are met. These are essential components in the fight against breast cancer.

H.R. 4382 improves mammography screening by providing all patients—for the first time ever—with direct written notification of their mammography test results. NBCC believes that women are entitled to know the results of their own mammograms and that they should not have to rely solely on their physicians to notify them of their results.

NBCC believes that written notification is the right public policy. It permits women to make informed medical decisions at a critical time. Public health organizations and consumer advocates have stressed consistently that women are entitled to know the results of their exams and that it is the facilities' responsibility to provide direct written notification of mammography results to all patients. For numerous reasons, many health care providers do not always communicate the results of mammograms to patients. And some women, waiting to hear from their physician, may make the tragic assumption that "no news is good news."

As the Mammography Quality Standards Act was originally adopted into law, there was already a requirement for self-referred women to be directly notified about the results of their mammography. Without a requirement that all patients are notified directly, the concern is that women may not hear about their mammography results until it's too late.

NBCC is not alone in supporting direct written notification. Based on extensive review of the literature, expert testimony, and contributions of an independent multidisciplinary panel of private-sector clinicians, other experts and consumers, the Agency for Health Care Policy Research (AHCPR) strongly recommended direct written notification in the Clinical Practice Guideline:

"Any written communication must have language that is carefully constructed to impart results without causing undue anxiety, to promote a relationship between the woman and health care provider, and to encourage the woman to take the next step."

The Food and Drug Administration (FDA) has stated that it "continues to believe that written notification of mammographic results is the most reliable way to guarantee

that each patient is notified of results and that any necessary follow up will occur," and that it "agrees with consumer groups that written notification of mammographic results represents the 'best practices' in ensuring that each and every woman is clearly and effectively notified of the results of her mammogram . . ."

I am here today on behalf of the National Breast Cancer Coalition to ask the Senate to adopt the re-authorized version of MQSA that has already been passed by the House. While the Senate re-authorized the MQSA (of 1992) last year, that legislation did not include a direct notification requirement. H.R. 4382 would require that written notification be provided to every patient in terms easily understood by the general public.

Our experience as activists and consumers is that without a requirement that facilities provide direct written notification to patients—it won't happen.

On behalf of NBCC, I am pleased to join Chairman Bliley, Chairman Bilirakis, and sponsors of H.R. 4382 in asking that the Senate pass the House passed MQSA reauthorization into law this year.

September 21, 1998.

Hon. THOMAS J. BLILEY, Jr.,  
Chairman, Committee on Commerce,  
U.S. House of Representatives.

Hon. MICHAEL BILIRAKUS,  
Chairman, Subcommittee on Health and the Environment.

DEAR GENTLEMEN: The National Alliance of Breast Cancer Organizations (NABCO) is extremely grateful for your continued support of the National Mammography Quality Standards Act and efforts to assure its reauthorization as soon as possible. Additionally, we were pleased by the outcome of the Committee's August 5th deliberations and report including certain amendments, and have encouraged Senators Jeffords, Kennedy, and Mikulski to promote the adoption of the House language into the Senate bill. In our opinion, the House Commerce Committee's amendments offer strong enhancements to the original language of the Act and will benefit women throughout the country by further improving the quality of their mammography screening.

First, an increasing number of women are now receiving the results of their mammograms directly from their mammography provider, but it is not mandatory for the providers to do so in most cases. In the unanimous opinion of the Quality Determinants of Mammography Guideline Panel convened by the Agency for Health Care Policy and Research "A report should be sent to the health care provider and results passed on to the woman." NABCO strongly supports every woman's right to receive the results of her screening mammogram directly, in a timely manner, and in language that is meaningful to her.

Second, although the implementation of the Act is not yet fully realized, lessons learned from the on-site inspection process highlight the opportunity to improve on the efficiencies of resources dedicated to assuring the high standards of mammography quality the Congress intended. To that end, we support the concept of demonstration projects which will provide further analysis of the relationship between duration and frequency of those on-site inspections.

Finally, the provision strengthening the independent and objective role of reviewing mammographers lends further credence to the specific training they receive, which women want, deserve and expect from facilities certified by the Federal Government.

Many thanks for your support of the breast cancer cause. Please do not hesitate to con-

tact us if we may be of assistance in any breast cancer issues that come before you.

Sincerely,

KIMBERLY CALDER,  
MPS, Associate Executive Director.

SEPTEMBER 22, 1998.

Hon. TOM BLILEY,  
Chairman, House Commerce Committee,  
Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN BLILEY: We want to thank you and the other cosponsors of the Mammography Quality Standards Act for legislation that offers millions of Americans a greater measure of hope as we confront the battle against breast cancer. The House acted wisely when it passed your bill.

It is our sincere hope the Senate will act quickly to pass the House version. While the Senate bill also takes steps to advance mammography standards, it does not include the direct notification provisions in the House version. Personal notification of test results in terms women can understand can help save lives and should be part of final legislation. We urge Congress to pass a final bill this session.

Thank you for your concern and efforts on this important issue of public health.

Sincerely,

SUSAN N. NATHANSON, PH.D.,  
Executive Director,  
Y-ME National Breast Cancer Organization.

STATEMENT BY JENNIE R. COOK, AMERICAN CANCER SOCIETY BOARD CHAIR, ON PENDING ACTION ON THE MAMMOGRAPHY QUALITY STANDARDS ACT

"Good afternoon. I'm Jennie Cook, Chairman of the National Board for the American Cancer Society. Let me first begin by saying that it is an honor to be here today with so many distinguished members of Congress. On behalf of the American Cancer Society, I want to thank the U.S. Congress for all efforts to promote the highest standards in quality mammography. I also want to thank Chairman Bliley and Representative Bilirakis and many other key members of the committee for making this event possible. Without their leadership, we wouldn't be here today.

"One of the first lines of defense in the fight against breast cancer has been to encourage screening, earlier diagnosis and prompt appropriate treatment. The American Cancer Society strongly believes that every woman in this country has a right to a mammogram of the highest standards of quality, and we are committed to seeing that all women have access to high quality mammography, as well as other medical interventions that have been convincingly shown to reduce morbidity and mortality from breast cancer.

"The five-year survival rate for a woman with localized breast cancer has risen to about 97 percent today, largely through the advent of early detection of the disease. The potential for early detection to be effective is an empty promise if the quality of mammography is low. Since early detection is so important, all women should feel confident that mammography facilities in their communities achieve high standards. Just last week, the U.S. House of Representatives helped make this goal achievable through the continuation of Mammography Quality Standards Act.

"The Mammography Quality Standards Act, or MQSA, represents an important milestone in the fight against breast cancer. Women can now continue to have confidence in the quality of their mammograms because mammography facilities are being certified

in accordance with federal standards. The re-authorization process made it possible to enhance MQSA—to make it even better than it was the first time around. We are especially pleased that the U.S. House of Representatives included a provision to directly notify women of their mammogram results in easy-to-understand language—which is a top priority of the American Cancer Society.

"Consumer and public health advocates have consistently stressed that communicating mammography results directly to women is a vital component of medical care and a necessary quality standard. Women are entitled to timely, accurate and easily understood information about the results of their mammograms. Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. If in fact the information about a suspicious mammogram has fallen through the cracks, appropriate follow-up care is often unnecessarily postponed. A delay in diagnosis due to poor communication can have adverse consequences for women and their doctors. For women, it can mean fewer treatment options and reduced chances at survival. For physicians, communication failures represent system failures and, consequently, failures to meet the needs of their patients. Thus, direct notification establishes that the interpreting physician, the referring physician and the woman all play a role in ensuring that appropriate follow-up takes place.

"Once again, on behalf of the American Cancer Society, I want to thank the U.S. Congress for taking up this important legislation, and I urge the U.S. Senate to pass HR 4382 in time for National Breast Cancer Awareness Month in October."

## FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

SPEECH OF

**HON. DAVID E. SKAGGS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SKAGGS. Mr. Speaker, I rise in support of this bill. It's essentially identical to one (H.R. 2291) I introduced last year to improve the ability of the Fish and Wildlife Service to carry out its responsibilities in Colorado and around the country. I'm glad my colleague Senator ALLARD chose to carry the bill in the Senate.

The Service is responsible for storage and disposal of a great variety of fish and wildlife and wildlife-related items that come into federal ownership under a variety of laws.

Hundreds of thousands of these items are collected at two facilities in Commerce City, Colorado. Most are in the National Wildlife Property Repository, while dead eagles and eagle parts (including feathers) go to the National Eagle Repository.

From the general repository, the Service makes many items available to other agencies and to museums, zoos, schools and colleges for scientific, education, and official purposes. From the Eagle Repository, eagles and eagle parts are made available to Native Americans for religious purposes.

These distributions meet a real need. In 1996, the eagle repository filled more than 1,300 requests, while between July, 1995 and February, 1997 more than 5,700 items were shipped from the general repository to organizations around the nation.

But many more items come into the general repository than are needed for such distribution. Under applicable law, the Service has to retain some of these items that aren't distributed. But others can be sold—and that's where this bill comes in.

Under current law, proceeds from sales of these unneeded items can be used for rewards and for some storage costs, but can't be used to defray the costs of the sales themselves. This bill would change this so that the Service could use the money from the sales to pay for the appraisals, auction expenses, and other costs of those sales, as well as for processing and shipping of items and for any steps needed to clear title to them.

It's estimated that in the first year after enactment, the bill will generate about a million dollars in additional funding for the Service. That will help make these programs more self-supporting, cutting red tape and making it easier for the Service to carry out these important activities.

The bill would not authorize sales of any items that can't be sold now, and it would not change any of the other rules regarding protection or management of fish or wildlife.

I think it's good sense as well as good government. I'm glad that the Senate has now passed this companion measure, and I urge the House to concur and clear the bill for signing into law.

Finally, let me remind my friend from California that this bill really originated on this side of the aisle. Equitable treatment of minority legislation on the suspension calendar is an objective I share. However, this bill is bipartisanship—and it should pass.

INTERNATIONAL CHILD LABOR  
RELIEF ACT OF 1998

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak in support of the International Child Labor Relief Act today.

This bill authorizes the payment of \$30 million for FY 1999, 2000 and 2001 for the U.S. Labor Department, to be used as the U.S. contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

According to UNICEF statistics, between 200,000 and 250,000 child laborers exist worldwide, 95% of whom are in underdeveloped countries. The total includes children working on family farms and other agribusinesses, in factories and perhaps most tragically in the sex industries.

Countries including India, Nepal, Pakistan, parts of Central American and Burma many young girls and young women are forced into prostitution. In Sudan and Mauritania, thousands of ethnic minority children have been kidnapped and sold into slavery. We are all aware of the problems worldwide of child labor and child abuse.

Last year, I supported Representative LANTOS' legislation, H.R. 1870, The Young American Worker's Bill of Rights, in order to set minimum standards for protecting children in the workplace. I urge my colleagues to sup-

port this legislation. We must do whatever we can to keep children safe.

TRIBUTE TO ALLSTATE HISPANIC  
MARKETING TEAM

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to the Allstate Hispanic Marketing Team and Advertising and Brand Development Group for their vision and commitment to better serve the needs of Latino community.

President Kennedy once said, "For those to whom much is given, much is required." This recognition is to honor the individuals who have exemplified such leadership, volunteerism, and dedication. Committed to their industry leadership stance, these Allstate leaders have activity engaged in building relationships with organizations in meaningful ways to develop solutions that make a positive difference for individuals and communities.

Pioneering programs that range from the development of the "En Buenas Manos" (Good Hands) Award which commemorates individuals who volunteer their time and energy to improve the quality of life in the Latino community, to the sponsorship of national events such as the National Council of La Raza Conference (NCLR), and the Olmos Latino Book and Family Festival is what sets Allstate apart.

The list of cultural and civic Hispanic events in which Allstate and its vast network of agents participate as individuals and as a company is long, and includes festivals, parades, conferences, and other national and local events of special interest.

In addition to its commitment to providing its customers with the highest levels of service, Allstate, through its Hispanic Marketing Team and Advertising and Brand Development Group, has forged relationships and spearheaded programs that deal with issues such as housing and community development, education, employment and job training, immigration, health and safety, and leadership.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to the Allstate Hispanic Marketing Team and the Advertising and Brand Developing Group. They have shown unwavering commitment to the community and deserve our recognition and praise. "Con Allstate . . . Usted Está En Buenas Manos."

THE DIGITAL DATA SERVICES ACT  
OF 1998

**HON. W.J. (BILLY) TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. TAUZIN. Mr. Speaker, I am today introducing legislation to assure that a duly licensed low powered television station may utilize its authorized spectrum to offer to the public digital-based interactive broadcast services, and wireless Internet access, one or two way, portable or fixed, or connection to the Internet

via the Interactive Video and Data Service (IVDS).

The Federal Communications Commission demonstrated sound judgment in granting limited "experimental authority" to such stations to develop alternative approaches for offering to the general public digital data services, including wireless Internet access at reasonable prices, and I want to make their authority permanent.

In its short period of existence, the Internet has grown to become an important medium for the conduct of commerce, the education of our children, and the maintenance of the informed and enlightened electorate necessary to a free society. Given its status in the United States as a substantial educational, promotional, commercial and distribution channel, the Internet is one of the engines which is driving the United States economy to record levels of productivity and employment.

