

# EXTENSIONS OF REMARKS

## DRUGS AND GUNS ACT OF 1999

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. GOODLING. Mr. Speaker, today I am introducing legislation intended to keep firearms out of the hands of those convicted of misdemeanor drug offenses. Current federal law prohibits a person convicted of a felony crime involving drugs and firearms from owning a firearm. However, those convicted of lesser drug offenses can legally own a gun. My legislation would impose strict penalties and fines for misdemeanors during crimes such as use or possession of an illegal substance when a firearm is present. Similar to legislation I have introduced in the past, my bill has had the endorsement of the Pennsylvania Chiefs of Police and the National Association of Chiefs of Police.

Quite simple, this bill would expand current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug trafficking. Those found guilty of simple possession of a controlled substance, and who possesses a firearm at the same time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. Mandatory jail time and fines would be required for second and subsequent offenses.

The guilty party would be prohibited from owning a firearm for 5 years. Exceptions could be granted depending upon the circumstances surrounding each individual's case. Current law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition provided it would not threaten public safety. This legislation will not affect a law-abiding citizen's right to own a firearm.

By imposing stiff penalties on people convicted of lesser drug offenses where a firearm is present, we will send a serious message that the cost of engaging in this activity far outweighs the benefit. If my bill becomes law, individuals owning firearms for legitimate purposes (hunting, target-shooting, collecting, or personal protection) and who also engage in the use of illicit drugs will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms.

Mr. Speaker, the 104th Congress passed legislation to provide increased enforcement on our borders to reduce drug trafficking, and the 105th Congress passed the "Drug-Free Communities Act," to establish a program to support and encourage local communities who demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. Both measures became law. I urge my colleagues to continue to focus its efforts on the drug war by passing this legislation in an effort to crack down on this criminal behavior. Drugs and guns are a lethal combination that must not be tolerated by a civilized nation.

CENTRAL NEW JERSEY RECOGNIZES THE 1999 ASIAN-AMERICAN HERITAGE CELEBRATION AND ASIAN-AMERICAN HERITAGE MONTH

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. HOLT. Mr. Speaker, I rise today in recognition of Asian-American Heritage Month and the many diverse accomplishments of Asian-Americans. I also recognize the Asian American Heritage Council of New Jersey, an organization dedicated to celebrating, integrating, and uniting Asian culture in America.

Asian-Americans have a long history of meaningful contributions to the United States.

On May 22, 1999, the Asian American Heritage Council of New Jersey will sponsor a statewide Asian-American Heritage Celebration in Edison, NJ. This organization, which incorporates various Asian-American groups in New Jersey, was founded by Dr. Stephen Ko in 1992. Each year a different ethnic group organizes a celebration in May; this year the activities are being planned by Chinese-Americans and will include dancing and shows by various organizations.

The Asian-American Heritage Celebration's keynote address will be delivered by my colleague from Oregon, the Honorable DAVID WU. Congressman WU is the first Chinese-American to be elected to the U.S. Congress.

The contributions of Asian-Americans to the society and culture of New Jersey and the United States are a vital part of the American fabric. I hope all my colleagues will join me in recognizing the Asian American Heritage Council of New Jersey.

TRIBUTE TO OUR LADY OF MERCY SCHOOL

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Our Lady of Mercy School in Montgomery County, MD, for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Our Lady of Mercy School has a tradition of academic excellence, intellectual curiosity, fundamental moral and religious values, and an atmosphere of care and respect. The school's mission sets goals which foster students' personal growth, empowers students as active learners, and encourages critical thinking and problem solving. Linkages with communities beyond Mercy help students develop an understanding of different cultures and an appreciation of global interdependence.

In 1998, Mercy received reaccreditation by the Commission on Elementary Schools of the

Middle States Association of Colleges and Schools for its unique project on inclusive education in regular schools. Mercy's Educational Excellence Program: A Model for Inclusive Education identifies inclusive education as one that serves the physically and mentally challenged, empowers the talented and gifted student, and uses a multicultural perspective across the curriculum.

Academic and non-academic services are revised as Mercy's student population grows and changes. The needs of Mercy's stakeholders have served as the catalysts for the Rainbow and anti-drug programs, prayer partners, inclusive life skills instruction, academic tutors, and family health seminars. The role of Mercy's community is to partner in the education of students, to create a forum for adult learning, and to raise responsible, socially concerned individuals.

The Mercy Parent Teacher Organization coordinates parent volunteers to assist the school in the total education of the children. During the 1997-98 school year, 96.5 percent of Mercy's families volunteered. Mercy provides parents with educational opportunities through in-house and outside seminars, guest speakers, health programs, print materials, and private consultants.

As a former teacher, I wish to congratulate Our Lady of Mercy School for creating the right atmosphere for learning. I am proud of their well-trained staff, their supportive parents, and their excellent students. I wish them continued success in creating the excellence in education needed for tomorrow's schools.

HONORING BOB STONE'S RETIREMENT

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Bob Stone, who is retiring after more than thirty years in the federal government representing the highest ideals of government service. For the past six years, Bob has been Vice President AL GORE's right hand man in leading the reinvention of the federal bureaucracy. Reinventing government is often referred to colloquially as "REGO" and Bob has been commonly called "Mr. REGO" for his dedication and commitment to creating a government that works better, costs less, and gets the results Americans desire.

I first met Bob during the 1980s when he was a deputy assistant secretary in the Defense Department. He helped resolve a complex situation that ended up benefiting both the Defense Department and Northeastern Pennsylvania. Although I had dealt with hundreds of federal employees, Bob stood out as a creative and thoughtful public servant who was absolutely committed to making government work. His dedication to improving the functioning of the Defense Department during

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Republican Administrations was brought to the attention of Vice President GORE, who deserves a great deal of credit for recognizing Bob's talents and allowing him to run the National Performance Review in a competent and non-partisan manner.

In leading hundreds of career civil servants in the reinventing government initiative, Bob has helped produce some remarkable results: more than \$136 billion in savings, a workforce that is smaller than when John F. Kennedy was President, 640,000 fewer pages of internal rules, and the creation of more than 3,000 customer service standards that citizens can use to judge how well agencies are serving their customers. I was struck by Bob's undying belief that government can work if front-line employees are empowered with the ability to exercise common sense. Bob's inspirational mantra was, "Federal workers know what's not working in government and—if empowered—can make government work better and cost less."

Beyond creating a government that was smaller and worked better, Bob wanted to create a movement. As Vice President GORE said at Bob's retirement ceremony, "Bob's goal was to 'fan the flames of reinvention' among front line employees, to empower them to reinvent their workplaces and how they deal with their customers—to bring common sense to government. He did this, and more."

Bob Stone is the epitome of the hard-working, unrecognized public servant who is dedicated to doing whatever it takes to accomplish his mission in a thoughtful and creative way. I speak for many in this Congress when I express my gratitude to Bob for the key role he has played in restoring Americans' belief that government can do the right thing. I wish him and his wife, Roxanne, a happy retirement when they join their children and grandchildren in California. We will miss you, Mr. REGO, but hope your spirit of service and reinvention will live long in the federal government.

IN HONOR OF THE DEDICATION OF  
CENTER HIGH SCHOOL

**HON. DOUG OSE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. OSE. Mr. Speaker, I rise today to give special recognition to a high school in my district that has its eye on the future and its students on the road to success. Center High School in the Center Unified School District will be dedicated on May 22 after undergoing extensive remodeling of its facilities to accommodate, among other things the continuing emergence of high technology in the classroom, and the growing demand for improved mathematics and science education.

The dramatic changes at Center High School come at a time when this school district faces tremendous challenges in coping with a significant loss of student enrollment due to the imminent closure of McClellan Air Force Base. Despite such a daunting obstacle, forward-thinking trustees, administrators, faculty members, school staff, parents and others in the community moved ahead with plans to give students at Center High School their best possible chance to succeed in a rapidly changing world. It should come as no surprise

that this particular school district took such a leadership role. Even as the Gold Rush swept through California and well before the Pony Express began to link my state to the rest of the nation, one of the area's very first schools opened its doors to students in what is now the Center Unified School District. For almost a century and a half, this community has focused on future generations.

At its dedication ceremony, Center High will show off its state-of-the-art science complex and adjoining computer lab, a new mathematics wing with adjoining computer lab, a new library with multiple computer research stations, a new 500 seat performing arts theatre and music building, a special education wing, and a technology-based curriculum integrated in the school's Media Communications and Business Academies.

It also should be noted that student achievements at Center High School are truly remarkable. Most recently, both the student newspaper and yearbook received the Gold Crown Awards from the Columbia Scholastic Press Association—their equivalent of the Pulitzer Prize. It is the only school in the nation to win top honors for both publications. In addition, Center High freshman William John was recently selected to represent California in People to People International at a United Nations conference in Switzerland this summer.

It is refreshing and hopeful for all of us to witness the rebirth of Center High School and to honor the tremendous success of its students. I urge you to join me in congratulating all those involved for a job well done.

STATEMENT ON KOSOVO

**HON. ROBERT A. WEYGAND**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. WEYGAND. Mr. Speaker, earlier this month the House debated several resolutions regarding the current situation in Kosovo. I take this opportunity to address that situation and each of those resolutions.

The current situation in Kosovo is indeed a tragedy. People are being forced from their homes, families are being destroyed, people are being murdered because of their ethnic identity. If I may, let me recount some sobering facts. To date, over 603,000 Kosovar-Albanian refugees have been forced from their homes, an estimated 3,700 people have been murdered, and approximately 400,000 people are roaming the Kosovo countryside.

Unfortunately, we have seen this type of activity far too often. Many of us have taken to this very floor and condemned the actions of the Nazis in World War II, the Ottoman Empire during the Armenian Genocide, the Chinese at Tiananmen Square, the treatment of the East Timorese by the Indonesian Government, and the murder of over a million Rwandans. All of us also condemn the actions of Slobodan Milosevic in his efforts to "cleanse" the former Yugoslavia of ethnic minorities.

In my view, the United States is the world leader in the efforts to promote democracy and basic human rights. As that world leader, not a police force but a leader, the United States must take its responsibility seriously. Therefore, we must play a role in stopping ongoing genocides, preventing future genocides,

and promoting freedom and democracy around the world. Unfortunately, this sometimes requires the use of United States military force.

There is a great deal of debate over whether this operation in Kosovo is in our interests. I believe it is. As part of our role in the world, the United States needs to take action to preserve and in some instances expand alliances that will encourage the establishment of the democratic principles we all cherish. As such, we must remain an active leader in the NATO alliance.

The NATO alliance was formed to provide a strong measure of security to Europe, which in turn provides a measure of security for the United States. Political, military, and economic instability threatens U.S. national security and economic interests. This is a region where two world wars began and the threat that this conflict could spread to neighboring countries is real. It is without a doubt that preventing the spread of this conflict is in our security interest.

During the debate, the first bill the House considered was H.R. 1569, introduced by Representatives FOWLER and GOODLING. This bill would prohibit the President from using any funds for the deployment of "ground elements" without congressional authorization. This legislation is far too broad in its scope. It would prevent using U.S. "ground elements" to rescue U.S. military personnel or civilians should that be necessary, it would restrict U.S. participation in a peacekeeping operation, it would handcuff the President from responding with "ground elements" to a direct threat to U.S. personnel, and it would have even prohibited the rescue of the three U.S. POW's.

Passage of this bill, in my view, gives President Milosevic permission to act without fear that the United States will respond with the swiftest and most forceful action if necessary. Many have argued that we cannot tell our enemies what we will do or how we will act, but this bill tells Milosevic exactly what Congress will allow President Clinton to do.

While at this time I do not think the use of "ground elements" is necessary, I do not believe that we should take any option off the table for any period of time. I do not believe that we should handcuff the President or our military leaders from taking whatever action they need to in responding to a developing situation. This bill would do exactly that. For the reasons outlined above I voted against this bill.

The next resolution the House considered was House Concurrent Resolution 82, introduced by Representative CAMPBELL of California. This resolution would have required the United States to withdraw, in 30 days, from its participation in the NATO operations. I also voted against this resolution. The unilateral withdrawal of U.S. forces from this operation would signal to the world that we do not support the NATO operation and that the United States is willing to ignore its role as a world leader.

House Joint Resolution 44 was the third resolution the House considered. This resolution was a declaration of war by the United States against Yugoslavia. We are in our third month of air strikes against Yugoslavia and that is too early to discuss a declaration of war. We need to continue the air campaign, which is having some success.

This is a time when we need to support both our men and women in harm's way and

our allies. To approve any of these measures would send a message to our troops, allies and enemies that the United States is not unified or committed to ending the tragedy in Kosovo.

The final resolution the House considered was Senate Concurrent Resolution 21. This resolution authorized the use of United States air forces to participate in the NATO action in Kosovo. I voted in favor of this resolution. The United States is already involved in the air operation in Kosovo and refusing to support that ongoing operation is, in effect, telling our air crews that we are not behind them and this operation. Mr. Speaker, I know that every member of this House supports our men and women in the military but refusing to support this resolution sends mixed messages to them. We must be united in our support of them and must let them know that.

#### A SALUTE TO OWEN MARRON

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. STARK. Mr. Speaker, it is with honor and profound respect that I rise today to salute Owen A. Marron, one of the most exemplary longtime leaders in the U.S. labor movement. Brother Marron was appointed to the Alameda County Central Labor Council in 1982 after a two-year stint in the U.S. Army and a long affiliation in the local United Steel Workers Union and SEIU. He rose up the ranks of leadership after his appointment to the Labor Council and was at the helm as Executive Secretary-Treasurer for the past decade. He was also elected vice president of the California Labor Federation.

Brother Marron will be honored as Unionist of the Year on June 17, 1999 in Oakland, California. His numerous contributions and achievements will be applauded and well wishes will be extended as he retires. He will leave a legacy of commitment, strong leadership, unbending advocacy for affirmative action and for the rights of the disabled community, and tenacity in organizing and fighting for working people.

Brother Marron's forty plus years in the labor movement will be long remembered and his leadership will be missed. I join his friends and colleagues in thanking him for his untiring efforts. Brother Owen Marron has indeed made a positive difference in the lives of many individuals.

#### CONGRATULATING THE LEUKEMIA SOCIETY ON ITS 50TH ANNIVERSARY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Leukemia Society of America on its 50th anniversary. The Leukemia Society has led the fight to end this terrible disease and many individuals are alive today thanks to its work. This organization possesses not only the scientific and medical expertise needed for

such a task, but also the understanding and sensitivity to lend support to the patients and families faced with the challenge of leukemia.

I am personally active with the Northern New Jersey Chapter of the Leukemia Society, and dedicate all my work to the memory of our son, Todd Richard Roukema, who was taken from us by the tragedy of leukemia. I take this opportunity to thank Dr. Richard W. Zahn, our chapter's president, for his dedication and hard work. Dr. Zahn is one of the many people who make the Leukemia Society a success and is bringing hope to all those families who are facing this disease.

In August 1944, 16-year-Robbie deVilliers was diagnosed with acute leukemia. Three months later he died, as did 96 percent of the children diagnosed with leukemia that year. In 1950, as a memorial to their son's brief life, Robbie's parents established the Robert Roesler deVilliers Foundation in an effort to support scientific research into their son's disorder. In 1951, with an income of \$11,700, the foundation approved its first research grant. With the hiring of a medical consultant, the foundation established its principle of awarding research grants to young scientists over the next few years. In 1955, it changed its name to the Leukemia Society, eventually becoming known as the Leukemia Society of America to reflect its national stature.

During its half-century of operation, the Leukemia Society has grown tremendously, expanding its scope and developing a wealth of expertise and knowledge. With an income of more than \$83 million a year, the Society now funds research into the blood-related cancers of lymphoma, Hodgkin's disease and myeloma as well as leukemia. Under the Leukemia Society's leadership, new chemotherapy drugs combined with radiation treatment have increased survival rates. Today, 80 percent of children under 15 survive leukemia and certain types of leukemia can be cured.

While the past 50 years of accomplishment brings great hope, one adult or child still dies from blood-related cancers every nine minutes. Leukemia and lymphoma are the leading fatal cancers in men and women under 35. Cures for these diseases must be found. Research challenges remain and the Leukemia Society valiantly pursues its mission.

As I have stated, we know personally the tragedy of cancer: My husband, Dr. Richard W. Roukema, M.D., and I lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. It is thanks to the brilliant researchers and physicians supported by the Leukemia Society that hope can be maintained.

Today, we are within grasp of a cure for many forms of cancer but much research remains to be done. I thank God for those who are willing to labor toward this goal and pray that with their help a cure can be found and that no one will ever again have to suffer from this terrible disease.

#### BLUE RIBBON SCHOOLS

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. PACKARD. Mr. Speaker, I would like to recognize and congratulate the extraordinary accomplishments of two schools which are located in my home district. Concordia Elementary and Moulton Elementary recently were selected to receive the Blue Ribbon Schools award.

The Blue Ribbon Schools Program was established by the U.S. Secretary of Education in 1982. Since its establishment, more than 3,500 schools have been recognized for their excellence.

Blue Ribbon status is awarded to schools that have strong leadership, a clear vision, a sense of mission, and most importantly, solid evidence of family involvement. Through exceptional academics, athletics and after-school programs, these schools have set themselves apart from other schools. Concordia and Moulton have achieved the recognition of a Blue Ribbon School that comes from their outstanding level of excellence. Teachers, administrators, parents, volunteers and students should be applauded for their efforts.

I would like to express my congratulations to these schools. Concordia Elementary and Moulton Elementary should be proud of their accomplishment. Nothing is of more importance to our families, our communities and our country than the quality of education in America.

#### RETIREMENT SECURITY ACT OF 1999

### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. PETRI. Mr. Speaker, today I have introduced the Retirement Security Act of 1999. This bill, nearly identical to legislation I introduced in the last Congress, would help put the Social Security system on a better financial footing while providing future Americans with the peace of mind that comes with their own personal retirement accounts.

Under my bill, the government will establish a retirement account for each newborn American citizen, initially worthy \$1,000. The money for the initial \$1,000 will come from income taxes on that portion of Social Security income currently subject to the income tax. This amount is to be invested in the same funds available in the Federal employees' Thrift Savings Plan two of which promise higher rates of return than the Social Security Trust Fund. The investment decisions among the funds are to be made by the parent or guardian until the account holder reaches the age of majority when he or she is able to make such decisions. The account holder, or his or her parent, can add to the principal of the account, up to \$2,000 per year tax free. But even if that ever happens the \$1,000, if invested in the common stock index fund, at the historical real rate of return of 7 percent, would grow to \$89,000 in 1999 dollars. This happens to be just enough to cover the current average Social Security benefit.

Since the initial \$1,000 comes from the Government, Social Security payments owed to the account holder would come out of this account first. Only after it is exhausted would the individual begin to draw on the Social Security Trust Fund. Therefore the financial problems of Social Security would be solved starting 67 years after enactment. This would make it easier to deal with the problems we face before that date.

If my plan is adopted, future workers will not have to worry so much whether or not the government will keep its promises or that the Social Security system might go bankrupt because each will have an account which is his or her personal property. I don't claim that this program will solve all of the financial problems of Social Security but it will certainly help.

TRIBUTE TO JOHN A. OREMUS

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding public servant in my district, John A. Oremus. John Oremus has recently retired after serving as mayor of Bridgeview, Illinois for a total of four decades.

Mr. Oremus learned the value of a strong work ethic early on, as he helped out with his father's tanning business and held a job at a gas station. In 1948, he started his own business. All of his children and grandchildren are now very involved with the business. Mr. Oremus began his career in politics when he was appointed to the Zoning Board of Appeals. In 1955, John Oremus became the Mayor of the village of Bridgeview. He retained the position until 1963. In 1967, John Oremus was again elected mayor and has held the position ever since.

Mr. Oremus continued his hard work as mayor, seeing to it that his vision of "A Well Balanced Community" became a reality. This concept was that the Bridgeview community of fine homes and families would have low municipal taxes and many places in town to work and shop. As Mayor, Mr. Oremus also encouraged business and industry by offering co-operation and strong Village support services, such as fire and police protection.

Mr. Speaker, it is my distinct honor to pay tribute to John Oremus. I am certain that the community of Bridgeview, Illinois will miss his presence as a public servant. It is my hope that John Oremus enjoys good health and good memories in his retirement.

HONORING WYCKOFF HEIGHTS  
MEDICAL CENTER

**HON. NYDIA M. VELÁZQUEZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Wyckoff Heights Medical Center located in Brooklyn, New York which is celebrating its 10th Anniversary. For 10 years, the Wyckoff Heights Medical Center has been helping women and children in communities throughout Brooklyn. It has contributed many

positive things to the quality of life in our neighborhoods, and I would like to thank its leadership and the many others involved in its success.

The Wyckoff Heights Medical Center is the hub of the WIC program in our area. Along with its satellite clinics at the LaMarca Family Health Center in East New York, Queensbridge Family Health Center in Long Island City, Park Slope WIC in Park Slope, and the Red Hook WIC in Red Hook, Wyckoff serves an average of 5,800 women, infants and children a year.

Like the National WIC program, which this year celebrates its 25th Anniversary, the Wyckoff WIC program has been enormously successful. Nationally, WIC has helped provide nutrition education, health care referral, breastfeeding support and supplemental nutritious foods to nearly 7.5 million women, infants and children through 10,000 clinics nationwide.

In addition to its success implementing the mandated WIC services, the Wyckoff WIC program has sought to enhance its outreach by conducting seminars and workshops throughout Brooklyn. These efforts have included breastfeeding promotion and immunization screening seminars.

These initiatives have also been enhanced by the work of Mr. William F. Green, Vice President of Ambulatory Services, who is being honored by the Wyckoff WIC this week. Mr. Green has been a strong supporter of the Wyckoff WIC program since its inception in 1989, and he has helped initiate some unique programs. For example, Mr. Green created a monthly Mother's Day which helps create a consistent outreach to women and children. He also has been supportive of the Wyckoff's special holiday programs, which during the major holidays, makes an extra effort to reach out to the women and children of our communities who are in need of vital services. Mr. Green has made a good WIC program great and on behalf of the community, I thank him and congratulate him on his special award.

I would also like to congratulate the fifty WIC children who are graduating this week. These children, all who recently turned five years old, are being honored in a very special way because they have successfully completed their participation in the Wyckoff WIC program. They represent the future—a future of strong, healthy children and mothers who have the chance to realize the American dream.

I urge my colleagues to join me in applauding the Wyckoff WIC program on the occasion of its 10th Anniversary, Mr. Green for his long-time support of the Wyckoff WIC, and most importantly the 50 young WIC graduates and their mothers for a healthy future—congratulations and continued success.

CONGRATULATING THE CENTRAL  
NEW JERSEY DISTRICT BEST  
UPS OPERATING DISTRICT IN  
WORLDWIDE ORGANIZATION

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. HOLT. Mr. Speaker, I rise today to recognize the Central New Jersey District of

United Parcel Service, which has been named the best operating district within the UPS worldwide organization.

