

# EXTENSIONS OF REMARKS

## INTRODUCTION OF THE NEW MARKETS TAX CREDIT ACT OF 1999

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. RANGEL. Mr. Speaker, today along with approximately 20 other Members, I am introducing legislation entitled the "New Markets Tax Credit Act of 1999." The legislation is designed to spur \$6 billion of private sector equity investments in businesses located in low- and moderate-income rural and urban communities.

We should all be pleased with the economic growth that this country is experiencing. However, our current economic boom is not being enjoyed by all areas of the country. Many urban and rural low-income communities continue to have severe economic problems. Businesses in those areas often do not have access to the capital they need to grow and provide job opportunities for the residents of those areas. The residents of those areas lack access to basic businesses, such as grocery stores and other retail facilities, that all the rest of us take for granted.

Unfortunately, business investment capital tends to flow to those areas of our country that already are experiencing rapid economic growth. We need to develop policies to direct some of that business capital to low-income communities. I believe that targeted tax credits can play an important role in this area by enhancing the economic return to the investor. The low-income housing tax credit is a very good example of how targeted tax credits can direct capital to needed investments.

I am very pleased that the President's budget contains several proposals to promote efforts to attract business capital to low-income areas. The bill that we are introducing today is the tax portion of the President's proposal. He also has made other proposals designed to promote growth in emerging markets in this country, just as this Nation, through entities like the Overseas Private Investment Corporation, helps to promote growth in emerging markets overseas.

The President's budget proposals this year are a continuation of the efforts of this administration in community development. I am very pleased that we have been able to enact several important community development tax initiatives with the President's support. The Empowerment Zone and Enterprise Community tax incentives and the brownfields tax incentives are important tools in assisting community development. I believe that the bill we are introducing today is another important tool needed to expand economic opportunity to all areas of this country. I look forward to working with the President and Members of this House and the Senate in enacting this important initiative.

Following is a brief description of the bill:

## DESCRIPTION OF THE NEW MARKETS TAX CREDIT PROPOSAL

The bill provides an annual nonrefundable credit to taxpayers who make qualified investments in selected community development entities. The amount of the annual credit is 6 percent of the amount of the investment and it is allowed for the taxable year in which the investment is made and the succeeding four taxable years. The credit is allowed to the taxpayer who made the original investment and to subsequent purchasers.

An investment in a community development entity would be eligible for the credit only if the Secretary of the Treasury certifies that the entity is a qualified community development entity and only if the entity uses the money it receives to make investments in active businesses in low-income communities. Low-income communities are communities with poverty rates of at least 20 percent or with median family income which does not exceed 80 percent of the statewide median family income (or in the case of urban areas, 80 percent of the greater of the metropolitan area median income or statewide median family income).

The Secretary of the Treasury would certify entities as being qualified community development entities if their primary mission is serving or providing investment capital to low-income communities and they maintain accountability to residents of the communities in which they make their investments.

The amount of investments eligible for the credit is limited to \$1.2 billion for each of the years 2000 through 2004. The Secretary would allocate that limitation among the qualified community development entities.

## ON THE 75TH ANNIVERSARY OF CLARENDON HILLS, ILLINOIS

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to the community of Clarendon Hills, Illinois, as it commemorates its 75th anniversary. Clarendon Hills has accomplished much in the past 75 years, creating a congenial community that exemplifies the finest traditions and values of the American people. I, for one, take great pride in the legacy of Clarendon Hills and wish to share some of its history with you today.

The legacy of Clarendon Hills extends far beyond its 75-year history, and as all those who live in close-knit communities can appreciate, the strongest roots always run deepest. This town of nearly 7,000 originated from the far-sighted endeavors of ambitious men and women as early as the 1850's, seventy years before its incorporation as a village. Clarendon Hills emerged in progressive times, and the echoes of those times resonate today within the community.

Just as every New England town is centered around a church, every midwestern town

is born of the railroad. As the railroad moved west of Chicago, men and women established Clarendon Hills as their home. They were people on the move, people looking to move westward, to create, and to progress.

Clarendon Hills was not simply "settled." It was nurtured and molded into the town we know today, one of the towns I am honored to represent in Congress as a Representative from the 13th District of Illinois. The earliest inhabitants did not wish merely to live on the land we now know as Clarendon Hills. They made the land their own not by tilling fields and cutting trees—though farming and lumber were two of Clarendon Hills' industries. Instead, this town's earliest residents fostered the sense of community we enjoy today by sowing fields and planting trees. Henry Middaugh, who arrived in 1854, did both. As streets were designed to wind with the contours of the land, Middaugh planted 11 miles of trees, which now support children's swings, shade our streets, and grace our homes.