One of the shortcomings of the technology is that it is wire bound. Through the efforts of the Federal Communications Commission and private entrepreneurs, however, that shortcoming is being ameliorated. There are currently a number of low-power television stations in the United States which have obtained experimental authority to provide Internet service because this service is an innovative use of the spectrum which will benefit the public.

It is the policy of the United States, as evidenced by the provisions of Sections 7, 10, 11, and 273 of the Communications Act of 1934, as amended, to remove barriers to entry and to foster innovation in the telecommunications marketplace. The legislation I am introducing today is designed to ensure that these low power stations offering Internet service may continue to provide the public with high speed wireless Internet access.

Recent history of telecommunications aptly illustrates the demand and utility of wireless access. Wireless telecommunications has been a substantial enhancement to the United States economy. Wireless Internet access promises even greater but similar economic benefits. Use of low-power television stations for wireless Internet access would facilitate the provision of the Internet to schools and public libraries without the necessity for expensive rewiring of those facilities. For these reasons, there is substantial public interest benefit in encouraging the provision of wireless Internet access.

I anticipate that the subcommittee on telecommunications will take this matter up early next year. I ask my colleagues to join me in supporting this effort.

ASSISTIVE TECHNOLOGY ACT OF  
1998

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. MORELLA. Mr. Speaker, I am very pleased that yesterday the House passed S. 2432, the Assistive Technology Act of 1998. The bill, with its House amendments, will soon be brought before the Senate for its consideration and I look forward shortly to its

enactment and signature into law by the President.

In June of this year, I introduced H.R. 4603, the Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities. H.R. 4603 was also introduced in the Senate as S. 2173, offered by my distinguished Senate colleague from Missouri, Mr. Bond. I am very pleased that S. 2432 incorporates a number of provisions from my bill, H.R. 4603.

Mr. Speaker, my Technology Subcommittee has held two hearings, and two exhibitions, in this Congress on the need to promote greater access to technology for people with disabilities. The testimony from the hearings demonstrated that clear need.

As a result of the hearings, the Technology Subcommittee was impressed with the need for a greater emphasis to develop assistive technologies. Yet, the area of assistive technology is greatly overlooked by the Federal Government and the private sector.

While the importance of assistive technologies spans age and disability classifications, assistive technologies still do not maintain the recognition in the Federal Government necessary to provide important assistance for research and development programs or to individuals with disabilities. The private sector generally lacks adequate incentives to produce assistive technologies and end-users lack adequate resources to acquire assistive technology.

It is also believed that there are insufficient links between federally funded assistive technology research and development programs and the private sector entities responsible for translating research and development into significant new products in the marketplace for end-users. Accordingly, new partnerships—involving the public and private sectors—must be formed to aid Americans with physical disabilities improve their quality of life and provide a means for acquiring a job to become self-sufficient.

The Assistive Technology Act of 1998 legislates a number of recommendations made in my Technology Subcommittee hearings. We heard of the need to promote greater interest in assistive technologies, to enhance investment opportunities by the Federal Government, as well as public and private entities, in addressing the unmet technology needs of individuals with disabilities, and to allow for increased methods by which individuals with disabilities could purchase assistive technologies. This bill would do just that.

The Act builds on the success of the Technology-Related Assistance for Individuals with Disabilities (known commonly as the "Tech Act" or as Public Law 100-407) that we enacted back in 1988. The Tech Act supports all 50 States in providing for the technology needs of our nation's 49 million disabled citizens, focuses the Federal investment in technology that could benefit individuals with disabilities, and supports micro-loan programs to provide assistance to individuals who desire to purchase assistive devices or services.

Title I of the Assistive Technology Act authorizes funding for a number of grant programs for five years, from fiscal years 1999 through 2004, extending the Tech Act after its sunset this year. Under the Act, States will be able to continue the successful programs of technology assistance that has served the disabled community well for the past decade.

In the 10 years since the enactment of the Tech Act, every State has established programs that promote assistive technologies to individuals with disabilities. For example, a very successful partnership has been established with my home state of Maryland to help people with disabilities access assistive technology services and devices.

Additionally, the Assistive Technology Act will help States establish and strengthen systems to inform people with disabilities in determining their best technology options. While there has been a great deal of progress in the creation of new assistive technologies, information about these devices is difficult to find and inconsistent. The Act would authorize the development of a national, on-line resource and distance learning center for people with disabilities. The Act also offers an on-line website to inform the disabled community of newly created assistive technology devices.

Mr. Speaker, assistive technologies are being used to increase, maintain, and improve the functional capabilities of individuals with disabilities. By encouraging the development of assistive technologies, we are offering people with disabilities the abilities they all seek—the ability to successfully compete in the modern workplace and the ability for independence in the home. I urge my colleagues to support this important bill and I will work towards enactment of this worthy legislation.

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MEDICARE HOME HEALTH AND  
VETERANS HEALTH CARE IM-  
PROVEMENT ACT OF 1998

SPEECH OF

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. BARTON of Texas. Mr. Speaker, I would like to express my support for legislation passed by the House of Representatives on October 9, 1998, H.R. 4567, "The Medicare Home Health Care Interim Payment System Refinement Act," as it was amended by the Commerce Committee. This legislation will remedy some of the problems the home health agencies in my state and district are facing with the interim payment system passed in the Balanced Budget Act of 1997.

The state of Texas is a unique state in more ways than one. We have a very large and ever-growing population. We also have a very high number of "new" home health agencies, meaning agencies established after October 1, 1994. According to the September 1998 General Accounting Office report to Congress on Home Health Agency Closures, Medicare-certified home health agencies in Texas grew from 961 agencies in 1994 to 1,949 agencies in 1997. According to that same report, 134 agencies have closed recently, leaving the state with 1,758 agencies as of August 1, 1998, still more, many more agencies than existed in the state in 1994. As you can see, Texas, as opposed to a state like New Hampshire which has only 46 home health agencies, has been affected greatly by the interim payment system.

One issue I have been very involved with as the Chairman of the House Commerce Subcommittee on Oversight and Investigations is the problem of fraud and abuse in the Medi-

care and its effect on the continued solvency of the program. One of the changes made in the Balanced Budget Act of 1997 was to move Medicare home health care reimbursement to a prospective payment system (PPS). Since there were impediments to going to a PPS immediately, an interim payment system (IPS) was established for reimbursement to home health care agencies. As stated above, the IPS has caused problems for many agencies, especially newer agencies. The problems with the IPS and the fact that HCFA recently announced that they will not meet the original October 1, 1999 date set for the PPS to be enacted required Congressional action to straighten out some of the problems with the IPS.

There are obviously some bad actors in home health care, but there are many more good ones. I do not believe it was the Congress' intention for good operators to be punished by regulations that are too punitive. The honest providers who want to provide quality care should not be penalized.

The legislation considered by the House makes a move in the right direction. I commend the principals involved, Ways and Means Chairman BILL ARCHER and Health Subcommittee Chairman BILL THOMAS, as well as Commerce Chairman TOM BLILEY and Health Subcommittee Chairman MICHAEL BILIRAKIS, on achieving some legislative relief for the home health agencies in my state as well as across the country.

I do not believe that I am alone in the sentiment that we will be revisiting the home health care issue in the 106th Congress for there are additional issues yet to be considered. I do support this home health package and its contribution towards a workable, efficient, and common sense solution for home health care agencies across this country.

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INTERNATIONAL ANTI-BRIBERY  
AND FAIR COMPETITION ACT OF  
1998

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 4353, "The International Anti-Bribery and Fair Competition Act" and ask permission to revise and extend my remarks.

This legislation provides the underlying authorities for the implementation of the Anti-Bribery Convention of the Organization for Economic Cooperation and Development which criminalizes the bribery of foreign public officials.

I would like to compliment the principal sponsor of this legislation, the gentleman from Virginia, Chairman BLILEY, for his leadership in this issue and for his assistance and cooperation in including reporting provisions that ensure that the administration carefully monitors the implementation of this OECD Convention, that it be updated and amended to include other officials, including political parties, party officials or candidates, and that nongovernmental groups such as Transparency International have a role in the review process.

Mr. Speaker, since the Foreign Corrupt Practices was adopted in 1977, the U.S. was

the only country that prohibited the practice of bribery of foreign officials.

From the point of view of our Committee, fighting corruption on an international basis is important for reasons beyond just "levelling the playing field" for business.

It is also important because corruption, in and of itself abroad harms American interests. Corruption of public officials abroad undermines democracy and retards development: funds are diverted from the intended use into the hands of ruling elites who perpetuate their power. This is truly a vicious circle—one that has to be broken.

Even though it has taken decades for the world to begin to follow our unilateral effort, and I stress the word "unilateral", I believe the prize is worth having.

With The passage of this implementing legislation today I am pleased that we will soon be taking part in a 29-nation OECD-led effort toward this same goal. It is critical that we pass this important legislation so the U.S. can continue to take the lead in ensuring that bribery and corrupt practices be driven from the international marketplace.

Accordingly, I urge the adoption of this measure.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

**HON. VINCE SNOWBARGER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. SNOWBARGER. Mr. Speaker, I rise in support of H. Res. 581. The House Judiciary Committee must hold a formal inquiry into whether the charges set forth by the Independent Counsel are sufficient grounds for the impeachment of the President of the United States.

We shirk our constitutional duty as Members of the U.S. House of Representatives if we bury our heads in the sand in the face of evidence that the President—having sworn an oath to tell the truth, the whole truth and nothing but the truth—may have committed perjury before a Federal judge and before a grand jury, may have involved other administration officials in a cover-up, and may have conspired to suborn perjury.

The President's apologists on the other side of the aisle are quick to point out that Mr. Clinton's admitted pattern of lies were to cover up an affair with a White House intern. The lies with which we are concerned were not to his family. Let us face the fact that his lies also were a deliberate effort to subvert justice in a sexual harassment suit filed against him by another workplace subordinate. He was a defendant, trying to dodge a judgment by fudging the truth.

To ignore the President's transgressions, to allow this President to escape the scrutiny he has earned by his own actions, would be to establish a precedent in which perjury by future elected officials would be permissible. That is not tolerable in a nation based on the sanctity of law.

What do we say to the 100-plus prison inmates who are behind bars for their failure to tell the truth in courtrooms if we abdicate our duty to further investigate this President? What do we say to Susan McDougal, a friend of Mr. Clinton's who languished in prison for 18 months after refusing, like our President, to fully answer the questions of a grand jury? Do we tell them that our President is above the law?

More importantly, what do we say to those who are victims of such perjury in the future? Do we tell them justice does not matter and lies under oath are no longer really important?

Mr. Speaker, Justice is blind so she cannot be influenced by the sight of who is before her, no matter how exalted an office he may hold. Her scales are balanced so that all before her are treated equally. If a man who holds the highest office of trust the people of this Nation can bestow may—with impunity—unbalance those scales through perjury, none of our fine legal and judicial institutions mean anything other than a cynical farce.

The President is still presumed innocent. By voting for this resolution, I am not voting for a rush to judgment or a preordained result. That would be just as much an abuse of the process as ignoring the charges because they are made against the President. The Independent Counsel has presented his report and the evidence supporting it cites possible impeachable offenses. The President has the right to present his formal defense. But for him to do so, there must be an inquiry. That is why we must pass this resolution.

CONFERENCE REPORT ON H.R. 3874, WILLIAM F. GOODLING CHILD NUTRITION REAUTHORIZATION ACT OF 1998

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. JACKSON-LEE. Mr. Speaker, thank you for the opportunity to speak on this important bill. This program, the Women, Infants and Children nutrition program provides nutrition education and supplemental food to low-income pregnant and post-partum women, infants and children up to age five. The purpose of the bill is to reauthorize through the year 2003, the WIC nutrition program. It also contains other provisions including breastfeeding promotion which I have supported through my co-sponsorship of the Lactation in the Workplace Act.

This program will also reauthorize a national summer food program for children of low income families, because children need to eat even when they are out of school. In my opinion, Mr. Speaker, there is nothing more important than making sure our children and our families are safe and healthy.

WIC provides our children with the basics they need. This is not a luxury program, it is a necessity, and we must continue to reauthorize it!

I cannot imagine that anyone would vote against this bill that keeps our children fed, and helps our families survive. Thank you for the opportunity to speak here today.

TRIBUTE TO ALLSTATE INSURANCE COMPANY

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise to acknowledge the Allstate Insurance Company for its leadership and dedication to enhance the lives of the members of the communities it serves and for its strategic commitment to the diverse Hispanic community. Today Allstate is the leading national company among Hispanics for auto, property, and life insurance.

The Allstate Insurance Company and its agent network have a long heritage of caring and commitment. For over sixty years Allstate has actively supported the community by establishing "Helping Hands" activities, the philanthropic efforts of the Allstate Foundation, programs such as the Allstate Giving Campaign and All-American City Awards, and by their participation in the President's Summit for America's Future and important working relationships with the National Council of La Raza (NCLR), HAPCOA (Hispanic American Police Commanders Association) and SER (Service, Employment and Redevelopment).

