

EXTENSIONS OF REMARKS

INTRODUCING THE FAIR CARE FOR THE UNINSURED ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ARMEY. Mr. Speaker, today, I am introducing the Fair Care for the Uninsured Act, a bill to give the nation's 44 million uninsured a refundable tax credit of \$1,000 per adult and \$3,000 per family for the purchase of private health insurance.

Right now, there are 44 million uninsured people. That number is growing by 100,000 a month. A decade from now, it could be 53 million, or 60 million if the economy softens.

Most of these people are young, healthy, working people. Many are employed in small businesses. Many don't have full-time positions. Indeed, one recent study estimates that in California, nearly 40 percent of Hispanics are uninsured—40 percent.

There's something wrong when the richest nation on earth, with the best health-care system in the world, the lowest poverty, and the highest employment, has a constantly growing percentage of its population going without medical-expense protection, either because it is unavailable, unaffordable, or undesirable.

Nowadays, the Democrats seem more eager to pile new mandates on health insurance than to help people who don't have any. In our haste to protect patients from HMO abuses—and we'll take up a bill on that subject in the House next month—we should never forget about what mandates and higher costs mean for the millions of Americans who don't even have the first patient protection, health insurance coverage.

It's both for those who lack coverage, and those who dislike their coverage, that I'm introducing this bill. I think we can offer better solutions for the uninsured, help end frustrations with HMOs, and preserve the high quality of American medicine, all at the same time. How is this possible? By shifting more choice and control to individual patients, so they can take more responsibility for their health care—and take their business elsewhere when dissatisfied.

It's no secret why people are frustrated with work-based coverage today, or why they're calling on Congress for relief. Virtually all of today's problems in health care can be traced back to one source, the lack of a consumer-driven market. And the main culprit behind that problem is the tax code.

Millions of Americans are innocent victims of what I call the Health Penalty Tax. They're actually punished for trying to buy their insurance on their own, outside the workplace. Just as the Marriage Penalty Tax punishes people for doing the right thing and getting married, the Health Penalty Tax punishes people for doing the right thing and buying their own health insurance. This tax falls hardest on low-income, part-time, and contract workers, and the unemployed. That's not fair. But we can remedy this injustice.

The bill I'm introducing today would create a refundable tax credit of \$1,000 per adult, \$500 per dependent, and a maximum of \$3,000 per family, for the purchase of private health insurance. It would be available to people who don't get their coverage through the workplace or a federal government program. People could use their credit to shop for a basic plan that best suits their needs and is portable from job to job. If they want more generous coverage, they could buy it with after-tax dollars. And of course the states could supplement the credit.

Let's think about what this reform would do. For one thing, it would give 44 million uninsured Americans access to a modest level of private health coverage. It would give them access to insurance that's portable. And it would give them a real choice of plans. Best of all, it would give them the power to keep their doctor and fire their HMO, instead of the other way around.

We shouldn't stop there, of course. We should give consumers additional tools—I'm thinking of innovative ideas like medical savings accounts, healthmarts, association health plans, and medical-malpractice reform. We should also encourage state-based "high-risk" pools to act as charitable safety-nets for people who are too sick to insure at any price. In combination with the Fair Care credit, these market-oriented reforms would go far toward creating a true consumer-driven marketplace in the 21st century.

Some say we can't afford to restore tax fairness for the uninsured. I say we can't afford not to. If the wealthy CEO is going to receive government-subsidized health care, then so should the waitress earning the minimum wage. Period.

Tax fairness is a nonpartisan idea. Even my liberal colleague from California, Mr. Stark, agrees we should use the tax code to help the uninsured. In fact, just the other day he and I published a joint opinion piece in the Washington Post on this very topic. It appeared on page A41 of the Washington Post of Friday, June 18, 1999. I would like to take the liberty here of quoting that article in full.

"MEDICAL COVERAGE FOR ALL: THE ULTIMATE CONGRESSIONAL ODD COUPLE WEIGHS IN
(By Dick Armeiy and Pete Stark)

"We may be the ultimate congressional odd couple. We seldom agree on anything. But on this we do agree: Congress should act now to help the 43 million Americans who have no health insurance.

"The ranks of the uninsured are growing by 100,000 a month. And this is happening during a time of strong economic growth, despite continuing congressional attempts to expand coverage. Imagine what will happen come the next economic downturn.

"For individuals being uninsured is a problem because too often it means health care forgone, small warning signs ignored and minor illnesses allowed to become costly crises. It's a problem for families because unpaid medical bills are a leading cause of personal bankruptcy. And it's a problem for the nation because uncompensated care is an unfair burden on doctors, hospitals and taxpayers.

"Why is the problem growing? Because Americans are increasingly unable to get coverage through their jobs. With health premiums going up, employers are bearing a smaller share of those premiums, and the work force is becoming increasingly mobile, and part-time. More and more people find themselves working in places where coverage is either unavailable, unaffordable or undesirable ("one crummy HMO"). And when these workers try to buy insurance outside their jobs, they lose a generous tax break, making coverage that much less affordable.

"Indeed, today's tax code discriminates against not only insurance purchased outside the workplace but also lower-paid, part-time and small-business workers. The highly paid CEO gets a more lavish health-care tax break than the waitress earning the minimum wage.

"These problems cry out for remedy. And happily, a bipartisan remedy is available. We think Congress should create a new refundable tax credit to enable all Americans to buy decent health coverage.

"Properly designed, such a credit could bring about near-universal coverage without new mandates or bureaucracy. It would eliminate barriers the uninsured face in today's system, enabling them to shop for basic coverage that suits their individual needs and is portable from job to job.

"To be successful, the credit would need to be sufficiently generous to buy a decent policy; available to those who owe no tax liability; and, to prevent fraud, paid directly to insurers or other entities, not to individuals.

"Would the existence of such a credit prompt some employers and employees to drop workplace coverage? Unavoidably. But job-based coverage is already eroding. And the erosion can be minimized by making the credit less attractive than most company plans.

"To be sure, we don't want to end workplace coverage. We do want to permit a gradual transition to a world in which individuals are free to obtain the kind of insurance they want, regardless of where it's purchased.

"What amount is 'sufficiently generous'? That's open to debate. But we note that \$3,600 per family is roughly the amount the federal government spends on its own employees' families.

"Obviously this proposal would produce a revenue loss of tens of billions a year, risking a return to deficits. So how do we 'pay' for it? Well, a portion of the surplus could be used. And we note that reducing the numbers of the uninsured would free billions in current federal cross-subsidy programs.

"Admittedly, a tax credit can't help people who are too sick to insure at any price. Although we differ, fairly strongly, about the best way to help such people, we agree a reasonable way can be found to do so, and we'll keep looking for it. (Rep. Stark would prefer to get insurers to take all customers at a common price, regardless of health status. Rep. Armeiy would set up 'high-risk pools' to subsidize sick people's coverage in the 22 states that haven't already done so.)

"Too often, when Congress turns to health issues, it ends up applying legislative Band-Aids. It's time to address underlying causes. The biggest health problem facing the country is the uninsured. The tax code can be used to help them. We urge a bipartisan consensus to do so."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

I urge my colleagues to cosponsor this legislation.

CONGRATULATING CALIFORNIA
FAMILY BUSINESS AWARD FI-
NALISTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Finalists for the first ever California Family Business Award. Ten Businesses from Bakersfield to Atwater are among the finalists.