This district was chosen because of its effective balance in regard to customers, employees, shareholders, and internal practices. UPS employs over 13,000 people in New Jersey and services approximately 99,000 New Jersey customers.

The Central District serves much of my 12th Congressional District, including all or part of Monmouth, Middlesex, Mercer, and Hunterdon Counties.

The district will be presented with the Chairman's Award for excellence at a celebration on May 21, 1999, in Edison, NJ.

Mr. Speaker, the Central New Jersey District of UPS is an excellent example for all New Jersey businesses. I hope all my colleagues will join me in recognizing their accomplishment.

TRIBUTE TO ASHBURTON  
ELEMENTARY SCHOOL

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Ashburton Elementary School in Montgomery County, MD for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Ashburton Elementary has a large international student population that represents 38 countries and 20 different languages. The fact that the majority of the international students do not speak English when they arrive presents challenges to the faculty that have been met with great success.

Academics are the primary focus tempered with learning other lifelong values. There is a school wide commitment to helping the students develop respect and responsibility for themselves, their schoolmates, the staff, and the school. Ten years ago the school implemented The SHINE Program. The program, which was established to help stress the qualities of being Successful, Helpful, Imaginative, Neighborly, and Enthusiastic, recognizes students who contribute to the school's community in a positive manner.

Students at Ashburton are exposed to the field of technology. The school has a 29 station Macintosh computer lab, and a Macintosh computer in each classroom. All computers are on a local network (LAN) and are connected to the Montgomery County Public Schools wide area network (WAN). Students learn keyboarding, word processing, digital imaging, and how to use the Internet.

In addition to a dedicated principal, staff, and willing students, Ashburton Elementary is supported by an active, interested, and committed parent community.

As a former teacher, I wish to congratulate Ashburton Elementary School for creating the right atmosphere for learning. I am proud of their well trained staff, their supportive parents, and their excellent students. I wish them continued success in creating the excellence in education needed for tomorrow's schools.

HONORING DANIEL J. BADER, RECIPIENT OF THE 1999 COMMUNITY SERVICE HUMAN RELATIONS AWARD

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KLECZKA. Mr. Speaker, I rise today to honor Daniel J. Bader, recipient of the 1999 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee.

Mr. Bader is president of the Helen Bader Foundation, which has awarded more than \$50 million in grants since 1992 with the express aim of advancing the well-being of people and promoting successful relationships with their families and communities. As president, Mr. Bader leads the foundation's day-to-day interaction with projects and programs in the United States, mainly in Wisconsin, and also Israel.

He is a member of the foundation's seven-member board of directors, which evaluates grant proposals and provides strategic oversight of the foundation's grants programs, mainly in the areas of Alzheimer's disease and dementia, early childhood development in Israel, economic development, education, Jewish life, and learning and supporting programs for central city children and youth.

It is noteworthy to recognize the leadership of Mr. Bader and the foundation in the establishment of the American Jewish Committee's Hands Across the Campus program, which was given its "jump-start" in Milwaukee. The program's innovative curriculum and leadership development program now operates in five school districts in southeastern Wisconsin. Each year hundreds of high school students are given hands-on experience in bridge building, conflict resolution, anti-bias activities and the deconstruction of prejudice. The Bader Foundation enabled the Milwaukee Chapter of the American Jewish Committee to provide teacher training for practitioners of the Hands program.

Mr. Bader is partner in Granite Microsystems, Inc., a Mequon-based computer hardware firm. He holds a bachelor's degree in business administration from the Rochester Institute of Technology. A Milwaukee native, he and his wife, Linda, reside with their son on Milwaukee's east side.

Mr. Speaker, it is with great pride and pleasure that I commend Daniel J. Bader for his outstanding and innovative contributions to the community, and congratulate him as a most deserving recipient of the 1999 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee.

A TRIBUTE TO DR. PAULETTE DALE OF MIAMI-DADE COMMUNITY COLLEGE

**HON. CARRIE P. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Dr. Paulette Dale of

Miami-Dade Community College in Miami, Florida, for her contributions as a speech-pathology professor towards the emotional betterment of all people. Dr. Dale is the director of the Speech and Hearing Clinic at Miami-Dade Community College's Kendall Campus, where she has taught for 23 years.

Previously, Dr. Dale was a bilingual speech pathologist in Dade and Broward County public schools. She holds a Ph.D. in speech pathology and linguistics.

Recently, Dr. Dale published a book on assertiveness which she hopes will help women to develop self-esteem. Dr. Dale believes that low self-esteem is far too pervasive in America, particularly among women. Based on anecdotes from her own life, the book is titled, "Did You Say Something, Susan? How Any Woman Can Gain Confidence with Assertive Communication."

It is a privilege to pay tribute to Dr. Paulette Dale, who uses her vast knowledge and her own life experiences to help others.

HONORING MISS AFTON STANFORD

**HON. GENE TAYLOR**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. TAYLOR of Mississippi. Mr. Speaker, it gives me great pleasure today to honor Miss Afton Stanford of Poplarville, MS. Miss Stanford is the Mississippi winner of the 1999 Voice of Democracy broadcast script-writing contest sponsored by the Veterans of Foreign Wars. As reward for her script, she received a VFW scholarship and an all-expense paid trip to Washington, DC to compete with other national finalists.

The VFW's Voice of Democracy Program is a national essay competition that allows high school students the opportunity to share their opinions on service, sacrifice and responsibility to their country. The 1998-99 competition theme was "My Service to America," in which students reflected on their individual involvement in local communities. Out of the 80,000 participants, Miss Stanford was one of fifty-four finalists, and it gives me great pride to share her winning essay with you.

MY SERVICE TO AMERICA

(By Afton Stanford)

As I stand looking through the thick glass protecting the faded blue uniform, and the yellowed photograph I wonder how old this boy was. If it were not for the fact that he was in the military, I'd say he were my age. He looks like a boy in my chemistry class, you know the silent type that grins a lot but really never says much. I'm not sure if that is what he really was like, but I'd like to think so. Who would ever believe that this young kid would ever have the chance to save others. When I look into his eyes, I don't see a kid who wants to be a hero, I see a kid ready to experience life. Maybe he was a little uncertain about his future, or even wondering if he made the right decision in joining the military, whatever it was I can imagine a mixture of emotions swirling through his dark eyes. At 18, many people might think a kid knows nothing about sacrifice. But this boy, this young boy, made the ultimate sacrifice.

A few summers ago, I volunteered for a women's crisis shelter. At the time I thought it was fun, meeting new people, helping oth-

ers in the process. But, only after it was all over did I grasp the concept of "service." Service to my God, service to my country. When I got home I found other places to volunteer; I help Red Cross, if any disasters happen and they need help collecting food or handing out blankets, I'll be there. I also help at the food bank, sorting cans that people donate so the families less fortunate can eat. Giving up Saturdays and spending a week helping others seems trivial, in comparison to this boy who gave his life to save others, but it's a beginning.

I got a great start at home. My parents have instilled in me the desire to help other people improve their lives. My parents stressed the need for helping others, because in helping others everyone lives better. They also taught me to take pride in what I do, the jobs I hold and what I believe. National pride is something sacred. All Americans have lost family and friends to have these rights, and the least I can do is maintain the life they fought for.

Sometimes my life gets too hectic and chaotic to think about anyone but myself. That's why every day I try to make it a point to do something, however little for someone else. From sweeping leaves for an elderly neighbor to working at the food bank I try to pitch in. Helping is contagious. When I have volunteered, my friends have seen how much I loved the people I helped and the work and they have begun to volunteer too. If each American has this attitude it will make a big difference. Part of my service to America is encouraging others to help in any way they can and knowing that every kindness honors the people who've gone before us.

I believe that being an American citizen means helping others in need. This is one of the strongest values of Americans. For a young man to throw himself on a land mine to save his platoon exemplifies the ideals of self-sacrifice and service that is the corner stone of America. While I'm standing here looking at this display of congressional honor, I wonder how his mother felt. The last time she ironed his uniform and picked off the little stray threads for this display, was she aware of how much I appreciate what her son gave up and what she gave up through him? I only hope that my little sacrifices and services will be able to honor his death and all deaths that make the quality of life that I enjoy possible. I can only hope that one day I'll be able to give a service of this magnitude to my country.

"Greater love has no one than this, than to lay down one's life for his friends." (John 15:13) As I walk away I hope to take a little inspiration from this boy who selflessly embodied these values.

PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. BECERRA. Mr. Speaker, on May 13, 1999, I was unavoidably detained during a rollcall vote: number 129, on the Sanders of Vermont amendment, as amended, to H.R. 1555, Intelligence Authorization. Had I been present for the vote, I would have voted "no."

TRIBUTE TO TERMINAL PARK  
ELEMENTARY SCHOOL

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. SMITH of Washington. Mr. Speaker, it gives me great pleasure to congratulate Terminal Park Elementary School in Auburn, Washington, for their selection as a Blue Ribbon School. It is an honor to have this school, located in the Ninth Congressional District, as one of only 266 schools nationwide awarded this prestigious honor.

The Blue Ribbon School award is given to schools that do an outstanding job of meeting local, state, and national goals, and display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. More specifically, to receive the award, schools must have strong leaders; a clear vision, and sense of mission that is shared by all connected with the school; high-quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to parental involvement; and evidence that the school helps all students to achieve high standards.

I commend the staff, students, and parents of Terminal Park Elementary School for their hard work in building an effective community for learning. The focus on literacy and assuring students obtain the essential skills needed for life is absolutely necessary and I am glad we have Terminal Park Elementary School as an example for how we need to work toward educating our children.

CONGRATULATIONS TO PRESIDENT  
LEE TENG-HUI

**HON. JOE SCARBOROUGH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. SCARBOROUGH. Mr. Speaker, Taiwan, known as the Republic of China, will be marking its President's third anniversary in office on May 20, 1999. President Lee Teng-hui, a Taiwan-born statesman, should be commended for his leadership and vision for his country.

President Lee's leadership lies in his ability to rally his 21 million compatriots into understanding that the course Taiwan has chosen, both economically and politically, is right for them. President Lee has convinced them that their future lies in free trade and private enterprise as well as in full democracy. With the help of his compatriots, President Lee will lead the Republic of China to ever greater economic prosperity at home, while achieving international recognition abroad.

On the occasion of the President's third anniversary in office, I wish President Lee Godspeed and good fortune.

TRIBUTE TO BROOKE GROVE  
ELEMENTARY

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Brooke Grove Elementary School in Montgomery County, MD, for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Students, parents, and teachers at Brooke Grove have forged a partnership dedicated to excellence and committed to the belief that success is attainable for all students. Participation and involvement is of paramount importance and evident throughout all aspects of learning and teaching.

Brooke Grove has implemented The William and Mary Language Arts Program for Highly Able Learners; Reading Recovery Program, which is an internationally recognized intervention program. The school uses Math and Science Clubs, Science Hands-on kits, Math Content Connections, funded by the National Science Foundation, computer labs, and a research/learning hub to enable children to acquire skills and learn how to problem solve for the future.

At Brooke Grove staff training is essential to the instructional process. New teachers participate in 1 week of training prior to joining the staff and have a coach-mentor throughout their first year of service. A large number of teachers were trained in numerous staff development initiatives, which include The William and Mary Curriculum; AEMP, Science and Expository Reading; and Gifted and Talented Instruction.

The faculty at Brooke Grove has demonstrated innovative and creative avenues for acknowledging and motivating students. The environment is one in which children want to achieve, are supported in their efforts to achieve, and are recognized for their accomplishments.

As a former teacher, I am pleased that Brooke Grove Elementary School is being recognized for its fine educational and extra-curricular programs. I congratulate its fine faculty, its supportive parents, and its excellent administrators and wish them continued success in achieving excellence in education.

LACKENMIER RETIREMENT

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an extremely well-respected community leader, educator, and close personal friend, Reverend James R. Lackenmier. On May 20th, Father Lackenmier will step down as President of King's College in Wilkes-Barre, Pennsylvania after twenty-five years of distinguished service to this fine institution. Father Lackenmier combines the rare traits of having the executive acumen of a Fortune 500 CEO, the devotion to young people of a lifelong educator, and the warmth of community spirit of a man who has truly embraced "The

Valley with a heart." I am pleased and proud to join in a community-wide salute as Father Lackenmier leaves Northeastern Pennsylvania for new pursuits.

The eldest son of Harold and Margaret Murphy Lackenmier, Father Lackenmier was born in Lackawanna, New York. He graduated from Canisius High School in Buffalo, New York in 1956, entered the congregation of Holy Cross in 1957, and was ordained in Rome in 1964. Father Lackenmier earned his Bachelor of Arts degree from Stonehill College in Massachusetts and his S.T.L. from the Pontifical Gregorian University in Rome. Father Lackenmier went on to receive a master's degree in English from the University of North Carolina in 1968 and a master's degree in Religion and Literature from the University of Chicago in 1970. He has subsequently been awarded six honorary degrees from Our Lady of Holy Cross College in New Orleans, University of Portland, Wilkes University, College Misericordia, Luzerne County Community College, and the University of Scranton.

Education has been Father Lackenmier's focus; he served first as an English teacher in Notre Dame High School in Connecticut and later as the chair of the English department at St. Peter's High School in Gloucester, Massachusetts. Father Lackenmier served as the chaplain at St. Xavier College in Chicago and later as the director of the Collegiate Formation program at Notre Dame's Moreau Seminary in Indiana. In 1974, Father Lackenmier arrived at King's College in Wilkes-Barre to serve first as the Director of Campus Ministry, then later as Director of Development, and finally as President.

Mr. Speaker, Father Lackenmier has had a distinguished career while here with us in Northeastern Pennsylvania. He serves on a long list of Boards and belongs to the prestigious Pennsylvania Society, the Knights of Columbus, and the Rotary Club, where he is a Paul Harris Fellow. He has been awarded the Distinguished Eagle Scout Award and the Wyoming Valley Interfaith Council Citation for Devoted Service to the Cause of Human Welfare and the Boy Scouts named him their Distinguished Citizen for 1994.

Mr. Speaker, I have had the opportunity to work closely with Father Lackenmier during my tenure in Congress on various projects, including the Earth Conservancy, an ambitious community effort to clean up thousands of acres of mine-scarred land in the Wyoming Valley. Father Lackenmier, along with his academic colleague Dr. Christopher Breiseth of Wilkes University, provided great leadership and courage in guiding what is now an award-winning organization, especially during its tumultuous early days. I will be forever grateful for his steadfast devotion to making this dream a reality.

I will also be forever grateful for the many thoughtful gestures he provided to me personally over the years, especially his kindness to me and my family during the period following the loss of my mother.

Mr. Speaker, I am pleased to have had the opportunity to bring the accomplishments of this fine community leader to the attention of my colleagues. In August, Father Lackenmier will go to Salzburg, Austria to direct the University of Portland's foreign studies center. He will carry with him my sincere gratitude for a job well done and my very best wishes for continued success and fulfillment.

## HONORING OLIVE BEASLEY

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KILDEE. Mr. Speaker, I come before you today with a heavy heart, as I stand here to recognize the lifetime achievements of a woman who gave much to her family and her community, in the name of equal rights for all. On May 21, the Beasley family, local officials, civic leaders, and members of the Flint, Michigan, community will gather to honor the memory of Ms. Olive Beasley of Flint, who died May 13.

Olive Beasley was born in Chicago, and upon moving to Michigan, worked for the NAACP, where she was an integral part in the campaign in favor of Michigan's Fair Employment Act. She was later transferred to Flint, in the 1960's, and began a tenure with the Michigan Civil Rights Commission. Olive rose through the ranks, and for 16 years, headed the Civil Rights Commission's Flint office. During that time, she also began a long lasting partnership with the Flint Civil Service Commission. In fact, Olive was the Civil Service Commission's longest serving member. Her tireless and selfless efforts to ensure that each and every person received the same opportunities for success made her known as one of the area's most staunch advocates, and in many eyes, Olive was indeed the mother of Flint's civil rights movement.

Olive was a steadfast member of the Flint community, and constantly served as a role model and counselor for people throughout the city, including many city officials, who turned to her for advice and insight. Many of Flint's most prominent public servants credit their involvement in politics and activism to Olive's influence. Her dedication to civil rights extended beyond the Civil Rights Commission, as she became a member and served on the boards of such groups as the Urban League of Flint, the Urban Coalition of Greater Flint, the Legal Aid Society, and the advisory board of WFUM, the public television station of the University of Michigan-Flint.

Mr. Speaker, the Flint area, as well as the entire state of Michigan has lost one of its strongest advocates for civil rights. Olive Beasley will always be remembered as a giant person in the community. The respect she commanded from everyone she came into contact with was tremendous. My sincerest condolences go out to her family. She will be sorely missed.

CONGRATULATING THE SUMMIT SCHOOL ON BEING NAMED A BLUE RIBBON SCHOOL

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. HOYER. Mr. Speaker, I rise today to recognize The Summit School of Edgewater, Maryland on being named a 1998-1999 Blue Ribbon School by the United States Department of Education.

This is a special honor because The Summit School is a special institution. They strive

for excellence and they have achieved that goal. The non-profit private school was created ten years ago to promote literacy among children ages 6 to 15 with unique educational needs. They opened their doors in 1989 with 25 students and now have 104 students representing six Maryland counties and the District of Columbia.

The Summit School's mission is to leave no room for failure. The teachers foster an environment where success is an attainable personal goal for each and every student. The School houses a media center, an extensive collection of books, films, tapes and computers with Internet access. In addition to their classrooms, the school has transformed a barn into intimate reading rooms. Their record of achievement thus far is reflective of their dedication to the needs of their students; since The Summit School's creation, seventy percent of the students increased their reading scores by three or more grade levels in 4 years or less. Seventy-five percent of all eighth grade graduates go on to attend public and private schools with only limited support but great success.

Mr. Speaker, The Summit School is one of those great success stories which are often overlooked. The hard working teachers and students of The Summit School have earned the right to be called "A Blue Ribbon School." The Blue Ribbon Award is given to schools which display qualities of excellence, high quality teaching and up-to-date curriculum. The Summit school embodies all of these qualities and more.

The school motto, "Teachers of Excellence" guides the educators in this institution as they work hard to bring out the best in their students. Teachers conduct lengthy staff meetings on a regular basis to address individual student's needs. They also undergo year-round training to constantly enhance their teaching skills.

Mr. Speaker, I am proud to have The Summit School in my Congressional District. I ask my colleagues to join me in congratulating the teachers, parents, students and community members who have made this school an institution that should serve as a model for schools around the state and throughout the country.

INTRODUCTION OF THE MSPA CLARIFICATION ACT OF 1999

**HON. CHARLES T. CANADY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. CANADY of Florida. Mr. Speaker, America's farming community plays a vital role in the prosperity of the nation. Our growers are facing tremendous challenges as the world economy changes—changes in international competition, environmental stewardship, and providing for the nutritional needs of the planet's growing population. Given these pressures, farmers should not have to contend with government agencies that overstep regulatory boundaries set by Congress. Unfortunately, this is precisely what is happening.

Agriculture is a labor-intensive industry, particularly during the planting and harvesting seasons. This is especially true for specialty crops such as citrus, vegetables, apples, and

peaches, which are grown in many different regions of the country. Temporary and migrant workers are critical to meeting the need for farm labor. Congress, through the Migrant and Seasonal Workers Protection Act (MSPA) and other initiatives, created a national standard to ensure safe working conditions for these workers and entrusted enforcement of these laws and regulations, primarily with the Department of Labor.

The need for effective migrant worker protections is well recognized; however, current federal policies are placing an unfair burden upon agricultural employers. In 1997, the Department of Labor issued a new interpretation of the joint employer rule found in MSPA that holds farmers to a stricter standard than other employers. The new regulation is written so broadly that virtually any grower can be classified as a joint employer for liability purposes. This is in spite of several court rulings that struck down the Department's attempts to interpret the joint employer rule in such a fashion. Because the new guidelines would apply to MSPA alone, only agriculture employers are subject to them. This action, combined with overlapping housing regulations, Department of Labor initiatives to classify year-round employees as seasonal workers, onerous federal transportation insurance requirements, and other policies are selectively punitive and unfair to agriculture.

The MSPA Clarification Act, which I am introducing today, seeks to ease the inequitable burden on farmers. The bill would restore the original definition of joint employer and make other common sense changes in the regulatory structure governing agricultural labor. It would clarify that farm workers who enter into voluntary carpool arrangements should not be classified by the Department of Labor as licensed farm labor contractors in violation of MSPA; grant farmers a 10-day grace period in which they may correct MSPA violations; streamline worker housing regulations; and require federal investigators to confer with growers prior to entering the farm operation.

The MSPA Clarification Act does not weaken or do away with the basic protections afforded to migrant workers under MSPA. It merely seeks to provide for a reasonable relationship between growers and the government by returning to the original intent of Congress for MSPA. The legislation is supported by the American Farm Bureau Federation and other agricultural groups from around the country. It has the bipartisan support of many in Congress. I look forward to working with my colleagues to ensure a safe and productive farm workplace through this important piece of legislation.

CAPTAIN DONALD E. PETERS, USN

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great American warrior, Captain Donald E. Peters, of the United States Navy.

Captain Peters will end his 30 year career with the Navy on May 28, 1999, a career that has included a host of commands. Most notably for South Texas, one of those commands included the Mine Warfare Center of Excellence at Naval Station Ingleside (NSI) on the Bay of Corpus Christi.

I was always taken with Captain Peters' style of leadership; his philosophy seemed to be: "Shut up and do it." He led by example. He became involved, and stayed involved, in all the things that affected Naval Station Ingleside's mission or the sailors there.

Captain Peters' most significant accomplishment at NSI was the leadership he showed in effort and innovation, an accomplishment that won a presidential tribute for NSI. NSI was recognized with the annual Commander in Chief's Installation Excellence Award in 1997. The base was chosen from among 135 installations world-wide, and was selected from among 11 semi-finalists.

It was innovation in the following areas that attracted the award: leadership, retention of personnel, equal employment opportunity, community relations, energy conservation, pollution prevention, food service excellence and recreational activities.

Captain Peters' service and leadership was pivotal in the development of NSI. In 1992, NSI began with 500 sailors. By the end of 1996, just prior to this award, it had over 4,000 personnel, making it one of the Navy's fastest growing military facilities. Continuing that trend, by next year, NSI will have around 5,000 military and civilian employees at the base.

In 1995, Captain Peters streamlined the base's administrative staff from nine department to five departments. The move made operations more efficient and responsive to the needs of the sailors. Military organizations tend to note efficient models of success, and NSI's administrative operations were rapidly adopted Navy-wide for emulation at similar-sized installations.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to a lifetime of service by Captain Donald E. Peters, a real American patriot and hero.

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#### TRIBUTE TO WINSTON WILSON

### HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. STENHOLM. Mr. Speaker, this week the Nation, and particularly the agricultural industry, lost one of its most important assets, Winston Wilson. Winston made a difference for his family, his community, his industry and for this country.