Add to this the more than one million hours Allstate employees and their families volunteer annually to shelters, hospitals, soup kitchens, schools, and places of worship and we see how Allstate keeps the tradition of giving alive.

Throughout its history the company has been tirelessly involved in providing time and financial resources to civic, charitable, humanitarian, government, and educational causes as well as safety and prevention programs that target teen drivers, fire prevention, theft, and child, property, and home safety.

Becoming a major sponsors of the 1998 Latino Book and Family Festival and supporting Edward James Olmos' efforts to link culture through literacy and education, further demonstrates the Allstate commitment to support programs that are of importance to their customers and to each of us.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to the Allstate Insurance Company, a role model of good corporate citizenship for Corporate America.

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

SPEECH OF

**HON. JAMES A. LEACH**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 5, 1998*

Mr. LEACH. Mr. Speaker, I would like to include for the RECORD the following statement memorializing an understanding between the Committee on Commerce and the Committee on Banking and Financial Services relating to a specific provision of H.R. 1756:

Section 2 of H.R. 1756 amends Chapter 53 of Title 31 of the United States Code to direct the Secretary of the Treasury to "regularly review enforcement efforts under this subchapter and other provisions of law and, when

appropriate, modify existing regulations or prescribe new regulations for purposes of preventing money laundering and related financial crimes. On June 25, 1998, the distinguished Chairman of the Committee on Commerce, Mr. Billiey, wrote me to express the concern that "such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to the Federal securities laws, or to grant the Secretary of the Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities laws."

In response, I hereby affirm that it is not the Banking Committee's intent for the language in Section 2 to grant the Secretary of the Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities laws, or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify, or recommend the modification of, regulations promulgated under the Federal securities laws.

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TRIBUTE TO MARK BERRY

**HON. MARION BERRY**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BERRY. Mr. Speaker, I rise today to recognize a great American. Mark Berry is the kind of man that has made this country the great Nation it is today. He works hard, plays by the rules, and asks only to be given a chance.

Mark is a man who started literally from scratch, with little more than the great heritage we share, and built a nice farm and agribusiness. He is a leader in his Church, community, and his profession that he loves so. His accomplishments also include bringing three wonderful children into the world and raising them to be successful adults and productive citizens. Their heritage will be his good name.

He is the kind of man that always does much more than his share when there is a need. He never asks, "Do I owe it to them?" only "Do they need my help?" His generosity knows no bounds.

He follows the tradition of his father in teaching generations of young people how to hunt and fish and is much beloved because of this. His skills in this area are considerable partly because he assigns a high priority to pursuing this avocation. He is the kind of man that a mother and father will look upon and say "He is my son and I am so proud of him." Lloyd and Eleanor Berry, I am sure, absolutely burst with pride today.

His community of Bayou Meto has benefited from his service for all of his years and this world is a better place because he is here.

Mark and I have been associated in business for all our adult lives and have never had a cross word.

It is my good fortune for him to be my brother whom I love dearly.

TRIBUTE TO THE HONORABLE  
GERALD SOLOMON (R-NY)

SPEECH OF

**HON. FLOYD SPENCE**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 1998*

Mr. SPENCE. Mr. Speaker, it is with a great sense of personal pleasure that I join in this tribute to a truly exceptional Member of Congress, United States Marine, and American patriot, the gentleman from New York, JERRY SOLOMON. After 20 years of dedicated service in Congress, JERRY has chosen to retire for a truly honorable and understandable cause—to spend more time with his beloved family.

As a friend, colleague and longtime fan, I find it difficult to find the words to properly express the many contributions JERRY has made to his country, the military and this institution. JERRY served as a United States Marine during the Korean War. His military service marked the beginning of a lifetime of service and commitment to a strong national defense and to the welfare of our armed forces. Whenever and wherever there was a debate or a reason for this House to act to protect or advance the cause of American national security, you could always count on finding JERRY SOLOMON in the thick of it, fiercely determined and dedicated to ensuring we not sacrifice or place in danger our most precious commodities—our freedom and liberty in a dangerous world.

I can state without equivocation that there has been no greater advocate for the brave men and women in uniform who stand at the ready to protect the freedoms that we enjoy. Whether fighting to protect veterans benefits, the integrity of the selective service or adequate resources for our military, JERRY has always worked to ensure that the Congress fulfills its greatest Constitutional duty—to provide for the defense of this nation.

As the Chairman of the House National Security Committee, I have been particularly blessed to be able to turn to Chairman JERRY SOLOMON for the past four years for help and guidance in bringing the annual national defense authorization bills before the Rules Committee and the House floor. Our Committee's record of success on the House floor can be largely attributed to JERRY's tireless commitment to a fair and open process coupled with an unmatched devotion to our American men and women in uniform and commitment to maintain a strong defense.

These efforts have been particularly important in a time when most Americans take today's economic prosperity and relative global peace for granted. JERRY has always recognized the important role that a strong U.S. military plays in maintaining America's global leadership. He truly understands that the end of the Cold War was not the end of a dangerous world. Indeed, the end of the Soviet Union meant only that the many threats to U.S. national security, including regional unrest, terrorism, proliferation of weapons of mass destruction, and ethnic violence, would no longer be contained by the Cold War.

JERRY's departure from this House will be a loss to this nation. He will leave behind a huge and difficult gap to fill in the contingent of members dedicated to the honorable but increasingly frustrating cause to halt the further erosion of U.S. military capability. However,

his leadership, his dedication and his tireless efforts toward this cause will continue to serve as an inspiration to those of us left behind.

I wish to offer my very best wishes to JERRY and his wife, Frieda, and their family as he pursues what I am sure will be another distinguished career in the years ahead. I personally will miss his friendship and guidance, but I know that this fighting spirit will remain in this chamber long after his departure. As a fellow former member of the maritime services, I offer JERRY the traditional navy fond farewell—"Fair Winds and Following Seas!"

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CONFERENCE REPORT ON S. 2206,  
COATS HUMAN SERVICES REAUTHORIZATION ACT OF 1998

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my support for the Conference Report on Coats Human Services Reauthorization Act because its good for our working families and good for our children.

The Conference Report reauthorizes the Head Start, Community Services Block Grant, and Low-Income Home Energy Assistance Program through Fiscal Year 2003.

The purpose of this legislation is to promote school readiness by enhancing the social and cognitive development of low-income children, to low-income children and their families, of health, educational, nutritional, social, and other services based on a families needs.

The Conference Report will provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, an the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient. In addition, this legislation will strengthen a community ability for planning and coordinating the use of a broad range of Federal, State, local, and other assistance related to the elimination of poverty, so that this assistance provided for in this report can be used in a manner responsive to local needs.

The development and implementation of these programs designated to serve low-income communities and groups with the maximum feasible participation of residents of the communities and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that the programs are otherwise meaningful to the intended beneficiaries of the programs.

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IN MEMORY OF VENTURA AND  
LOS ANGELES COUNTY'S FALLEN  
OFFICERS

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to seven law enforcement officers

who have fallen in the line of duty over the past twenty-two months.

Police officers undertake a solemn oath to protect and serve their fellow citizens and, if necessary, sacrifice their lives to fulfill this duty. The following seven brave individuals—Officer Charles Andrew Lazzaretto, Officer Van Derrick Johnson, Deputy Sheriff Shayne Daniel York, Deputy Sheriff Michael Lee Hoenig, Police Officer Steven Gerald Gajda, Officer Filbert Cuesta, and Ventura County Senior Deputy Lisa D. Whitney—have paid the ultimate price for the preservation of public safety and civility in the cities of my district.

Selflessly, they dedicated their lives to protecting others and serving our communities. Like their colleagues across the country, they carried out their duties each day with courage and honor. Without trepidation, they confronted the dangers inherent in their line of work and ultimately gave their lives in the service of our community. To these brave souls we extend our gratitude. To their families, we extend our most heartfelt sympathies and appreciation. Their memories will linger in our hearts. Their sacrifices have not been in vain.

Mr. Speaker, distinguished colleagues, please join me in remembering these seven members of the law enforcement community who, like so many others before them, have given their lives to protect others, doing so with unrivaled courage, valor, and honor.

COMMEMORATING THE 150TH ANNIVERSARY OF PEAPACK REFORMED CHURCH

**HON. MICHAEL PAPPAS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. PAPPAS. Mr. Speaker, I rise today to congratulate the congregation of Peapack Reformed Church as they celebrate their 150th anniversary.

The church is part of the Dutch Reformed Church in the U.S.A., the oldest Protestant denomination in this country founded when the Dutch settled in New Amsterdam. Peapack Reformed Church originally met in meeting houses throughout the Peapack-Gladstone area until they built and moved into their present church building.

The congregation is a small, close-knit community, dedicated to each other as well as to those in their surrounding area. They have an annual, "Community Day," a day when the honor the people of the Peapack-Gladstone community-at-large. The day features historical tours, a barbeque and events for the children of the community. The church also hosts two events every year in order to raise money for the Central New Jersey Visiting Nurses Association.

I wish to congratulate the congregation of Peapack Reformed Church for 150 years of serving the cause of Christ in central New Jersey. It is my honor to have this church within the borders of the twelfth congressional district and I wish them well in their desire to continue for another 150 years.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

**HON. DEBBIE STABENOW**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. STABENOW. Mr. Speaker, today, Members of the United States House of Representatives will make a critical decision affecting the lives of the people we represent. Men and women, young and old, who work hard every day and care about their families want us to deal with President Clinton's irresponsible behavior and lack of truthfulness in a fair and responsible manner. And, they want us to do so as quickly as possible so that we can return to the important issues affecting their families. They also want us to rise above partisan self-interest and do what's best for the country—not as Democrats and Republicans, but as Americans.

I am deeply concerned that this Congress will not meet that test today. We have two proposals before us. The question is not whether or not to proceed, but how to proceed. One proposal gives us the opportunity to come together in a bipartisan way and vote to begin an inquiry into impeachment on the issues raised in the Starr Report, and to bring this inquiry to conclusion by the end of this year.

The Republican alternative is an open-ended, unchecked process that could continue throughout the next Congress with no requirement to limit its focus on the issues formally presented by the Special Prosecutor. In all good conscience, I cannot endorse this process since I sincerely do not believe it is in our nation's best interest. It is not in the interests of the families I represent to put our country in suspended animation for months and months when we have the ability to bring this to a responsible conclusion this year.

I, therefore, intend to support the proposal to proceed with an impeachment inquiry with a deadline of December 31, 1998. This motions allows an extension of the deadline if an extension is supported by the evidence. But, most importantly, the proposal I support does not allow millions of dollars and hours to be spent without any accountability for timely results.

I believe the American people deserve no less from us. We must address this crisis fairly and responsibly and get back to the people's business. I implore my Republican colleagues to join us and to join America in a process of which we can all be proud.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. ORTIZ. Mr. Speaker, throughout this whole unseemly matter, I have tried desperately to cling to the dignity of the instruction of the Constitution to guide my actions. I have carefully weighed the evidence we have seen so far: the Referral from the Office of Independent Counsel (OIC), the President's taped testimony, and the reams of evidence in support of the OIC Referral. As a grand juror in this process, evaluating the evidence carefully, and privately, is consistent with my constitutional role.

Today, the House allows the Judiciary Committee to move forward on the investigatory phase of the impeachment process. We are not voting on impeachment; that is the duty of the Senate. We are not quite yet to the actual grand jury phase of this process; we are at the point where Congress' prosecutors and investigators are asking to complete that part of the Constitutional obligation. My vote today is based on only what the OIC has referred to us.

It is important to complete the process. We should be fair. We have yet to see witnesses deposed or cross-examined, nor weighed additional evidence. Today the House has a choice, to investigate only what the OIC referred to us and be finished by the end of the year, or to continue the steady drumbeat of those things already investigated by the FBI, the OIC and the Congress. There is no need for such a shotgun approach.

Today's vote is in deference to the Constitution. No one will report this, but that Constitutional deference should be the single most important point made in analyzing Democratic votes on either plan to continue the investigation. The House vote to analyze, for those who wish to do that, is the next full House vote; that will speak to the actual question of impeachment.

My votes today, for democratic alternative and in opposition to the Republican plan, are an indication that what we have received from OIC may be sufficient for the inquiry. Again, remember, this was not a vote on the question of impeachment, it is a vote for the HJC to proceed with the inquiry. The next possible action by the House will be any action we may take on actually referring articles of impeachment to the Senate. The final question of impeachment rests with the Senate.

MEDICAL OPTICAL SIGNAL PROCESSOR

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. SHERMAN. Mr. Speaker, I rise today to bring attention to a new technology called the

medical optical signal processor. Today, in the world of ever-advancing medical technology, key words like telemedicine, laser surgery, and computer second opinion are used to address the new frontiers that are being discovered through the leveraging and exploitation of existing technologies. But, now is the time for these new frontiers in medicine to be even further challenged. It is time that we expand our horizons and to stock our arsenals with new and innovative technologies. It is ironic that one of the most potent and promising weapons in our technological arsenal may be as elementary or as fundamental as simple light. The use of light to process data is not new or particularly difficult. In fact, the use of light is not very different from the way the human eye and brain work in processing visual data. This new technology is called the medical optical signal processor (MOSP).