Alert-O-Lite, Inc. in Fresno, provides traffic control and construction supply sales and rentals, and also operates a sign division, Signmax! The company has grown rapidly since its founding in 1971 by Eddie Hunsaker and Jake Jensen. Hunsaker bought out his partner in 1979 and brought his four children as partners in 1981. Revenues have doubled in the last seven years, and the company currently has three locations and 27 full-time employees. Alert-O-Lite was presented with the Top 5 Business Award in 1996.

Droogh Dairy in Lemoore, presently milking 1,100 cows with a herd size of 2,200, was founded by Case Droogh and his wife Corrie. They started in the dairy business in 1953 with a small farm in Paramount, California and several years later built a dairy with a herd size of 350 in Chino. They moved their dairy from Chino to Lemoore in 1974. In 1987 they remodeled to accommodate more than 1,000 cows and added a state-of-the-art milking system, fully computerized machines, and 5,000 acres of farmland for growing feed.

Ennis Homes in Porterville develops and builds single family and multifamily residential housing and professional offices and commercial complexes in the Central Valley. The company has grown tremendously in the past five years, with developments in Porterville, Tulare, Handford and Bakersfield. In 1995 it was named "Builder of the Year" by the Building Industry Association of Tulare and Kings County. Ennis Homes, founded in 1979 by Ben Ennis and his wife Roberta, was known as Ennis Development Corporation until March 1998.

Gray Lift, Inc. in Fresno, which provides material handling equipment, was established in 1957 by John L. Waugh, Sr. and Will Gray. From a single location in Fresno with nine employees and five service vehicles, it presently operates throughout 14 counties with approximately 160 full-time employees and more than 70 service vehicles. It has added branches in Bakersfield, Santa Maria and Manteca, California. Three new divisions have been created since 1985; Forklift Wholesale Co., Warehouse Systems, and Construction Rental Services.

Grimmway Farms in Bakersfield is a fully integrated carrot and processed operation, from planting and growing to packing, processing and marketing. Grimmway harvests carrots from a total of 40,000 acres annually, with nearly half of the acreage devoted to "baby" carrots. The cut-and-peeled carrots account for more than half of the total dollar volume. To provide their buyers with year-round supplies, the company sources carrots from Ba-

kersfield, Lancaster, the Imperial Valley and the Cuyama area in California, as well as Colorado.

Hester Orchard, Inc. in Visalia grows plums, walnuts, and oranges, dehydrates walnuts and pecans, and provides compost spreading and truck services. The farming operation started in 1940 with John Hester and his wife Ruth. In 1980, Hester Farms built a permanent office site to meet its growing needs. It is now farming 710 acres of owned and leased property in permanent tree crops. Commercial services include walnut harvesting; walnut hulling and drying at the rate of 220 tons per day; pecan hulling and drying; rental of dry storage space; and trucking.

Horstmann Financial and Insurance Services in Fresno has been providing life insurance services to Valley residents since 1958. John E. Horstmann is the founder of the company and is run by two generations of the family. In 1990, John Horstmann and seven other estate and business planners from across the country founded a national resource center for estate and business succession planning, based in Dallas. From the original eight members, the group has grown to include more than 100 professionals.

J.D. Heiskell & Co. in Tulare, has been in operation since 1886. They recently were named the highest volume single feed production facility in the United States, with nearly twice the volume of its nearest competitor. It was started by Jefferson Davis Heiskell as a branch of the Farmer's Union Warehouse Company of Stockton. Heiskell supervised the construction and operation of the Tulare Warehouse and a subsequent one in Delano. A decade later he bought the grain storage facility and later expanded into grain sales. In 1972, J.D. Heiskell and Co. built a modern computer-operated feed mill on its property. The company also owns and operates retail farm stores in Tulare, Visalia and Porterville. It is in its fourth generation of family operation.

Joseph Gallo Farms in Atwater operates 12,000 acres of land, raising five varieties of wine grapes, dairy cattle, dairy feed and cheese. It was founded in 1946 by Joseph Gallo, who owns Joseph Gallo Farms with his son Michael, CEO, and daughter Linda Gallo Jelacich. Gallo started out growing wine grapes, then cultivated other crops, as well as cattle, for market. The farm moved into milking in 1979, built a cheese-processing plant in 1982, began generic cheese processing in 1983, and developed the Joseph Farms brand in 1984. Joseph Farms, which processes approximately one million pounds of milk daily into award winning cheese, is presently the largest selling, California-brand retail cheese. It is sold in more than 20 states and in Mexico, the South Pacific, Guam, the Caribbean, and Japan.

Lyles Diversified, Inc. in Fresno, is involved in shopping center and business park developments, real estate rental operations, underground pipeline and utility construction, heavy concrete and mechanical construction, manufacturing of closed circuit television surveillance equipment, and agricultural operations. The business was started as a proprietorship in 1945 by W.M. Lyles and Elizabeth V. Lyles, as a contractor specializing in oil field underground pipelines. It soon expanded into other types of underground construction; added orchard in 1974; started acquiring apartment complexes in the early 1970's, and later

added office and hotel properties; and in the mid to late 1970's began to develop land for industrial and commercial use. It has grown into an organization consisting of Lyles Diversified, Inc., seven subsidiary corporations, and numerous partnerships. Three generations of Lyles family members currently are involved.

The winner of the California Family Business Award was J.D. Heiskell & Co. These businesses have all shown tremendous growth and achievement. I urge my colleagues to join me in wishing J.D. Heiskell & Co. along with the finalists, many more years of continued success.

S. 1196 A BILL TO IMPROVE THE
QUALITY, TIMELINESS, AND
CREDIBILITY OF FORENSIC
SCIENCE SERVICES FOR CRIMI-
NAL JUSTICE PURPOSES

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BISHOP. Mr. Speaker, I rise to day to urge my colleagues to support a bill I introduced yesterday which will improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes. I proudly sponsored the House companion to this bill.

With passage of this bill, the Congress will affirm to our law enforcement professionals that we care enough to provide them with the expertise that they need to do their jobs in an expeditious manner.

Across the country, state and local crime labs, Medical Examiners' and Coroners' offices face alarming shortages in forensic science resources. We see and hear of great advances in technology in all aspects of our lives. Yet, in my State of Georgia, the Georgia Bureau of Investigation headquarters in Decatur, Georgia must still catalog its cases manually. This is not right, Mr. Speaker. Our forensic labs lack the funding to create computer networks that would connect not only their forensic equipment with internal computers, but would also allow them to share information with crime labs across the country.

In a 1996 national survey of 299 crime labs, it was found that 8 out of 10 labs have experienced a growth in their caseloads which exceeds the growth in their budget. Crime data need to be processed using the latest technological advances, in an expeditious a manner as possible to ensure that all parties; interest are served.

The National Forensic Science Improvement Act has been endorsed by organizations such as the National Governors Association, the National Association of Attorneys General, the Association of State Criminal Investigative Agencies, and the International Association of Chiefs of Police.

This is common sense legislation Mr. Speaker. I urge all my colleagues to cosponsor and support this bill when it comes to the floor.

BROTHERS OF MERCY CELEBRATE
75TH ANNIVERSARY**HON. THOMAS M. REYNOLDS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today in honor of the 75th Anniversary of the arrival of the Brothers of Mercy in the United States.

From their modest beginnings in June, 1856, when a German merchant named Peter Loetschert began helping the sick and the poor, the Brothers of Mercy grew rapidly. In 1924, two brothers arrived in Buffalo, New York, where they began what would be three-quarters of a century of service to the Western New York community.

Today, the Brothers of Mercy complex in Clarence, New York, has earned a reputation of excellence in compassionate and professional geriatric care. From Independent Housing and Adult Care to Nursing Care and Rehabilitation, the Brothers of Mercy and their more than 500 employees offer some of the most comprehensive long-term health care in our community.