Middaugh was also unintentionally responsible for the origin of Clarendon Hills Daisy Days. He ordered fine grass seed for his field and got daisies instead. Middaugh no doubt initially was disappointed, but, true to the spirit of those pioneers, he turned adversity into a blessing.

Clarendon Hills is a community that turns peat bogs into parklands—such as Prospect Park. It is a community that retains its small, locally owned businesses—with mom and pop stores as well as chain stores. It is a community that celebrates its distinctiveness together year-round—be it during the festive Christmas Walk in December or the carefree Daisy Days in July.

Those who call Clarendon Hills "home" are at once blessed with the atmosphere and fellowship of a small town and the vitality, creativity, and enthusiasm of a major city. It is the home of young and older families who live together, work together, and volunteer together. The best example of its public spirit comes at the Christmastime Lumanaria, where over 20,000 candles are lit, producing such brilliance that they are clearly seen from airplanes flying overhead. People drive from distant communities to see this show of lights. The celebration, however, is more than just a display of civic pride. The town raises over \$200,000 for the Chicago Infant Welfare Society through the sale of the candles.

And through it all, the Burlington Northern Railroad rushes by daily; and Henry Middaugh's mansion still overlooks the meandering shaded streets. Its been said that Middaugh would stand on his cupola and look out over the town. Were he to do so today, there is no doubt in my mind that he would be proud of what he would see.

As we observe the 75th anniversary of Clarendon Hills, let us remember where it began. Let us remember the many challenges and successes that formed its history. And finally, let us remember the progress of Clarendon Hills—its collective history and its

• 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.

shared future. This town's roots run deep, and I have no doubt that, like Middaugh's legendary daisies, Clarendon Hills will continue to grow and flourish for many years to come.

PERSONAL EXPLANATION

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. BALDWIN. Mr. Speaker, during the week of July 12th through July 16th, 1999, I was absent from the House due to an illness in my family that required me to be back in Wisconsin. Although I received the appropriate leave of absence from the House, I want my colleagues and the constituents of the 2nd District of Wisconsin to know how I intended to vote on the rollcall votes that I missed.

Roll Call Vote 277: I would have voted Aye.

Roll Call Vote 278: I would have voted Aye.

Roll Call Vote 279: I would have voted Aye.

Roll Call Vote 280: I did vote, and voted Aye.

Roll Call Vote 281: I would have voted Aye.

Roll Call Vote 282: I would have voted Aye.

Roll Call Vote 283: I would have voted No.

Roll Call Vote 284: I would have voted Aye.

Roll Call Vote 285: I would have voted Aye.

Roll Call Vote 286: I would have voted Aye.

Roll Call Vote 287: I would have voted No.

Roll Call Vote 288: I would have voted Aye.

Roll Call Vote 289: I would have voted No.

Roll Call Vote 290: I would have voted Aye.

Roll Call Vote 291: I would have voted Aye.

Roll Call Vote 292: I would have voted No.

Roll Call Vote 293: I would have voted Aye.

Roll Call Vote 294: I would have voted Aye.

Roll Call Vote 295: I would have voted Aye.

Roll Call Vote 296: I would have voted No.

Roll Call Vote 297: I would have voted Aye.

Roll Call Vote 298: I would have voted No.

Roll Call Vote 299: I would have voted No.

Roll Call Vote 300: I would have voted No.

Roll Call Vote 301: I would have voted Aye.

Roll Call Vote 302: I would have voted No.

Roll Call Vote 303: I would have voted Aye.

Roll Call Vote 304: I would have voted No.

Roll Call Vote 305: I would have voted No.

Roll Call Vote 306: I would have voted No.

Roll Call Vote 307: I would have voted No.

THE SOUTHERN CALIFORNIA  
FEDERAL JUDGESHIP ACT OF 1999

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Southern California Federal Judgeship Act of 1999. I am proud to be joined in this effort by my colleagues from San Diego, Rep RON PACKARD, Rep. DUNCAN HUNTER, and Rep. BRIAN BILBRAY. This important legislation will authorize four additional Federal district court judges, three permanent and one temporary, to the Southern District of California.

A recent judicial survey ranks the Southern District of California as the busiest court in the nation by Number of criminal felony cases

filed and total number of weighted cases per judge. In 1998, the Southern District had a weighted caseload of 1,006 cases per judge. By comparison, the Central District of California had a weighted filing of 424 cases per judge; the Eastern District of California had a weighted filing of 601 cases per judge; and the Northern District of California had a weighted filing of 464 cases per judge.