The domestic medical landscape is pursuing unprecedented change to combat the spiraling costs of health care. Cost containment and resources consolidation are forcing commercial and military healthcare providers to turn to sources outside the traditional medical community to improve the quality of care. The concept of transitioning optical signal processing (OSP) technology to enhance present and future medical imaging systems detecting and identifying key pathologic features within two-dimensional medical imagery may prove not only cost effective but may validate the leveraging of dual use technologies between the military and commercial sectors. MOSP has not only great promise in civilian and military medical applications has shown great promise and it leverages upon the advances already being made in its use for automatic target recognition (ATR) in both civilian and military applications.

Many of my colleagues on the House Science Committee, as well as those on the traditional defense oversight committees, are dedicated to finding and funding the best technologies that will allow the U.S. to make quantum leaps ahead in improving our security and our way of life. In an era when the American people expect their elected officials to be prudent and careful stewards of their federal budget dollars, it is important that we carefully choose those areas of research that will bring a greater return on our investment. I believe medical optical signal processing may be a technology that does just that.

MOSP is best utilized in developing an advanced imaging system for the management of breast and prostate cancer. MOSP has a compelling and potential benefit in all areas of radiology in enhancing and analyzing imagery. It enjoys an advantage as a two-dimensional processor with the power of multiple Cray computer imagery processing in a small package. It can leverage the sensitivity of X-rays and specificity of high definition ultrasound in a multi-sensor correlation. It exploits recent OSP technology to create self-adapting imaging systems, which places minimal demands on operator skills while improving soft tissue contrast. All this facilitates a broad spectrum of diagnostic and therapeutic options. But most importantly, it reduces the trauma to the patient.

Congress has been a major supporter of the OSP industry, and lately has recognized the need for optical processing to resolve next-generation pattern recognition in military applications. Congressional assistance is needed in supporting further military and commercial application opportunities for optical correlators. In the FY97 National Defense Authorization Act the House National Security Committee wrote:

The committee is aware of the potential of optical correlators for signal processing and anomaly detection in military systems. The committee believes optical correlators also have similar potential in medical research such as for the detection of tumors.\*\*\*P\*\*\*The Secretary of the Army's "Report to the House Committee on National Security on the Potential Use of Optical Correlators in Medical Research," addressed the use of optical correlators for signal processing and anomaly detection in military systems. It points out one of the early advantages of OSP technology as:

\*\*\* a key component is the high speed correlator which does the actual comparison and reports out numerical scores on the degree of similarity between objects in the image and targets of interest, be they enemy tanks or cancerous cells.\*\*\*P\*\*\*The report focuses on the military application of OSP technology in the need to significantly speed up the computation process of features found in imagery. It does not address the many other changes in this technology over the last three years. But, the report does specifically address cancer in one statement:

\*\*\* In cancer screening applications, this means a higher probability of detecting a cancerous mass while simultaneously reducing the probability of falsely reporting benign tissue as cancerous.\*\*\*P\*\*\*In 1997, the Congress continued to address the use of optical correlators in missile technology, both for the navy and Air Force. For the first time, funding was added to the Standard Missile program of the US Navy, and for a continuation of a US Air Force Air-to-Ground missile (AGM) effort called, optical processor enhanced LADAR (OPEL). But unfortunately due to defense budget constraints, additional funds were not found and the medical application was not appropriated.\*\*\*P\*\*\*In 1998 the House further attempted to deal with the potential medical application of OSP, by providing authorization to the US Army. The House National Security Committee wrote that:

\*\*\* The committee also recommends an increase of \$2.0 million in PE 62787A for applied research in the use of low cost optical correlator technology in medical diagnosis. . . .\*\*\*P\*\*\*It was hoped that this seed money would provide the spark to improve the quality of care of the men and women protecting our country and open new medical imagery analysis technology in medical areas outside of radiology such as ophthalmology, dermatology, trauma or triage treatments, and many others. Unfortunately, due to the constraints in this year defense budget, the Congress was unable to support adding funds to this year's appropriations for the Army to proceed with this program. To this member, this was extremely shortsighted.\*\*\*P\*\*\*In 1993 the NCI reported that one-in-eight women would contract breast cancer at some point in her lifetime. One in four men may

face the same fate at the hands of prostate cancer.\*\*\*P\*\*\*When an abnormal breast or prostate mass is detected by mammography or by a physician's clinical examination, a biopsy is almost always recommended. A pathologist examines the tissue to determine if the lump is cancerous. The psychological trauma this creates in anyone is beyond measure and is normally endured over many weeks of tests and waiting. Healthcare should be effective and as timely as possible to prevent any emotional and traumatic episodes to one's life. Optical processing is the technology that can drive the current process from weeks to one day: examine—biopsy—results. Improving the quality of care to the patient and their families. As we fight cancer, we can also reduce the trauma it brings.\*\*\*P\*\*\*Photonics Spectra, a leading publication for the Optical industry, quoted the report of the Committee on Optical Science and Engineering, a group created by the national Research Council, as saying:

\*\*\* that light-based technologies have a vast and growing range of critical applications in virtually every scientific discipline and a large number of industrial fields \*\*\* In healthcare, it urges that the National Institute of Standards modify its disease oriented structure to provide more funding for optical technologies.

Optical signal processing technology that is properly adapted for embedded use in medical ultrasound imaging systems, will create a paradigm shift within the radiology industry leading to a new generation of higher performance systems with outstanding soft tissue visualization capabilities. It will also leverage the correlation and benefits of multiple radiological systems. In as much as all of us, as Members of Congress, the stewards of our nation's health and well being. It is essential that we remain: informed of the advances in science and technology, vigilant to providing the leadership and insight needed to move forward when an opportunity avails itself, and the wisdom to seize and leverage that opportunity. Through leveraging the investment and advances already made in optical processing technology, we can continue to exploit this technology not only for its military and commercial target recognition applications but for its potential to bring better quality of care to civilian and military medical systems. We owe it to our nation to move forward with this good ideal. We owe to the nation to move forward with this good technology. I hope all my colleagues on both sides of the aisle will join me next year in supporting this type of research and technology throughout the entire federal science and technology budget because the advances and victories of science and technology are non partisan. They are victories in which all Americans will share. While the ravages of cancer and other diseases will not pick sides or discriminate, it will strike us all regardless of our political beliefs or our stature in life. We owe nothing less to our friends and colleagues in the Congress who have suffered the anguish of breast and prostate cancer for themselves and for their loved ones, but more importantly, we owe it to the millions of our

constituents, who hope everyday that we, as their stewards of the budget, will make the right decisions for them that allows this nation to remain healthy and safe.

MEDICARE HOME HEALTH AND  
VETERANS HEALTH CARE IM-  
PROVEMENT ACT OF 1998

SPEECH OF

**HON. ROBERT A. WEYGAND**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. WEYGAND. Mr. Speaker, I rise this morning to express my support for this legislation which provides some measure of relief to certain home health care agencies in my state. I want to thank my colleagues, Mr. MCGOVERN,<sup>1</sup> Mr. COBURN, Mr. CARDIN, Mr. STARK and others who have worked hard on this issue with me since last year.

Last May, I sponsored an amendment to the Budget Resolution which was the first legislative action taken on IPS reform during the 105th Congress. This amendment, which passed unanimously, was significant because it called upon this Congress to take active steps to restore fairness and equity to the IPS. It called upon Congress to examine the effects of the IPS on low cost agencies and stressed the importance of accomplishing reform before the 105th Congress adjourned. I am pleased that Congress has addressed this issue and hope we can pass something which will be signed by the president soon.

Although this legislation before us today does not provide the amount of financial assistance that I believe is necessary, I believe it represents a first step to restoring some of the unfair and inequitable cuts enacted by the Balanced Budget Act.

The home health care provisions within this bill will help some home health care agencies, particularly those in my home state operating below the national average. By providing fifty-percent of the difference between an agency's current per beneficiary limit and the national average, Medicare will provide some additional reimbursement to many agencies in my state.

The legislation also permits home health care agencies operating above the national average to continue receiving the reimbursement they currently receive. Although some of these high cost agencies may be deserving of higher reimbursement, I have concerns that this payment policy continues to provide rewards to home health care agencies which were not frugal prior to the passage of the Balanced Budget Act, and effectively continues to penalize agencies which worked tirelessly to contain their costs. This is due, in part, to the large reliance to agency-specific data, as mandated by the Balanced Budget Act. I had wished that the resolution to this issue would have better addressed this situation and created a more level playing field, and home that with ongoing communications with the Senate and the Administration, we can work to further refine this measure to restore more equity into the home health care system.

I am disappointed that this legislation does not provide relief retroactively to home health care agencies. As you are aware, the Bal-

anced Budget Act subjected home health care agencies to per beneficiary limits for cost reporting periods beginning on or after October 1, 1997. Some home health care agencies throughout the nation have been operating with low per beneficiary limits during their current cost reporting periods and need assistance now. While this legislation will provide much needed relief to some home health care agencies for cost reporting periods beginning during or after fiscal year 1999, it will not provide immediate relief to many deserving home health care agencies.

While I am pleased we have reached this point and will support this bill, there remains a great deal to be done. With the passage of the Balanced Budget Act, Congress mandated an additional fifteen percent cut in home health care if the new payment system is not fully implemented. The administration signaled in August that the new system will not be ready before October 1, 1999 so the cut remains a real threat to home health care agencies in the very near future. We need to address this issue and I look forward to working with my colleagues to delay or repeal this 15% cut next year.

I want to express my appreciation to the Committees on Ways and Means and Commerce for recognizing the situation home health care agencies and their Medicare beneficiaries face. Home health care is an important service that we must work our hardest to preserve. Home health care allows seniors to remain home and retain their dignity and independence. While this legislation does not accomplish all I had wanted, I support its efforts, applaud its goal and urge my colleagues to support it.

SENSE OF HOUSE REGARDING  
NATIONAL SCIENCE POLICY

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this resolution, which states that the report entitled "Unlocking Our Future: Toward a New National Science Policy" shall be used by this Congress as a starting point for our future science policy.

I would first like to recognize the hard work that Congressman EHLERS has put into this report. I would also like to let him know that I look forward to working with him, and the other Members of the Science Committee in the future, towards implementing some of the ideas set forth in this Report.

However, I would also like to add that I support this resolution because it indicates that this report should "serve as a framework for future deliberations". It is a start to a process, one which I hope to work within so that others can add their views and values to the development of a true "National Science Policy". Therefore, I would like to note some issues, which were omitted from the report, which I hope will be added to our agenda on science, math, and engineering.

The report fails to fully address the problem of under-represented populations in the fields of science and technology. We all know that there is a severe shortage of minorities,

women, and people with disabilities in these areas, yet the report does not make any real acknowledgement of the situation, and as a result, it does not contain any ways to make it any better. I hope to change that as we move forward in the development of our National Science Policy.

I believe that Congress should play a role in making sure that every segment of society receives the benefits of, and helps develop our scientific advances. Already, we have passed legislation, with bi-partisan support, to improve the involvement of minorities and women in the hard sciences. Just a few weeks ago, we overwhelmingly passed the Advancement of Women in Science, Engineering, and Technology Act, which will ensure that women are encouraged to enter the fields of science and technology. I have also gotten bipartisan support in the Science Committee, where I was able to amend several bills to ensure that minority students are able to take advantage of federal grant programs made available through the Federal Aviation Administration (FAA) and NASA. I am proud of that work, not only because of what it does for under-represented groups in science, but also because my friends on the other side of the aisle saw the importance of the issue, and were willing to make the decision that we need to get all Americans involved in science. Therefore, I would propose that any official "National Science Policy" include this important issue so that we can continue to work to improve this situation throughout the next Congress.

I also believe that we need to work to include the social and behavioral sciences in our science policy, which were given little or no attention in this report. Although I see the importance in making sure that we progress in the area of basic research and the "hard sciences", we should not focus on those two disciplines exclusively. The social sciences should continue to be developed so that we can better grapple with problems that affect our entire nation, like improving our education system, and working towards better public health. Furthermore, the behavioral scientists have a unique understanding of the human mind that cannot be captured by biologists or medical doctors.

For the report to omit these important disciplines is a disservice to those respective scientific communities, and it is only worsened by the fact that the Report advocates that the hard sciences be used actively in the legislative process. While I applaud the application of the hard sciences to our activities, I also see the social and behavioral sciences playing an important role here in Congress, and will work towards ensuring it. This is especially true in light of the fact that the courts have actively rebuked the use of social science materials in cases like *McClesky v. Kemp* (1987). Although I do not agree with the outcome of that case, I feel that it properly illustrates the fact that the social sciences, and the use of statistics, must be used to remedy the problems that afflict large segments of society—like the undercount in the Census. It is more than ironic that through current times, the most compelling use of a social science study by the judiciary created perhaps the most monumental court decision of our time, *Brown v. Board of Education*. For those reasons, I hope that we can better integrate all of the sciences in our National Science Policy.