I got to know Winston before either one of us moved to Washington. Following his service as Deputy Undersecretary of Agriculture in the Carter Administration, Winston came to my Congressional office as Administrative Assistant. His time in my office was brief—just about a year from December 1980 to November 1981—but that was plenty of time for Winston and his wife Mickie, and daughters Michelle and Missy, to endeavor themselves to us and to become a permanent part of our office family.

In an era where the voices of agriculture are becoming fewer and fainter, Winston stood out as one of the most effective spokespersons for the wheat farmers from whom he came. His Daddy trained him well in the fields at Quanah, giving him the kind of Texas common sense that few possess at the national level. Winston never forgot his roots, even though he traveled the world over in promotion of U.S. Agriculture.

When Winston left my office, he continued his advocacy of the industry at U.S. Wheat Associates, where he served as President until 1997. He also was Chairman of the U.S. Agricultural Export Development Council, founding member of the U.S. Grain Quality Workshop, a former President of the National Association of Wheat Growers, and a member of the U.S. Agriculture Department's Trade Advisory Committee.

More than anything, Winston committed his life to the advocacy of American wheat. He spent a great portion of his life working hard to develop overseas markets for U.S. farmers, and he developed strategies and programs to build export demand for U.S. wheat. U.S. Wheat Associates, with whom Winston had such a long relationship, is a worldwide organization supported by wheat producers in Texas and 17 other states along with USDA's Foreign Agricultural Service. Under Winston's leadership, the organization has been successful in establishing and servicing markets for up to 60 percent of the wheat produced in the U.S. and up to 80 percent of the wheat produced in Texas. The farm economy is struggling at the present time but without Winston's efforts, our struggles would be far greater.

Winston is survived by a lovely wife and daughters, who we will continue to hold in our prayers as they deal with this great loss. They and all of Winston's friends, not to be mentioning the entire wheat industry, are enormously proud of what Winston accomplished in his life. We have many fond—and often times amusing—memories of our time with Winston and we will always treasure those thoughts.

For those of us who are left behind, even the longest life of a loved one seems too short. So, in instances such as this untimely death, it is impossible not to feel cheated out of many years which we had hoped to share. We feel a great loss this week but we also celebrate the life Winston Wilson lived. He will remain in our hearts, thoughts and prayers.

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#### CONCERN OVER SAFETY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. STARK. Mr. Speaker, I rise today to express my grave concern over the safety of medical devices and the effectiveness of government agencies directed to protect the public from unsafe products. We have all read stories in the newspapers about drugs that have been recalled because they were rushed to market without adequate testing. Many critics of our current policies argue that we have put the profit motive ahead of the health and well being of patients. I agree and have yet another example that the system may have failed to protect the health of patients.

Ethicon is a subsidiary of Johnson & Johnson and makes surgical equipment. It is the nation's largest manufacturer of sutures used for deep tissue surgeries. In 1994, Ethicon recalled over 3.5 million boxes of its Vicryl sutures because the sutures may have been contaminated during the manufacturing process. What I find especially disturbing about this episode is how the company and FDA responded to the problem.

Early in 1994, Ethicon began to use a new sterilization process for its sutures. Shortly thereafter, the company discovered that several batches were contaminated. The company decided to resterilize these sutures and then distribute them on the market. This practice continued for several months. Eventually, Ethicon stopped using the new procedure and switched to other sterilization techniques. During this time, Ethicon officials never contacted FDA to report the problem it was having with the sterilizer. Indeed, the FDA did not discover the problem until it conducted one of its routine inspections. These routine inspections occur once every two to three years.

The FDA did send a Warning Letter to Ethicon citing significant deviations from Good Manufacturing Practices. By September, Ethicon decided to recall the sutures it had produced. In other words, many months passed between the initial problems with the sterilization procedure and eventual recall. I can only speculate what would have happened, or not happened, if the FDA had not caught the problems with the sterilizer.

The next sequence of events is what I really find troubling. Ethicon issued its recall according to FDA regulations. However, the letter of the law requires only that Ethicon contact distributors and hospitals, not the surgeons who use the sutures. This means that surgeons across the nation were performing operations and using sutures that were subject to a national recall. While Ethicon followed the letter of the law, I would think that a corporation dedicated to the health of patients would have taken a more aggressive stance to ensure that its sutures would be removed from supply rooms and surgical kits.

According to FDA documents only 2% of the suspect sutures were recovered in the recall. Somehow, leaving 98% of the suspect sutures on the market and unaccounted for seemed to be acceptable to the FDA. They considered the recall completed and closed in June of 1995.

Since 1994, over 100 cases of severe post-operative infections have occurred in patients who claim that the infection was due to contaminated sutures. Lance Williams of the San Francisco Examiner has written a series of articles (2/21/1999 & 2/22/1999) describing the pain and suffering that these people experienced. Ethicon has settled many of these cases out of court with exceptionally strong confidentiality requirements. Because the records are sealed, we cannot determine the potential threat to public health by examining the details of the cases.

We may never know with certainty whether the sutures were contaminated and lead to the postoperative infections. According to a letter from the FDA, "Since typically, 20 units are tested per batch, the finding of ten units were positive results is not conclusive. It is difficult to conclude whether these results mean that the sutures were contaminated or that contamination occurred during the testing."

Even more amazing is the fact that Ethicon destroyed all the sutures recovered in the recall. Therefore, we cannot know if the recalled sutures were contaminated or sterile.

Our constituents depend upon sound federal regulation to protect them from harm. Few of us have the technical expertise to determine which drugs are safe to treat what ails us or the ability to know how we may be infected by contaminated surgical devices. Rather, we

must depend upon a sound system of checks and oversight to ensure that the medicines and tools our physicians use are good and will not harm us. In addition, corporations that make their money selling health products have the moral and ethical obligation to take every precaution to protect consumers.

A TRIBUTE TO HENRY T. BRAUCHLE ELEMENTARY SCHOOL: RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Henry T. Brauchle Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regard to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standards and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Henry T. Brauchle Elementary School joins three schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for American Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Henry T. Brauchle Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

EDUCATION REFORM IN JULESBURG, COLORADO

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. SCHAFFER. Mr. Speaker, I rise today to speak to the House of Representatives about the education reforms implemented by the Julesburg School District in Julesburg, Colorado. The district's common sense reforms emphasize personal initiative, account-

ability, high standards and responsiveness. I offer a recent letter for the RECORD, submitted to me by Mr. Rod Blunck, Superintendent of Schools.

Julesburg's no-nonsense, no-excuses approach to raising test scores has several steps. First, the salary schedule is based entirely on professional development. This incentive for personal initiative and improvement has a direct bearing on classroom quality. In the near future, the system will be enhanced to include extra compensation opportunities based on student achievement.

Secondly, the responsibility for student achievement is carried out by everyone in the organization, not just the teachers. Their goal, as a staff, is to become a results-oriented organization in which everyone has responsibility for the outcome.

Thirdly, the District is strengthening its accountability to the community by developing school report cards and community presentations.

I would like to summarize with a quote taken from Superintendent Blunck's letter. The letter quotes author Robert Greenleaf, "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope."

Accountability is a popular by-word today, yet few are willing to put this concept to the test. In Northeast Colorado, far from Denver, far from the noisy rancor of Washington, far from the proposals and speeches, there are people who are making a difference with quiet confidence.

JULESBURG SCHOOL DISTRICT RE-1,

*Julesburg, Co, April 18, 1999.*

Hon. BOB SCHAFFER,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN SCHAFFER: I recently had the pleasure of hearing you speak to a group of people in Julesburg during your recess. I was a member of the audience that day and I wanted to take a minute to tell you that I look forward to your leadership in the educational arena and I anticipate great possibilities for education under your administration. As I listened to you that day it is my understanding that you are the type of leader and congressman who would appreciate what I am about to share with you.

I would like to bring it to your attention that a number of the reforms that you spoke of on that day are already being implemented in the Julesburg School District.

First of all, we do not have the traditional vertical/horizontal salary schedule that is used by most districts in the State. Our schedule is entirely based upon professional development. Within the past year, we have implemented the Julesburg Professional Development Academy where teachers can take professional growth classes that in turn have a direct effect upon their salary and that are specifically directed at increased student achievement. This allows us, as a district, to tailor the classes that teachers take to insure that the requested courses correlate with our District goals of improved student achievement. Some of the courses that have been and will be offered through this program are:

Teaching reading and Writing in the content area

Using the computer to enhance instruction

The Colorado Writing Project

Working with Special Needs students in the regular classroom

Standards and Assessments—How do they affect the classroom teacher

As a result of these courses we have seen veteran teachers begin to write rubrics for their students in areas such as science, industrial arts and other curricular areas. With this type of staff development teachers have a direct responsibility for their salary increases and we as a district are able to determine what classes and professional growth opportunities align with our District goals.

I also wanted to let you know that I have had initial discussion with our teacher representatives about extra compensation opportunities based on student achievement scores. We have already determined that we will be a data-driven, result-oriented organization that is willing to compensate teaching staff for increased student achievement. I anticipate that this program will be fully funded and implemented for the 00-01 school year.

As an example, of our goal of being a result oriented organization I would like to take a minute to share with you an incident that happened after we received the results of the CSAP testing. After receiving the results we noticed that we had declined 25% in reading and 33% in writing from the previous year. Given these known facts we wrote a remediation plan to help us improve our scores. Our remediation included two clauses that I would like to bring to your attention. The first being that, "we would offer no excuses." We would not discuss the test, its norming samples nor the socio-economic status of our children taking the test. In essence we accepted full responsibility for our results. The second caveat that I would like for you to know is that the remediation plan included the Superintendent of Schools and the Board of Education. Thus, to reiterate your point in your speech, in the Julesburg School District Re-1 accountability for student achievement is placed upon the entire organization not just the classroom teacher. In fact, our remediation plan is a public document that is open for our constituents to view. In Julesburg, Colorado, student achievement is the very crux of our accountability and our decision-making processes. We will not just collect data; our future will be driven by it.

Our next step of this accountability process is the development of a local report card. In addition to printing and publishing our local report card we are going to hold a public local "shareholders" meeting. At this meeting we will furnish to our community a "state of the school" presentation. This presentation will include fiscal information as well as student achievement information. It is our intention that this "shareholder" meeting will become a tradition in the Julesburg community.

Congressman Schaffer, I share this information with you because people with shared goals should communicate to maximize the positive effect for our students. As I close, I would like to share a quote with you. Robert Greenleaf, in his book *Servant Leadership* cites the following passage, "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope." Congressman, you and I both know that the future of education is very bright in Colorado.

If I can be of any assistance to you in our shared purpose please feel free to call on me.

Sincerely,

ROD L. BLUNCK,  
*Superintendent of Schools.*

## HONORING COMMUNITY PROTESTANT CHURCH OF CO-OP CITY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. ENGEL. Mr. Speaker, a church can be the mainstay of a community, the bond which holds its people together in common purpose. In the Bronx, the Co-op City community is fortunate to have such a church, the Community Protestant Church of Co-op City.

And today I rise to congratulate that wonderful institution and its worshippers who are celebrating the church's 30th anniversary.

The Community Protestant Church started humbly enough with the organizational meeting of co-operators, as residents of Co-op City are called, in the spring of 1969. Initially services were held in the homes on a rotating basis before moving to a community room. Visiting ministers were provided by the Council of Churches on a weekly basis. The following year Temple Beth-El shared its space with the Church and the Rev. Julius Sasportas volunteered to serve as pastor.

It was on March 21, 1971, that the church was officially incorporated. That same year the church acquired and renovated space at 2053 Asch Loop North and in May of the following year moved into its new quarters. In December, 1972, the Rev. Daniel Ward was sent by the Southern Baptist Convention to serve as Pastor.

In the following years more space was acquired and in 1976 the Rev. Dr. Calvin E. Owens became the spiritual leader of the church. New land was acquired for a permanent home and in November 3, 1994, groundbreaking ceremonies were held.

I congratulate the Community Protestant Church on its 30th anniversary and wish the church many more years in the community.

## IN HONOR OF ST. JOSEPH WORSHIP SPACE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the dedication of the St. Joseph Worship Space.

The Worship Space is an environment where, through private devotion and liturgical celebration, the sisters of St. Joseph may be united with God and with one another. The Worship Space provides the congregation with a much-needed facility where the sisters of St. Joseph and the community can gather to worship.

A Reservation Chapel has been set up for the use of private devotion to the Blessed Sacrament. The Reconciliation Chapel has been built and is dedicated for the reception of the Sacrament of Reconciliation. Also, seating for 250 people is available for liturgy, meetings, jubilees, Chapter assemblies, and, a gathering room has been established where the sisters can meet as well as extend their hospitality to the congregation.

My fellow colleagues, please join me honoring the dedication of the Sisters of St. Joseph Worship Space.

## TRIBUTE TO REV. RICHARD ANDRUS

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. BONIOR. Mr. Speaker, today I would like to congratulate, Rev. Richard Andrus upon his retirement from the ministry. His parishioners, colleagues, family and friends will honor him with a retirement dinner at the First United Methodist Church in Mount Clemens, MI.

Born in Reese, MI, in 1937, Reverend Andrus has dedicated much of his life to serving others. He entered the ministry in 1967, and has been a leader in nine different churches throughout his exemplary career. Currently, Reverend Andrus serves at the First United Methodist Church in Mount Clemens. He has been with the church for 7 years.

Prior to his arrival at First United Methodist Church in Mount Clemens, Reverend Andrus served in several area churches, including the Warren First United Methodist Church and the Warren Wesley Church. Prior to that, he was assigned to the New Baltimore Congregation and built the Grace United Methodist Church.

Reverend Andrus is a tireless advocate for the people of Macomb County. He formed the Macomb County Ministerium and has been a member of the Macomb Emergency Shelter Coalition for the last 10 years. Reverend Andrus is also a member of the Jail Ministry, the Healthier Macomb Organization and the Rotary Club. While serving in New Baltimore, he was also the Chaplain for the Civil Air Patrol at Selfridge Air Force Base.

For more than 32 years, Rev. Richard Andrus has given his time, love and patience to the people he has served. Now, it is my honor to give Reverend Andrus my heartfelt congratulations as he celebrates his retirement.

## A TRIBUTE TO GLEN OAKS ELEMENTARY SCHOOL; RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Glen Oaks Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Glen Oaks Elementary joins three other schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Glen Oaks Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

## EDUCATION REFORM, A RURAL PERSPECTIVE

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Gerald Keefe, Superintendent of Kit Carson School District R-1 and a member of my Fourth Congressional District Education Advisory Board. I would like to enter into the RECORD a recent letter from him on education reform.

Superintendent Keefe's common sense ideas emphasize the importance of basic values, including respect for elders, peers, teachers and community. Creating a school culture which affirms values is central not only to the success of the school but to the stability of society. To generate an environment of respect, schools should adopt high standards and good discipline measures.

Secondly, Superintendent Keefe stresses the need for local control. He believes cutting federal red tape to ensure money gets to the classroom is essential. Streamlining regulations, especially those revolving around the Individuals with Disabilities Act is also necessary to ensure each child gets the attention he or she needs to achieve.

I look forward to working with Superintendent Keefe as the Committee on Education and Workforce, of which I am a member, undertakes the reauthorization of the Elementary and Secondary Education Act, the primary source of education funding.

I would like to finish with a quote from author Robert Greenleaf: "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope."

In rural Colorado, far from Denver, far from the noisy rancor of Washington, far from the proposals and speeches, there are people who are making a difference with quiet confidence.

KIT CARSON SCHOOL DISTRICT R-1,

*Kit Carson, CO.*

Congressman BOB SCHAFFER,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN SCHAFFER, First let me commend you on the outstanding job you are

doing in reforming public education. It's a tough task as you know and I admire your efforts.

I was intrigued by the findings of the Education at a Crossroads report that highlighted characteristics of successful schools. I wholeheartedly agreed with that report and I would like to briefly touch on those findings and offer a few other comments as well.

Please understand that I offer a rural perspective on education and as such my background and feelings may differ from those of my urban colleagues. Rural Coloradans crave technology and would welcome any legislation that increases opportunities in that area for small districts. Technology of course comes with a price tag, but the return on the investment in this area makes it an acceptable cost. The SLC Universal Service Discount has been helpful but other funding opportunities would be welcomed as well.

I applaud your efforts to directly deliver dollars to the classroom instead of seeing a large portion of those funds siphoned off by the bureaucracy. You are most certainly on the right track in this area.

Schools also desperately need the ability to instill basic values in their populace. Respect for ones' elders, country, teachers, fellow students and school community are in my mind essential not only for successful schools but for a stable society as well. Court rulings and legislation restricting the rights of schools to discipline and set standards for their students have improved somewhat over the years, but more progress is still needed in this area.

Schools must be administered at the local level and even though I welcome federal funding from the budget side of the equation, that enthusiasm is tempered by the knowledge that increased federal control may also result from this arrangement.

Special Education is another topic of great concern. I feel that it has become a trap that students often do not return from. It needs to be streamlined so that the classification of students with disabilities is a true and accurate one and not just a convenient label to explain away juvenile behavior.

My Catholic school background tells me that some of these students need a paddle against their backside and not a protective label that provides a ready made excuse to justify anti-social behavior. IDEA legislation should be written to ensure that only those who have a significant need for special education services actually qualify. We are pleased, however, with the Title One program and how it operates in our district.

Vocational Education has the potential to offer a wide variety of opportunities for rural America and as such I ask that continued funding of those programs remain a priority.

After I familiarize myself with specific topics facing Congress through your Ed-Link publication I would be willing to comment on those issues in greater detail. I feel I have spoken today in a very broad sense but I hope my comments are still of some value to you as you tackle the challenges facing America's schools.

Thanks for your time and effort on behalf of the citizens of House District 4 and thanks again for the opportunity to serve on your education advisory committee.

Sincerely,

GERALD KEEFE,  
*Superintendent.*

HONORING JUDGE ASCHER KATZ

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. ENGEL. Mr. Speaker, today I rise to speak in praise of a man who has devoted himself to his community. Judge Ascher Katz is not only Administrative Town Judge of Greenburgh, serving on the bench for 23 years, but a man who has immersed himself in the judicial profession as a Director of the County Magistrates Association and as a Chairman of the state Bar Association Committee on District, City, Village and Town Courts.

Judge Katz is also in Who's Who in American Law and a senior partner in his law firm. But he also serves the community as a whole; as a Charter Member of the U.S. Holocaust Commission, in the Jewish War Veterans, as a board member of the American Cancer Society, and in the Rotary and B'nai B'rith. He is a graduate of Harvard Law School and he and his wife have three daughters. On his retirement I want to thank him for all he has done for his community and to wish him the very best.

IN HONOR OF THE LADIES AUXILIARY OF THE POLISH LEGION OF AMERICAN VETERANS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 65th Anniversary of Chapter No. 30, The Ladies Auxiliary of the Polish Legion of American Veterans.

Organized on May 23, 1934, The Ladies Auxiliary of the Polish Legion of American Veterans was formed to work with the Post, visit the hospitalized veterans and to participate in all patriotic, civil and religious functions.

Throughout the past 65 years, the Ladies Auxiliary has worked hard for the veterans of Chapter 30 of the Polish Legion by participating in many activities, such as, parades, Memorial Masses, Civil functions, and ward treats at Wade Park and Brecksville V.A. Hospitals. This Chapter has also been involved with State and National Conversions, Veterans and Women of the Year, Evening in Warsaw, State Picnic, Night at the Races and Bowling Tournaments.

The Ladies Auxiliary is dedicated to raising money to support veterans by holding fund raisers such as, Card Parties, Bingo's, Dinners, Picnics, Bake Sales, and Poppy sales. Throughout their years of service of helping veterans, Chapter No. 30 has accumulated over 35,000 registered volunteer hours.

The members of the Chapter are proud of their Polish Heritage and culture and proud to have accomplished so much in the past 65 years. I am confident that the Polish Legion of American Veterans Ladies Auxiliary will continue their commitment to work for the veterans well in to the next millennium.

My fellow colleagues, please join me in honoring the work and dedication of The Ladies Auxiliary of the Polish Legion of American Veterans.

IN CELEBRATION OF REV. MSGR. GERARD LA CERRA

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor a man who has devoted his life to God and who has served faithfully as a priest for 30 years. Reverend Monsignor was born on March 12, 1943, and was ordained to the priesthood on May 24, 1969, after completing his seminary studies at St. John Vianney College Seminary in Miami and St. Vincent de Paul Regional Seminary in Boynton Beach, FL. He obtained a Bachelor of Arts, Master of Divinity, Master of Theology and Doctor of Sacred Theology.

His many ecclesiastical achievements began in 1969 when he was Regional Coordinator for Religious Education in Broward County. From 1970 to 1977 he was Director of the MA Program in Religious Studies. A member of the Faculty of St. Vincent de Paul Regional Seminary from 1972 to 1974, he was also Secretary of the National Conference of Diocesan Directors of Religious Education from 1974 to 1978.

In 1978 he was appointed Chancellor of the Archdiocese of Miami and served in that capacity until 1993. In addition, he was appointed Vicar General and Moderator of the Curia in 1984, a position in which he served until March 1995. In this capacity he served as Executive Director of the Ministry of General Services. Besides membership on various Archdiocesan boards and commissions, he is also Chaplain to the Daughters of Isabella.

At a Pastoral level, Msgr. La Cerra was Associate Pastor at Annunciation, Little Flower (Coral Gables) and St. James Parishes. From 1978 until May 15, 1991 he was named Pastor of St. Mary's Cathedral.

In December of 1992 he was appointed administrator of St. Timothy Parish in Miami and currently he holds the Pastoral position. He was given the title of Reverend Monsignor by the highest authority of the Catholic Church, Pope John Paul II, in September of 1995. We are fortunate to have this admirable Monsignor in South Florida and I commend Reverend La Cerra for his many accomplishments.

IN SUPPORT OF THE SCHOOL ANTI-VIOLENCE EMPOWERMENT ACT

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. GREEN of Texas. Mr. Speaker, juvenile crime today tends to be more violent and involves younger children than in the past. The recent tragedies involving school violence has prompted parents, teachers, administrators, and elected officials to work together and set the safety of our children as a national priority. Congress needs to get its priorities in line as well and act on legislation that would stop youth violence and make our schools safe.

According to a 1995 GAO report on school-based violence prevention programs, successful programs have the following characteristics: a comprehensive approach; an early start

and long-term commitment; strong leadership and disciplinary policies; staff development; parental involvement; interagency partnerships and community links; and a culturally sensitive and developmentally appropriate approach.

I am proud to join my colleague from New Jersey, Congressman ROBERT MENENDEZ as a cosponsor of the School Anti-Violence Empowerment Act because it includes many of the recommendations of the GAO report. This bill would:

Provide grants for school districts to hire crisis prevention counselors and fund anti-school violence initiatives. 50% of the grants would go to fund crisis prevention counselors and crisis prevention programs. 50% would go to school districts who would have the flexibility to spend these funds on projects which would best improve security at their schools.