The Southern District consists of the San Diego and Imperial Counties of California, and shares a 200-mile border with Mexico. According to the U.S. Customs Service, as much as 33 percent of the illegal drugs and 50 percent of the cocaine smuggled into the United States from Mexico enters through this court district. Additionally, the court faces a substantial number of our Nation's immigration cases. Further multiplying the district's caseload is an agreement between the Immigration and Naturalization Service and the State of California that calls for criminal aliens to be transferred to prison facilities in this district upon nearing the end of their State sentences. All these factors combine to create a tremendous need for additional district court judges.

I hope that all my colleagues will join those of us from San Diego and help the people of Southern California by authorizing additional district court judges for the Southern District of California.

"NAFTA"

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

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TRAFICANT. Mr. Speaker, I would like to have printed in the RECORD this statement by Nicholas Trebat from the Council on Hemispheric Affairs. I am inserting this statement in the CONGRESSIONAL RECORD as I believe that the views of this man will benefit my colleagues.

CORPORATE SOVEREIGNTY

(By Nicholas Trebat)

RESEARCH ASSOCIATE, COUNCIL ON HEMISPHERIC AFFAIRS

Its critics argue that the recent dispute between the Methanex corporation and the U.S. government is a good illustration of how NAFTA principally serves the interests of the business sector even at the cost of the general public. This may be evident in the manner in which the treaty's Canadian, Mexican and American negotiators narrowly determined what constituted a "threat" to national sovereignty when the pact was forged in 1994. Granting corporations the power to challenge national laws and regulations that conflicted with their profit-making strategies was apparently never considered as posing a serious challenge to federal autonomy. Affirming labor rights, conversely, seems to have been perceived as tantamount to abdicating nationhood.

Methanex, based in Vancouver, Canada, is the world's largest producer of methanol, a key ingredient in the fuel additive MTBE. The chemical allows gas to burn more efficiently, but it also raises a potential hazard to the nation's water supplies. On July 27, the Environmental Protection Agency (EPA) formally recommended that MTBE usage be heavily reduced.

Much to Methanex's chagrin, the EPA was simply reiterating findings previously reached by the state of California. Last

spring, its regulators stunned the company by threatening to phase out the use of MTBE by 2002. Its scientists concluded that MTBE had contaminated municipal reservoirs throughout the state.

Methanex, however, may be able to overturn the ban on the product, or at least obtain substantial compensation (it is demanding nearly one billion dollars) if California is able to uphold its regulations. Chapter 11 of the NAFTA charter could conceivably be interpreted by friendly parties as giving the company the authority to do so, by stating that any "expropriation" of "investments," foreign or domestic, is unlawful and subject to severe punitive measures. Private corporations in the past have proven how malleable this NAFTA provision can be. The most outrageous incident involved the U.S.-based Ethyl corporation, which intimidated Ottawa into repealing a ban on the gas additive MMT, a substance proscribed in virtually every other country in the world.

Immediately following the Ethyl case, Canada, under the threat of a lawsuit from the American chemical-treatment company S.D. Myers, revoked a ban on the export of PCB-contaminated waste. In Mexico, another U.S. company, Metalclad, sued authorities for introducing a zoning plan that would force the corporation to relocate its waste disposal facility, even though the facility's original location endangered local water resources.

One might assume from these cases that the three NAFTA signatories no longer cherish their sovereignty. But this, as the history of the North American Agreement on Labor (NAALC) reveals, is only half true.

That accord, signed in 1994 as a "labor side" codicil to NAFTA, is awash in its concern for "national sovereignty." The agreement creates institutions that assess violations of labor rights in the NAFTA countries. Out of fear that these monitoring institutions would infringe upon domestic laws, they were given only "review and consultation" status, with no authority to adjudicate or even investigate individual cases.

It comes as no surprise, therefore, that of the 19 claims of labor violations brought forward for review under the NAALC, not one has resulted in a fine against the accused country. Contrast this with the five claims filed by corporations against NAFTA governments since 1996, which have resulted in one major fine and two revocations of federal health laws, with three of these cases still pending.

In assessing the implications of NAFTA's impact on "national sovereignty," one has to recognize the duplicity with which the trade pact's advocates have invoked this phrase. In the trade agreement, devised almost in its entirety by economists and business leaders, it is clear that the term, at least in operational terms, largely has been given short shrift. But in the NAALC charter, a commitment to "Affirming respect for each Party's constitution and law," is found.

This seeming doublespeak actually reveals with singular clarity that NAFTA was created primarily to initiate a gradual transfer of substantive authority from the public to the private sector. Therefore, NAFTA's and its labor side agreement's profound pro-corporate tilt should come as no surprise.