I would also like to add that I hope our National Science Policy will include further efforts

to improve our K-12 institutions. Because K-12 is crucial in the development of science and math-savvy college students and workers, I believe we must concentrate a good portion of our resources on turning out good engineers, mathematicians, and scientists. We all know how important that is for our economy, the technology industry is the fastest growing segment of our society, and just a few weeks ago, we had to vote on whether or not to expand the number of visas available to highly-skilled workers from outside the United States! We could easily solve that problem by ensuring that all students graduating from high school have more than rudimentary skills in the areas of math and science and are encouraged to follow up on that education in a college or university.

Having highlighted these issues and with the understanding that I would like them included in our future discussions, I would like to endorse the use of this Report as a starting point for bringing science, math, and engineering to the forefront of our national agenda.

HONORING RANDALL J. COLEMAN,  
1998 HENRY EVANS VOLUNTEER  
OF THE YEAR AWARD

**HON. PHIL ENGLISH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Randall Coleman who recently received the Henry Evans Volunteer of the Year Award.

This award is presented annually by the Shenango Valley Chamber of Commerce in order to honor a person who not only volunteers his time to support the chamber, but also volunteers in other community organizations. Randall Coleman has shown a lifelong commitment to volunteer service.

Mr. Coleman lives in the Shenango Valley with his wife Ann and son Grant. He has had a distinctive and promising career with Penn Power where he currently serves as the Mercer County Area Manager. But is Mr. Coleman's active role in the community that makes him a invaluable asset. He currently serves as a president of the Kiwanis Club of Sharon, as a member of the Pennsylvania Electric Association, the Pennsylvania Economy League, Private Industry Council, and the National Association of Industrial Office Properties, the American Heart Association as well as serving as a member in the fundraising cabinet of the United Way of Mercer County in its construction division.

Mr. Coleman served as the coordinator of volunteers for the Special Olympics of Mercer County. However, Randall Coleman feels that his most rewarding experience was teaching handicapped children to swim as an American Red Cross Lifeguard. It was a rewarding experience because for these children achieving this goal is more difficult because of their special needs.

I am proud to recognize Mr. Coleman's achievements today. He is certainly an asset to our community in western Pennsylvania.

ROBERT GEAKE, A DEDICATED  
PUBLIC SERVANT

**HON. JOE KNOLLENBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize a distinguished public servant in my home State of Michigan, State Senator Robert Geake.

Born on October 26, 1936, in Detroit, MI, Bob grew up in the neighboring suburb of Ferndale. He attended the University of Michigan, earning a B.S. in special education, an M.A. in guidance and counseling, and a Ph.D in education and psychology.

After completing his education, Bob pursued a career in psychology and became an accomplished psychologist. In 1972, Bob was elected to the Michigan House of Representatives where he served with distinction until being elected to the State Senate in 1977.

Senator Geake established himself as the Michigan Legislature's expert on mental health issues. He also took an interest in anti-crime measures and spearheaded Michigan's anti-stalking laws. Under his leadership, Michigan has the nation's toughest and most enforceable laws against stalking. Senator Geake has also led the fight to enact tough penalties against drunk driving and sponsored legislation to eliminate Michigan's inheritance tax. A leader on child development and family issues, Senator Geake has been instrumental in passing legislation to crack down on dead beat parents who are delinquent in their child support payments.

Senate Geake is known in Lansing as a statesman and one of the most effective lawmakers in the State Legislature. A recent analysis by the Detroit News indicated that Senator Geake ranked first among the 148 Michigan lawmakers in the numbers of bills passed.

Senator Geake is retiring from the State Senate at the conclusion of his term this year. His leadership will be missed. Senator Geake has been a strong advocate for Michigan families. His efforts to cut taxes, strengthen families, and make our communities safe from violent crime have made Michigan a better place to live.

I wish Senator Geake and his wife, Carol, the best of luck in their future endeavors.

PERSONAL EXPLANATION

**HON. DEBORAH PRYCE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Ms. PRYCE of Ohio. On October 10, 1998, I was absent due to an illness in my family. I received an official leave of absence from the majority leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

H.R. 4567. To revise Medicare program—On suspending the rules and passing the bill (Rollcall No. 516) "aye,"

H. Con. Res. 334. Relating to Taiwan's participation in the World Health Organization—On suspending the rules and agreeing to the concurrent resolution (Rollcall No. 517) "aye."

H. Con. Res. 320. To support the Baltic people of Estonia, Latvia and Lithuania—On suspending the rules and passing the concurrent resolution (Rollcall No. 518) "aye."

H.R. 2616. Charter Schools Senate Amendments—On suspending the rules and passing the bill (Rollcall No. 519) "aye."

S. 852. Auto Salvage—On suspending the rules and passing the bill (Rollcall No. 520) "aye."

FCC AND TELEPHONE  
COMPETITION

**HON. W.J. (BILLY) TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. TAUZIN. Mr. Speaker, today I am introducing legislation with several original cosponsors. They are Mr. DINGELL, Mr. OXLEY, Mr. BOUCHER, Mr. ROGAN, Mr. BONIOR, Mr. GOODLATTE, Mr. KLINK, Mr. HASTERT, Mr. WYNN, and Mr. BURR. Mr. speaker, this legislation essentially begins the process of reviewing the inadequacies of FCC implementation of the local competition provisions of the Telecommunications Act of 1996. Specifically, our bill amends provisions contained in section 271 of the Act, dealing with interLATA (long distance) entry by the Bell Companies.

It is frustrating that nearly three years have passed since the Telecom Act of 1996 was enacted into law. Five applications for long distance service have been received by the FCC, and four have been denied. The fifth, an application approved by the Louisiana Public Service Commission by a vote of 4-1, is now pending at the FCC. Frankly, I am not encouraged that it will be granted when the FCC makes its decision on October 13 of this year.

The Telecommunications Act of 1996 was intended to open up competition in both the local and long-distance markets; but, the FCC appears determined to preserve the long-distance service monopoly that traditional interexchange companies have enjoyed since the conception of the telephone. Today, only business subscribers are realizing more choices from competitors to incumbent LECs.

This legislation will attempt to codify what the intent of the conferees was during their deliberations on the 1996 Act. That is, the states should have explicit authority over determining intrastate interLATA service in their respective states. In addition, the legislation we are introducing today would modify other provisions of the law as noted in the attached talking points.

I look forward to working with all of our colleagues early in the 10th Congress to loudly send a message to the FCC, the Department of Justice, and the administration that the "status quo" is no longer acceptable. Only true, open competition in all markets will be acceptable now, not later.

HIGHLIGHTS OF INTERLATA COMMUNICATIONS  
IMPROVEMENTS ACT OF 1998

State Jurisdiction Over Intrastate InterLATA Services. The legislation authorizes the state public service commission to grant BOC applications to provide intrastate InterLATA telecommunications services upon satisfaction of Track A/B, the competitive checklist and public interest requirements. If the State fails to act on an intrastate InterLATA application within the 90-

day decision period, the application is deemed granted.

Resale Authority. On February 8, 1999, BOCs would be authorized to resell the InterLATA services of unaffiliated companies.

Amendments to Track A/Track B. The Track A/Track B requirement would be eliminated effective February 8, 1999. In addition, the legislation removes the requirement that a Track A company provide telephone exchange service exclusively or predominantly over its own facilities. It also provides that Track B is satisfied if the BOC's statement of generally available terms and conditions ("SGAT") has been approved by the state public service commission or if the state public service commission has permitted such SGAT to take effect.

FCC Consultation with State PSC. The legislation directs the FCC to affirm the evaluation of the state public service commission concerning BOC compliance with Track A/Track B and the competitive checklist unless the FCC determines by clear and convincing evidence that the state evaluation is clearly erroneous.

Public Interest Determination. Effective February 8, 1999, the public interest requirement of Section 271 is deemed to be satisfied upon a finding that the BOC has satisfied the competitive checklist.

Incidental InterLATA Services. The legislation would expand the definition of "incidental InterLATA services" to include data communications and international telecommunications and information services.

Section 271 Approvals and Denials. Decisions approving or denying Section 271 applications must include a written determination of whether the BOC has complied with the statutory standard for InterLATA relief.

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#### THE MEDICARE MEDICAL NUTRITION THERAPY ACT

**HON. JOHN E. ENSIGN**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its Members. In fact, fewer than 1 percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, the Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer, and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide senior coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association, and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Diabetic Association and the Nevada Diabetic Association for their fine work in helping me educate Members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

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#### TRIBUTE TO NATIONAL PARK SUPERINTENDENT EDWARD WOOD

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. UNDERWOOD. Mr. Speaker, today I would like to extend sincere thanks to the outgoing Superintendent of the War in the Pacific National Park on Guam, Edward W. Wood, Jr., for his dedicated service. A 25-year veteran of the National Park Service, Mr. Wood has served with distinction, especially during his tenure as Superintendent of the War in the Pacific National Park and the American Memorial Park for the past seven years of his career.

As many of my colleagues know, the War in the Pacific National Park commemorates the bravery and sacrifice of those veterans who participated in the campaigns of the Pacific theater during World War II and preserves the natural, scenic, and historic values of our beautiful island. This park commemorates something especially close to all our hearts, the sacrifice of the American soldiers to liberate our islands and the loyalty that the people of Guam demonstrated during this critical time in our island's history. In this sense, Mr.

Wood's commitment to ensuring that the park met its mission is deeply appreciated by all of us.

As my colleagues may remember, one of the initial pieces of legislation I introduced when I first arrived to this institution, in the 103d Congress, was a bill to enhance the War in the Pacific National Park by appropriating funds and authorizing approval for an overlook at Asan Bay and a Memorial Wall of Names, to honor all those who suffered during the time of enemy occupation. This effort would not have turned successful without the support and collaboration of Mr. Wood.

It is fitting, that we on Guam pay tribute to his service and accomplishments during his time as Superintendent of the only national park on our island. He has contributed significantly to the development of both the War in the Pacific National Historic Park and the American Memorial Park on the island of Saipan. Most recently, in 1997, he shared the National Park Foundation's National Partnership Leadership Award with the Government of the Commonwealth of the Northern Mariana Islands for their combined efforts to develop American Memorial Park, which specifically honors the Americans and Marines who gave their lives during the Marianas campaign of World War II, arguably the most significant battle of the Pacific operation.

In addition, Mr. Wood has also been recognized and has received several Special Achievement Awards for his work in diversity recruitment, operational excellence, community involvement, and assistance to other government agencies.

Mr. Wood, Si Yu'os Ma'ase for your dedication to the people of Guam and to the War in the Pacific National Park. Good luck in your future endeavors. Your service brings honor to the National Park Service.

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#### HONORING FATHER MATEO SHEEDY

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Ms. LOFGREN. Mr. Speaker, I rise to honor a true humanitarian and an outstanding member of my hometown community of San Jose, California.

Father Mateo Sheedy has selflessly served our community, providing assistance to those most in need of a helping hand. Particularly, Father Sheedy has championed the cause of recent immigrants. He has worked tirelessly to ensure that farm workers—those who feed America—are treated with dignity and respect. In concert with churches and the United Farm Workers he has succeeded in ensuring that farm laborers' working conditions are safe, and that their wages fair. His work with ESL classes and citizenship courses have helped countless immigrants attain United States citizenship.

Father Sheedy has been embraced by the local Mexican-American community and has been instrumental in solving some of the problems plaguing our neighborhoods. His inclusive style has brought together rival gangs—allowing families to live in safe, nurturing neighborhoods. His innovative gun return program has been very successful.

At Sacred Heart Church where he serves as pastor, Father Sheedy has committed himself to improving the quality of life for every member of our community. He has worked with our youth—encouraging them to stay out of gangs and in school. Along with local universities, Father Sheedy has created a tutorial center and has spearheaded efforts to gain college scholarships for kids.

Father Sheedy has also been a beacon of hope and faith—attending to the very sick and providing solace to their families. Now Father Sheedy is himself very ill, and our thoughts and prayers are with him.

On October 22, 1998, Father Mateo Sheedy will be honored with the Heart of Jesus Award, recognizing his vast sacrifices for our community. I ask my colleagues to join me in congratulating Father Sheedy for receiving such a special award. He is to be commended for his noble efforts.

#### PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BECERRA. Mr. Speaker, on October 5, 1998, I was on official business during rollcall votes Nos. 480, 481, and 482. Had I been present for the votes, I would have voted "no" on No. 480, "yes" on 481, and "yes" on 482.

#### GRANTING CONSENT OF CONGRESS TO POTOMAC HIGHLANDS AIRPORT AUTHORITY COMPACT ACT

SPEECH OF

### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. BARTLETT of Maryland. Mr. Speaker, S. J. Res. 51 would provide Congress' consent to a compact between the States of West Virginia and Maryland establishing the Potomac Highlands Airport Authority. This legislation has been passed by the Senate and has the support of the Senators from both States and the Members of Congress from the districts concerned.

This bill is of great importance to my constituents as well as to me personally. As you may know, in 1944 the city of Cumberland, located in Allegany County, Maryland, purchased land 3 miles south of the city in Wiley Ford, West Virginia for the construction of an airport. In 1976 the States of Maryland and West Virginia entered into a compact establishing the Potomac Highlands Airport Authority.