It is my pleasure, Mr. Speaker, to offer my congratulations and best wishes to the Brothers of Mercy on their 75th Anniversary; and to further extend my hope that the Brothers of Mercy may enjoy another 75 years of assistance and compassion for the elderly population of our community.

TRIBUTE TO THE LATE HON.
FLETCHER DANIELS**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to remember the Hon. Fletcher Daniels, Missouri State Representative, District 41. Representative Daniels passed away in March, and he is sorely missed in my home State of Missouri and in our Greater Kansas City community. This Saturday, June 26, 1999, Missouri Governor Mel Carnahan will sign a resolution to officially rename the Missouri State Office Building in Kansas City the Fletcher Daniels State Office Building.

I served for a decade with State Representative Daniels in the Missouri General Assembly and continued to seek his counsel and join in his advocacy in the United States Congress. Representative Daniels was a champion of the people, and together we elevated awareness about the plight of many disadvantaged people in the Kansas City area, such as Denise Anderson, who was enduring unbearable working conditions because her employer would not make reasonable accommodation for her handicap.

State Representative Daniels retired from a 30-year career with the U.S. Postal Service to serve on the Kansas City School Board until he was elected to the Missouri State House in 1984. He served in the Missouri House of Representatives for 15 years, and was the first African American Speaker Pro Tem in the history of our State. He also served with distinction on the Appropriations, Criminal and State Institutions, and Criminal Law committees.

Fletcher Daniels missed no opportunity to give back to his community and serve the people who live there. He was a member and Trustee of the Metropolitan Missionary Baptist Church of Kansas City from 1946 until his passing. He also served as the Chairman of the Board of the Kansas City Community Committee for Social Action, Vice President of the Kansas City Chapter of the NAACP, Board Member of the Advisory and Executive Committee of the Kansas City Chapter of the Urban League, and President and Principal Negotiator for the Citizen Coordinator Committee. He was unfailing in his commitment to improving the lives of those who lived in the Kansas City area, and especially those who suffer from inequity.

The Kansas City area and the State of Missouri mourns the loss of this exceptional community leader, and we join together to honor his memory by renaming the Missouri State Office Building for him. It is an honor that he, his loving wife, Sybil, and his family truly deserve.

TRIBUTE TO CONGRESSIONAL
CHIEF OF STAFF TIM HUGO**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a man who has worked for me over the past twelve years. Tim Hugo, who has served as my Congressional Chief of Staff for more than three years will be leaving my office this month. Tim has accepted an excellent opportunity as Executive Director of a new high technology trade association, CapNet in Washington. Tim has done an absolutely outstanding job for me during the past three years.

A 1986 graduate of the College of William and Mary, Tim began working in my Congressional office in 1987. Tim has held various positions on my staff, from Legislative Assistant to Legislative Director to Chief of Staff. During the past twelve years Tim has pursued other endeavors which included serving in the U.S. Army as an Intelligence Specialist, and as a Special Assistant for the Assistant Secretary of Defense in the Pentagon. In addition, Tim served as Legislative Director for Congresswoman Jennifer Dunn and as a Professional Staff Member on the Committee on House Administration.

As a fourteen term member of the House of Representatives, Tim has stood with me as a staff member for nearly half of my career in Congress. I place great value on the hard work of the people on my staff, but in no other position do I demand more than that of the Chief of Staff. Tim has carried a great deal of responsibility and demonstrated the skills it takes to be a caring and vigilant public servant. Tim has been an exemplary Chief of Staff. He is a person I can count on in the heat of the battle to make positive things happen for the citizens of the Ninth Congressional District and his contributions to this office and to the residents of my district will not be forgotten.

I thank Tim for his leadership and devotion and wish him well on his new career. He assumes his new position with my full support

and confidence. I wish Tim, his wife Paula and daughter Katie all the best. I want them to know that Tim will be greatly missed.

TRIBUTE TO THE CALIFORNIA
ADVOCATE NEWSPAPER**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the California Advocate Newspaper for their 32 years of service to the community. The California Advocate is a multi-cultural newspaper and is the voice for the minority community and the social conscious of the San Joaquin Valley.

Former Fresno City Councilman Les Kimber and wife Pauline began publishing the California Advocate Newspaper in 1967. The paper continues to initiate action to promote justice and equality for the minority community with an emphasis on self-esteem and self-determination. The California Advocate Newspaper is also a resource for minorities seeking employment opportunities, especially at Fresno City College and in the city's police and fire departments.

Les Kimber led the committee that hired the first African American on television in Fresno. He also headed the corporation that put together low income housing for West Fresno, and helped to establish the Ethnic Studies Department at California State University, Fresno. As an advocate and publisher, Kimber founded the United Black Men of Fresno, which is comprised of 100 men who promote economic development by stressing opportunities for minorities to become employers as well as employees.

The California Advocate Newspaper is a member of the West Coast Black Publishers Association and the National Newspaper Publishers Association. The Advocate has also received numerous awards: The ACLU Northern California Civil Liberties Award in 1975 for outstanding contributions; the Governors Award in 1985 for fighting crime; the Chicago Media Award in 1986; the West Coast Black Publishers Award in 1990; the NAACP Heritage Award in 1992; and the West Coast Black Publisher's Award in 1993.

Mark Kimber is the second-generation publisher in charge of this family-owned newspaper. He has continued to maintain the quality and integrity of the California Advocate. Recently, there have been special sections added to the newspaper that focus on young people throughout the community and pages that have been devoted to schools and student activities.

Mark Kimber has won numerous awards for his innovative design and promotion of his newspaper. He implemented the "Drum Major for Justice Award," which honors the memory of Dr. Martin Luther King, Jr. The event at which the Award is presented has been referred to as the Central Valley's civil rights event of the year. This year's speaker and honoree is Harry Belafonte.

Mr. Speaker, I want to congratulate and thank The California Advocate for its 32 years of service to the community and I urge my colleagues to join me in wishing The Advocate many more years of continued success.

TRIBUTE TO HOWARD F. HORNE, JR., PH.D., PRESIDENT GENERAL OF THE SONS OF THE AMERICAN REVOLUTION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CASTLE. Mr. Speaker, I rise to honor the newly elected President General of the National Society of the Sons of the American Revolution, Howard F. Horne, Jr., Ph.D. I am particularly pleased to recognize Dr. Horne because he lives in Delaware and will be leading the SAR into the next millennium.

Dr. Horne was born and raised in Johnstown, Pennsylvania. He later moved to Elmira, New York where he developed a fondness and talent for distance running. He enrolled at Pennsylvania State University, where he completed his Bachelors, Masters, and Doctorate in Industrial Relations. He was also a member of several National Championship Track and Cross Country Teams for the University.

Dr. Horne enlisted in the army in 1942 and became a Commissioned Officer. He served in World War II and the Korean Conflict in the Counter Intelligence Corps. After completing his degrees at Penn State, Dr. Horne worked for the DuPont Company as a human relations manager. In 1985 Dr. Horne left DuPont to open his own consulting company, Horne Associates. He has previously served as the President of the Chamber of Commerce and the United Way in Waynesboro, Virginia. Dr. Horne has now retired to devote his full attention to SAR.