Increased funding for COPS. 50% of the funding would be targeted for cooperative school-police partnerships to place safety officers in schools.

Implements after school and life skills programs for at-risk youth.

Directs the Department of Education to work with the Department of Justice to develop a model violence prevention program for school districts to use. In addition, the Department of Education would create a clearinghouse of anti-school violence to allow school districts to see what types of initiatives are working in other schools across the nation.

It is imperative that we implement aggressive and comprehensive approaches to keep our children safe. They deserve to have an educational experience free from fear or the threat of violence.

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LAW ENFORCEMENT  
APPRECIATION MONTH

**HON. ALLEN BOYD**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. BOYD. Mr. Speaker, today I rise in honor of Law Enforcement Appreciation Month to pay tribute to our nation's more than 700,000 men and women who serve our communities as law enforcement officers. We owe these individuals a tremendous debt of gratitude for the many sacrifices they make so that we might enjoy safer places to live and work.

Each day, America's law enforcement officers put their lives on the line as our first defense from violent crime. But these public servants do so much more than apprehend criminals: law enforcement officers are community activists, role models for our nation's young people and defenders of law and order.

This month, in honor of Law Enforcement Appreciation Month, I hope that Americans will take time to thank their local law enforcement officers for their dedication and hard work. We should also take this moment to remember the ultimate sacrifice made by the many officers who have lost their lives in the line of duty and pay our respects to the families these individuals have left behind. Most importantly, as this month comes to a close, we should strive to honor these brave officers each day and give them our support so that together we might make our communities an even better place to live.

CONGRATULATING LEON MEDVEDOW ON HIS 70TH BIRTHDAY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize Leon Medvedow as he celebrates his 70th birthday. This evening friends, family, and the New Haven community will gather to pay tribute to Leon for a lifetime of contributions to the City of New Haven.

A respected leader of the community, Leon has served the City of New Haven and its residents with an unparalleled commitment for over fifty years. His distinguished record of public service began with his election as New Haven's Old Third Ward Alderman in 1953. For decades, Leon continued his leadership and vision for New Haven in many other capacities including City Clerk, Chairman of the Board of Finance, and Chairman of the 25th Ward Democratic Committee.

Leon was honored by former President Jimmy Carter with an appointment to the Federal Small Business Administration Advisory Council in recognition of his professionalism as a small business owner. Today he remains president of Leon A. Medvedow & Associates, Inc., a printing company he built from the ground up, and continues his political career as Campaign General Chairman for New Haven's current mayor, John DeStefano, Jr. His exceptional talents remain focused on the improvement of the New Haven community.

The generosity Leon has shown throughout his life has made him a true friend to the community. He gives his seemingly endless time and energy to many community organizations. Currently, he is a member of Congregation Beth El-Keser Israel as well as the Board of Directors for the New Haven Jewish Community Center, overseeing a myriad of social programs for New Haven's Jewish community. He is a former trustee of the University of Connecticut's Alumni Association and a founder and past president of the UCONN Club. An avid basketball fan, he is a fifty year veteran basketball season ticket holder showing true loyalty and spirit for his alma mater. His passion for the sport led him to sponsor a local team, the New Haven Elms, bringing the game he loves to the City of New Haven.

After five decades of accomplishments, you wouldn't think Leon would have anything left to achieve and yet he continues to add to his extraordinary life. Just five days ago, Leon celebrated his Bar Mitzvah, fulfilling a promise he made to himself over fifty years ago when circumstances forced the ceremony to fall by the wayside.

Mr. Speaker, it is with great pride that I rise today to join Leon's wife, Phyllis, children, grandchildren, friends, and the entire New Haven community to wish my good friend a very happy 70th birthday. Leon's work and commitment have truly left this community a better place and for that we thank him.

TAIWAN'S 3RD ANNIVERSARY OF  
PRESIDENTIAL ELECTIONS

**HON. TERRY EVERETT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. EVERETT. Mr. Speaker, for the first time in Chinese history, Taiwan held a truly democratic presidential election three years ago. As the people of Taiwan celebrate their president's third anniversary in office on May 20, 1999, I send them my congratulations.

I applaud President Lee's recent proposal that Taiwan and the mainland work together in drafting a comprehensive financial plan to help solve the current financial crisis affecting their neighbors in Asia. President Lee's innovative ideas deserve serious consideration by the mainland China authorities.

The Chinese people as well as the international Community, stand to benefit if Taiwan and China continue to have a meaningful dialogue about their hopeful unification. Taiwan and the Chinese mainland have much to learn from each other. Taiwan's economic miracle and a thriving democracy will be a useful guide to the mainland China's progress toward a free and open economic and political climate.

Congratulations to President Lee Teng-hui and best regards to Foreign Minister Jason Hu for their effort on behalf of democracy in the Pacific Rim.

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IN HONOR OF BELVA DAVIS AND  
ROLLIN POST

**HON. NANCY PELOSI**

OF CALIFORNIA

**HON. BARBARA LEE**

OF CALIFORNIA

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Ms. PELOSI. Mr. Speaker, we rise today to mark the contributions of two highly respected California journalists. On Sunday, May 23, 1999, veteran Bay Area television journalists Belva Davis and Rollin Post will be honored at the San Francisco City Hall Rotunda. Their combined experience spans 70 years, a long and rich engagement with the social, cultural, and political history of the Bay Area.

Belva Davis, winner of multiple professional awards, has worked continuously on television since 1966, when she became the first African-American female reporter on the West Coast. Since that breakthrough, Belva has contributed significantly to the shape and the texture of today's television news. Her sharp, poignant reports stimulate community awareness. Her commitment is further demonstrated by deep involvement in numerous community organizations. She is also a labor activist and a visible supporter of African-American culture and history.

During her career, Belva Davis has reported for, or anchored, such public affairs programs as KRON's "California This Week" with Political Analyst Rollin Post, BayTV's "Close-up with Belva Davis" and "Bay Area Close UP," KQED's "A Closer Look" and "Evening Edition." She has also served as News Centers

4's anchor and urban affairs specialist. Most recently, she joined Congresswoman Barbara Lee's citizen delegation to report a week-long series on the people, culture and politics of Cuba and on Cuba's relationship with the United States.

Belva has received six local Emmys, the 1996 Governor's Award of the Northern California Chapter of the National Academy of Television Arts and Sciences, a Certificate of Excellence from the California Associated Press Television and Radio Association, and the Golden Gadget Award of the Media Alliance. She has honorary doctorates from Golden Gate University and John F. Kennedy Universities. The Media Academy of Oakland offers an annual journalism scholarship in Ms. Davis's name.

When Rollin Post announced his retirement, Belva said: "I've been learning from Rollin Post for three decades, and we have become the real political odd couple. He has taught me how to make the most complicated political issues interesting to a sometimes disinterested electorate."

Rollin Post has covered politics in the San Francisco Bay Area for more than 40 years. With keen understanding of public affairs, Rollin has covered 14 national political conventions. In addition to state and local political issues, Rollin reported from Cuba in 1978 on trade, tourism, and hijacking. In 1986, Rollin was on special assignment in the Philippines during the transition to democracy.

"Rollin is an old-fashioned reporter who gives you the facts and is genuinely interested in the process, the politics, the issues and ideas. He is exceptionally fair-minded and doesn't have a cynical bone in his body," wrote John Jacobs, political editor of McClatchy Newspapers. With a passion for politics, along with a touch of idealism, Rollin brought clarity and understanding to the political process.

Early in his career, Rollin worked for KPIX-TV, where he concentrated on politics and general assignments. He was also head writer and producer for "The Paul Coates Report," a nationally syndicated television interview show. Rollin joined KQED in 1973 to work on three programs: "A Closer Look," "Newsroom," and "California Tonight." In September 1979, Rollin joined KRON-TV, where he served as NewsCenter4's political editor for 18 years. While co-anchoring on KRON's "California This Week," Rollin and Belva brought passion and insight to the issues of the day. Because of their pioneering spirit and leadership, Rollin and Belva became mentors to the next generation of journalists. Rollin speaks of Belva with great affection: "She's a Type A; I'm the type who likes to take naps."

Currently, Rollin hosts "Our World This Week," an international news show produced by BayTV in cooperation with the World Affairs Council of Northern California.

Among his many awards, Rollin received the prestigious Broadcast Preceptor Award from the 32nd annual San Francisco State University Broadcast Industry Conference. He has also been honored by the Coro Foundation for his influential leadership in the public arena.

In celebrating the lives and careers of Belva Davis and Rollin Post, we are paying tribute to two remarkable people whom we are also fortunate to know as friends.

## A TRIBUTE TO CITY YEAR SAN ANTONIO

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to ask unanimous consent to submit into the RECORD an article that appeared in the San Antonio Express News recently.

The article highlights City Year San Antonio, a unique public and private partnership program for the national service movement. City Year San Antonio has contributed more than 30,000 hours of service to the San Antonio community in its 3 years of service. City Year San Antonio has established a mentor and tutor program for children from elementary school through high school, including programs on the environment, domestic violence prevention, HIV/Aids awareness, and technology education.

I am proud of the work and the service that City Year provides to the San Antonio community. I look forward to the continued success and future progress of City Year San Antonio.

#### AMERICORPS WORKERS HELPING OTHERS CITYWIDE

(By Joseph Barrios)

... Nathan Miller grew up in a quiet Kansas City, Kan., neighborhood but wanted to travel and learn about different places.

He graduated from high school and then applied to serve with City Year, one of the AmeriCorps volunteer programs operating in San Antonio.

The 19-year-old Miller now works 12-hour days, sometimes tutoring West Side children as part of Project Learn to Read and sometimes working with San Antonio Alternative Housing on minor construction for elderly neighbors.

His favorite responsibility is helping teach a nighttime English class for adults seeking citizenship.

"I feel like I help them get along better in their lives," Miller said. "I have a chance to meet people in drastically different life situations from mine."

Miller is one of more than 140 full-time volunteers in the San Antonio area serving with various AmeriCorps programs. Although the volunteers are affiliated with different funding agencies, their goals are the same.

They want to tackle some of San Antonio's blight and improve people's lives. AmeriCorps is the national service program started by Congress and President Clinton in 1993. Programs can be funded with federal dollars or matched by a local "parent" organization.

The George Gervin Youth Center has 20 full-time AmeriCorps volunteers and Habitat for Humanity has a dozen full-time volunteers working in San Antonio.

Miller works for the 10-year-old City Year program, which has 70 AmeriCorps volunteers and works out of an office downtown.

An average day for him varies somewhat from Rudy Beltran, 23, a full-time volunteer with the Just Serve AmeriCorps program run by San Antonio Fighting Back of the United Way.

Beltran, based at the Barbara Jordan center of the city's East Side, is a full-time student at the University of Texas at San Antonio. He also teaches an evening, English-as-a-Second-Language class at Highlands High School and tutors high school students in English.

Recently, Beltran helped several students prepare for the Texas Assessment of Academic Skills Test.

"I definitely get a lot out of it," Beltran said. "A couple of students came up to me

and said it really helped them. They thought they had passed it."

Fighting Back, a substance abuse, crime and violence prevention and community development program, has 60 full-time volunteers. They are recruiting more than 100 high school students for a new part-time service program in San Antonio.

City Year and Southside High School recently started a part-time volunteer program for students called City Heroes.

Most of the full-time volunteers started their year of service in August and will finish in June.

Volunteers operate primarily on the city's West, East and South sides but can participate in programs anywhere in the city, said Scott Hirsch of the Texas Commission on Volunteerism and Community Service. Volunteers themselves come from all areas of town and sometimes—like Miller—from out of town.

Hirsch said the commission is working on guidelines to evaluate how effective volunteers throughout Texas have been in the past five years since the AmeriCorps program was founded. Overall, the various volunteer programs are going strong.

Hirsch added that associations with other programs can cause confusion. "Sometimes, when you're at a cocktail party and you mention you work for AmeriCorps, people think it no longer exists," Hirsch said.

Some of the benefits to the program are intangible, said Bill Blair, director at the George Gervin Youth Center.

Regularly, when volunteers are painting a house or cleaning up an abandoned lot, neighbors will stop by and offer their help.

"I say, 'Sure, come on and join us.' You can't beat that sort of thing," Blair said.

Neighbors can also submit ideas for service projects to any of the programs like City Year or Fighting Back.

AmeriCorps volunteer benefits can include health insurance, a weekly stipend, uniforms and a post-service education award of \$4,725 that can pay for school or student loans. The program requires a minimum of 1,700 hours a year from volunteers.

This fall, Miller will begin college in Vermont. He said his favorite times as a volunteer come when someone thanks him for work that an AmeriCorps volunteer did.

"I have people come up to me all the time. They see your shirt and want to thank you," Miller said. "They can be thanking you for something that happened three years or three days ago."

## WORKING ON A SOLUTION

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, in the matter of the Columbine Massacre, I hereby submit to the RECORD a statement issued by the Colorado State Board of Education.

These remarks, I commend to my colleagues upon consideration of various proposals pending this Congress. Clearly, the thoughts offered by the Colorado State Board of Education, signed a thoughtful approach to any legislative initiatives we might consider here and establish a reasonable framework from which to view our responsibilities.

The statement of the Board is as follows:

#### WHAT IS TO BE DONE: SEARCHING FOR MEANING IN OUR TRAGEDY

In the aftermath of the most terrible day in Colorado education, when the pain and

grief of those who have suffered loss is beyond what words can express, all of us are asking the questions: "Why? How did this happen? What can we do to keep it from happening again?" The State Board of Education, adhering to its Constitutional responsibility, joins the Columbine community and the rest of the State in seeking the lessons that may be drawn from the awful tragedy of April 20, 1999.

As we seek the why behind this infamous event, we must find answers beyond the easy and obvious. How weapons become used for outlaw purposes is assuredly a relevant issue, yet our society's real problem is how human behavior sinks to utter and depraved indifference to the sanctity of life. As our country promotes academic literacy, we must promote moral literacy as well, and it is not children, but adults in authority who are ultimately responsible for that.

Our tragedy is but the latest—albeit the most terrifying and costly—of a steadily escalating series of schoolhouse horrors that have swept across the nation. The senseless brutality of these calamities clearly reveals that a dangerous subculture of amoral violence has taken hold among many of our youth.

We cannot pretend that we have not known about this subculture or about those elements of the mass media, from films to video games, from which it derives sustenance. Further, we must honestly admit that essentially we have done nothing to prevent these cultural cancers from spreading through our schools and society.

How often have adults questioning highly dubious youth speech, dress, entertainment, or behavior been denounced as old-fashioned, or worse, attacked as enemies of individual expression? How often have parents or teachers reporting alarming predictors of violent behavior been told nothing can be done until someone actually commits a crime? So we do nothing, and then look upon the ruin of so many young lives while hearing those saddest of words: Too Late.

As a Board we believe, with Edmund Burke, that all that is required for the triumph of evil is that good men do nothing. We further believe that society must act now before it is too late for more innocent children. We also recognize that failing to act shall make us all accomplices in such future tragedies as may engulf our schools.

Accordingly, we make the following recommendations for renewing that unity and strength of purpose that has historically bonded our schools, our homes, and our society.

#### I. IN OUR SCHOOLS

While our schools are at once the mold and the mirror of the democratic society they serve, they are not democracies themselves. Schools are founded and controlled by adults for the benefit of children.

The adults accountable for running schools must have the courage, ability, and authority to establish and maintain a safe and orderly environment maximally consonant with the purposes of schooling, i.e. the fullest possible achievement for every single child.

We recognize that in every time, and every society, there is tension between liberty and license, and frankly, we believe that the pendulum has swung too far in the direction of the latter.

Be that as it may, our school children should not be routinely victimized by the quarrels of the wider society. They deserve the shielding mantle of adult authority while they form and strengthen themselves for their own entry into adulthood.

We also recognize the routine cruelty and torment that can occur among adolescents in an unchecked peer culture. This is all the more reason for a strong and vigilant adult authority to prevent victimization of the vulnerable.

We know this won't be easy, and that it must begin with a decisive rollback of those harmful precedents that have so undermined the confident and successful exercise of legitimate adult authority upon which every good school depends.

We must stop disrespecting those who urge discipline and values. We must recognize that their cry is the legitimate voice of the American people. We must listen to respected voices—liberal and conservative—like Albert Shanker and William Bennett—when they tell us flat out that our "easy" schools will never get better or safer without a massive renewal of their values, discipline, and work ethic.

Finally, we must remember, respect, and unashamedly take pride in the fact that our schools, like our country, found their origin and draw their strength from the faith-based morality that is at the heart of our national character.

Today our schools have become so fearful of affirming one religion or one value over another that they have banished them all. In doing so they have abdicated their historic role in the moral formation of youth and thereby alienated themselves from our people's deep spiritual sensibilities. To leave this disconnection between society and its schools and unaddressed is an open invitation to further divisiveness and decline. For the sake of our children, who are so dependent upon a consistent and unified message from the adult world, we must solve these dilemmas. Other civilized nations have resolved divisions that are far more volatile. Surely, America can do as well.

#### II. IN OUR HOMES

We routinely preach about cooperation between home and school, yet too often our actions tell a different story. Too often, we undermine rather than support the values and authority of parents. Too often, we find them handy scapegoats for our own failures.

When countless surveys show our parents to be deeply concerned about the state of public education, something is seriously wrong and we ignore this at our peril.

This alienation has as much to do with parental concerns about safety and values as it does with persistent learning deficiencies. If we are to ask parents to use their authority to support those educating their children, then educators must use their authority to support the work and values of parents. Some schools are already doing this, but sadly in too many instances, these historic bonds of trust and mutual support have frayed badly or broken altogether.

We deeply believe that without a unified adult world, our children will continue to suffer the consequences of our doubts and divisions.

#### III. IN OUR SOCIETY

The connection between murder in our schools and elements of the mass culture is now beyond dispute. Only those who profit from this filth, and their dwindling bands of apologists deny the evidence of violence, hatred, and sadism routinely found in films, video games, and the like.

We believe it is no longer acceptable for an entertainment industry that spends billions to influence the behavior of children to deny that their efforts have consequences or that they have no accountability for sowing the seeds of tragedy.

If a utility poured sewage into our streets, an outraged public would not tolerate it. Should those responsible for the stream of moral sewage entering our homes and communities be any less accountable?

If we deem it proper to boycott, withhold public investments, and otherwise impose an economic penalty on companies for their labor practices, environmental policies, or countries in which they operate, how could we fail to move at least as aggressively against those who create, promote, and distribute media and other products for which there is no imaginable justification.

In closing we should be reminded that throughout our history our people have demonstrated a remarkable capacity for moral courage and self-renewal in times of great danger and challenge.

Perhaps across the ages we can hear the timeless words of Abraham Lincoln, and, applying them to our own circumstance renew his pledges, "that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom".

With history as our judge, let us go forward together with a strong and active faith.

Authorized at a Special Meeting of the State Board of Education, April 21, 1999 and issued by our hand in the city of Denver, Colorado, at the regular meeting May 13, 1999.

Clair Orr, Chairman, 4th Congressional District; Pat M. Chlouber, Vice Chairman, 3rd Congressional District; Ben Alexander, Member-At-Large, John Burnett, 5th Congressional District; Randy DeHouff, 6th Congressional District; Patti Johnson, 2nd Congressional District; Gully Stanford, 1st Congressional District; William J. Moloney, Commissioner of Education.

#### HONORING H. STEPHEN LIEB

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ENGEL. Mr. Speaker, I rise today to give tribute and thanks to Stephen Lieb who is retiring as Director of the Northeast Bronx Education Park. For many years he taught our children, before rising to administrative posts in the school district.

He was born and raised in New York City, educated in its public schools and has a B.S. from Hunter College, his M.S. from Fordham University and additional graduate work at Pace University and the University of Washington.

His initial assignment was teaching science at J.H.S. 163. In 1970 he transferred to I.S. 180 as Science Chairman and he was named Planetarium Director when that facility was completed.

Among his accomplishments was the full air conditioning of the five schools in the Park, and the installation of the data communications system. He has worked for 30 years with the Greater New York Council, Boy Scouts of America and takes 30 fatherless boys to camp every year. He also founded a scholarship program. In his retirement as Director of the Education Park, he leaves a hole that will be difficult to fill. I congratulate him for all of his good work and wish him the very best in retirement.

IN HONOR OF THE SALVATION  
ARMY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor The Salvation Army's Harbor Light Complex in the Greater Cleveland area on their 50th Anniversary.

The Harbor Light Complex has a strong commitment to helping those in the greater Cleveland area who are less fortunate. Through this institution, programs of Correction, Emergency Sheltering Services, Food Services, New Hope Citadel Corp., Residential Services, as well as Detox & Substance Abuse Programs help people deal with difficulties they face and gives them the courage and the tools to fight through them.

The Harbor Light Complex continues to provide in its historically established tradition the caring services needed to offer comfort, shelter sustenance, education and hope to the Greater Cleveland Community. The Salvation Army's continuing commitment to serving a diverse group of people in need in the Greater Cleveland area, sets an example of how caring individuals can change the world one life at a time.

I would like to recognize the Salvation Army's Harbor Light Complex for 50 years of quality service. They have truly met the needs of those who do not have a voice in our community.

INTRODUCTORY STATEMENT FOR  
THE HEALTH CARE WORKER  
NEEDLESTICK PREVENTION ACT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. STARK. Mr. Speaker, I am pleased to join with my colleagues, MARGE ROUKEMA, GEORGE MILLER, and ROB ANDREWS to introduce the Health Care Worker Needlestick Prevention Act, a bill to prevent dangerous, costly and preventable needlestick injuries to our nation's health care workers.

For far too long, we have stood by and watched as health care workers suffer needlestick and sharps injuries in our nation's hospitals and health care system. According to a 1997 report by the Occupational Safety & Health Administration (OSHA), approximately 800,000 hospital-based workers are injured annually from accidental needlesticks. Many of those injuries infections from bloodborne diseases, the worst of which include HIV/AIDS, and Hepatitis B & C.

OSHA estimates that approximately 16,000 needlesticks are contaminated by the HIV/AIDS. As of December 1998, the Center for Disease Control (CDC) had documented 54 cases of HIV seroconversions from needlesticks and more than 110 "possible" cases among U.S. healthcare workers. In addition, according to the International Health Care Worker Safety Center at the University of

Virginia, there are an estimated 18 to 35 new occupational HIV infections of health care workers occurring from accidental needlesticks each year.

These injuries are largely preventable through use of newer technologies that use engineering devices to minimize accidental needlesticks. Hundreds of hospitals across the country have already converted to the use of these devices, but there are still thousands that haven't done so. Our legislation would make such safety devices the norm rather than the exception.

The Health Care Worker Needlestick Prevention Act is modeled after a California state law. Last year, California became the first state in the nation to require needlestick protections. The legislation was signed into law by then-Governor Pete Wilson and was endorsed by a wide coalition including the California Health Care Association (the state hospital trade association), Kaiser Permanente, health care workers, and labor unions alike.