The need for the compact stems from the unusual nature of the airport. It is located in one State, but owned by a municipality in another. Accordingly there has been a certain degree of uncertainty about the ability of the airport authority to guarantee to pay for loans they may receive. This was discovered as the Authority was in the process of undertaking a 20-year \$10 million expansion program and had applied for a loan from the Department of Agriculture. In its denial of the loan, the Department replied that it could not provide the

loan unless Congress were to provide its consent to the bi-state compact between West Virginia and Maryland.

The loan from the USDA represented an important part of this expansion program. While congressional approval of the compact will obviously facilitate the improvement of the airport specifically, it will also have a positive impact on the economic development of region as a whole.

As you may know, the Greater Cumberland Regional Airport, is located in rural Appalachia. According to the Department of Labor's Bureau of Labor Statistics, Allegany County, Maryland has an unemployment rate of 8.5 percent, almost 90 percent higher than the national average. This number does not even consider the great number of people who have become so discouraged that they have stopped seeking employment. The simple reason for this high unemployment rate is that the area has suffered from the closing of a number of employers and has been unable to attract employers sufficient to replace the lost jobs.

The critical task in the coming years will be for local and State leaders to attract new employers to the area. In working with businesses that are considering moving to area, one of the critical deciding factors for their relocation is access to first rate infrastructure. Businesses considering moving to the region will need to know commercial aviation users. The Potomac Highland Airport Authority has a 20-year plan that will allow it to expand to accommodate the increased utilization of the facility. The House's approval of this bill is an important step in providing the Potomac Highlands Airport Authority with the tools necessary to be an active participant in the region's expansion.

#### PERSONAL EXPLANATION

### HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Ms. PRYCE of Ohio. Mr. Speaker, during the week of October 5, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Monday, October 5, 1998

H.R. 4614—New Hampshire Land Conveyance Act: Motion to Suspend the Rules and Pass the bill (Roll Call No. 480): Aye.

H.R. 1154—The Indian Federal Recognition Administrative Procedure Act of 1997: Motion to Suspend the Rules and Pass the bill (Roll Call No. 481): Nay.

H.R. 4655—Establishing a Program to support a Transition to Democracy in Iraq: Motion to Suspend the Rules and Pass the bill (Roll Call No. 482): Aye.

Tuesday, October 6, 1998

H.R. 4194—VA—HUD Appropriations Act for FY 1999: On Agreeing to the Conference Report (Roll Call No. 483): Aye.

H. Res. 575—Waiving a requirement of clause 4(b) of rule XI with respect to consider-

ation of certain resolutions reported from the Committee on Rules: On Agreeing to the Resolution (Roll Call No. 484): Aye.

H.R. 4259—The Haskell Indian Nations University and Southwestern Indian Polytechnic Systems Act of 1998: On Agreeing to the Cummings of Maryland Substitute Amendment (Roll Call No. 485): Nay.

Wednesday, October 7, 1998

H.R. 3694—Intelligence Authorization Act for FY 1999: Motion to Recommit (Roll Call No. 486): Nay; On Agreeing to the Conference Report (Roll Call No. 487): Aye.

H. Res. 573—Providing for the consideration of H.R. 4570, the Omnibus National Parks and Public Lands Act: On Passage (Roll Call No. 488): Aye.

H.R. 4570—Omnibus Parks and Public Lands Act: On Passage (Roll Call No. 489): Nay.

H. Res. 579—Waiving all points of order against the Conference Report on H.R. 4104, the Treasury, Postal Services, and Independent Agencies Appropriations for FY 1999: On Agreeing to the Resolution (Roll Call No. 490): Aye.

H.R. 4616—Designating the Corporal Harold Gomez Post Office: On the Motion to Suspend the Rules and Pass the bill (Roll Call No. 491): Aye.

H.R. 2348—Designating the Mervyn Dymally Post Office Building: On the Motion to Suspend the Rules and Pass the bill (Roll Call No. 492): Aye; On the Motion to Recommit with Instructions (Roll Call No. 493): Nay.

H.R. 4104—The Treasury, Postal Services, and Independent Agencies Appropriations for FY 1999: On Agreeing to the Conference Report (Roll Call No. 494): Aye.

Thursday, October 8, 1998

House Journal of October 8, 1998: On Approving the House Journal (Roll Call No. 495): Aye.

Quorum: On the Call of the House (Roll Call No. 496): Present.

H. Res. 581—Authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States: On the Motion to Recommit with Instructions (Roll Call No. 497): Nay; On Agreeing to the Resolution (Roll Call No. 498): Aye.

Adjourn: Motion to Adjourn (Roll Call No. 499): Nay.

H.Res. 584—Further providing for the consideration of H.R. 4274: On Ordering the Previous Question (Roll Call No. 500) Aye; To Table the Motion to Reconsider (Roll Call No. 501) Aye; On Agreeing to the Resolution (Roll Call No. 502) Aye; To Table the Motion to Reconsider (Roll Call No. 503) Aye.

H.R. 4274—The Labor, Health and Human Services Appropriations for FY 1999: On Agreeing to the Istook Substitute Amendment to the Greenwood Amendment (Roll Call No. 504): Nay.

H.R. 3150—Bankruptcy Reform Act: On the Motion to Recommit the Conference Report with Instructions (Roll Call No. 505): Nay; On Agreeing to the Conference Report (Roll Call No. 506) Aye.

H.Res. 565—Expressing the Sense of the House of Representatives Regarding the Importance of Mammograms and biopsies in the Fight Against Breast Cancer: On the Motion to

Suspend the Rules and Agree (Roll Call No. 507): Aye.

H.Con.Res. 331—Expressing the Sense of Congress Concerning the Inadequacy of Sewage Infrastructure Facilities in Tijuana, Mexico: On the Motion to Suspend the Rules and Agree (Roll Call No. 508): Aye.

H.Res. 557—Expressing Support for the U.S. Government Efforts to Identify Holocaust-Era Assets: On the Motion to Suspend the Rules and Agree (Roll Call No. 509): Aye.

H.R. 3874—Child Nutrition and WIC Reauthorization Amendments of 1998: On the Motion to Suspend the Rules and Agree to the Conference Report (Roll Call No. 510): Aye.

H.J.Res. 133—Further Continuing Appropriations for Fiscal year 1999: On Passage (Roll Call No. 511): Aye.

Saturday, October 10, 1998

Question of Privilege—noticed by Mr. Vislosky on Oct. 8, 1998: On motion to table the appeal of the ruling of the Chair (Roll Call No. 512) Aye.

H.Res. 589—Waiving Clause 4(b) of rule XI for special rules and suspensions On ordering the Previous Question—(Roll Call No. 513) Aye.

H.Res. 588—Rule governing consideration of H.R. 4761 On agreeing to the resolution—(Roll Call No. 514) Aye.

H.Res. 592—Providing for concurrence by House with amendment in the Senate amendment to H.R. 4110. On suspending the rules and agreeing to the resolution—(Roll Call No. 515) Aye.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

**HON. MICHAEL BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. BILIRAKIS. Mr. Speaker, today the House of Representatives approved H. Res. 565, a resolution emphasizing the importance of mammograms and biopsies in the fight against breast cancer. Since October is "National Breast Cancer Awareness Month," it is particularly appropriate that the House passed this resolution before adjournment.

Last month, I was proud to work with Chairman BLILEY to secure approval by the House of Representatives of H.R. 4382, legislation to reauthorize the Mammography Quality Standards Act. This important law was enacted in 1992 to improve the quality of breast cancer screening exams by establishing national standards for mammography facilities. Without question, it has been an overwhelming success.

Screening mammography is currently the most effective technique for early detection of breast cancer. This procedure can identify small tumors and breast abnormalities up to two years before they can be detected by touch. More than 90 percent of these early stage cancers can be cured, according to the Food and Drug Administration.

The use of screening mammography provides a ray of hope in the fight against breast cancer. Early detection of breast cancer

through accurate and reliable mammograms can spare women from undergoing radical surgery—and often save their lives. Enactment of H.R. 4382 will help reduce the threat of breast cancer by providing women the tools they need to detect this terrible disease in its early stages.

As chairman of the Health and Environment Subcommittee, however, I believe the federal government can and should do more to support cancer research. Specifically, I support an increased financial commitment to fund the biomedical research necessary to find a cure for breast cancer.

To that end, I have endorsed a proposal to double Federal funding for the National Institutes of Health over the next five years. I have also authored legislation to allow taxpayers to designate a portion of any income tax refund to support NIH research efforts.

For the hundreds of thousands of patients, families, caregivers and friends whose lives have been touched by breast cancer, we must renew and strengthen our commitment to ending this terrible disease. H. Res. 565 places appropriate emphasis on the importance of mammograms and biopsies in the fight against breast cancer, and I urge Members to support this resolution.

EXPRESSING CONCERNS REGARDING INDONESIA'S PRISONERS OF CONSCIENCE IN WEST PAPUA NEW GUINEA (IRIAN JAYA)

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. FALEOMAVAEGA. Mr. Speaker, I have come before our colleagues and the Nation several times regarding Indonesia's brutal suppression of the Melanesian people of West Papua New Guinea, or Irian Jaya province, as the Indonesian Government has renamed West Papua.

Last month, I welcomed the announcement of a significant development in the Indonesian Government's position on West Papua. According to press reports from Jakarta, Indonesia's President B.J. Habibie agreed to call for a national dialog on West Papua as soon as possible.

The proposed dialogue, supported by Indonesian Parliamentary leader Abdul Gafur and the Indonesian Council of Protestant Churches, was to address a three-part agenda covering: (1) human rights, (2) autonomy matters, and (3) issues of independence.

Although President Habibie's pronouncement was very welcome news, I am disturbed by recent developments in West Papua that have called into question his sincerity in pushing for true reform.

Within the past week, the Indonesian authorities have shown a shocking disregard for political openness in West Papua by arbitrarily incarcerating several leaders and local officials in West Papua.

On October 1, Amnesty International issued an action alert regarding the arrest of Don Falsy, a respected civil servant with the Regional Development Planning Body in Jayapura.

According to Amnesty International, it is "concerned for the safety of Don Falsy who

has been in detention since 29 September 1998 and who has been denied access to his lawyers, raising fears that he is at risk of ill-treatment."

Amnesty International states that "Don Falsy was arrested without a warrant at his home in Jayapura, the capital of the province of Irian Jaya, by local police and taken . . . he continues to be detained."

Noting that Don Falsy's arrest is in connection with his alleged role in planning a meeting in Jayapura to discuss the independence of West Papua, Amnesty International states that "Don Falsy is a possible prisoner of conscience who appears to have been detained for the peaceful exercise of his beliefs."

Mr. Speaker, the arrest of Don Falsy for his political beliefs is not an isolated case. Also taken into custody last week for the association with Don Falsy were church leader, Reverend Augustinus Ansanai, and two local officials, Baas Yufuwai and Marinus Mehuwe. And just yesterday, another prominent Papuan leader, Theys H. Eluay, was arrested by the Indonesian police on questionable charges of subversion.

Mr. Speaker, I urge our colleagues to join Amnesty International in calling upon the Indonesian Government to allow Don Falsy and other jailed Papuan leaders immediate, regular and on-going access to their lawyers. Furthermore, we request that the Indonesian authorities ensure that these prisoners of conscience are protected from ill-treatment, and that they be promptly released from custody if they are being held solely for the peaceful expression of their belief in support of West Papuan independence.

Mr. Speaker, while the Government of Indonesia has committed itself to the Universal Declaration of Human Rights—including Article 19 which holds that "Everyone has the right to freedom of opinion and expression . . ."—the recent arrests in West Papua are a flagrant violation of this solemn commitment for which Jakarta should be condemned and held accountable.

COMBAT TROOPS PULL OUT OF IRIAN JAYA

JAKARTA, Indonesia (October 4, 1998—British Broadcasting Corporation)—The Indonesian armed forces are reported to have ended their special operations in the province of Irian Jaya. The move comes amid mounting evidence of past army atrocities. Irian Jaya is the third region in the Indonesian archipelago where the military has scaled down its activities following President Suharto's resignation.

Pro-independence rebels have engaged in a low-level conflict with the military in Irian Jaya since the mid 1960s. The decision by the armed forces to end the special status of Irian Jaya follows a cease fire agreement with one of the rebel groups. Antara, the state-run news agency, quoted a regional commander as saying combat troops would withdraw but other soldiers would remain to guarantee security.

Major-General Amir Sembiring said a cease fire had been agreed to between the military and the separatist Free Papua Movement (OPM) rebels. "The military operation status has been revoked and our activities will be shifted to safeguard vulnerable areas," he added. But he also said he had ordered the immediate arrest of protesters who had raised separatist flags in the northern town of Manokwari on Friday.

ALLEGATIONS OF TORTURE AND KILLINGS

The military's withdrawal follows a new policy of reducing activity in troubled areas

in order to avoid the human rights violations which harmed Indonesia's international image under Mr. Suharto. Combat operations against the pro-independence movement in East Timor stopped in June. That coincided with an offer of autonomy from President B.J. Habibie which has given new hope for an end to the conflict there.