The Delaware chapter of the Sons of the American Revolution recognized his leadership beginning in 1987 when he was elected to two terms as Treasurer and two terms as President. He also served as the Vice President General of the Mid-Atlantic district. At the national level, Dr. Horne was elected to serve nine years on the Executive Committee of the National Society, as well as holding the offices of Registrar General, Treasurer General and Secretary General. He has been a member of numerous committees, and personally recruited and sponsored over sixty members. Dr. Horne was responsible for drafting the Society's membership manual and the chapters' "how-to" manual. The National Society has honored him with the Minuteman Award, Patriot Medal, Liberty Medal, Silver Good Citizenship Medal, War Service Medal, Stewart B. McCarty Award, two certificates of Distinguished Service, and Fifteen Certificates of Appreciation. He also received the Distinguished Service Medal, Meritorious Service Medal, and the Centennial Medal.

Dr. Horne is married to Nancy Jean Meyer, and has two sons, Chip and Gary, both of whom are members of SAR. He has three grandchildren, two of whom are members of C.A.R. Dr. Horne has also served as a Deacon and an Elder in the Presbyterian church.

I congratulate the Sons of the American Revolution in their outstanding choice of Dr. Howard F. Horne, Jr. as President General. They could not have made a better choice to lead them into the new millennium.

INTRODUCTION OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1999

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. TAUZIN. Mr. Speaker, I am pleased to introduce a bill today to help America's energy consumers by repealing an outdated law that is keeping the best of the new technologies and innovative services from reaching our marketplace. I am pleased to be joined by twenty-one of my colleagues in introducing this important legislation. Our bill, which is almost identical to legislation passed out of the Senate Banking Committee, would repeal a New Deal Law, the Public Utility Holding Company Act of 1935 (PUHCA).

Our legislation is a bipartisan initiative. The current Democratic and previous Republican Administrations have called for repeal of PUHCA. This legislation would implement the recommendations of the Securities and Exchange Commission (SEC) made in 1995 following an extensive study by the SEC of the effects of this outdated law on today's energy markets.

PUHCA is a law that has outlived its usefulness. It imposes unnecessary costs on consumers and directly undermines the intent of recently enacted federal and state policies designed to bring more competition to America's energy market.

PUHCA was enacted in 1935 to address abuses arising out of pyramid corporate structures at a time when electric utility regulation was just starting at both federal and state level. PUHCA's primary purpose was to dismantle more than 100 complex utility holding company structures that, in many cases, took advantage of weak federal and state regulations to pursue inappropriate business practices. The result of this dismantling is that the number of utility holding companies registered under PUHCA has been reduced to the current 14. These 14 electric and gas utility holding companies are required by PUHCA to operate under arbitrary investment caps that preclude them from investing in areas of need. Other utility companies are exempt from PUHCA's caps, but must operate primarily within one state in order to maintain their exemptions. Our nation's gas and electric utility companies, therefore, must operate principally within certain geographic "boxes." This stifles innovation, hinders competition, and undermines development of regional electricity markets. This inhibits the very competition that Congress has sought to foster in the Energy Policy Act of 1992.

America's natural gas and electric power industries, confronted by lower growth rates, environmental mandates and the need to emphasize conservation, are trying to become more than just suppliers of electricity and natural gas. To succeed in this new economic environment, they must become providers of energy information and services. PUHCA, however, stands in the way of the efforts by our nation's utility industry to serve consumers in a more efficient manner.

The counterproductive restrictions that PUHCA places on these companies are based on historical assumptions that are no longer valid. The factors that existed when PUHCA

was enacted in 1935 no longer exist today. Federal and state laws at that time were inadequate to protect consumers and investors 60 years ago. Today, federal and state regulations have become much more comprehensive and sensitive to market conditions. PUHCA, however, remains an economic drag on America's energy industry.

The ability of state commissions to regulate holding company systems and, together with the development of regulation under the Federal Power Act of 1935 and the Natural Gas Act of 1938, have eliminated the regulatory "gaps" that existed in 1935 with respect to wholesale transactions in interstate commerce. The expanded ability of state commissions and the FERC to regulate inter-affiliate transactions has rendered the 1935 Act unnecessary.

Simply put, America no longer can afford the Public Utility Holding Company Act of 1935. Using conservative estimates, the cost of this law runs in to the billions of dollars. Restrictions of the ability of companies registered under PUHCA to diversify range from \$2 billion to \$4.5 billion in present value terms. PUHCA's utility integration restrictions impose social costs between \$1 billion and \$8 billion. In addition, the administrative costs of complying with the 1935 Acts requirements are substantial.

Our legislation would reform regulation of utility holding companies by repealing the duplicative SEC-related provisions of the Public Utility Holding Company Act of 1935, while assuring that the SEC retains all of its non-PUHCA jurisdiction of securities and securities markets in order to protect investors. Our bill would put gas and electric power companies on an equal competitive footing, allowing them to take advantage of market opportunities that benefit investors and utility companies.

Our legislation will remove those limitations on registered companies' corporate structures, financing and investments to which they alone have been subject. At the same time, however, under our legislation, registered companies will continue to be subject to all government regulation intended to protect investors to which other industry participants are subject. SEC authority under the 1935 Act, the Trust Indenture Act and State Blue Sky laws will all remain in place. Our bill will assure FERC access to those books, records, accounts, and other documents of holding companies, their affiliates and subsidiaries, that are relevant to costs incurred by a public utility company and are necessary for the protection of consumers with respect to rates.

Our bill also gives states the right to inspect books and records that "have been identified in reasonable detail in a proceeding before the State commission, are relevant to costs incurred by such public utility company and are necessary for the effective discharge of the State commission's responsibility with respect to such proceeding."

In the new environment confronting the utility industry, PUHCA has become nothing more than a bottleneck that constrains the ability of our nation's natural gas and electric power industries to serve consumers. PUHCA is an anachronism that burdens utility systems with costs and restrictions that impair their competitiveness and prevent them from adapting to the new and more competitive environment. PUHCA is no longer a solution because the problems of the 1930's have been replaced by

effective state and federal legislation and by the realities of today's marketplace. It is time for Congress to act on the recommendations of the SEC and enact our legislation.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. TIAHRT. Mr. Speaker, on June 22, I was unavoidably detained and missed rollcall vote numbers 245 and 246. Had I been present, I would have voted "yes" on H.R. 659 (PATRIOT Act) and "yes" on H.R. 1175, authorizing an investigation into the disappearance of Zachary Baumel, Yehuda Katz and Zvi Feldman.

CONGRATULATIONS TO STEVE
BOYD

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor one of my community's most distinguished broadcast journalists upon the occasion of his departure as an anchor and reporter at WKBW-TV in Buffalo, New York.

A graduate of Canisius College and the State University of New York at Buffalo School of Law, Steve Boyd began his broadcasting career at KOTA-TV in Rapid City, South Dakota. A Buffalo area native, Steve joined the staff of WKBW-TV in 1989.

During his career, Steve has been the recipient of a number of honors and recognitions, including awards from the New York State Broadcasters Association; the Associated Press of New York state; and the Society of Professional Journalists. Steve also garnered a New York State Emmy nomination.

Steve is departing the field of broadcast journalism to begin a new career in the field of law; and as his friends and colleagues join him this evening to wish him success, I ask, Mr. Speaker, that this House join them in extending to Steve Boyd our sincerest best wishes.

RECOGNIZING MR. COSMO C.
INSALACO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Cosmo C. Insalaco, Agricultural Commissioner/Sealer of Weights and Measures, upon his retirement after 21 years of service to Fresno County, the number one ranked agricultural county in the United States.