The California Occupational Safety and Health Administration (Cal-OSHA) has estimated that each needlestick injury costs between \$2,234 and \$3,832 for treatment, testing, and prophylactic drugs. Cal-OSHA has also estimated that the California safe needles and sharps law, passed last year and effective this August, will save affected businesses and facilities over \$100 million per year in excess of the cost of the new devices. Similar bills are now pending in state legislatures across the country.

While states are stepping to the plate to address this pressing concern, this is a national crisis and it deserves a national solution. The Health Care Worker Needlestick Prevention Act would amend OSHA's bloodborne pathogens standard to require the use of safe needle technology as the means for preventing needlestick injuries. It is a real-life solution that recognizes that these technologies are still not available or appropriate for use in every situation. To that end, it includes an exception process if the device would interfere with patient or worker safety, interfere with the success of a medical procedure, or if no such device is available in the marketplace. It would also require stricter reporting of needlestick injuries and creates a new clearinghouse on safer needle technology within NIOSH (National Institute for Occupational Safety and Health) to collect the data and to assist employers with training curriculum and other advice on available technologies.

We stand here today with broad-based support similar to that which made the California law possible. Our legislation is endorsed by numerous organizations including: the Service Employees International Union; the American Nurses Association; the American Federation of State, County and Municipal Employees; Kaiser Permanente; The Consumer Federation of America; Becton Dickinson, a major medical device manufacturer; and the Emergency Nurses Association, the American Public Health Association, and AIDS Action.

It is time to take the appropriate step of protecting our health care workers. They simply should not be forced to risk their lives while trying to save ours.

Mr. Speaker, I want to especially thank Congresswoman ROUKEMA for her leadership on this issue and urge my colleagues on both

sides of the aisle to join us in support of this crucial effort.

Attached is a more detailed summary of the bill.

HEALTH CARE WORKER NEEDLESTICK PREVENTION ACT OF 1999, INTRODUCED BY REPS. PETE STARK AND MARGE ROUKEMA

BILL SUMMARY

Purpose: This bill would correct a dangerous problem in today's health care system in which health care workers suffer preventable needlestick injuries because appropriate technologies to prevent such injuries are not being utilized.

The bill would require the use of engineered safety mechanisms for needles and sharps in the health care arena to protect health care workers from life-threatening injuries caused by needlesticks and other sharps injuries.

OSHA Amendment: The bill amends OSHA's bloodborne pathogens standard to require that employers utilize needleless systems and sharps with engineered sharps protections to prevent the spread of bloodborne pathogens in their workplace.

In carrying out this requirement, employers are to work with direct care health care workers who use such devices to ensure the appropriate selection of technology.

Exceptions: Safe needle technology will not be immediately, universally available and appropriate for all uses in the health care arena. Recognizing this fact, the bill provides for an exceptions process if an employer can demonstrate circumstances in which the technology: Does not promote employee safety; interferes with patient safety; interferes with the success of a medical procedure; and is not commercially available in the marketplace.

Exposure Control Plan: Employers would develop written exposure control plans to identify and select existing needleless systems and sharps with engineered sharps protections and other methods of preventing the spread of bloodborne pathogens.

Sharps Injury Log: While we know that more than 800,000 health care workers suffer needlesticks every year, there is currently no uniform collection of data on sharps injuries to enable these incidents to be tracked, learned from, and prevented.

The bill would create a sharps injury log that employers would keep containing detailed information about any sharps injuries that occur.

Training: Employers would be required to adequately train direct care health care workers on the use of needleless technologies and systems with engineered sharps protections.

National Clearinghouse on Safer Needle Technology: The bill would establish a new clearinghouse within the National Institute for Occupational Safety and Health (NIOSH) to collect data on engineered safety technology designed to help prevent the risk of needlesticks and other sharps injuries. NIOSH would have access to the sharps injury logs in order to carry out these duties. The clearinghouse would also create model training curriculum for employers and health care workers. In order to carry out these new tasks, the institute is authorized \$15 million in new funding.

Application to Medicare Hospitals: HHS would promulgate new regulations regarding conditions of participation in Medicare for those hospitals that are not covered by OSHA so that all hospitals across the country would, in effect, be covered by these new bloodborne pathogens requirements.

SIKH JOURNALIST GRILLED BY INDIAN INTELLIGENCE OFFICERS—THERE IS NO FREEDOM OF THE PRESS IN INDIA

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. TOWNS. Mr. Speaker, India claims that it is democratic, but one of the cornerstones of democracy is freedom of the press. A recent event shows us again that there is no freedom of the press in India.

On May 11, Sukhbir Singh Osan, a journalist who has written for many papers in India and runs the website Burning Punjab, was interrogated by Indian intelligence officers for 45 minutes after he returned from a trip to the United States, Canada, and Great Britain. He came to cover the big Sikh marches in Washington, New York, and Toronto and to deliver a speech on the persecution of Christians that has been going on since Christmas Day.

Apparently, this coverage upset the Indian oligarchy. The intelligence officers who came to Mr. Osan's house said that they had "specific instructions from Delhi."

Mr. Osan has been targeted by the Indian government before. He was denied a degree he earned. His telephone has been bugged and he has received threats. He is not the only one. Reporters who exposed government abuses have received telephone threats. One reporter was told that "it is dangerous to report against the government." That was under a Congress Party government. The government controls the television and radio as well as Press Trust of India (PTI) and United News of India (UNI). How can you have a democracy if the government controls the media and tries to intimidate reporters who report news that they don't want to come out?

I thank my friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this story to my attention. His office issued an excellent press release on the grilling of Mr. Osan, which I believe will be very informative to my colleagues.

How can the United States continue to support a country that claims to be democratic but does not allow freedom of the press, kills tens of thousands over their religious beliefs, joins with the world's most notorious tyrants at the United Nations against the U.S., celebrates the anniversary of its nuclear explosion, routinely violates basic human rights, and will not even allow a simple vote on the political future of the minority nations seeking their freedom? Why should such a country be a major recipient of American aid and trade? We should stop our aid to India until it respects basic human rights and we should publicly declare our support for the 17 freedom movements within India's borders.

I place the Council of Khalistan's press release on the grilling of Mr. Osan into the RECORD.

JOURNALIST GRILLED BY INDIAN INTELLIGENCE OFFICERS

THERE IS NO FREEDOM OF THE PRESS IN INDIA

WASHINGTON, D.C., May 12—Sikh journalist Sukhbir Singh Osan, who runs the website Burning Punjab, was interrogated by Indian intelligence officers after returning from a trip to the United States, Canada, and Great Britain, where he covered the Sikh 300th an-

niversary marches in Washington, New York, and Toronto and made a speech on "Recent Attacks on the Christian Community in India."

Intelligence officers grilled Mr. Osan at his home yesterday for over 45 minutes. They claimed that "we have specific instructions from Delhi." Mr. Osan stated that this action is "true to their anti-Sikh stance."

Mr. Osan has previously had his telephone bugged by the Indian government. He was denied a degree he earned because he has exposed corruption, atrocities, and acts of terrorism by the Indian government. He has received anonymous telephone threats.

"The interrogation of Sukhbir Singh Osan shows that there is no freedom of the press in India," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Both Press Trust of India (PTI) and United News of India (UNI) are completely controlled by the Indian government," Dr. Aulakh stated. Noting that Mr. Osan has met lawmakers in both the U.S. and Canada, Dr. Aulakh said that "any more harassment of Mr. Osan will cause India big trouble."

"Reporters who put out information contrary to the government line are often threatened and harassed as Mr. Osan was yesterday," he said. "Reporters who have exposed government corruption and brutality have received anonymous telephone calls telling them that 'it is dangerous to report against the government,'" Dr. Aulakh said.

Mr. Aulakh urged the United States government to stop supporting the government of India. "India has joined with China, Russia, Cuba, and Libya in action against the U.S. at the United Nations," he noted. "India tried to build a security alliance against the United States. It recently celebrated the anniversary of its nuclear explosion and reiterated its refusal to sign the Comprehensive Test Ban Treaty. India is a major human-rights violator. Amnesty International has not been allowed into the country since 1978," he pointed out. "Yet it remains one of the top recipients of U.S. aid."

The Indian government has murdered more than 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1988, more than 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalit "untouchables," and others. Tens of thousands of Sikhs languish in Indian jails without charge or trial, some since 1984.

"Why should the American taxpayers be forced to support a country where there is no religious freedom, no freedom of the press, and no human rights for minorities?" he asked. "Why should America support a country that is so vehemently anti-American?" he said. "The time has come for America to defend freedom in South Asia by defending Mr. Osan and other journalists, by cutting off aid to India, and by supporting the 17 freedom movements within India's artificial borders," Dr. Aulakh said.

TRIBUTE TO WILLENE C. NESBITT

**HON. ROBIN HAYES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. HAYES. Mr. Speaker, I rise today to congratulate Willene C. Nesbitt of Concord, North Carolina for her commitment and dedication to her community.

On Saturday, May 22, 1999, Mrs. Nesbitt will be celebrating her retirement from North-east Medical Center in Concord. Mrs. Nesbitt

has worked for more than 50 years at North-east Medical Center, formerly Cabarrus Memorial Hospital, and has helped it grow and change into the fine regional hospital it is today.

The celebration on Saturday is not only a retirement celebration, but also a show of appreciation for all of her efforts in the community.

Mrs. Nesbitt has been active in the Shankletown-Sidetown Community Organization. She was one of the founding board members of this organization.

One project that she recently spearheaded was gathering members of the community and surrounding areas together to help rebuild an elderly woman's dilapidated home to make it liveable again. Her selfless acts of kindness have brought so many in our community a better life.

Mrs. Nesbitt and her husband, John C. Nesbitt, have also been active in their church, Gilmore Chapel AME Zion Church.

Mr. Speaker, I congratulate Willene Nesbitt in her retirement from the hospital, but hope that her community activity will only escalate with her new found free time. She truly brings a smile to the faces of the people she touches and improves the quality of life for everyone in Cabarrus County.

HONORING MRS. ELLA SCHWARTZ

**HON. STEVEN T. KUYKENDALL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor a legendary figure from my district, Mrs. Ella Schwartz. She passed away last week at the age of 80. Ella Schwartz was an icon of the city of Torrance and she has left a lasting impression on the city she called home.

Ella Schwartz was the daughter of Sam Levy, a founding father of the city of Torrance. The Sam Levy Department Store was the premier place to shop in the 1940's and 1950's. Following the death of her father in 1965, Mrs. Schwartz assumed control of the department store and in 1988 she transformed it into a women's boutique, naming it Ella's.

Ella Schwartz was actively involved in the community. She will be forever be linked to the revitalization of downtown Torrance. She was devoted to the city of Torrance, becoming a symbol of the city's heart and center.

Ella was a permanent fixture at her boutique until law year when she decided that it was time to retire and spend more time with her grandson. She was 79.

People will remember her fiery spirit and her dedication to improving the city of Torrance. She will be missed but not forgotten.

HONORING SHARI G. LAMBERT

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated herself to improving the quality of life in my

hometown of Flint, Michigan. On May 21, 1998, Mrs. Shari Lambert will be the guest of honor as family and friends gather to celebrate her retirement after 25 years of dedicated public service.

Shari Lambert has never once hesitated to reach out and help someone in need. Since 1974, she has worked for the Michigan Employment Security Commission, now known as the Michigan Unemployment Agency. Most recently, Shari worked as Manager for the Agency's Flint branch.

For 25 years, Shari has worked with thousands of individuals, ensuring that each one was set on the road toward prosperous and gainful employment. Her dedication to being an active public servant set a positive tone in each branch of the Michigan Employment Security Commission, as well as its successor, the Michigan Unemployment Agency. She has served as a role model for efficiency, compassion, and fairness. Many Michigan residents owe their ability to provide for themselves and others to Shari's influence.

In addition to her work with the Unemployment Agency, Shari serves as a member of several Workforce Development Boards, such as the Career Alliance Board, Greater Pontiac Area Consortium Board, and Macomb/St. Clair Board. She can also be found working with groups within Macomb County such as Growth Alliance, the Private Industry Council, the School to Work/Tech Prep Board, the Human Services Coordination Body, the Macomb County Economic Club, and the Central Macomb Chamber of Commerce. She has also been a member of the Flint Chamber of Commerce, and is a past president of the Michigan chapter of the International Association of Personnel in Employment Security.

Mr. Speaker, many people, not only in the city of Flint, have been granted a new lease on life because of the dedication of Shari Lambert. As it is our duty to preserve and protect the quality and dignity of life for our constituents, let us remember that our task is made easier by people like Shari. I ask my colleagues in the 106th Congress to join me in acknowledging the accomplishments of Shari Lambert. We owe her a debt of gratitude.

A TRIBUTE TO REVITALIZATION  
OF THE SOUTHERN AREA OF  
THE SLOPE (ROSAS) ON THE OC-  
CASION OF ITS COMMUNITY  
SERVICE AWARDS BANQUET

**HON. ANTHONY D. WEINER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Revitalization of the Southern Area of the Slope (ROSAS) on the occasion of its Community Service Awards Banquet.

The members of ROSAS have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This banquet is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Simon Brooking is the President of the 6th Avenue & 15th Street Community Garden and

a former ROSAS board member. He is a staunch advocate for community green spaces, composting and ROSAS' anti graffiti campaign. His painting company, The Flying Scotsman, helped art teacher Alison Conte and local children create a mural on 14th Street and 5th Avenue in Brooklyn. Simon and his wife Sheila have built a partnership with the Sierra Club to promote organic waste composting. Perhaps the Garden's greatest gift is providing area children with the opportunity to express themselves through their gardening and artistic talents. The Children's Creative Workshop, now entering its fourth year, is one such program that is available to Park Slope's children.

Carolyn Greer has spent the last four and a half years with New York State Senator Marty Markowitz and has lived up to the Senator's mandate that his staff be responsive to the needs of his constituents. As the Senator's Director of Community Programming, she handled complaints, responded to issues and identified and addressed community needs. Carolyn Greer is a founding member of South Brooklyn Hockey, which has ice and roller teams, and serves on the board of the Russian American Kids Circus. She is the author of the PS 321 Newsletter and is the founder of the PS 321 Holiday Helper Project, an annual drive for new clothes that are donated anonymously to several hundred needy public school children.

As ROSAS' Co-President in 1993 and 1994, Roger C. Melzer documented the extensive damage being done to Prospect Park by unrestricted barbecuing, organized community meetings to discuss the problem and worked to have regulations and enforcement imposed. He remains a strong advocate for more enforcement, better maintenance and more capital funding to preserve the natural aspects of Prospect Park. As a twenty-year resident of Park Slope, Roger has been a regular participant at Community Boards 6 and 7 meetings where his focus has been to ensure that city agencies provide service to residents in Park Slope and Windsor Terrace and to facilitate new initiatives as a means of resolving neighborhood problems.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come in contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by ROSAS.

INTRODUCTION OF MEDICARE  
MODERNIZATION #4 MEDICARE  
PERMANENT COMPETITIVE BID-  
DING AUTHORITY

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. STARK. Mr. Speaker, on behalf of myself and Representative MCDERMOTT, I am pleased today to introduce the fourth bill in my Medicare modernization package: permanent competitive bidding authority. As with the other bills in this series, competitive bidding will save money for Medicare, while also improving the quality of health services provided to

Medicare beneficiaries. These modernizations are a template for meaningful Medicare reform that allows us to avoid radical, untried theories that could endanger the program's future.

The promise of managed care is coordinated, comprehensive, cost-effective health services. Medicare+Choice plans are not currently living up to this promise. For some time now, Medicare has over-paid Medicare+Choice plans. Current overpayments are estimated to cost Medicare and taxpayers \$2 to \$3 billion per year. This is because Medicare+Choice has attracted only the healthiest beneficiaries—people who would have cost next to nothing had they stayed in the traditional fee-for-service plan—leaving a much sicker population in the traditional program.

In addition, managed care plans are disenrolling beneficiaries who need expensive services, such as heart surgery, and then re-enrolling the beneficiary after the fee-for-service plan has paid the bill. The OIG estimates that in 1991 through 1996, Medicare spent \$224 million for inpatient services furnished to beneficiaries within three months of their disenrollment. Had these beneficiaries not disenrolled, Medicare could have spent only \$20 million in capitation payments. That's \$204 million in savings Medicare could have realized. "Cherry picking" such as this has forced fee-for-service costs to rise.

Because Medicare+Choice payments are tied to fee-for-service cost, rather than the actual cost of providing care to beneficiaries enrolled in managed care, Medicare continues to over-pay health plans. De-linking Medicare+Choice payments from the fee-for-service program will enable Medicare to pay a more realistic price for managed care services. Fostering greater competition through competitive bidding will help to achieve this goal.

Competitive bidding would take place in both the managed care and fee-for-service Medicare programs. Under this bill, the Secretary of DHHS would have the explicit authority to select items, services, and geographic areas to be included in a bidding or negotiation process based on the availability of providers and the potential to achieve savings. To protect quality, the bill would require that providers meet specified quality standards in order to participate in the bidding process.

Competitive bidding is almost universal throughout the private sector and in many other areas of government contracting. However, HCFA is still forced to go through tortured demonstration processes to "test" this basic tool of capitalism.

At this moment, HCFA is trying to get three competitive bidding demonstration projects off the ground: two Medicare+Choice demonstrations, one in Phoenix and one in Saint Louis; and one fee-for-service demonstration for durable medical equipment (DME). Unfortunately, the industry is blocking HCFA's attempt because they know that competitive bidding will force them to charge a more realistic price. This is not about cutting services to beneficiaries or lowering quality standards. It's about helping the taxpayer so that society has the money to improve Medicare for everyone while extending the life of the program. Competitive bidding can work. It has worked in the public and private sectors for centuries. We should make it work for Medicare too.

As we search for ways to secure and improve Medicare, it is appropriate to consider increasing the efficiency of the program through competition. Introducing competition into the managed care equation will achieve greater efficiencies, higher quality, and cost savings, and will enable Medicare managed care to live up to its promise.

Following is a portion of an interview from the May/June 1999 issue of Health Affairs by Princeton professor Uwe Reinhardt with HHS Secretary Donna Shalala which describes how different it has been to make progress on this simple, basic, free enterprise approach to health care:

THE CONTROVERSY OVER COMPETITIVE  
BIDDING

Reinhardt: In my time, Medicare has been a pioneer in innovating with the DRG (diagnosis-related group)-based hospital payment system, which has been copied worldwide, and the Medicare physician fee schedule, which has been copied by private American payers. If we are ever going to really test managed competition by having health plans compete fairly for enrollees, only HCFA (the Health Care Financing Administration) can actually show the way, because the private sector has not yet done it so far. Do you share that view?

Shalala: I share that view, but the political system has to buy into it. For instance, we've announced a competitive-bidding demonstration in which we have some consensus among the experts as to where we ought to go and how to organize our experiment with managed competition. Phoenix and Kansas City are our two sites.

Reinhardt: HCFA has attempted such demonstrations in Baltimore and Denver but was forced to abandon both efforts by private interests that were opposed to them.

Shalala: Yes, in Denver we had bipartisan support to try it. But when we got specific and picked the places, we immediately had political opposition. However, Congress directed us (in the Balanced Budget Act [BBA] of 1997) to try again. We set up an advisory panel on which all of the political interests were represented. And now we're proceeding again.

Reinhardt: I suppose that we should never expect the managed care industry to voluntarily acquiesce to a competitive-bidding process because people instinctively don't like to compete. They prefer administered prices because such prices can be manipulated politically. Who is it, in general, that opposes competitive bidding?

Shalala: One source of opposition is the managed care industry. The companies in that industry believe that such a process will undermine their profits. So the private sector—the famed competitive marketplace—doesn't want competition. They keep saying things like, "Health care is different; we can't predict our costs." We have to have a system that is more nimble, more flexible. Managed care plans would not oppose a competitive-bidding process if they could modify the package of benefits. But if HCFA locks them into a benefits package, they want to be able to negotiate the price, rather than making competitive bids.

INDIAN INTELLIGENCE INTERROGATES REPORTER AFTER VISIT TO AMERICA

**HON. JOHN T. DOOLITTLE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. DOOLITTLE. Mr. Speaker, India has once again shown true nature of its democracy by grilling a reporter who visited the United States. Journalist Sukhbir Singh Osan has exposed the corruption and the atrocities of the Indian government in newspapers and through his website, Burning Punjab. He visited the United States, Canada, and Great Britain to cover the Sikh 300th anniversary marches and speak on human rights. He met with my colleague from Indiana, Mr. Burton, and with a minister in the Canadian government. Their pictures appear on his website.

Mr. Osan returned to his home in Chandigarh before Indian intelligence officers showed up at his house to interrogate him for 45 minutes, claiming they were acting on instructions from the central government in New Delhi. This is not the first time the Indian government has gone after Mr. Osan. He has received anonymous threats and has been denied a law degree that he worked hard to earn because he had written news stories that the Indian government didn't like.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, brought this to my attention. I understand that Dr. Aulakh has notified the Committee to Protect Journalists in New York of Mr. Osan's mistreatment.

What happened to Mr. Osan is not just an isolated incident. Other reporters have been threatened for reporting stories critical of the Indian government. Clearly, there is no press freedom in India despite its loud and frequent boasts that it is "the world's largest democracy."

Does a democratic country harass reporters for covering stories that the government doesn't like? Would a democratic country incite 17 freedom movements within its borders? India is a democracy only for the Brahmin ruling class. It is also anti-American, working with such models of democracy as China, Libya, and Cuba to undermine U.S. foreign policy. It approached China and Russia trying to build a triangular "security alliance" against America.

We should treat India as we do other violators of religious freedom. That will help to end the kind of abuse that Mr. Osan and his fellow Sikhs suffer and bring real freedom to all the nations and peoples living within India's Borders.

I am placing the Burning Punjab story on Mr. Osan's harassment into the RECORD for the information of my colleagues.

INTELLIGENCE AGENCIES GRILL SUKHBIR SINGH  
OSAN

Chandigarh.—True to their anti-Sikh stance, the Indian Intelligence Agencies have again started harassment of innocents. Punjab based journalist, Sukhbir Singh Osan, who recently visited Unites States, Canada and United Kingdom for the purpose of participating in a human right convention to read a paper on the subject "Recent attacks on Christian community in India" and covering the 300 year celebrations of the Khalsa community was grilled by the intelligence sleuths for more than forty-five minutes at his residence on May 11. When Mr.

Osan asked the DSP [Intelligence Bureau] as to why he was questioning him about his visits abroad, the said DSP replied, "Delhi wants to know all about it." When again asked whether there were any written instructions, he replied that "we have specific instructions from Delhi". However, nothing in writing was given to Mr. Osan.