In August, the armed forces also pulled troops out of the province of Aceh after revelations of widespread abuses against the local population. Human rights groups hope the move in Irian Jaya will end similar abuses there. Many allegations of torture and extra-judicial killings have been made against the soldiers who went into a remote area of the province in 1996 after separatist rebels took a number of Indonesians and Europeans hostage.

#### SOME IRIANS CALLING FOR INDEPENDENCE

Irian Jaya, home to one of the world's biggest gold and copper mines, the Freeport, is a former Dutch East Indies territory of 1.5 million people. It forms the western half of the huge island of new Guinea, with independent Papua New Guinea occupying the eastern half.

Our correspondent Jonathan Head says just as the Indonesian authorities are adopting a softer approach towards dissent, they are facing more open hostility in Irian Jaya. The political changes in Jakarta have prompted many Irians to campaign for an independent state despite warnings from the military that this is unacceptable.

Those soldiers who remain in the province have the difficult task of trying to contain the growing opposition to Indonesian rule without resorting to the heavy-handed tactics of the past.

#### SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. PELOSI. Mr. Speaker, I rise today to recognize October as Breast Cancer Awareness Month. The statistics on breast cancer present an alarming picture. In 1998, in the state of California alone, there were 17,600 new cases of breast cancer among women and 4,300 deaths from breast cancer. Nationwide, approximately 180,000 new cases of breast cancer will be diagnosed this year and more than 43,000 women will die from the disease. One out of nine women in the U.S. will develop breast cancer in her lifetime. This risk has increased from one out of 14 in 1960.

While the statistics are staggering, we can be encouraged by the progress in the areas of research, technology and early detection which have increased survival rates to about two million breast cancer survivors in America today. With over 43,000 women dying from breast cancer each year, early diagnosis and patient education are critical in the battle against this deadly disease.

Mammogram testing can reveal breast cancer at its earliest stage—up to two years before it is obvious in a breast exam. Recently, both the House and Senate passed a measure to reauthorize the Mammography Quality Standards Act to ensure that national quality control standards are met for mammography.

Women can rest assured that under the Mammography Quality Standards Act, national quality control standards are enforced by regular inspection and that every facility performing mammographies will be held to the standards for safety, well trained technicians and accurate readings.

More than one million breast biopsies are performed each year in the U.S. and approximately 80% of these biopsies are proven benign. A recent non-surgical biopsy procedure called the mamotome allows women to choose a less invasive alternative to surgical biopsies with minimal scarring and no general anesthesia. This ground breaking procedure will provide women with an alternative to surgery and should ultimately result in better care and treatment for women.

While early detection is saving lives, we must not become complacent about local cancer rates and the potential link between environmental factors and breast cancer and other cancers. In a recent review, the Center for Disease Control (CDC) has concluded that the incidence of invasive breast cancer in San Francisco has been determined to be comparable to other areas in the nation. However, I believe it is essential that the CDC continue to monitor local cancer rates and further national research on the link between cancer and the environment, particularly in light of questions about an increased incidence of breast cancer in the Bayview Hunters Point area.

As a Member of the House Appropriations Committee on Labor-Health and Human Services-Education, I have requested that the National Academy of Sciences study the status of scientific knowledge of the environmental causes of breast cancer and identify research needs and establish research priorities in this area.

In addition, I am joined by several of my colleagues, to request that the General Accounting Office conduct a comprehensive review of federal environmental health research activities.

Mr. Speaker, during Breast Cancer Awareness Month, let us renew our commitment to fighting breast cancer by increasing funding levels for research and for breast and cervical screening programs. We must also continue to educate and inform women about regular self-examination, physician examination, and to ensure access to low-cost, effective mammograms.

If we continue our national commitment to research and prevention efforts in the fight against breast cancer, the discovery of causes and cures for a disease that has no apparent cause or cure may soon become a long awaited reality.

#### HONORING THE CENTENNIAL CELEBRATION OF THE EAST ROCHESTER VOLUNTEER FIRE DEPARTMENT IN EAST ROCHESTER, NEW YORK

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the East Rochester Volunteer Fire Department in East Rochester,

New York. The fire department celebrated its 100th year of service on May 23, 1998.

The East Rochester Volunteer Fire Department was organized in 1898, after a serious barn fire in the village of Despatch brought attention to the need for a fire brigade. A meeting was held at Despatch Hall and the Despatch Fire District was formed, consisting mostly of local businessmen.

Shortly after a second fire, the village of Despatch voted to allocate funds to cover the purchase of land, equipment, and the construction of a public hall, that was later turned over to the fire department. Later the village of Despatch was renamed the village of East Rochester.

With a proud history of voluntarism, the Fire Department has thrived and grown over the years. Using donations and moneys received from the village, the fire department has been able to update its equipment, and utilize new methods in fire prevention and control. However, the cornerstone of the department's success has been the dependability and generosity of its volunteers.

I take great pride in knowing that a volunteer fire department of East Rochester's high caliber protects families and businesses in my district. I send my sincere and heartfelt thanks to the East Rochester Volunteer Fire Department for all its contributions throughout the past century.

Today, I ask that my colleagues pause with me to honor the legacy of one of America's greatest volunteer organizations: the East Rochester Volunteer Fire Department of East Rochester, New York.

#### A TRIBUTE TO ARTHUR AND ISABEL WATRES

**HON. JOSEPH M. McDADE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to the many contributions of Arthur Watres and his mother, Mrs. Reyburn (Isabel) Watres, to Lacawac in Wayne County, Pennsylvania.

Thanks to the Watreses, Lacawac has a brilliant future, but Lacawac also has a rich history. The property which makes up Lacawac was a grant of land from the British crown to the family of William Penn which was acquired by James Wilson, a signer of the Declaration of Independence. In 1849, a large portion of this land was acquired by Burton G. Morss, who built a sawmill and tannery on the Wallenpaupack River at Ledgeedale—then a sizable frontier town.

The tannery burned in 1895, and Morss closed his business. At the turn of the century, William Connell bought the property in order to build a summer estate. Connell began his career driving a coal wagon. He worked hard, saved and bought the company following the Civil War. He later served in the U.S. House of Representatives and unsuccessfully sought the Republican nomination for Governor of Pennsylvania in 1902.

When William Connell died in 1909, none of his eleven children wanted to maintain the estate. They all lived in Scranton, and Lacawac was a long train ride to a rough and dusty coach ride away.

Lacawac was then touched by another remarkable man, Colonel Louis A. Watres, a major figure in Scranton for 50 years, who went to work after completing the fourth grade. He continued to educate himself throughout his life. He clerked for Judge John Handley, read for the bar and established himself in practice. He also pursued a successful political career as County Solicitor, State Senator, Lieutenant Governor of Pennsylvania, and two-time Republican nominee for Governor. He quickly rose through the ranks of the Pennsylvania National Guard to become colonel of the 11th Regiment during the Spanish American War. Colonel Watres organized the Spring Brook Water Company which became part of the Pennsylvania Gas and Water Company. It was a Wallenpaupack dam project that made it necessary to acquire the Connell property.

Colonel Watres' two grandchildren visited Lacawac for an occasional picnic or weekend over the years. The awesome natural beauty of Lacawac appealed to Arthur Watres, and he moved there with his recently-widowed mother, Mrs. Reyburn Watres, in 1948.

The entrance road was almost impassable. The dock had collapsed into the lake. The roof of every building leaked. The screening was gone. The staining of the shingles and painting of trim had been neglected for two decades. Porches and sills were riddled with termites and timber ants.

The Watreses joined the Nature Conservancy. At the suggestion of Dr. Richard Pough, that organization's first president, they arranged for scientists from the Philadelphia Academy of Natural Sciences to visit Lacawac. At that time, Lacawac was found to be the southernmost unpolluted glacial lake in the United States and an ideal baseline lake for research.

The Watreses formed the Lacawac Sanctuary Foundation in 1966, and turned over the lake, most of the infrastructure and much of the land to the Foundation. After many difficult years, the board was reorganized in 1990 and the relationship with the Lehigh University Earth and Environmental Sciences Department was formalized.

Lacawac lies within 100 miles of 140 institutions of higher learning, and the Lacawac Sanctuary Foundation is committed to drawing to this beautiful, natural laboratory a strong and significant scientific community to work for the benefit of mankind.

Mr. Speaker, we are all richer for the natural beauty around us. Thanks to the foresight of the Watreses, the magnificence of Lacawac continues both to inspire the love of our region's natural beauty and to encourage responsible scientific and personal stewardship of the land.

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HONORING NANCY J. SCHILLING

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Nancy J. Schilling, a dedicated civil servant in Evansville, Illinois, in my Congressional district.

Nancy serves as the city clerk for the village of Evansville and as the Randolph County

Civil Defense Director. While her husband, Danny and two children, Roxie and Ryan have always known what a great wife and mother they have, Evansville has been equally blessed in benefiting from Nancy's dedication to her community.

During the flood of 1993, the citizens of Evansville realized just how fortunate they were to have Nancy Schilling as the city clerk. At a time when Evansville was under great strain facing the damage from the flood, she became the organizing force in rebuilding the community. Nancy coordinated efforts with the National Guard, Army Guard, and Coast Guard to assist in a rapid response flood relief plan. She was also instrumental in securing state and federal grant money to provide critical additional support for southern Illinois.

What is most notable about Nancy Schilling is her willingness to meet any challenge presented to her with a friendly smile and determined spirit. Evansville recently recognized her as their Citizen of the Year. I commend Nancy for this well-deserved tribute, honoring her integrity, compassion, and outstanding commitment to Evansville.

Mr. Speaker, I ask my colleagues to join me in recognizing Nancy Schilling for the fine example she has set for us all.

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IN HONOR OF JULIE MOSES

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. KUCINICH. Mr. Speaker, I rise today to extend my thanks to Julie Moses, an American Association for the Advancement of Science legislative fellow who has worked diligently in my office for the past year. I am grateful for her outstanding efforts on my behalf.

Her invaluable contribution in staffing hearings, writing letters, undertaking legislative research and her particular expertise in space and technology related issues proved that my confidence in her was well placed. I echo the sentiments of my entire staff in expressing that she proved more than capable in the face of this challenging work. The professionalism, determination, and drive that she demonstrated in her time with us is much appreciated.

I hope that she learned as much in working with us as we learned from the experience of working with her. I wish to thank her again for being an important part of our collective success. I wish her luck in all her future endeavors.

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LITTLE ROCK NINE MEDALS AND COINS ACT

SPEECH OF

**HON. HAROLD E. FORD, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. FORD. Mr. Speaker, I rise today in support of H.R. 2560, a bill to award the Congressional Medal of Honor to Jean Brown Trickley, Carlotta Walls Lanier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmarm, Thel-

ma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas—better known to the nation as the Little Rock Nine.

When I read, hear, and think about the personal sacrifices that these young men and women were forced to make in the struggle to give real meaning to our nation's founding principles of freedom, opportunity, liberty, equality, and justice for all, I am humbled and forever thankful.

With a display of honor, dignity, and integrity well beyond their years, each one of these pioneers for progress endured and overcame unthinkable emotional, verbal, and physical abuse as they fought to breakdown an entire nation's legacy of prejudice and racial hatred at the schoolhouse door.

Mr. Speaker, as we seek to begin paying America's debt of gratitude to these heroes and heroines—known as the Little Rock Nine—by awarding them the Congressional Medal of Honor, let us not forget that we stand on the brink of a new millennium with the chance to learn from the lessons and legacies of our past and contemplate the challenges and choices that lie ahead.

As we recognize the contributions of the Little Rock Nine and consider how their lives have made the future brighter for today's young people, I am reminded of the words of Dr. Martin Luther King, that: "we are all caught in an inescapable network of mutuality, tied in a single garment of destiny. What affects one directly affects all indirectly." Mr. Speaker, bearing in mind this undeniable principle, I believe if America is to fulfill the legacy of the Little Rock Nine and move from what has been in the 20th century to what can be in the new millennium, then—as a nation—we must strive to acknowledge, embrace, and realize our diversity to its fullest.

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OMNIBUS NATIONAL PARKS AND PUBLIC LANDS ACT OF 1998

SPEECH OF

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4570) to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 4570, the Omnibus National Parks and Public Lands Act of 1998. This compilation of many separate bills contains provisions which waive current environmental protections, provide subsidies and benefits to exclusive special interests, and undermine protections for national parks and public lands.

Due to the many destructive environmental provisions contained in this measure, opposition remains truly bipartisan in nature, with groups ranging from the League of Conservation Voters, to Taxpayers for Common Sense expressing their disapproval.

While many provisions contained in this measure enjoy broad support from the administration and Members alike, this omnibus

measure includes many "poison pill" sections which were assured to fail individually. The administration continues to oppose provisions, contained in H.R. 4570, which would endanger our Nation's natural resources. The President has indicated that he will veto the measure in its current form.

I am concerned that the majority has chosen not to provide, sufficient opportunity to remedy and find consensus among Members regarding the deficiencies contained in this bill. In fact, there are seventeen provisions within this measure which have never been heard or taken up before the Committee on Resources. An additional forty-eight have yet to be reported out of committee. However, the bill's sponsors have chosen to combine these provisions without opportunity for and the benefit of debate or amendment. Such heavy handed and partisan tactics espouse the worst qualities of legislating in a politically motivated environment.