Born and raised on a farm in Watterton Massachusetts, Cosmo has long been involved in the agriculture industry. He graduated from the University of Massachusetts with a degree in Horticulture, and continued

his studies in Public Administration through the California college system. In addition to his participation in agriculture, Cosmo also served one year of active duty in the United States Air Force and five years in the Air Force Reserve.

Cosmo served as Deputy Agricultural Commissioner with Santa Clara County, and Assistant Agricultural Commissioner for San Mateo County. He served as vice-president of Agribusiness in the Fresno County and City Chamber of Commerce, and is currently a member of the Board of Directors of the California Agricultural Commissioners' and Sealers' Association. He was the originator of the Fresno County Blossom Trail in 1987, and is founder and past chairman of Fresno Ag Roundtable.

Throughout his impressive career, Cosmo has actively participated in many organizations. He was President of the San Joaquin Valley Agricultural Commissioners' and Sealers' Association, a member of the National and Western Weights and Measures Association, the Rotary Club of Fresno, the Fresno County Farm Bureau and a charter member of the Clovis Elks. He was an advisor to the California State University Fresno Agriculture program for 20 years. He served on Governor Gerry Brown's and Governor Pete Wilson's Exotic Pest Task Force, and on Governor Wilson's Ag Land Task Force. Cosmo also served on the Fresno County Board of Supervisors' Ag Land Preservation Committee, and currently serves as Agricultural Commissioner representative for both the Standardization and Vertebrate Pest Advisory Boards for the Secretary of Agriculture and the California Commissioners' and Sealers Association. Because of his involvement and service, Cosmo was honored as the "1989 Agriculturalist of the Year" in Fresno County.

Mr. Speaker, Cosmo C. Insalaco's many years of service and dedication to agriculture are worthy of great respect and recognition. I urge my colleagues to join me in extending to Cosmo best wishes for continued success and accomplishment following his retirement.

HONORING PAUL DREHER FOR
SERVICE TO THE GRAND RAPIDS
CIVIC THEATRE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge the numerous contributions made by Mr. Paul Dreher during his 39 years of dedicated service to the Civic Theatre in Grand Rapids, Michigan and to the arts community of West Michigan. Paul is retiring from his position as Managing Director of the Grand Rapids Civic Theatre and will be recognized by his friends and peers on June 27 on what has been proclaimed by our mayor as "Paul Dreher Day" in Grand Rapids.

A native of South Carolina, Paul began his professional career by serving as a radio announcer in New York. From there he moved on to Manistee, Michigan where he began his professional acting career and also served as a lighting designer for the Manistee Summer Theater. From there it was on to Grand Rapids to serve as a guest director at the Civic

Theatre in 1959. A year later he was offered the full-time directorship of the theatre with a staff of three and a budget of under \$8,000. Now nearly 40 years later, Paul has over 225 Civic Theatre directing credits on his resume. In addition, the theatre is the second largest community theatre in the United States and the operational budget has increased significantly to well over a million dollars, thanks to the vision and leadership of Paul Dreher.

When you mention the Civic Theatre and the theatre arts in Grand Rapids, the name "Paul Dreher" automatically comes up. During his tenure, Paul has worn many hats. While directing over 90 percent of the plays on the Civic stage over the past 39 years and handling the business affairs of the theatre, Paul has also put in time as a last-minute substitute actor by filling in for others who became ill and were unable to perform.

Paul is responsible for bringing a diverse selection of theatre offerings to our community. There have been Shakespeare plays such as Othello and Henry IV; the classics have included Our Town and Death of a Salesman; musicals have included Annie and South Pacific, and dramas have brought to the stage Miracle Worker and A Streetcar Named Desire. He has also provided the youth of our community with an outlet through the Young People's Theatre program. As managing Director, Paul also made sure productions were accessible to everyone by adding hearing-impaired sections and wheelchair-accessible viewing areas. With Paul in charge no stone was left unturned.

Mr. Speaker, I ask that my colleagues join me today in honoring Paul for his dedication to the Civic Theatre and the arts in Grand Rapids. I also want to thank him personally for dedicating so much of his life to providing quality entertainment to audiences both young and old over the past four decades. He has touched the lives of many, and his talent, wisdom, and leadership will be missed. Thank you, Paul, for making a difference!

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ROGERS. Mr. Speaker, on Wednesday, June 23rd, I was speaking to a large group of Kentucky high school students on school violence, and was unable to arrive for rollcall vote No. 247. The vote was on passage of H. Res. 218, providing consideration for the FY 2000 Transportation and Related Agencies Appropriations Act. If I had been present, I would have voted "aye."

CONSTITUTIONAL AMENDMENT
AUTHORIZING CONGRESS TO
PROHIBIT THE PHYSICAL DESE-
CRATION OF THE FLAG OF THE
UNITED STATES

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to H.J. Res. 33, a proposed

Amendment to the Constitution of the United States to ban the desecration of the Flag. I feel this amendment runs contra to the spirit of America's Founding Fathers. When the British sought to oppress the colonies, they attacked the ability to speak freely, they sought to snuff out any different opinions, snuff out that which makes a democracy strong. From this blatant oppression came the impetus for the first Amendment, our Founding Fathers felt so strongly that we should be able to speak our mind regarding political process they embedded the right in our Constitution's Bill of Rights. Now, after 200 years, they seek to change this cherished principle.

I love my flag, but I love it for what it stands for and the principles it represents. People have died for the principles the flag represents, not for the cloth which it is made. Burn the symbol of our country, tear it up, and we only become stronger, more dedicated to the principles the flag represents. An attack against our flag is really an affirmation of our Nation and all that we as a people stand for.

Our courts told us burning the flag is a protected form of free speech and we must respect this. The American Flag is an exceptional symbol of an extraordinary nation that has protected personal liberty for more than 200 years. We must recognize that the flag is an icon, only an icon, and our beliefs and principles are the rock on that we stand.

BRENDA McDONNELL AND HELEN MOONEY RECOGNIZED AS TWO EXTRAORDINARY TEACHERS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to recognize two extraordinary teachers from the eight Congressional District of Massachusetts, Brenda McDonnell and Helen Mooney. Both are educators at East Somerville Community School and have been selected to receive the Time Warner Cable's 1998-1999 National Teacher Award. These exceptional women are two of only fifteen teachers selected out of hundreds of entries from across the country.

Ms. McDonnell and Ms. Mooney together organized a project for their seventh grade students called the "Cable Enhanced Classroom." through this project, students were encouraged to explore an area of their interest that was related to the themes of National History Day: Science, Technology and Inventions. Over a ten-week period, forty-seven seventh-grade students prepared media presentations, plays, display boards, and research papers by referencing programs from sources such as A&E, the Discovery Channel, the History Channel, the Learning Channel, and the Internet.

Time Warner Cable has recognized Ms. McDonnell's and Ms. Mooney's project as an example of exemplary teaching. Both teachers will share the \$1,000.00 grant presented to them at an awards dinner honoring their initiative and achievement. These teachers have been a positive influence and an inspiration to other educators and students nationwide. Their achievement illustrates the significant impact teachers make when challenging their students with thought provoking assignments.

Education is of great importance to me. In particular, I believe it is vital to attract and encourage enthusiastic teachers. Honoring dedicated instructors such as Mr. McDonnell and Ms. Mooney helps to reveal our immense appreciation and encourages the same innovation in future projects.

IN HONOR OF LILLIAN WASHINGTON

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Ms. RIVERS. Mr. Speaker, I rise today to pay tribute to Mrs. Lillian Washington, who will be celebrating her 100th birthday on July 1, 1999.