A TRIBUTE TO LACKLAND ELEMENTARY SCHOOL; RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Lackland Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standards and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Lackland Elementary joins three other schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for American Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Lackland Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

TRIBUTE TO COLLIS P. CHANDLER

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Mr. Collis P. Chandler, Jr., a friend of mine and a true friend of the petroleum industry, who passed away May 5, 1999, at the age of 72.

Mr. Chandler was a man of good character who loved life, his family and the industry upon which he had such a great impact. In a

letter to her baby daughter describing grandfather Chandler, daughter-in-law, Anne, wrote eloquently telling her that many words described him, "loving, generous, thoughtful, caring, intelligent, gifted, unique, witty, genuine. He was a man who made a difference. He was a man that changed the world and that, in the end, is all that one can ask from life." I wholeheartedly support Anne's representation of Mr. Chandler.

He was born on October 5, 1926 to Louise and Collis Chandler in Tulsa, Oklahoma. He served in the U.S. Navy during World War II. In 1948 he graduated from Purdue University with a Bachelor of Science degree in Mechanical Engineering.

Mr. Chandler joined Sohio Petroleum Company in 1948 working in Louisiana and Kansas. In 1954 he founded the first of The Chandler Companies—Chandler-Simpson, Inc.—in Denver, Colorado. He was Chairman of The Chandler Company and its subsidiaries: Chandler & Associates, LLC and The Chandler Drilling Corporation at the time of his death. His companies have drilled more than 1,200 test wells, resulting in oil or gas discoveries or significant field extensions that number more than 100.

Mr. Chandler was a past chairman of the National Petroleum Council and Natural Gas Supply Association. In addition, he also served as president of the Rocky Mountain Oil & Gas Association.

Over the past 30 years, he held an impressive record of leadership in the American Petroleum Institute. He served on the Board of Directors since 1965 and the Executive Committee since 1968. Mr. Chandler was a member of the Management Committee and has served on the Public Policy committee, and its forerunner, since 1978. In 1994, he received the American Petroleum Institute's highest award, The Gold Medal for Distinguished Achievement.

His numerous honors and awards are a testament to his lifetime of service to the oil and gas industry. He received the Secretary of Energy's "Distinguished Service" Medal; the Texas Mid-Continent Oil & Gas Association's "Independent of the Year" Award; the Rocky Mountain Oil & Gas Association's "Life Membership" Award; and, the American Association of Petroleum Landmen's "Distinguished Service" Award.

His business activities outside of the petroleum industry have included membership on the Board of Directors of the Public Service Company of Colorado and the Colorado National Bank.

Mr. Chandler gave generously of his time and talents to his alma mater, Purdue University, serving as a past president of the Purdue Alumni Association and as a member of the Board of Directors. He also served on the Board of Governors of the Purdue Foundation. He was currently serving on the Board of Directors of "Up With People."

He was a current member of Castle Pines Golf Club, Denver Country Club, Burning Tree Club, Bethesda, Maryland, and the Thunderbird Country Club, Rancho Mirage, California.

He is survived by his wife, Patti, a son, Collis Chandler III of Denver, a daughter Mary Louise Henry of Lansing, Michigan; four stepdaughters, Mary DeSimone of Denver, Gerri Ann Bragdon of Arvada, Kathlyn Maureen

Woodard of Dallas, Texas and Paula Ann Novak of Pensacola, Florida; ten grandchildren and four great-grandchildren. He was preceded in death by two sons; Thomas Grant Chandler and Robert Chandler.

Mr. Speaker, it is men like Collis Chandler who have made this country great. Mr. Chandler helped shape America by being a good solid American citizen who worked hard to implement the right values. He contributed to society because he saw needs and filled them. Thank you, Mr. Chandler.

CONFERENCE REPORT ON H.R. 1141,  
1999 EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS ACT

SPEECH OF

**HON. BARON P. HILL**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 18, 1999*

Mr. HILL of Indiana. Mr. Speaker, today the House voted on the Conference Report of H.R. 1141, the 1999 Emergency Supplemental Appropriations Bill. I voted against this bill and would like to explain my vote.

Some of the spending items in this bill were bona fide emergencies. One emergency is supporting our troops currently deployed overseas in Kosovo. I have voted several times to support our troops and the NATO operation in Kosovo. When our generals say they need 6 billion dollars to support our troops in Kosovo, I believe that is legitimate emergency spending.

I spoke recently on the floor of this House about the emergency many American farmers are facing at this moment. Farmers need credit right now to plant their crops and pay their bills. I am a member of the Agriculture Committee and represent thousands of southern Indiana farmers. I believe that getting our farmers adequate loans and credit should be one of our top priorities. I believe helping farmers stay afloat is also legitimate emergency spending.

But this bill spends billions of dollars on items that are not emergencies. For example, today's bill spends almost twice what our generals say they need to meet our troops' needs in Kosovo. I am a member of the House Armed Services Committee and understand that our military has many pressing needs. One of our military's most urgent needs is giving our soldiers pay and retirement increases. I will support increases in defense spending during the regular budget process. I believe that fiscal responsibility requires us to consider measures such as these during the normal budget process, where we make the often difficult decisions about how we spend our limited resources.

It is not fiscally responsible to reach into the surpluses in the Social Security Trust Fund to pay for government projects that we should be finding ways to pay for in the normal budget process. We only have a budget surplus this year if we count the surpluses generated by the Social Security Trust Fund. We should not be using the money in the Social Security Trust Fund to pay for needs that are not emergencies.

One of my top priorities in Congress is making sure that the Social Security program will be solid and solvent for future generations. Our government does not have many more pressing needs than saving Social Security. I will not vote for spending our Social Security funds on items that are not emergencies.

Mr. Speaker, I did not vote for the Supplemental Appropriations bill because the original purpose of this so-called "Emergency" bill was lost somewhere in the process. It became a way to spend billions of dollars outside of the budget process we have set up to control our spending. The final version of this bill was not fiscally responsible and I could not vote for it.

CELEBRATING THE DEDICATION  
OF THE LIMA FIREFIGHTERS  
MEMORIAL MUSEUM

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. OXLEY. Mr. Speaker, I rise today to add a few words of praise for the dedication of the Lima Fire Fighters Memorial Museum.

The Lima Fire Department has provided outstanding basic fire fighting and safety services to the Lima community since its formation in 1865. The museum built in Lincoln Park in Lima OH, will preserve the history of the Lima Fire Department as well as all the technological changes they have implemented over the past 133 years.

When the Lima Fire Department was first established in 1865, it was a volunteer organization consisting of seven men with their only equipment being six fire hooks. These hooks were used to pull burning thatch from the roofs of buildings. Over the years, however, the Lima Fire Department developed into a paid, highly trained force of 88 fire fighters and support personnel working in a three platoon system. They are housed at the Central Fire Station and four outlying stations. Equipment now includes seven pumpers, one aerial platform, two medic units and a staff car. Approximately 700 fire fighters have served the city of Lima as members of the Lima Fire Department.

More importantly, this museum will memorialize all fire fighters who have served the Lima Community and especially the four Lima fire fighters who have given their lives in the line of duty. They are John S. Wolf and John Fisher, both of whom died as a result of the Allen County Courthouse fire on January 7, 1929; Frank Kinzer, who died because of a fire on October 7, 1933, at the Ohio Music Company and Page Organ Company; and lastly, Cloyd R. Webb, who died as a result of the Marshall Sporting Goods fire on January 21, 1954.

I wish to offer my sincere gratitude to all who are serving or who served as Lima fire fighters. They perform a valuable and dangerous task for the Lima community during times of great need. I honor each and every fire fighter for their dedication, knowledge, and hard work and hope that the Lima Fire Fighters Memorial Museum will stand as a tribute to each of them for all time.

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION AU-  
THORIZATION ACT OF 1999

SPEECH OF

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 19, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes:

Mr. CASTLE. Mr. Chairman, today the House of Representatives considers an important bill to improve and strengthen U.S. leadership in space exploration. This bill, the "National Aeronautics and Space Administration Authorization Act" includes approval of funds for U.S. participation in the International Space Station, funds for aerospace and earth science research and funds for space science programs. These are all important programs and worthy goals. However, I rise to speak in support of an important technology for our future efforts to explore space: funding for research and develop into TransHab technology.

TransHab uses inflatable structure technology to package a much larger living and working volume in the equivalent Shuttle cargo size. In theory, the TransHab concept has more volume and radiation shielding when compared with the current Habitation module. TransHab could also serve as a technology demonstration for the human exploration of Mars. The NASA reauthorization bill currently prohibits NASA from making additional expenditures on any inflatable structure intended to replace current models on the International Space Station. However, the bill does leave the possibility for research and development of crew-related inflatable structures in FY01 and FY02.

I understand the financial concerns the Committee on Science has expressed regarding funding TransHab technology for the International Space Station. Ideally, I would like to see TransHab technology funded now for the station, but I agree that in a time when Congress is struggling to keep the federal budget balanced, all federal programs should receive scrutiny and careful consideration. However, I think that it is very important that the Committee continue to keep the door open on TransHab funding in the future. Those familiar with TransHab technology believe that this technology validates potential technology for future solar system exploration. TransHab technology could possibly mean a manned-exploration of Mars which could result in a wealth of scientific information previously unavailable.

I believe that scientific research is vital to the current and future prosperity of our nation. I think we owe it to ourselves, to our nation, and especially to our children to keep the dream of manned space exploration alive. TransHab technology is an investment in our future. To permanently close the door on such research and development jeopardizes this nation's preeminence in science and technology.

In my home state of Delaware, we are fortunate to have ILC Dover, a leader in the aerospace industry and a company that has prov-

en themselves a model for providing aerospace technology in accordance with NASA's new focus: "better, faster, cheaper." ILC Dover has been providing innovative and cost-effective technology since 1947. ILC Dover has helped to provide the technology that put a man on the moon and Pathfinder on Mars, and ILC Dover will continue to help provide technology that will help future space missions in exploring our world.

I am very proud of the research and development conducted by ILC Dover, and I am proud of the contributions ILC Dover has made to the U.S. Space Program. There is a strong commercial interest from committed, innovative companies in the aerospace industry such as ILC Dover in helping to develop TransHab technology. I am encouraged that the Committee has left the door open for TransHab research in development in FY01 and FY02, and I look forward to any future Congressional hearings on the issue.

LEGISLATION TO HONOR FORMER  
CONGRESSMAN KIKA DE LA  
GARZA

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to designate the U.S. border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station." The bill is identical to legislation I introduced in the last Congress. That bill was approved unanimously by the House. Unfortunately, no action was taken on the legislation by the other body. I am proud to reintroduce this bill honoring a great legislator, former Congressman Kika de la Garza.

Kika de la Garza was born in Mercedes, Texas on September 22, 1927. He earned his law degree from St. Mary's University in San Antonio, Texas in 1952. He served in the Navy from 1945 to 1946, and in the Army from 1950 to 1952. He served in the Texas House of Representatives from 1953 to 1965.

In 1964 he was elected to Congress, where he was sent back to Congress by the people of the 15th Congressional District of Texas for 16 terms. In 1981 Kika became the chairman of the House Agriculture Committee. During his 14-year tenure as chairman, Kika compiled an impressive record of achievement and dedicated service to America's farming community.

Most notably, Kika went out of his way to foster a climate of cooperation, inclusiveness and bi-partisanship on the committee. Under his able leadership, the Agriculture Committee was able to form a consensus on a number of important and intricate agricultural issues.

In the 103rd Congress Kika played a lead role in the enactment of legislation revamping and streamlining the U.S. Department of Agriculture. Kika de la Garza guided through legislation that made many needed and important changes, without eviscerating those USDA programs that were effective and needed to help America's farmers and protect the public.

The bill, now law, made remarkable changes at USDA. Because of Chairman de la Garza's leadership and sage counsel, the bill represented the right way to "reinvent" government.

Throughout his 32-year career in Congress Kika never lost sight of the folks back home. He fought tirelessly for his constituents. He also proved to be an able and effective advocate for American farmers. In no small measure because of his leadership, American agriculture remains the envy of the world.

The former chairman is also an amateur linguist and a gourmet cook. On many occasions he conversed with foreign dignitaries in their native tongue. On a personal level, Kika is my good friend, and I am so proud to sponsor this legislation.

I urge all my colleagues to cosponsor this legislation.

HONORING NEW YORK CITY PUBLIC  
SCHOOL 122 FOR EXCEL-  
LENCE IN EDUCATION

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute a group of remarkable students and educators. While we see many unfortunate examples of failing schools, it is refreshing to share good news about a public school that is succeeding. New York State public schools test all sixth-grade students for reading ability. Among all the schools in the State of New York, the sixth graders at P.S. 122 finished first in this reading test. Moreover, every sixth-grade student at P.S. 122 ranked at the highest level in reading.

P.S. 122's outstanding accomplishment on this test is considered a citywide triumph because the students overcame competition from more affluent suburban schools. The school attributes this success to its emphasis on exposing children to art, music and theater.

With a diverse student body, P.S. 122 is accomplishing an early goal of public education—preparing immigrants and their children with the necessary tools to build a new life in America. At P.S. 122, Hispanic students comprise almost a third of the student body with Asians making up additional 20%, and African Americans 10%. This School also serves numerous children from Italian, Greek, Indian, Native American, and other backgrounds. Forty percent of the students who succeeded so well in this standardized test began school with "limited proficiency in English." Approximately 65% of the student at P.S. 122 meet the criterion for free school lunches.

The educators at P.S. 122 are to be strongly commended for their success. I particularly want to recognize the principle of P.S. 122, Mary Kojas, whose leadership helped inspire the best from the students who took the test. This spirit no doubt inspired, and continues to inspire, her students to strive for excellence. Mary Kojas and the extraordinary teachers of P.S. 122 have provided that New York City School students can reach the highest levels of achievement when they are properly prepared. The Students of P.S. 122 have also benefited from the support of the School District 30 Superintendent, Dr. Angelo Gimondo and his staff.

The real heroes of this story are the students of P.S. 122. This success demonstrates that hard work has clear and definite rewards. I asks my colleagues to join me in commending all those associated with P.S. 122.

MEDICALLY UNDERSERVED  
ACCESS TO CARE ACT

**HON. DONNA MC CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mrs. CHRISTENSEN. Mr. Speaker, yesterday I along with 38 of my colleagues on the Congressional Black Caucus introduced H.R. 1860, the Medically Underserved Access to Care Act which seeks to address the needs of minorities in the managed care system. As a physician, I have seen the problems that minorities—both patients and healthcare providers—can face within the managed care system. This bill seeks to ameliorate some of these difficulties by proposing some concrete solutions to overcome these problems.

A key provision of H.R. 1860 would require managed care organizations to contract with providers in medically underserved communities who are ethnically representative of the population of those communities. This will help to ensure that these providers have the cultural sensitivity needed to interact with their patients in an understanding manner that will directly cater to their specific medical needs and concerns as minorities.

To make this lofty goal a reality, H.R. 1860 establishes a program of outreach grants to underserved communities that will help patients locate culturally sensitive providers within their managed care plan. The bill also creates a similar outreach grant program for doctors that will be operated through a national private non-profit organization in conjunction with the Department of Health and Human Services. The specific goal of this program will be to assist minority physicians and other health care providers to convert their practices and internal administrative procedures to best access the managed care system for both private insurance plans and Medicaid insurance plans.

Ultimately, this bill seeks to redress the many grievances that minority physicians and patients have expressed regarding the managed care system. Addressing the problems that minorities face within the managed care system will take us one step closer to realizing the goal of Members of Congress on both sides of the aisle to ensure that all Americans have access to quality care delivered in an appropriate manner.

I want to express my thanks to the National Medical Association and its President, Dr. Gary Denis, for their invaluable help in developing the language of this bill and assisting in getting it ready for introduction. I also want to thank my colleagues on the CBC for their support in joining me as cosponsors of this important bill.

H.R. 1858, THE CONSUMER AND INVESTOR  
ACCESS TO INFORMATION ACT OF 1999

**HON. TOM BLILEY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. BLILEY. Mr. Speaker, we hear the phrase quite often that "we live in the Information Age." This is true because of advances in

technology in recent years. Digital technology—and more specifically, the Internet—has brought a world of libraries and magazines and newspapers and on-line stock trading to consumers' living rooms.

And while technology played a critical role in paving the way for the Information Age, it's clear that access to the information itself is just as important. Consumers use the Internet to price shop, to compare mortgage rates, to buy stocks, and for a variety of other commercial activities. The underlying ingredient to all of these activities is information. Without it, electronic commerce would still be a twinkle in Bill Gates' eye.

It is therefore critical that Congress take great care when it enacts laws that relate to consumers' access to information. Along with my colleagues on the Committee on Commerce, Messrs. Dingell, Tauzin, Markey, Oxley, and Towns, I am introducing legislation that ensures that consumers and investors will continue to have full access to information when they surf the Web.

H.R. 1858, the Consumer and Investor Access to Information Act of 1999, provides new protection to publishers of electronic databases, while ensuring that public access to information will not be limited by publishers' asserting a proprietary right over facts and information, which historically have been part of the public domain. The bill's anti-theft protections will also protect institutions like the stock exchanges from hackers and pirates seeking to undermine the integrity of the data they disseminate to the public.

Mr. Speaker, we live in the Information Age. We must keep information—like stock quotes—readily available to consumers on the information superhighway. Millions of Americans depend on information they obtain over the Internet to help them make important investment decisions. This bill will ensure that consumers and investors continue to have access to this information.

Mr. Speaker, Americans should not have to pay tolls for public information obtained on the information superhighway. Facts and information should remain toll-free on the information superhighway. Facts and information like stock quotes have been, and under H.R. 1858, will continue to remain readily available to the public.

Mr. Speaker, in addition to my statement, I am submitting for the RECORD a background piece on, as well as a section-by-section analysis of, H.R. 1858. I urge my colleagues to join me, along with the rest of the bipartisan leadership of the Committee on Commerce, in supporting this legislation.

H.R. 1858, THE CONSUMER AND INVESTOR  
ACCESS TO INFORMATION ACT OF 1999

THE IMPORTANCE OF INFORMATION TO  
ELECTRONIC COMMERCE

Economists have long recognized that one of the great obstacles to the efficient operation of markets is imperfect information. A consumer might pay too much for an item because he or she was unaware of the lower price being charged for the item at another store, and the transaction cost of visiting all the stores to determine which charged the least exceeded the savings of buying at the least expensive store. This problem has become more significant as markets have become more complex. The need for information on which to base economic decisions is greater now than ever before.

One of the great virtues of electronic commerce is that it has the potential to provide

its participants with much more information at much lower cost than is available in more traditional forms of commerce. This additional information will allow for the much more efficient operation of markets for capital, labor, and goods. If a small businessman is seeking a loan, the Internet will allow him to learn the terms offered by banks all over the country. If a computer programmer is looking for a job, the Internet will allow him to learn about opportunities in distant cities. And if a homeowner needs to buy a new refrigerator, the Internet will provide him with the prices in stores throughout the region. This information will obviously benefit both the purchaser and the seller of goods and services. We have seen some of these benefits in the last five years, and they will only accelerate in the years to come.

One of the most explosive areas of growth that consumers have benefitted from through the Internet is in the area of securities investing. According to a recent study, the number of households with people trading on the Internet has nearly tripled, to 6.3 million in the last 16 months. And the same study reported that 20 million households use the Internet for investment news, quotes and ideas. This access to information about the stock market has empowered investors and given them greater control over their finances. Studies have reported that investors feel increasingly secure about their investment decisions as they use the Internet to monitor their portfolios, follow news about their holdings and obtain other information about their investments.

Indeed, the Internet will make it so much easier for people to access information that they will be confronted with a new problem—too much information. Accordingly, people will need tools for locating and organizing the information into useful forms. Otherwise, the information will be overwhelming. Such tools already exist in the form of databases, search engines, and webcrawlers, and these tools are becoming more sophisticated to keep up the information that is flooding the Internet.

The basic information policy of this country—a policy that has existed since the writing of the Constitution—has served many communities, including the Internet and electronic commerce, extremely well. Our long-standing policy says that facts cannot be "owned." Instead, they are in the public domain. Accordingly, a database publisher can visit the site of every bank in a state, extract data concerning each bank's loan programs, and construct a larger database with loan information for all the banks. Another database publisher can then extract some of that information, and combine it with other information—for example, loan programs from out-of-state banks, or customer service ratings of the banks—to create a new, more useful database which promotes commerce.

This information policy facilitates electronic commerce at an even more fundamental level. The culture of science involves combining new data with existing databases to create more powerful research tools. Allowing scientists to reuse facts, rather than requiring them to "reinvent the wheel," ensures that research moves forward. Research and development is the foundation of all commercial activity.

THE NEED FOR LIMITED LEGISLATION

Although the existing information policy generally functions well in the context of the Internet and electronic commerce, there is one potential problem. Digital technology, which makes the Internet and electronic commerce possible, also increases the likelihood of unfair competition in the database

publishing marketplace. Current law provides some protection against unfair competition. For example, the selection, coordination, and arrangement of facts in a database are often protected by copyright. In addition, databases may be protected by license, technological measures (e.g., encryption and watermarks), the state common law of misappropriation, trademark, and trade secret.

But notwithstanding these many legal remedies, there are complaints that systematic unauthorized commercial copying of databases, particularly comprehensive databases stored in digital form, may sometimes go unremedied because of gaps in current law. H.R. 1858, the Consumer and Investor Access to Information (CIAI) Act of 1999, is designed to plug a hole that exists in current law.

Because databases are items of commerce in their own right, and are critical tools for facilitating electronic commerce—indeed, in all commerce—Congress must assure that database publishers have sufficient protection against unfair competition. At the same time, the protection for databases must not go so far as to protect the individual facts contained in the database. These must be available for a variety of second generation uses. Otherwise, those engaged in second generation uses—from a value-added publisher, to a research scientist, to the consumer who compiles his own database when comparing characteristics of different cars—would have to either pay a license fee, or somehow “re-discover” the facts themselves. This would amount to “a tax on information.” Moreover, it would represent a radical departure from our information policy that has made us the most technologically advanced nation in world history.

Accordingly, Title I of H.R. 1858 prohibits a person from selling or distributing a duplicate of a database collected and organized by another person that competes in commerce with the original database. The legislation defines a duplicate of a database as a database which is substantially the same as the first database. Further, a discrete section of a database may also be treated as a database. Thus, H.R. 1858 prevents the distribution of pirated databases which could threaten investment in database creation. At the same time, it does not prevent reuse of information for purposes of creating a new database.

The issue of protecting databases is especially significant to the securities markets, an issue that is addressed in Title II of H.R. 1858. This is because of the proliferation and growing importance of on-line investing. Recent statistics have shown that on-line trading now accounts for nearly 1 out of every 7 equity trades (about 14%) and is growing rapidly, with an increase of over 34% in on-line activity in the last quarter over the previous quarter.