I take particular exception to several sections included in this bill. For example, I object to efforts which hinder Presidential authority, as granted under the Antiquities Act, to protect our most significant and valuable natural resources on Federal lands. Also, I am opposed to efforts to accelerate timber harvesting on Federal lands in the name of "forestry management."

In addition to circumventing the environmental review process under the National Environmental Policy Act (NEPA), this section does not allow for careful and prudent planning for timber harvesting. Further, it creates additional timber subsidies through a new credit program established for loggers. Such "poison pill" sections in this omnibus measure need to be addressed on a singular basis without hindering the passage of other non-controversial provisions.

Mr. Chairman, while I support many of the provisions contained in this omnibus act, I cannot support them with the many more environmentally adverse sections contained in this bill. Until such adverse provisions are removed from this bill, I will urge my colleagues to vote against H.R. 4570, while continuing to work toward enactment of a bill that is responsive to the needs of our national parks and public lands.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1999

SPEECH OF

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes:

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the Labor-HHS-Education Appropriations Act for fiscal year 1999. This

legislation essentially denies the weakest and most vulnerable of our nation's citizens important programs which provide positive opportunities to succeed in life. It shortchanges the youth of our nation by virtually eliminating the Administration's education agenda, subjects millions of America's most vulnerable families to hardships with the elimination of LIHEAP, dismantles common sense programs that help young people prepare for the world of work; and severely undercuts funding for programs which tackle labor issues such as adequate wages, organizing rights, worker health and safety enforcement.

As a former educator, I am a strong supporter of programs that invest in our nation's children. Education is the most important investment we can make to ensure the welfare of our nation's future. Our public schools face enormous challenges in the next several years, including record high numbers of students, increasing proportions of students with disabilities, billions of dollars in unmet infrastructure needs and the challenge of making education technology available to all students. To often I must report that as public schools struggle critics make their task more difficult rather than offer the resources. This irresponsible appropriation clearly ignores the fact that education has consistently been rated as a top priority of our constituents—it is almost impossible to list all of the negative provisions included, but let me highlight, some of the "low-lights". The Republican bill eliminates Title I reading and math assistance for 520,000 disadvantaged students; eliminates Perkins college loans and Byrd Scholarships for 120,000 students, cuts \$300 million from Goals 2000 and Eisenhower teacher training programs and turns them into block grants; and cuts funding for drug and violence prevention coordinators at 6,500 middle schools. It cuts funding for the School-to-Work program by \$250 million, eliminates funding for Star Schools, thereby shutting down innovative programs for using technology and telecommunications equipment in the classroom in low-income school districts. This Republican effort will withdraw funding for the Summer Youth Employment and Training program and will prevent over 530,000 young Americans from gaining work experience and learning the valuable work ethics.

Proponents of this bill gloss over and ignore these drastic cuts in education and will instead applaud the needed and provided increases for Pell Grants, TRIO, Impact Aid and Special education. However, the bill provides only a \$537 million, or 1.8% increase in program levels for the department of education—a figure which falls substantially below the 2.2% inflation rate projected for FY 99, so we are going backwards.

But that's not all. This bill doesn't just target the youth of our Nation to accept far less. H.R. 4247 is extreme in its disregard for the protection of our workforce. It provides inadequate funding for federal laws which protect their health and safety, and their right of workers to organize and bargain collectively. In addition, this bill ignores the growing need for highly skilled workers, cutting, nearly in half, the number of people who can participate in employment and training programs. This continued attack upon America's labor force and the extreme underfunding of principal programs which protect workers' wages, pensions, and equal opportunity rights is truly a slap in the face to the working families of America.

Finally, I am disappointed with this measure's elimination of funding for the Low-Income Housing Energy Assistance Program, or LIHEAP. LIHEAP provides heating and cooling assistance to 4.3 million low-income households by way of nurturing an effective funding partnership with all levels of government and the private sector. This is a crucial need in cold weather states such as Minnesota.

You don't have to be a meteorologist, scientist or environmentalist to notice the weather patterns in the past few years. Most Minnesotans are familiar with the extremes in weather-related conditions: dangerous winter temperatures down to 30 degrees below zero combined with even more frigid arctic windchills, producing advisory warnings against stepping outside with exposed skin for more than five minutes. We Minnesotans in turn sympathize with Texans this past summer, where at least 79 people died due to heat-related illnesses during the long, 100-plus degree heatwave. These extremes in temperatures translate into unpredictable energy bills for everyone, but have particularly dire consequences for individuals struggling on a limited income, and disparities of income have persisted and compound this program zero funding policy path.

It is estimated that the average American household spends 6.8 percent of its income on energy bills during the most expensive heating and cooling seasons. A low-income household spends an average of 17.4%, and sometimes up to 30%. That's at least two and a half times the average burden. We're talking about the poor elderly, children, low-income single parents—persons already hit with the struggles of welfare-to-work and cuts in Medicare coverage.

Yet in the wake of tornadoes, floods, hurricanes, and other natural disasters, the Republican leadership has seized upon this opportunity to create a battle between underserved populations. The Labor-HHS-Education bill justifies taking money out of LIHEAP to pay for an increase in our nation's medical research program. While I understand the importance of advancements in medical research, robbing Peter to pay Paul does not alleviate the long-term health, nutrition and safety problems caused by placing low-income individuals in between a rock and a hard place, forcing them to decide whether to heat or eat. Energy assistance is one of the simplest and most effective ways of preventing individuals from having to make that choice. Should we really expect the poorest of the poor, the working poor to be the qualitative cut that will help us fight the great ills that have faced mankind through the ages.

I urge my colleagues to express their commitment to a more preventive approach to meeting the needs of underserved populations. Vote no on the current Labor-HHS-Education appropriations package.

SONNY BONO COPYRIGHT TERM  
EXTENSION ACT

SPEECH OF

**HON. JOE SCARBOROUGH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 1998*

Mr. SCARBOROUGH. Mr. Speaker, I rise in support of Title I of S. 505, the Copyright

Term Extension Act, but rise in opposition to title II of the bill, relating to fairness in music licensing. Title II amounts to bad legislative decision-making for at least three reasons: (1) it is a shortsighted policy; (2) it is potentially an unconstitutional taking; and (3) it violates our multilateral treaty obligations which is likely to result in trade sanctions of property of songwriters.

First, by exempting most commercial establishments from paying copyright licensing fees for the public performance of music, the proposal will radically reduce the royalties that performing rights organizations (BMI, ASCAP and SESAC) will collect on behalf of songwriters. Admittedly, proponents of eroded protection—those that want a free ride off the backs of creators—are numerous and organized. But, this is no reason to enact legislation that will extinguish the flame of creativity and will chill the progress of science and the useful arts.

Second, the right to own private property free from arbitrary government interference is a basic tenet of American life. In fact, the right to own property is as ancient as humankind itself, with the enforcement of property rights being a part of legal systems worldwide. Under our constitutional scheme of government, property cannot be “taken” by government action without just compensation. Although debate swirls around the definition of the term “taking”, common sense dictates that the term refers to any acts that diminish or deprive any legally protected right to use, possess, exclude others, or dispose of one’s property, real or intellectual. Title II of the bill “takes” the property of songwriters and “gives” it to commercial establishments to use without compensation. In my opinion, it is taking without due process of law and just compensation and is therefore unconstitutional.

Third, the Secretary of Commerce has already advised Congress that fairness in music licensing reform legislation violates our international treaty obligations. His words have been seconded by a drumbeat of statements from the United States Trade Representative, the Register of Copyrights, and the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks that an overly broad exemption in section 110(5) of the Copyright Act would “violate our obligations under the Berne Convention for the Protection of Literary and Artistic Works.” I believe that Title II will result in a WTO finding that we have violated our multilateral treaty obligations.

For these reasons, I oppose Title II of the bill but because I support Title I, I will not ask for a recorded vote.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

SPEECH OF

**HON. RICK HILL**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. HILL. Mr. Speaker, I rise to support S. 391, the “Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998.”

S. 391, sponsored by Senator DORGAN of North Dakota and cosponsored by his colleague from North Dakota and his colleagues from Montana and South Dakota, was originally introduced as a companion bill to H.R. 976. My legislation was brought up in the House under suspension of the rules and passed on September 8, 1997.

After receiving the referral of H.R. 976 the Senate Committee on Indian Affairs held a hearing on the measure on October 21, 1997 and favorably reported an amendment in the nature of a substitute on November 4, 1997. In order to address concerns raised by the Administration, the Committee on Indian Affairs held a legislative hearing on S. 391 on July 8, 1998. Only July 29, 1998 the committee favorably reported S. 391 with an amendment in the nature of a substitute. The Senate passed S. 391 on October 9, 1998.

The major difference between H.R. 976 as passed by the House and S. 391 as passed by the Senate concerns the amount of the judgment fund to be distributed to the three Sisseton and Wahpeton tribes. Under H.R. 976, these tribes would receive the interest on the undistributed funds and the lineal descendants would receive the principal originally allocated to them in the 1972 act. Under S. 391, the tribes will receive about 28.3 percent of the undistributed funds and the lineal descendants will receive about 71.6 percent. This disposition of the fund was resulted from extensive consultations by the Senate Committee on Indian Affairs both with the tribes and with the Administration. The Administration, in turn, consulted with representatives of the lineal descendants.

While in my opinion the tribes should receive the funds provided in the House passed measure the allocation funds in S. 391 represents a reasonable approach to accommodating the concerns and interests of the Administration, the tribes and lineal descendants. The cap S. 391 places on the amount of funds to be distributed to unaffiliated lineal descendants is particularly important. The United States has an important government-to-government relationship with these tribes and a trust responsibility to them that supports providing to the tribes the greatest percentage possible of the judgment fund that is compensation for the taking of lands owned by the tribes. Providing the greatest percentage possible will improve the desperate economies of these tribes while diminishing the amount of the fund that will be distributed per capita to unaffiliated lineal descendants to whom the United States does not owe the same trust obligation.

Apart from changing the tribal allocation, much of the remainder of S. 391 is the same as or similar to provision contained in H.R. 976. There are, however, certain new provisions that make more acceptable the reduction in the distribution to the tribes. One is a provision that tightens the methods used by the Secretary to verify the Sisseton and Wahpeton Mississippi Sioux Tribe lineal ancestry of new applicants who seek to participate as lineal descendants. The methods used by the Secretary with respect to those already identified as lineal descendants resulted in only 65 of those 1,988 individuals tracing ancestry to a member of the Sisseton and Wahpeton Mississippi Sioux Tribe. Since the

judgment fund is compensation for lands taken from this aboriginal tribe it stands to reason and the 1972 act says as much explicitly, that eligibility to participate as a distributee must be based on lineal descentance from the aboriginal tribe. The only way to assure this is to have applicants identify a lineal ancestor who was a member of the tribe. S. 391 now more emphatically requires this. The Secretary, under S. 391, must use certain specified rolls to establish that an applicant has a lineal ancestor who was a member of the aboriginal tribe. However, it is not sufficient to simply identify an ancestor on one of the rolls referred to in S. 391. In addition it is necessary to ascertain that, that ancestor was a member of the aboriginal Sisseton and Wahpeton Mississippi Sioux Tribe. If the use of a particular roll does not permit the Secretary to determine that aboriginal tribe membership, then the Secretary must use other rolls, closer in time to the existence of the aboriginal tribe, to assure that an applicant has identified a “specific Sisseton and Wahpeton Mississippi Sioux Tribe lineal ancestor.”

Section 8 is another important provision in S. 391. Subsections (a) and (f) of this section guarantee that if the lineal descendants bring suit challenging the constitutionality of the allocation to the tribes, the tribes will have the right to intervene in that suit to challenge the constitutionality of the allocation that S. 391 makes to the lineal descendants. Most importantly, the tribes will have the right to have their constitutional claims heard and determined on the merits. This was an important provision requested by the tribes as part of the negotiations that resulted in the reduction of the tribal allocation from that allowed under H.R. 976. The tribes’ constitutional claims have never been determined on the merits despite the Federal court in Montana and United States Court of Appeals for the Ninth Circuit both stating that the tribes’ claims merited litigation. These courts nevertheless was compelled to dismiss the claims as barred by a statute of limitations. A subsequent constitutional challenge by the tribes was dismissed on res judicata grounds by the Federal court in the District of Columbia. Section 8 of S. 391 will now allow these claims to be determined on the merits. In the context of S. 391, which also allows the lineal descendants to challenge the distribution made to the tribes, it is basic fairness to level the playing field by allowing the tribes to challenge the distribution to lineal descendants without the impediment of the types of defenses that in the past prevented the tribes from securing a merits disposition of their constitutional claims.

Subsection (f)(1) of S. 391 would preclude the tribes, once they receive a distribution under this act, from litigating a claim to challenge the distribution to lineal descendants arising under the 1972 act. However, if such a challenge commenced prior to the receipt of a distribution, that challenge is not impeded from proceeding. Also subsection (f)(2), as mentioned, protect the right of the tribes to secure a disposition on the merits of any claim they bring in intervention under subsection (a).

This bill has bipartisan support.

I urge my colleagues to support this measure.