Mrs. Washington was born in Montecello, Georgia, in 1899. She is the eleventh child of Charlie and Amanda Tuggle. During her childhood, she was most happy running and playing outside in the natural settings around her home. She attended Sardis Grade School, and graduated from Montecello High School.

Since moving to the Detroit area over 75 years ago, Mrs. Washington has been a generous and active member of both her church and in her community. After marrying Charles Smith in 1922, she joined the Russel Street Baptist Church. Following the passing of Mr. Smith, she later remarried and joined Smith Chapel African Methodist Episcopal Church. She served faithfully on the church's Stewardess Board for many years, and her loving concern for others, especially children, has touched many hearts. Although she did not have biological children, she has been a "mother" to countless "daughters."

Mrs. Washington lives alone in her apartment surrounded by precious mementos, a testament to her strong will and the fact that she is still "going strong." Her persevering spirit may best be symbolized by her favorite song, "Through it All." She is certainly a treasure for our community, and I ask my distinguished colleagues to join me in wishing her a wonderful birthday and many more years of health and happiness.

CONGRATULATING MARTHA MCKINLEY, MOTHER OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Martha McKinley for being honored as Mother of the Year by the Fresno County Women in Chambers of Commerce. Martha is an outstanding and deserving mother in Fresno County.

Martha McKinley was nominated by her daughter, Monna Romagnoli, three grandchildren, and four great grandchildren. Martha married Pete McKinley on February 6, 1937 and they shared their lives together for 40 years. In 1978 Pete passed away.

Martha has worked most of her adult life in several different fields to support her parents and family. She was a nursery school teacher; office manager at Maier Island Naval Ship-

yard; department head of CA Industrial Division of Welfare. Martha was also active in community and civic organizations and volunteered on several political campaigns. She was a member of the Women's Zonta Club and the Coachella Valley Women's Club. In 1950, Martha McKinley was the first President of Fresno County Women in Chambers of Commerce. She remains an active member today as she enjoys her retirement.

Martha is an exemplary mother who possesses the qualities of compassion, warmth, generosity, humor, and humility. Martha has also instilled these values in her entire family. Furthermore, her great spirit, integrity, loyalty, wit, and generosity are the reasons for her long-lasting friendships.

Martha is quick to share herself with others in need, often times bringing them into her life and home. Martha became a second mother to her neighbor Sally, when she lost her mother. Martha made sure to include Sally in everything her family did. She guided and comforted Sally, treating her like a daughter.

Mr. Speaker, I urge my colleges to join me in congratulating Martha McKinley for being awarded Mother of the Year. Her desire to put family first, her love of God, life, and her neighbor make her truly deserving of this recognition.

U.S. MILITARY AIRCRAFT DENIED REQUEST AT HONG KONG'S CHEK LAP KOK AIRPORT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BEREUTER. Mr. Speaker, unfortunately, the People's Republic of China has denied a request for a United States military aircraft at Hong Kong's Chek Lap Kok airport and indicated it was "denied in view of current circumstances." Undoubtedly this is a Chinese reaction to our bombing of the Chinese Embassy in Belgrade. However, as the following editorial from Hong Kong's South China Morning Post indicates, that action is not only counterproductive for Sino-American relations, it raises further questions in America and the world regarding the autonomy of the Hong Kong Special Administrative Region (SAR) within the Chinese governmental system. It is true that the People's Republic of China does maintain full responsibility for foreign policy and national security for the Hong Kong SAR, but this decision seems an unnecessary further aggravation in the relations between China and the United States of America. I urge my colleagues to read the following editorial in the June 24, 1999, editorial of the South China Morning Post.

EDITORIAL

More than a month after the bombing of the embassy in Belgrade, Beijing's fury is apparently still undiminished. Profound and repeated apologies by the US, including the telephone call from President Bill Clinton to President Jiang Zemin, have failed to get diplomatic communications back on track.

The mainland Government's response was understandable in the emotion of the moment; after all, staff members tragically lost their lives. But by refusing to help defuse the ongoing row, Beijing now risks deepening the harm to Sino-US relations.

No doubt the spying row and repercussions from the Cox report have helped to keep tensions on the boil, but it is disheartening to know the SAR is still a casualty of the discord, more than six weeks after the tragedy.

Banning US warships may have driven home the extent of China's anger, even if it was taken at the cost of HK\$385 million in lost revenue at a time when the economy is still struggling to revive. But the decision to refuse US military aircraft permission to land here will inconvenience none but the country concerned, and then only mildly. However, if it is applied to military planes bringing in US delegations during the Washington midsummer break, it will appear to be rather a petty act, and will certainly not enhance Hong Kong's image.

What an irony it would be if Christopher Cox, author of the controversial report, was refused permission to land in a USAF aircraft, after he accepted Chief Secretary for Administration Anson Chan Fang On-sang's invitation to come and witness the mechanisms to prevent the export of sensitive technology across the border.

It is, of course, the mainland's business to decide how long it will continue to wreak revenge, but the point has been made very forcefully with the warship ban, and that should suffice. To implicate the SAR in any further repercussions can only hurt its claims to autonomy.

THE SMALL BUSINESS LIABILITY
REFORM ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. ROGAN. Mr. Speaker, I rise today and with several of my colleagues from both sides of the aisle to introduce the Small Business Liability Reform Act of 1999. This legislation will provide common sense protection for small businesses in America.

Small businesses in California and across the nation each day face the threat of burdensome litigation. One frivolous lawsuit can put a small business owner out of commission. In many instances, even the threat of a lawsuit can force a small business to settle a frivolous claim for more than it is worth.

Small businesses, like the "mom and pop" family stores, are the backbone of our nation's economy. The Research Institute for Small and Emerging Business estimates that over 20 million small businesses in America generate 50 percent of our country's private sector output. We must protect their right to grow and free them from the threat of frivolous litigation.

Mr. Speaker, every dollar a business spends on litigation is a dollar that could be spent to expand small businesses, provide more jobs, improve employee benefits, and strengthen our economy.

According to a recent Gallup survey, one in every five small businesses decides not to hire more employees, expand its business, introduce a new product, or improve an existing product because of the fear of lawsuits.

Products sellers—like the corner grocery store—incur high legal costs when they are needlessly drawn into product liability lawsuits. Today a business such as this, which does not even produce the product, can still be sued for product defects. While the product seller is rarely found liable for damages, it

must still bear the cost of defending itself against these frivolous suits. This unfair treatment of small businesses must stop.

The Washington Legal Foundation reports that punitive damages are requested in 41% of suits against small businesses. Is it possible that such a large number of small businesses are engaging in egregious misconduct that warrants a claim of punitive damages? The National Federation of Independent Business reports that 34% of Texas small business owners have been sued or threatened with court action seeking punitive damages. This hinders business and punishes the backbone of our economy.

My bill will ensure that small businesses will be protected from frivolous suits by limiting the amount of punitive damages that may be awarded against a small business. In most civil lawsuits against small businesses, punitive damages would be available only if the claimant proves that the harm was caused through a conscious and flagrant indifference to the rights and safety of the claimant. Punitive damages would also be limited to the lesser of \$250,000, or three times the compensatory damages awarded for the harm.

Second, this legislation limits joint and several liability so that a small business owner would only be liable for non-economic damages in proportion to his or her responsibility for causing the harm. If a small business is responsible for 100% of an accident, then it will be liable for 100% of non-economic damages. But if it is only 70%, 25%, 10%, or any other percent responsible, then the small business will be liable only for the proportional responsibility they share.