Having access to real-time stock quotes is essential to on-line investors. Investors cannot make informed buy-and-sell decisions without knowing the price of the stock they are trying to buy or sell. The way on-line investors get this information is generally through the website of their on-line broker. Investors typically do not pay for this service. The brokers who provide this information to their on-line investing customers, however, do pay a fee. They pay the stock exchanges for access to the “feed” of real-time stock quotes. (“Real-time” stock quotes are to be distinguished from those provided on a delayed basis, for which stock exchanges typically do not charge a fee.)

While the Federal securities laws provide the regulatory structure under which the dissemination of securities transaction data to the public is governed, they do not pro-

vide protection for the exchanges or other market information processors against pirates of that market data. In order to protect the exchanges and other market information processors against hackers or others who would undermine the integrity of the data they disseminate or threaten their ability to disseminate that data, Title II of H.R. 1858 provides a limited cause of action that enables market information processors to stop, and collect damages from, a person who disseminates data that he has obtained from a market information processor without that market information processor’s authorization.

Because market information processors provide market data to parties by means of contractual arrangements, and thus have the ability to seek redress under contract law in the event that a contracting party disseminates the market data in a manner that is noncompliant with the contract, the cause of action that the bill provides is limited to actions against parties with whom the market information processors do not have a contract or other agreement (such as hackers). Title II of H.R. 1858 also ensures that independently gathered real-time market data can be disseminated without triggering the bill’s protections—thus ensuring that individuals who develop a new database that they have not gleaned from a market information processor will be free to disseminate that database.

Title II’s limited scope provides necessary protection to market information processors, without creating a new property right over market data that would enable market information processors to inappropriately limit the dissemination of market data to public investors, such as on-line investors. These investors need market data, such as real-time stock prices, in order to make their investment decisions.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 1858

Section 1: Short Title. The short title of H.R. 1858 is the “Consumer and Investor Access to Information Act of 1999.”

#### TITLE I—COMMERCE IN DUPLICATED DATABASES PROHIBITED

Section 101: Definitions. Section 101(1) defines a “database” as a collection of discrete items of information (information is defined in Section 101(3)) that have been collected and organized in a single place, or in such a way as to be accessible through a single source. The collection and organization must have required investment of substantial monetary or other resources, and it must have been performed for the purpose of providing access to those discrete items of information by users of the database. The term database does not include textbooks, articles, biographies, histories, scientific articles, other works of narrative prose, specifications, and other works that include items of information combined and ordered in a logical progression or other meaningful way in order to tell a story, communicate a message, represent something or achieve a result.

Section 101(1) also makes clear that a discrete section of a database may also be treated as a database. For example, if a directory of restaurants in the District of Columbia is organized by type of food, the section comprising Italian restaurants could constitute a database within the meaning of the statute, even though it is part of a larger database (i.e., the D.C. restaurant directory).

Section 101(2) defines “a duplicate” of a database as a database which is substantially the same as the original database, and was made by extracting information from the original database. A database need not be identical to another database in order to be considered “substantially the same as” the original database.

Section 101(3) defines “information” as facts, data, or other intangible material capable of being collected and organized in a systematic way. Works of authorship are excluded from the definition of information. Such works—both individually and collectively—are adequately protected by copyright. Section 101(4) defines “commerce” to mean all commerce which may be lawfully regulated by the Congress.

The definition of “in competition with” in Section 101(5) has two components. First, the database must displace substantial sales of the database of which it is a duplicate. Second, the database must significantly threaten the opportunity to recover a return on the investment in the collecting or organizing of the duplicated database. Thus, a duplicate of a database uploaded onto the Internet without authorization could be in competition with the underlying database (even if the Internet duplicate is available without charge) if it displaces substantial sales and threatens the opportunity to recover a return on the investment in the first database.

Section 101(6) defines two types of “government databases.” First, the term includes databases collected and maintained by the United States of America, or any agency or instrumentality thereof. Second, the term also includes a database that is required by Federal statute or regulation to be collected or maintained, to the extent so required.

Section 102: Prohibition Against Distribution of Duplicates. Section 102 sets forth the core prohibition against the sale or distribution to the public of duplicated databases. Under Section 102, it is unlawful for any person, by any instrumentality or means of interstate or foreign commerce or communications, to sell or distribute a database that is a duplicate of a database collected and organized by another person, and that is sold or distributed in commerce in competition with that other database. Section 102 is intended to achieve a necessary balance between (1) promoting fair competition in the database publishing market, and (2) ensuring consumers have unfettered access to facts and information.

Section 103: Permitted Acts. Section 103 sets forth a variety of permitted acts. Section 103(a) clarifies that nothing in Title I of the DFCA restricts a person from selling or distributing to the public a database consisting of information obtained by means other than by extracting it from a database collected and organized by another person.

Subsection 103(b) limits the application of this title to news reporting. It provides that nothing in the title shall restrict any person from selling or distributing to the public a duplicate of a database for the sole purpose of news reporting, including news gathering and dissemination, or comment, unless the information duplicated in time sensitive and has been collected by a news reporting entity, and the sale or distribution is part of a consistent pattern engaged in for the purpose of direct competition.

Subsection 103(c) specified that nothing in Title I shall prohibit an officer, agent, or employee of the United States, a state, or a political subdivision of a State, or a person acting under contract of such officers, agents, or employees, from selling or distributing to the public a duplicate database as part of lawfully authorized investigative, protective, or intelligence activities.

Subsection 103(d) provides that no person or entity who, for scientific, educational, or research purposes, sells or distributes to the public a duplicate of a database, shall incur liability under this title so long as the conduct is not part of a consistent pattern engaged in for the purpose of direct commercial competition.

Section 104: Exclusions. Section 104 provides for exclusions to Section 102's prohibition. Subsection 104(a)(1) provides that protection for databases under Section 102 does not extend to government databases, as such databases are defined in Section 101(6). Subsection 104(a)(2) clarifies that the incorporation of all or part of a government database into a non-government database does not preclude protection for the portions of the non-government database which came from a source other than the government database. Section 104(a)(3) provides that Title I does not prevent Federal, state, or local government from establishing by law or contract that a database funded by Federal, state, or local government shall not be subject to the protections of this title.

Subsection 104(b) excludes databases related to Internet communications. In particular, under Subsection 104(b), protection does not extend to a database incorporating information collected or organized to perform (1) the function of addressing, routing, forwarding, transmitting or storing Internet communications, or (2) the function of providing or receiving connections for telecommunications.

Most databases stored in digital form require computer programs for their use. Paragraph 104(c)(1) therefore provides that protection for databases under Section 102 shall not extend to computer programs (as defined in 17 U.S.C. §101), including computer programs used in the manufacture, production, operation or maintenance of a database. Further, any element of a computer program necessary for its operation is not protected.

At the same time, Paragraph 104(c)(2) explains that a database that is otherwise subject to protection under Section 102 does not lose that protection solely because it resides in a computer program. However, the incorporated database receives protection only so long as it functions as a database within the meaning of Title I (i.e., a collection of discrete items of information collected for the purpose of providing access to those discrete items by users), and not as an element necessary to the operation of the computer program.

Subsection 104(d) provides that protection for databases under Section 102 does not prohibit the sale or distribution to the public of any individual idea, fact, procedure, system, method of operation, concept, principle, or discovery. Finally, under subsection 104(e), provides that protection for databases under Section 102 does not extend to subscriber list information.

Section 105: Relationship to Other Laws. Section 105 explains the relationship of the DFCA to other laws. Subsection 105(a) makes clear that, subject to the preemption under Subsection 105(b), nothing in Title I affects a person's rights under the laws of copyright, patent, trademark, design rights, antitrust, trade secrets, privacy, access to public documents, misuse, and contracts. Subsection 105(b) preempts state laws inconsistent with the DFCA's prohibition in Section 102.

Section 105(c) provides that, subject to the provisions on misuse in Subsection 106(b), nothing in Title I shall restrict the rights of parties freely to enter into licenses or any other contracts with respect to the use of information. Subsection 105(d) makes clear that Title I of the DFCA does not affect the operation of the Communications Act of 1934, or the authority of the Federal Communications Commission.

Section 106: Limitations on Liability. Section 106 sets forth limitations on liability for violations of Section 102. Subsection 106(a) provides that a provider of telecommunications or information services (within the meaning of Section 3 of the Communications Act of 1934 (47 U.S.C. 153)), or the operator of

facilities therefore, shall not be liable for a violation of Section 102 if such provider or operator did not initially place the database that is the subject of the violation on a system or network controlled by the provider or operator.

Subsection 106(b) limits the liability of a person for a violation of Section 102 if the person benefiting from the protection afforded by Section 102 misused that protection. Subsection 106(b) sets forth six non-exclusive factors a court should consider in determining whether a person has misused the protection provided by Section 102.

Section 107: Enforcement. Section 107 authorizes the Federal Trade Commission to take appropriate actions under the Federal Trade Commission Act to prevent violations of Section 102.

Section 108: Report to Congress. Section 108 directs the Federal Trade Commission to report to Congress within 36 months of enactment on the effect Title I has had on electronic commerce and the domestic database industry.

Section 109: Effective Date. Section 109 provides that Title I of H.R. 1858 shall take effect on the date of enactment of this Act, and shall apply only to the sale or distribution after that date of a database that was collected and organized after that date.

#### TITLE II—SECURITIES MARKET INFORMATION

Section 201: Misappropriation of Real-Time Market Information. Section 201 of H.R. 1858 amends Section 11A of the Securities Exchange Act of 1934 by adding a new Subsection 11A(e), entitled "Misappropriation of Real-Time Market Information." Subsection 11A(e) prohibits the misappropriation of real-time market information from a market information processor, establishes liability on the part of any person who violates the prohibition, and provides a market information processor with a variety of remedies against the violator. This provision expressly permits certain acts that are not included in the prohibition, namely independent gathering of market information and news reporting of market information. The subsection also limits the cause of action provided by the bill to apply only to parties with whom the market information processor does not have a contract regarding the real-time market information or other right the market information processor is seeking to protect.

Paragraph 11A(e)(1) imposes liability on any person who obtains, directly or indirectly, real time market information from a market information processor, and directly or indirectly extracts, sells, distributes or redistributes, or otherwise disseminates such real-time market data without the authorization of the market information processor. The prohibition in Paragraph 11A(e)(1) would not apply to a person who merely obtained, directly or indirectly, real-time market information from a market information processor, but did not disseminate the information in any way.

Paragraph 11A(e)(2) sets forth the remedies that a market information processor is authorized to assert against any person who misappropriates real-time market information in violation of Paragraph (1). In particular, under Subparagraph 11A(e)(2)(A), an injured person would be authorized to bring a civil action in an appropriate United States district court, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity. Subparagraph 11A(e)(2)(B) authorizes any court having jurisdiction of a civil action under Section 11A(e) to grant temporary and permanent injunctions, according to principles of equity and upon such terms as the court may

deem reasonable, to prevent a violation of Paragraph 11A(e)(1). Under Subparagraph 11A(e)(2)(C), a plaintiff would be permitted to recover money damages sustained by the plaintiff when a violation of Paragraph (1) was established in a civil action. And under Subparagraph 11A(e)(2)(D), a court, in its equitable discretion, would be authorized to order disgorgement of the amount of defendant's monetary gain directly attributable to a violation of Paragraph (1) if the plaintiff is not able to prove recoverable damages to the full extent of the defendant's monetary gain.

Paragraph 11A(e)(3) would exclude two types of legitimate activity from the scope of the bill—the independent gathering of real-time market information and news reporting. Under Subparagraph 11A(e)(3)(A), no person would be restricted from independently gathering real-time market information, or from redistributing or disseminating such independently gathered information. A person would be considered to obtain real-time market information "independently" only to the extent that such information was not obtained, directly or indirectly, from a market information processor. In addition, under Subparagraph 11A(e)(3)(B), no news reporting entity would be restricted from extracting real-time market information for the sole purpose of news reporting, including news gathering, dissemination, and comment, unless the extraction was part of a consistent pattern of competing with a market information processor in the distribution of real-time market information. Thus, news organizations that limit their use of real-time market information to legitimate reporting of the news would not be subject to liability.

Paragraph 11A(e)(4) establishes the relationship of Subsection 11A(e) with a variety of other Federal and State laws that also may address the dissemination of real-time market information. Subparagraph 11A(e)(4)(A) provides that Subsection 11A(e) would exclusively govern the unauthorized extraction, sale, distribution or redistribution, or other dissemination of real-time market information and would supersede any other Federal or State law, whether statutory or common law, to the extent that such other Federal or State law is inconsistent with Subsection 11A(e). This subparagraph would not preempt State law that is not inconsistent with Subsection 11A(e) (e.g., State law governing trademark or trade dress). In addition, under Subparagraph 11A(e)(4)(B), Subsection 11A(e) would not limit or otherwise affect the application of any provision of the federal securities laws or the rules or regulations thereunder, and would not impair or limit the authority of the Securities and Exchange Commission. Thus, the Commission's existing authority over distributors of market information, including its authority over fees charged for market information, would continue unchanged.

Subparagraph 11A(e)(4)(C) provides that the constraints that are imposed by Federal and State antitrust laws on the manner in which products and services may be provided to the public, including those regarding the single suppliers of products and services, would not be limited in any way by Subsection 11A(e). In addition, under Subparagraph 11A(e)(4)(D), the rights of parties to enter freely into licenses or any other contracts with respect to the extraction, sale, distribution or redistribution, or other dissemination of real-time market information would not be restricted. Thus, the bill preserves all rights under state contract law.

Paragraph 11A(e)(5) limits the actions that may be maintained pursuant to section 11A(e). Pursuant to Subparagraph 11A(e)(5)(A), a civil action under Subsection 11A(e) would have to be commenced within

one year after the cause of action arises or the claim accrues. And under Subparagraph 11A(e)(5)(B), a civil action for the dissemination of market information would be precluded if such information was not real-time market information. Thus, the bill does not limit in any way, or provide any cause of action regarding, the use and dissemination of delayed market data. Finally, Subparagraph 11A(e)(5)(C) precludes a civil action by a market information processor against any person to whom such processor provides real-time market information pursuant to a contract between the two parties, but only with respect to any real-time information or any right that is provided pursuant to the contract. Market information processors would continue to have available their contractual remedies regarding persons with whom they have a contract, but would not be afforded new remedies under Subsection 11A(e) against these persons with respect to rights covered by that contract.

Paragraph 11A(e)(6) defines several terms used in section 11A(e) that are not defined elsewhere in the Exchange Act. The term "market information" is defined in Subparagraph 11A(e)(6)(A) to mean information with respect to quotations and transactions in any security, the collecting, processing, distribution, and publication of which is subject to the Exchange Act. Under Subparagraph 11A(e)(6)(B), the Securities and Exchange Commission may, consistent with the protection of investors and the public interest, prescribe by rule the extent to which market information shall be considered to be real-time market information for purposes of Subsection 11A(e), but in promulgating any such rule, the Commission must take into account the present state of technology, different types of market data, how market participants use market data, and other relevant factors. This requirement is designed to ensure that any rule that the Commission promulgates regarding real-time market data does not hinder access by investors to such data, and maximizes the access by investors to all market data, including real-time and delayed market data. In the absence of Commission action, the determination of whether market information is real-time market information would be left to the courts with jurisdiction over civil actions under Subsection 11A(e) to interpret the plain language of the term "real-time."

Finally, the term "market information processor" with respect to any market information is defined in Subparagraph 11A(e)(6)(C) to mean the securities exchange, self-regulatory organization, securities information processor, or national market system plan administrator that is responsible under the Exchange Act or the rules or regulations thereunder for the collection, processing, distribution, and publication of, or preparing for distribution or publication, of such market information.

Section 202: Effective Date. This section provides that the new Subsection 11A(e) shall take effect on the date of the enactment of H.R. 1858, and shall apply to acts committed on or after that date. Furthermore, no person shall be liable under Subsection 11A(e) for the extraction, sale, distribution or redistribution, or other dissemination of real-time market information prior to the date of enactment of this bill, by that person or by that person's predecessor in interest.

## EXPOSING RACISM

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

## WHITE MAN SENTENCED TO PRISON FOR PUNCHING WOULD-BE BLACK NEIGHBOR

BIRMINGHAM, AL (AP).—A judge sentenced a white man to 2 years in federal prison and ordered him to pay more than \$30,000 for punching a black man who wanted to be his next-door neighbor.

Wendell Johnson, 33, was convicted in February of violating the Fair Housing Act by hitting Kenneth Ray Coleman, who suffered a broken nose in the assault.

"I want to apologize," Johnson, choking back tears, told Coleman during a hearing Wednesday. "I know you went through a lot of hard times because of it."

Coleman, 35 said he believed the apology was sincere and accepted it.

Johnson hit Coleman in the face last June after Coleman came to his house and asked where he could find the local water company.

Coleman testified he has since had breathing difficulties, and a doctor has recommended surgery to fix the problem. But, Coleman said, he lacks the \$3,500 for the operation.

U.S. District Judge U.W. Clemon ordered Johnson to pay Coleman \$30,911 for pain, suffering, lost wages and other expenses related to the assault. Johnson also was ordered to pay \$1,300 to the Alabama Crime Victims' Compensation Commission.

Clemon said he would consider a request to let Johnson remain free during a possible appeal.

## TAFT SCORES POINTS AT MEETING WITH BLACK DEMOCRATS WITH BC-OH

(by Paul Souhrada)

COLUMBUS, OH (AP).—The honeymoon continues for Gov. Bob Taft. Taft, who smoothed relations with labor leaders last month, scored points with black lawmakers during a wide-ranging meeting over issues important to minorities.

The members of the all-Democratic Ohio Legislative Black Caucus on Wednesday asked Taft, a Republican, for more money for Central State University, a more aggressive state affirmative action program and a commitment to appoint more minorities to state agencies.

"We had a very fruitful meeting with the governor," Sen. C.J. Prentiss, D-Cleveland, told reporters afterward.

Taft impressed the group with his sincerity, Prentiss said. Taft also found the meeting useful and said he wants to meet with the group again, said spokesman Scott Milburn.

Taft was particularly interested in looking for ways to increase literacy among schoolchildren, said Prentiss, president of the black caucus. She said she told Taft that her 18-member group was concerned that the cornerstone of his literacy program—the high-profile OhioReads campaign to recruit 20,000 volunteer reading tutors—falls short of what is needed.

Milburn said Taft assured the lawmakers that OhioReads was only the first step in the governor's effort to make sure all children learn to read.

Prentiss also pressed Taft to ask lawmakers for another \$3.5 million for Central

State, the only state-funded, historically black college in Ohio. The money would be used to expand the urban education program at the school in Wilberforce, for recruiting and to pay back debt from the school's financial troubles in the 1980s and early part of the 1990s.

Taft already asked for an extra \$2 million for Central State, Milburn said. He wants to meet with Central State President John Garland before making any other moves.

Taft is interested in a suggestion from Rep. Otto Beatty, D-Columbus, to study how successful minority businesses are in getting state contracts, Milburn said.

The issue of minority set-asides has been at the center of conflicting rulings recently from the Ohio Supreme Court and a federal district judge. But until the matter is decided, Taft wants to resume Ohio's programs without raising new legal issues, Milburn said.

Taft also will consider another Beatty proposal: an order dealing with affirmative action statewide.

Taft might be interested in expressing support for reaching out to women and minority businesses and encouraging them to seek state contracts, but he opposes quotas, Milburn said.

Among the other ideas suggested by the legislators:—Adding more money for education to stop the spread of AIDS, particularly among young blacks and women.

Creating an independent watchdog agency to oversee state contracts.

Making sure that minorities and inner city residents get their fair share of the money from the state's settlement with the tobacco industry.

Including more minorities in state government jobs and on state boards and commissions.

UNIVERSITY OF TEXAS ASKS COURT TO RECONSIDER ITS HOPWOOD RULING  
JIM VERTUNO

(BY AUSTIN, TX (AP).—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state's public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

"This case addresses one of the most important issues of our time . . . and it deserves the fullest possible hearing and a most careful decision by the federal courts," said Larry Faulkner, president of the university.

The Hopwood ruling came in a lawsuit against the University of Texas law school's former affirmative-action admissions policy.

The ruling, which found that the policy discriminated against whites, was allowed to stand in 1996 by the U.S. Supreme Court.

Former Attorney General Dan Morales then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships.

Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Patrick Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students.

The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller's Office study released in January showed a drop in the number of

minorities applying for, being admitted to and enrolling in some of the state's most selective public schools.

PROPOSAL WOULD MAKE OLE MISS PRIVATE

OXFORD, MISS. (AP).—A College Board member has proposed making the University of Mississippi a private institution as part of the settlement in the state's 24-year-old college desegregation case.

James Luvane of Holly Springs submitted the proposal, among others, to U.S. District Judge Neal Biggers Jr.

"Allowing Ole Miss to go private will help solve many funding problems as they exist today," Luvane said in the 10-page proposal.

Luvane said his proposal is designed to "bring closure to our state's long and painful epoch of discrimination against black citizens and historically black institutions of higher learning."

Immediately the plan drew opposition from lawmakers and Ole Miss.

"We're a great public university," said Ole Miss Chancellor Robert Khayat. "We like being a public university and can only serve the state better."

The desegregation lawsuit, known as the Ayers case, accused the state of neglecting its three historically black universities. Biggers is overseeing the desegregation of Mississippi's colleges.

Khayat said he is not familiar with any public American university ever going private.

Luvane recommended paying the Oxford college \$151 million before making it private in 2000. He recommended that the University of Mississippi Medical Center in Jackson become independent and be called the State Institute of Health and Medicine.

Khayat also opposes that and said 72 of the 73 U.S. medical centers are tied to a parent university.

"It's just ludicrous what he (Luvane) is saying," said Sen. Terry Jordan, D-Philadelphia, an Ole Miss alumnus. "They've all been state-supported and will continue to be."

David Sansing, a retired Ole Miss historian, said, "the likelihood of this happening is nil, zero."

"This plan would open up an entirely new controversy that would rage for years. I'm just astounded by it," said Sansing.

Luvane said Ole Miss' nearness to Mississippi State in Starksville "puts two of our three comprehensive institutions in a sparsely populated part of the state, causing unnecessary duplication."

Luvane also has proposed that historically black Jackson State be given a law school, pharmacy school and an air traffic control program.

NEW JERSEY CONCEDES RACIAL PROFILING EXISTS

(By Thomas Martello)

TRENTON, N.J. (AP).—Complaints that state troopers target blacks and Hispanics along the heavily traveled New Jersey Turnpike are "real, not imagined," according to a report issued by the state's attorney general.

The report, released Tuesday, concludes that even though the state police have no policy condoning the practice known as racial profiling, it does exist—and was fostered in part by ambiguous rules.

"There is no question racial profiling exists at some level," Gov. Christie Whitman said. "These findings are distressing and disturbing. Minorities deserve the assurance they will be treated no differently than any other motorist."

The report, commissioned by state Attorney General Peter Verniero, stresses "the great majority of state troopers are honest, dedicated professionals."

But the force's command structure needs to institute policy changes to end a culture that encourages using race as a reason to stop motorists, the report says.

While six out of 10 motorists stopped are white, minorities are far more likely to be subjected to searches and aggressive treatment by troopers, the report said. Statistics show that 77.2 percent of motorist searches were of blacks or Hispanics, and only 21.4 percent were of white motorists.

"Minority motorists have been treated differently than non-minority motorists during the course of traffic stops on the New Jersey Turnpike," the report says. "We conclude the problem of disparate treatment is real—not imagined."

The report came one day after two troopers were indicted on charges they falsified reports to make it appear that some of the black motorists they pulled over were white.

The U.S. Justice Department also has been investigating racial profiling allegations against New Jersey's state police. Similar accusations have been made in Florida, Maryland, Connecticut and elsewhere along the Interstate 95 corridor.

The findings in the report confirm what many civil rights activists said they have known for years.

"We do not believe that any reasonable person in New Jersey is surprised at all today to hear this acknowledgment," said The Rev. Reginald Jackson, executive director of the Black Ministers Council of New Jersey. "Now, however, comes the hard and difficult part, and that is the process ending racial profiling."

JUDGE APPROVES END TO RACE-BASED ENROLLMENT IN SAN FRANCISCO (by Bob Egelko)

SAN FRANCISCO (AP).—A federal judge has ordered an end to 16 years of race-based enrollment in San Francisco public schools, approving a settlement of a lawsuit by Chinese-Americans who were denied admission to the city's preferred campuses.

Despite protests by blacks and Hispanics, U.S. District Judge William Orrick said racial admissions violate Chinese Americans' constitutional rights to equal treatment in choosing their schools. He approved the settlement on Tuesday.

The suit was filed in 1994 on behalf of one student who was denied admission to a magnet high school despite a high score on its entrance exam—higher than some non-Chinese students who were admitted—and by two who were turned away from neighborhood elementary schools.

The settlement repeals a limit of 45 percent of any racial or ethnic group at a single school and 40 percent at desirable "magnet" schools. Those limits were part of a 1983 consent decree, approved by Orrick, that settled a discrimination lawsuit filed in 1978 by the National Association for the Advancement of Colored People.

The district has until October to prepare a new enrollment plan for the fall of 2000 to maintain diversity in schools without assigning any student primarily because of race.

"Resegregation is inevitable," declared Robert Franklin, who said he lives in San Francisco so that his two children—a 7-year-old black girl and a 2-year-old white boy—can attend its schools. "I want to keep them in an integrated, racially diverse public school."

FORMAL CEREMONY WILL DECRY RACISM IN OREGON'S HISTORY

PORTLAND, OR (PA).—Bobbi Gary moved to Portland in 1942 and found a scene straight out of the old South.

Restaurants wouldn't seat her. Real estate agents wouldn't sell to her. And theaters would only let her sit in the "buzzard roost" seats—all because she is black.

Gary will recall those experiences when she travels to Salem on Thursday to hear Oregon's leaders formally acknowledge the state's discriminatory past.

The Day of Acknowledgment, timed to coincide with the 150th anniversary of a law that barred "negroes and mulattos" from the Oregon Territory, also will honor Gary and others who have struggled for racial justice.

Leaders of Oregon Uniting, the multiracial organization that proposed the Day of Acknowledgment, hope a ceremony formally recognizing the state's racist past will be a step toward racial healing.

Some who plan to witness the ceremony say they are ambivalent about it—pleased at the recognition, but skeptical about what it will accomplish.

"To acknowledge these things forces us to relive them," said Carl Flipper Jr., a North Portland economist who has rented a bus for more than 30 Portland blacks who will attend the ceremony. "It's painful."

Witnesses will bring different memories to the observance in the House chamber on Thursday.

Sue Shaffer, chairwoman of the Cow Creek Band of Umpqua Tribes in Southern Oregon, will think about a massacre of American Indians outside Roseburg in the mid-1850s.

"I am hoping, and I said hoping, that events like this, days like this, acts like this, will help to bring up a consciousness across America of the rightful place of Indian people," she said.

Peggy Nagae, a former civil rights attorney and now a diversity consultant based in Eugene, said she will think about her parents, grandparents and others in the Japanese American community who were forced into internment camps during World War II.

And she will think about Minoru Yasui, a lawyer from Hood River who dared in 1942 to test federal curfew laws placed on Japanese Americans by walking the streets of Portland after dark.

Nagae, who helped him fight his arrest all the way to the U.S. Supreme court, remembers him as one of Oregon's heroes.

"The thing that always struck me about Yasui was that he was an ordinary person who did extraordinary things," she said.

Gary, an impassioned community activist who has fought discrimination for decades, recalls the day in the '40s when she and her future husband, Fred, went to a popular Portland restaurant. At first, no one would wait on them, she said. When a waitress finally did, the couple ordered steak, the most expensive item on the menu.

But when the food came, the steak was buried under so much salt and pepper that it was inedible. Before walking out, she scolded the waitress over the restaurant's obvious attempt to discourage them from returning.

Now a great-grandmother of two, Gary continues to fight battles on behalf of African Americans, children and the elderly. A saying that hangs on her dining room wall captures her resilience: "Good things come to those who wait. But they come a lot sooner to those who act."

It is that spirit that will propel her to Salem on Thursday. "This is not exactly a joyous occasion," she said. "It is something I feel is late in coming. But I'm glad to see it."

STATEMENT OF FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.  
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1999,

a matter of public record. I have filed similar statements for each of the nineteen preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 600,000). Ratio of assessed to market value: 100% (Encumbered): \$601,300.00.

Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered): 90,600.00.

Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$675,200: 383,636.36.

Total real property: \$1,075,536.36.

COMMON AND PREFERRED STOCK

	No. of shares	Dollar value per share	Value
Abbott Laboratories, Inc.	12200	\$46.81	\$571,112.50
Airtouch Communications	148	96.63	14,300.50
Allstate Corporation	370	37.06	13,713.13
American Telephone & Telegraph	572,722	79.81	45,710.37
Ameritech	817.75	57.63	47,122.84
Bank One Corp.	3439	55.06	189,359.94
Bell Atlantic Corp.	1017,129	51.69	52,572.86
Bell South Corp.	1214,1252	40.06	48,640.89
Benton County Mining Company	333	0.00	0.00
BP Amoco	1802	101.00	182,002.00
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp.	2500	57.38	143,437.50
Darden Restaurants, Inc.	1440	20.63	29,700.00
Dunn & Bradstreet, Inc.	2500	35.63	89,062.50
E.I. DuPont de Nemours Corp.	1200	58.06	69,675.00
Eastman Chemical Co	270	42.06	11,356.88
Eastman Kodak	1080	63.88	68,985.00
El Paso Energy	150	32.69	4,903.13
Exxon Corp.	4864	70.56	343,216.00
Firststar Corp.	1030	89.50	92,185.00
General Electric Co	5200	110.63	575,250.00
General Mills, Inc.	1440	75.56	108,810.00
General Motors Corp.	304	87.00	26,448.00
Halliburton Company	2000	38.50	77,000.00
Highlands Insurance Group, Inc.	100	10.56	1,056.25
Imation Corp.	99	16.50	1,633.50
IMS Health	5000	33.13	165,650.00
Kellogg Corp.	3200	33.81	108,200.00
Kimberly-Clark Corp.	31418	47.94	1,506,100.38
Lucent Technologies	348	108.00	37,584.00
Media One	255	63.81	16,272.19
Merck & Co., Inc.	34078	80.13	2,730,499.75
Minnesota Mining & Manufacturing	1000	70.75	70,750.00
Monsanto Corporation	8360	45.94	384,037.50
Morgan Stanley/Dean Whittier	156	99.94	14,590.25
NCR Corp.	68	50.00	3,400.00
Newell Corp.	1676	47.50	79,610.00
Newport News Shipbuilding	164,261	31.69	5,205.02
Nielsen Media	833	24.69	20,564.69
Ogden Corp.	910	24.06	21,896.88
PG&E Corp.	175	31.06	5,435.94
Raytheon Co.	19	57.75	1,097.25
Reliant Energy	300	26.06	7,818.75
RR Donnelly Corp.	500	32.19	16,093.75
Sandusky Voting Trust	26	87.00	2,262.00
SBC Communications	1028,98	47.19	48,554.99
Sears Roebuck & Co.	200	45.19	9,037.50
Solutia	1672	17.38	29,051.00
Tenneco Corp.	864,978	27.94	24,165.32
U.S. West, Inc.	315,623	55.06	17,378.99
Unisys, Inc. Preferred	100	51.88	5,187.50
Warner Lambert Co.	6804	66.25	450,765.00
Wisconsin Energy Corp.	1022	26.06	26,635.88
Total common and preferred stocks and bonds			8,030,685.29

LIFE INSURANCE POLICIES

	Face value	Surrender value
Northwestern Mutual #4378000	\$12,000.00	\$40,531.58
Northwestern Mutual #4574061	30,000.00	97,104.33
Massachusetts Mutual #4116575	100,000.00	7,476.95
Massachusetts Mutual #4228344	100,000.00	168,011.88
Old Line Life Ins. #5-1607059L	175,000.00	32,226.01
Total life insurance policies		345,305.75

BANK & SAVINGS AND LOAN ACCOUNTS

	Balance
Bank One, Milwaukee, N.A. checking account	\$10,432.36
Bank One, Milwaukee, N.A. preferred savings	23,054.13
Bank One, Milwaukee, N.A. regular savings	807.40
M&L Lake Country Bank, Hartland, WI, checking account	3,192.18
M&L Lake Country Bank, Hartland, WI, savings	342.93
Burke & Herbert Bank, Alexandria, VA, checking account	1,749.37
Firststar, FSB, Butler, WI, IRA accounts	68,699.09
Total bank and savings and loan accounts	\$108,277.46

MISCELLANEOUS

	Value
1994 Cadillac Deville	\$14,775.00

MISCELLANEOUS—Continued

	Value
1991 Buick Century automobile—blue book retail value	4,750.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	150,000.00
Stamp collection (estimated)	52,000.00
Interest in Wisconsin retirement fund	212,054.00
Deposits in Congressional Retirement Fund	117,730.26
Deposits in Federal Thrift Savings Plan	109,326.92
Traveller's checks	7,418.96
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estimated)	45,000.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,000.00
Total Miscellaneous:	721,055.00
Total assets:	10,280,094.06

LIABILITIES

Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758-77: \$86,936.33.  
Miscellaneous charge accounts (estimated): \$0.00.  
Total liabilities: \$86,936.33.  
Net worth: \$10,193,968.06.

STATEMENT OF 1998 TAXES PAID

Federal income tax \$108,494.00.

Wisconsin income tax, \$24,027.00.

Menomonee Falls, WI property tax \$2,140.00.

Chenequa, WI property tax, \$15,036.00.

Alexandria, VA property tax, \$6,820.00.

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, JR.,  
Member of Congress.

BRACKET CREEP OVERBURDENS  
NATIONAL LABOR RELATIONS  
BOARD**HON. ERNEST J. ISTOOK, JR.**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1999*

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 1620, a bill to free the National Labor Relations Board from being overburdened because bracket creep that has forced them to accept cases from very small employers in this nation. Here is a copy of my "Dear Colleague" and a report from the Labor Policy Association that outlines the problem and why it is important to small businesses in America to correct this problem.

U.S. CONGRESS,  
Washington, DC.FREE THE NATIONAL LABOR RELATIONS BOARD  
(NLRB): HELP REDUCE UNNECESSARY BURDEN  
ON SMALL BUSINESS

DEAR COLLEAGUE: This Congress, Mr. Istook is introducing legislation to help the NLRB manage their huge caseload. Each year the NLRB requests additional funding to help them administer and manage their caseload. This legislative reform simply makes adjustments for inflation in the financial jurisdictional thresholds of the NLRB, most of which were set in 1959. The NLRB can still adjudicate special cases below these thresholds, just as they can do today. It is crucial that we provide the NLRB with this freedom. We urge you to cosponsor this bill. Two former NLRB Chairs support this change.

The National Labor Relations Board (NLRB) is the government agency designed to settle labor disputes between unions and management. In 1959, Congress passed a law to give NLRB jurisdiction over businesses based on gross receipts. Once a business passes that threshold of gross receipts, it is subject to intervention by the NLRB. Businesses below the threshold are subject to actions brought in state courts, instead of the NLRB.

Without an adjustment for inflation, businesses and the NLRB have been caught in "bracket creep," as inflation has increased since 1959, the NLRB has acquired jurisdiction over much smaller businesses than was ever intended, escalating the expense and workload for the NLRB as well as for business. These now include very small businesses, for whom the cost of such intervention is unbearable. Up to 20% of the NLRB's workload now is these very small businesses. For example, NLRB has jurisdiction over non-retail businesses with gross receipts over \$50,000, an inflation adjustment would raise that threshold to \$275,773. NLRB has jurisdiction over retail business and restaurants doing more than \$500,000 worth of business, but adjusting for inflation since 1959 would raise this to \$2.7 million. Congress never intended to subject small businesses to such a have regulatory hammer.

The NLRB is powerless to change its jurisdiction without an act of Congress. So this legislation will do exactly that. By indexing the jurisdiction to the rate of inflation, the NLRB could again focus upon the larger businesses for whom the law was originally written. Small businesses have been severely burdened by dealing with the far-off NLRB instead of their local state courts (Examples on Reverse).

This bill's simple adjustment both frees NLRB deal with significant cases truly af-

fecting interstate commerce, and also removes the problems very small business have with NLRB oversight (See Example on the Reverse). If you have any questions, please call Mr. Istook's office and speak with Dr. Bill Duncan at (202) 225-2182.

Tom DeLay, House Majority Whip; Bill Young, Chairman, Appropriations Committee; John Boehner, Chairman, Employer/Employee Relations Subcommittee; John Porter, Chairman, Labor, HHS, Education Subcommittee; Jim Talent, Chairman, Small Business Committee; Henry Bonilla, Member, Appropriations Committee; Ernest Istook, Member, Appropriations Committee; Dan Miller, Member, Appropriations Committee; Jay Dickey, Member, Appropriations Committee; Roger Wicker, Member, Appropriations Committee; Anne Northup, Member, Appropriations Committee; Randy "Duke" Cunningham, Member, Appropriations Committee; John Hostettler; Chris Cannon.

## EXAMPLES OF SMALL BUSINESS NLRB CASES

Larry Burns, of Houston, Texas, (8 employees), had 2 charges filed against his business by the NLRB. One was thrown out, the other settled for \$160 (1 days pay). Larry Burns spent \$11,000 in attorneys fees and wasted time fighting the NLRB when these problems could have been solved cheaper and easier in state courts. Also, Mr. Burns, under state law, could have recovered 1/2 of his attorney's fees under loser pays (which helps eliminate frivolous charges).

Randall Borman, of Evansville, Indiana (4 employees). Three charges were filed with the NLRB. All were dismissed. He could have recovered all of his legal fees under Indiana state law. Instead he lost \$7,500 in attorney's fees and lost revenue and had to lay off workers to cover this expense.

EXAMPLES OF DELAYS IN PROCESSING NLRB  
CASES

Julian Burns, of Charlotte, North Carolina, (23 employees). His case should be heard by the NLRB. However, the NLRB's workload is so overloaded with cases from very small businesses that is took 2 1/2 years to hear his case. Rather than getting his day in court, he settled for \$10,000 after paying \$35,000 in attorney's fees, and \$250,000 for losses in manpower and reduced workforce, for a total cost of \$295,000.

ACHIEVING NLRB BUDGET SAVINGS BY  
UPDATING SMALL BUSINESS THRESHOLDS<sup>1</sup>

The National Labor Relations Board (NLRB or Board) exercises exclusive jurisdiction over all labor disputes that are considered to be of significant national interest. The Board, itself, has set the standards for determining which labor disputes reach this threshold. Unfortunately, most of these standards are based on 1959 dollar figures that have not been adjusted for inflation over time. The result is that the Board's method for asserting jurisdiction has become outdated and should be changed to reflect present economic realities. Such a change could result in substantial savings to the U.S. Government.

The NLRB's jurisdiction, in both representation and unfair labor practice cases, extends to all enterprises that "affect" interstate commerce.<sup>2</sup> This expansive statutory grant of authority has been held by the Supreme Court to mean that the Board's jurisdiction extends to "the fullest . . . breadth

constitutionally permissible under the commerce clause."<sup>3</sup>

Traditionally, however, the Board has never exercised its full authority. Since its establishment, the Board has considered only cases that, in its opinion, "substantially affect" interstate commerce. In 1959, Congress endorsed this practice in the Labor-Management Reporting and Disclosure Act. The act specifically allowed the Board to "decline to assert jurisdiction over any labor dispute . . . where . . . the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction."<sup>4</sup> Congress did not leave the Board total discretion, however. It instructed that the Board "shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959."<sup>5</sup>

Thus, although Congress recognized that the Board needed to exercise discretion in interpreting the term "affecting commerce," it clearly did not want the Board to establish lower thresholds than were already in place. In 1959, however, the Board's prevailing jurisdictional thresholds were based on raw dollar amounts. The difficulty with this jurisdictional approach is that it fails to take inflation into account.

The problem with not adjusting jurisdictional thresholds is clearly illustrated in the following example. In 1959, the Board exercised jurisdiction over non-retail businesses that sold or purchased goods in interstate commerce totaling \$50,000 or more annually. In other words, in 1959, \$50,000 of interstate business "substantially affected commerce." Today, the Board continues to exercise jurisdiction using the \$50,000 threshold, but the effect on commerce of \$50,000 today is not nearly what it was in 1959. The value of \$50,000 today is equivalent to \$9,065 in 1959. Thus, just as \$9,065 did not warrant the Board's jurisdiction in 1959, \$50,000 should not warrant the Board's jurisdiction today.

Since 1959, the Board has established separate thresholds for particular types of businesses that did not fall into the 1959 categories. Although these thresholds are more recent, they nonetheless suffer from the same major flaw—they fail to consider inflation.

Figure 1, below, list the Board's current jurisdictional thresholds for various business sectors along with the year in which those thresholds were established. These sums are then converted into their present value—making it clear that the Board's present procedure for asserting jurisdiction is both unrealistic and outdated. Consequently, 29 U.S.C. § 164(c)(1) should be amended to reflect the present value of these jurisdictional thresholds.

A second flaw in basing jurisdiction solely on the volume of the employer's business is that such a method fails to consider the size of the bargaining units involved. As a result, the Board spends scarce federal resources pursuing relatively small benefits. Figure 2 clearly illustrates this position. In 1994, the Board expended nearly 20% of its representation effort on bargaining units of 9 persons or less. Yet, this 20% effort reached less than 2% of the total number of employees involved in representation elections that year (3,393 out of a total of 188,899). In other

<sup>3</sup> *NLRB v. Reliance Fuel Oil Corp.*, 371 U.S. 224 (1963).<sup>4</sup> 29 U.S.C. § 164(c)(1). Parties involved in labor disputes that did not meet the Board's jurisdictional requirements were not left without recourse by Congress. The act specifically provided that agencies or state courts jurisdiction over these claims. 29 U.S.C. § 164(c)(2). Of course, state courts would have to be empowered by state law to do so.<sup>5</sup> 29 U.S.C. § 164(c)(1).<sup>1</sup> This analysis was prepared by the staff of the Labor Policy Association.<sup>2</sup> 29 U.S.C. § 160.

words, the Board could have reduced its effort by 20% while maintaining 98% effectiveness had it declined to assert jurisdiction over these small units.

What is even more surprising is that the NLRB conducts elections in units as small as

two workers. The Board refuses to release statistics on this point to the public, but such statistics would be available to the Appropriations Committee.

Leaving jurisdiction over these small business units to the states would be most effi-

cient use of federal resources and could result in significant savings to the Federal Government.

FIGURE 1—PRESENT VALUE OF NLRB JURISDICTIONAL THRESHOLDS BY BUSINESS ACTIVITY

Business activity	Jurisdictional threshold	Present value
Non-retail enterprises; enterprises that combine retail and wholesale; and architectural firms (1959) .....	<sup>1</sup> \$50,000	\$275,773
Retail enterprises; restaurants; automobile dealers; taxicab companies; country clubs; and service establishments (1959) .....	<sup>2</sup> 500,000	2,757,732
Instrumentalities, links, and channels of interstate commerce (1959) .....	<sup>3</sup> 50,000	275,773
Public utilities; transit companies (1959) .....	<sup>4</sup> 250,000	1,378,870
Printing; publishing; radio; television; telephone; and telegraph companies (1959) .....	<sup>5</sup> 200,000	1,103,093
Office buildings; shopping centers; and parking lots (1959) .....	<sup>6</sup> 100,000	551,546
Day care centers (1976) .....	<sup>7</sup> 250,000	705,185
Health care facilities (1975):		
—nursing homes .....	100,000	298,327
—hospitals .....	250,000	745,818
Hotels and motels (1971) .....	<sup>8</sup> 500,000	1,981,481
Law firms (1977) .....	<sup>10</sup> 250,000	662,129

<sup>1</sup> Figure represents annual interstate sales or purchase. *Siemons Mailing Serv.*, 122 NLRB 81 (1958); *Wurster, Bernardi and Emmons, Inc.*, 192 NLRB 1049 (1965).  
<sup>2</sup> Figure represents annual volume of business including sales and taxes. *Red and White Airway Cab Co.*, 123 NLRB 83 (1959); *Carolina Supplies and Cement Co.*, 122 NLRB 723 (1958); *Bickford's, Inc.*, 110 NLRB 1904 (1954); *Claffery Beauty Shoppes*, 110 NLRB 620 (1954); *Wilson Oldsmobile*, 110 NLRB 534 (1954); *Walnut Hills Country Club*, 145 NLRB 81 (1963).  
<sup>3</sup> Figure represents annual income derived from furnishing interstate passenger or freight transportation. *HPO Serv., Inc.*, 202 NLRB 394 (1958).  
<sup>4</sup> Figure represents total annual volume of business. Public utilities are also subject to the \$50,000 non-retail threshold. *Charleston Transit Co.*, 123 NLRB 1296 (1959); *Sioux Valley Empire Elec. Ass'n*, 122 NLRB 92 (1958).  
<sup>5</sup> Figure represents total annual volume of business. *Belleville Employing Printers*, 122 NLRB 92 (1958); *Raritan Valley Broadcasting Co.*, 122 NLRB 90 (1958).  
<sup>6</sup> Figure represents total annual income. *Mistletoe Operating Co.*, 122 NLRB 1534 (1958).  
<sup>7</sup> Figure represents gross annual revenues. *Salt & Pepper Nursery School*, 222 NLRB 1295.  
<sup>8</sup> Figure represents gross annual revenues. *East Oakland Health Alliance, Inc.*, 218 NLRB 1270 (1975).  
<sup>9</sup> Figure represents total annual volume of business. *Penn-Keystone Realty Corp.*, 191 NLRB 800 (1971).  
<sup>10</sup> Figure represents gross annual revenues. *Foley, Hoag, & Elliot*, 229 NLRB 456 (1977).