Mr. Speaker, the examples of unfairness to small business are just as shocking. In one instance, a product seller was dragged into a product liability suit even though the product it sold was shipped directly from the manufacturer to the plaintiff. In the end, the manufacturer—not the product seller—had to pay compensation to the plaintiff. Unfortunately, this was after the product seller had been forced to spend \$25,000 in court expenses—\$25,000 that could have been used to expand the business or to provide higher salaries.

Mr. Speaker, the time for small business legal reform is now. Let's remove the threat of unnecessary litigation and help small businesses focus on what is really important—keeping this economy growing. I ask my colleagues to support this important bipartisan and common sense business legislation.

SMALL BUSINESS LIABILITY
REFORM ACT OF 1999

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. HOLDEN. Mr. Speaker, I am pleased to join with my colleagues to introduce the Small Business Liability Reform Act of 1999. Like the other pieces of civil justice reform legislation that have recently been enacted into Federal law, this bill departs from the comprehensive approach that advocates of broad product liability and tort reform have taken in the past. Instead, this bill focuses on a few key specific liability issues: the exposure of very small businesses—those with fewer than 25 full-time

employees—to joint liability for non-economic damages and punitive damages, and the exposure of retailers, wholesalers, distributors and other non-manufacturing product sellers to product liability lawsuits for harms they did not cause.

Last month, similar legislation was introduced in the other body (S. 1185) and it is my hope and expectation that our efforts in this body will combine with the work of our Senate colleagues to enable the Congress to respond positively and on a bipartisan basis to the concerns we hear year after year from smaller employers about our civil justice system.

Let me emphasize, Mr. Speaker, that the bill we introduce today is careful not to overreach. As I previously indicated, this is a narrowly crafted, tightly focused bill. The provisions restraining joint liability and punitive damages do not apply to civil cases that may arise from certain violations of criminal law or egregious misconduct. Nor do they apply in States that elect to opt-out with respect to cases brought in State court in which all parties are citizens of the State. The product seller liability provisions are strictly confined to product liability actions and protect the ability of innocent victims of defective products to fully recover damage awards to which they are entitled.

Mr. Speaker, the provisions of this legislation have previously won bipartisan support in both houses of Congress. Although limited in scope, their enactment into law will reduce unnecessary litigation and wasteful legal costs and improve the administration of civil justice across this country. I look forward to working with my colleagues on both sides of the aisle to pass this limited but meaningful civil justice reform bill with strong bipartisan support.

CELEBRATING THE LIBERTY
FESTIVAL

HON. JOHN ELIAS BALDACC

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BALDACC. Mr. Speaker, I rise today to recognize a group in my home state of Maine. This dedicated group of volunteers has banded together to produce an exceptional celebration of our nation's Independence called the Liberty Festival.

The neighboring cities of Lewiston and Auburn for years hosted the traditional 4th of July fireworks display. Several years ago, a group got together and shared a dream of a more elaborate celebration of our nation's freedoms, ideals and history. They envisioned an event that would give families a place to gather, enjoy time together and celebrate our country.

These volunteers worked hard and created the Liberty Festival, which has quickly become one of Maine's premier 4th of July celebrations. The three day event features performances by many of Maine's finest bands and the Portland Symphony Orchestra. This year the celebration will be opened by the first ever greater Lewiston/Auburn Air Show. It will conclude with an impressive fireworks display in the heart of the downtown district, launched over the majestic falls of the Androscoggin River.

More than 100,000 citizens—including me—are expected to celebrate our nation's independence at the Liberty Festival. I want to

publicly commend all who have given so much of their time and effort to make this outstanding event possible. Your vision, your dedication and your patriotism are deeply appreciated.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF RAISING PUBLIC AWARENESS OF PROSTATE CANCER

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 1999

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 21, a resolution emphasizing the importance of early detection in the fight against prostate cancer. I commend Mr. BASS of New Hampshire for his efforts on fighting cancer, especially prostate cancer and breast cancer.

The National Cancer Institute estimates this year that 179,300 American men will be diagnosed with prostate cancer, and that some 37,000 will die from this disease. These cold numbers do little to convey the very human emotions of fear and uncertainty experienced by our fathers, brothers, uncles or grandfathers who are diagnosed with prostate cancer. Every day, too many men in the United States hear the life-changing words "You have prostate cancer."

Like all cancers, the best battle plan is one that emphasizes prevention and early detection, so that we can beat the cancer before it even starts.

According to the American Cancer Society, the chance of having prostate cancer increases rapidly after age 50. More than 80 percent of all prostate cancers are diagnosed in men over the age of 65, and is about twice as common among African-American men as it is among white American men.

It is believed that a good course of action to prevent prostate cancer includes exercise, a diet low in fat and consisting mostly of vegetables, fruits, and grains. Results of most studies suggest that men who eat a lot of fat in their diet have a greater chance of developing prostate cancer. Recent research also suggests that a diet high in calcium and low in fructose (fruit sugar) increases prostate cancer risk.

Early detection is very important, especially if men have the risk factors associated with prostate cancer. Cancers found by early detection testing (using the prostate specific antigen blood test or physical examinations) are, on average, smaller and have spread less than cancers discovered because of symptoms they cause. Since prostate cancer grows so slowly, for men with cancer that is proven not to have spread beyond the prostate gland, the five-year relative survival rate is nearly 100 percent, whether or not they are treated.

More awareness of prevention and early detection strategies of prostate cancer could save hundreds of lives every year. I urge that the House pass H. Res. 211, and I again commend the gentleman from New Hampshire (Mr. BASS) for his work in this area.

ALBERT BORJA IS NAMED WINNER OF THE 1999 CONGRESSIONAL ARTS COMPETITION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. UNDERWOOD. Mr. Speaker, the winner of the 1999 Congressional Arts Competition, "The Artistic Discovery," is fifteen-year old Albert Borja, a recent graduate of Simon Sanchez High School in Yigo, Guam. Albert is the son of Tom Borja and Lou Milligan.

The Congressional Arts Competition was held at the Hilton Hotel, Guam. Albert's art work, entitled "My Planar Self," garnished first place and will be displayed in the Capitol corridor. His winning art work, completed in acrylic, is a two dimensional geometric self portrait. The colors are quite vivid and eclectic. Although it is very exciting that this is his first trip to Washington, D.C., the very fact that his art work represents the talented youth of Guam, for all visitors to the Nation's Capitol to see, adds even more enthusiasm to his visit.

Prior to this competition, Albert has contributed his artistic talent by painting murals in his school. Last year, he received an outstanding recognition award for this contribution. Albert is also academically gifted. He is a co-captain of the Academic Challenge Bowl, Simon Sanchez High School Team Guam. His team won second place in the 1998 island-wide championship. He is also a member of the National Honor Society. When he is not creating artistic masterpieces, he spends his leisure time swimming, biking or hiking.

Albert Borja plans to pursue his post secondary education at the University of Guam, and major in Biology. His undergraduate studies will serve as his foundation for his next journey in life. He plans to obtain a degree in medicine. Mr. Speaker, this young artist aspires to be a medical physician.

I am thankful to the Congressional Arts Caucus for sponsoring a "showcase" of art works from young artists nationwide. I am pleased to have Albert's work represent Guam and I look forward to seeing it in the halls of the Capitol this year.

Congratulations Albert. You have made your parents and the people of Guam proud.

TRIBUTE TO MRS. ERNESTINE B. ELLIOTT OF DECATUR, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Mrs. Ernestine Elliott of Decatur, Alabama for her many years of outstanding service to our community.

Mrs. Elliott's work as a HUD Housing Counselor has been essential in building the quality of life the people of Decatur enjoy today. She is retiring today after 32 years of service.

Today the work and immeasurable contributions of Mrs. Elliott to the betterment of Decatur are being celebrated at a public reception at Decatur's City Hall.

Mrs. Elliott has worked her way up in the Community Action and Community Develop-

ment Agency (CACDA). Starting as an outreach worker, she spent some time as a financial officer before reaching her current post as a counselor.

I believe this tribute is only fitting for one who has given so much of herself for others.

She says her motto is "Have I helped somebody who couldn't find their way?" She has certainly succeeded in this and in fulfilling her goals of helping clients become self-sufficient.

For Mrs. Elliott, community service is a way of life. In addition to her duties with the CACDA, she is Chairman of the Morgan County Alabama Democratic Conference and Vice Chairman of the Morgan County Democratic Executive Committee. Also, she is involved with Tennessee Valley Outreach, Connect Decatur, the Mental Health Association and serves as Chairman of Women Missionaries of Macedonia Cumberland Presbyterian Church to name a few of her various affiliations.

She attended Callhoun Community College and Alabama A&M University. She is a proud mother and grandmother with two sons and one grandson. Decatur is fortunate not to lose Mrs. Elliott to retirement all together. She will continue to serve the area starting July 6th as the Morgan County voter registrar.

Since 1967, Mrs. Elliott has set a great example at the CACDA and for all Morgan County of how one person can make a huge difference by helping others. I want to congratulate her on her retirement and wish her well in her new position. Lastly, I want to commend her for her tireless efforts for the people of north Alabama.

COMMEMORATING WILLIAM KOWALKOWSKI ON HIS RETIREMENT FROM THE NATIONAL BOARD OF FEDERATION LIFE INSURANCE OF AMERICA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor William Kowalkowski, an outstanding citizen and community leader who is retiring from the National Board of Federation Life Insurance of America.

Mr. Kowalkowski is an example of the great American success story, embodying the values of hard work and perseverance. In 1925, when he was 5 years old, he left his native Milwaukee with his parents to live on a farm near the Baltic Sea in Poland. His parents had come from Poland to America in 1912 in search of freedom and better opportunities. After Poland regained its independence at the end of World War I, the Kowalkowskis yearned for their homeland. So they returned to Poland and bought a farm.

When William Kowalkowski turned 17, the Polish government urged him to give up his U.S. citizenship and become a citizen of Poland. He refused, and instead decided to return to the United States where he longed for greater freedom and opportunities. His parents stayed in Poland despite his warnings of a possible war in Europe with the rise to power of Hitler in Germany.

He left in 1937, just two years before the Nazi invasion of Poland. During World War II

and for decades thereafter, he served as a member of the Polish Relief for Poland Committee, which shipped tons of clothing and food items to Poland and assisted many displaced Poles, including two of his brothers, in finding homes in the U.S. For his service he was awarded in 1995 the Order of Knight's Cross, Poland's highest civilian decoration for service to the Polish Republic. The decoration came from Poland President Lech Walesa.

Since his return to Milwaukee, William Kowalkowski has been active in the Polish-American community, elected as president in 1979 of the Pulaski Council, which is the steering body of some 50 Polish American organizations. He served as president until 1991.

Since 1941, Mr. Kowalkowski has been an active member of the Federation Life Insurance of America, a Milwaukee-based fraternal organization of Polish Americans. He has served for several terms as the organization's national director and national president, a post which he occupied until March of this year.

Because he is a prominent and well-respected member of the community, Mr. Kowalkowski has met with national leaders, including Presidents Gerald Ford, Jimmy Carter and Ronald Reagan.

Mr. Speaker, it is my honor to commemorate William Kowalkowski on the occasion of his retirement from the National Board of Federation Life Insurance of America and commend him on his enduring accomplishments and service to the community.

MEDAL OF HONOR MEMORIAL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 25, 1999

Mr. BURTON of Indiana. Mr. Speaker, I rise today and take great pride in describing to my colleagues the events surrounding the dedication of this Nation's only memorial to our 3,410 Medal of Honor recipients—the highest award for Valor given by our country.

On May 28th, the last Memorial Day weekend of the 20th century, I was joined by my Hoosier colleagues Representatives BUYER, MCINTOSH, and HILL, Senator BAYH, Lt. Governor Kernan, Mayor Goldsmith of Indianap-

olis, IPALCO Chairman John Hodowal, and 98 of the 157 living Medal of Honor recipients, to dedicate the new Medal of Honor Memorial. Medal of Honor recipients Sammy L. Davis and Melvin Biddle joined us on the dais, representing their comrades-in-arms.

The new memorial is located along the north bank of the Central Canal in White River State Park, located in downtown Indianapolis. It sits adjacent to Military Park, the site of the city's first recorded 4th of July celebration in 1822, which would later be used as a recruiting and training camp for soldiers from Indiana during the Civil War.

It is at this aptly suited site that the local power utility, IPALCO Enterprises, under the leadership of its Chairman, John Hodowal, who along with his wife, Caroline, and countless IPALCO employees and volunteers, has erected this breathtaking memorial. It was Caroline Hodowal, who first read a newspaper article about the Medal recipients, and then conceived the idea for the new memorial when she and her husband realized that none existed.

Visitors to the site will see citations for each of the 3,410 medal recipients etched into glass walls. The twenty-seven curved glass walls, each between 7 and 10 feet tall, represent the 15 conflicts, dating back to the Civil War, in which selfless acts of bravery resulted in the awarding of the Medal of Honor. Steps, benches and a grassy area provide seating for visitors to rest, reflect and view this magnificent memorial. Additionally, each evening at dusk, a sound system plays a thirty minute recorded account about a medal recipient, his story, and the act for which he received this Nation's highest military honor. As each story is told, lights illuminate the appropriate portion of the memorial to highlight the war or conflict being discussed.

In the words of Mr. Hodowal, this memorial serves two purposes: "It's an opportunity to say thanks for the sacrifices [these men] made, and it's a chance to show the next generation what real heroes look like . . . to show that ordinary people sometimes do extraordinary things."

Mr. Speaker, Indiana has a proud tradition of honoring those who have sacrificed so much to preserve our freedom. We must never forget that our freedom is not free. Because of the selfless sacrifices of so many, we are free to enjoy so much in America. I en-

courage all of my colleagues to visit Indianapolis and see this newest jewel of our city and State. It is something that you will not soon forget.

Mr. Speaker, I ask unanimous consent to include in the record the list of the Medal recipients who were the guests of the people of Indiana at the festivities during this past Memorial Day weekend.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT THE PHYSICAL DESE- CRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SHOWS. Mr. Speaker, I rise today in support of H.J. Res. 33, which would outlaw the physical desecration of the American Flag.

Our Flag represents the cherished freedoms Americans enjoy to the envy of others.

To our Nation's veterans and military retirees, it is a constant reminder of the ultimate sacrifice they have made.

Destroying our flag is an affront to all Americans, but to our veterans and military retirees it is much more than that.

Our veterans and military retirees have put their lives on the line for our country, and the American flag is the one thing they can hold and say: "This is what I have defended with my life."

My father was a prisoner-of-war in World War II, captured at the Battle of the Bulge. He fought to protect our democratic freedoms.

But, Madam. Speaker, he did not fight to let Americans destroy the very symbol of their own freedoms that he was willing to die for.

Destroying the flag is tantamount to physically assaulting those heroes who would lay down their lives for their country.

It is against the law for one American to assault another. And so should it be against the law for one American to assault an entire class of American heroes.

Madam Speaker, we need to honor America's heroes and pass this amendment.