Perhaps it is for this reason that the Methanex case has provoked no thunderous ukases from the White House, nor press releases denouncing the *lese majesté* that private multinationals are raising against traditional federal and state autonomy. Let us

hope that this silence does not persist, for not only are one billion dollars worth of taxpayer funds at stake, but, more importantly, the belief that the nation's laws should reflect the needs of its citizenry, and not only the immoderate demands of a few self-serving corporations.

GROUNDBREAKING OF CENTURY  
PARK IN ROMEOVILLE, ILLINOIS

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. BIGGERT. Mr. Speaker, amid debates about urban sprawl and highway widenings, and conflict over flight patterns and regional metropolitan planning authorities—in short, while struggling against all the demands that growth makes of us—it is altogether too easy to forget the lessons of a public commons.

Fortunately, it is not always so.

Later this month, I will have the pleasure to participate in the groundbreaking of a wonderful new park in one of the fastest growing communities in America.

Romeoville, Illinois, lies in one of the most vital centers of development anywhere. Industry, commerce and families are attracted to Romeoville. It is no wonder. The village is minutes away from major roadways and yet tightly bound in a spirit of cooperation and community.

Century Park will become the village's first new community park in 25 years. It will offer baseball and soccer fields, basketball courts, paths and playgrounds, picnic shelters and gazeboes, and an educational nature center.

Century Park's nature center will include an educational facility that will teach children about the environment. The parks of Romeoville, though teach even more. They show how important community is to the people of this village.

Though not a large city, Romeoville supports 17 parks and a large recreation center.

Two years ago, a unique Park Watch program was established. Now, working together with the park district, dozens of volunteers—including many teenagers—give time and money to help make sure their public commons remain safe and beautiful. They plant flowers, pick up garbage, even help cut the grass.

Families coming together as a community: That is what the people of Romeoville will celebrate—and the lesson they will teach—when they join to dig up the first dirt of their new public land.

I hope you will join me in congratulating the people and community leaders of Romeoville as they break ground on Century Park.

PERSONAL EXPLANATION

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote due to my recovery from heart surgery, July 26, 1999–July 30, 1999.

On July 26, 1999: I would have voted in favor of the Hoeffel amendment to H.R. 1074

(Rollcall No. 335). I would have voted against H.R. 1074 (Rollcall No. 336).

On July 27, 1999: I would have voted in favor of approving the journal (Rollcall No. 337). I would have voted against H.J. Res. 57 (Rollcall No. 338). I would have voted against H.J. Res. 260 (Rollcall No. 339). I would have voted in favor of the Boehlert amendment to H.R. 2605 (Rollcall No. 340). I would have voted in favor of the Visclosky amendment to H.R. 2605 (Rollcall No. 341). I would have voted in favor of H.R. 2605 (Rollcall No. 342).

On July 29, 1999: I would have voted in favor of H.R. 2465 (Rollcall No. 343). I would have voted against the Tiahrt amendment to H.R. 2587 (Rollcall No. 344). I would have voted in favor of the Norton amendment to H.R. 2587 (Rollcall No. 345). I would have voted against the Largent amendment to H.R. 2587 (Rollcall No. 346). I would have voted in favor of H.R. 2587 (Rollcall No. 347). I would have voted against H. Res. 263 (Rollcall No. 348). I would have voted against the Smith amendment to H.R. 2606 (Rollcall No. 349). I would have voted in favor of the Greenwood amendment to H.R. 2606 (Rollcall No. 350). I would have voted against the Campbell amendment to H.R. 2606 (Rollcall No. 351).

On July 30, 1999: I would have voted in favor of the Moakley amendment to H.R. 2606 (Rollcall No. 352). I would have voted against the Pitts amendment to H.R. 2606 (Rollcall No. 353). I would have voted in favor of H.R. 1501 (Rollcall No. 354). I would have voted in favor of S. 900 (Rollcall No. 355).

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ESTABLISH FOR CERTAIN EMPLOYEES OF INTERNATIONAL ORGANIZATIONS A LIMITED ESTATE TAX CREDIT EQUIVALENT TO THE MARITAL DEDUCTION AND A PRO RATA UNIFIED CREDIT

**HON. AMO HOUGHTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. HOUGHTON. Mr. Speaker, I am introducing legislation to address a problem that exists for employees of the World Bank and other international organizations. This same legislation was introduced in the last three Congresses. I understand that the estate tax rules, as amended by the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), are producing a serious and probably unintentional tax burden on certain employees of the World Bank and other international organizations.

The employees affected are those who are neither U.S. citizens nor permanent resident aliens, but who come to the United States temporarily for purposes of their employment at an international organization. In addition, nonresidents who are not U.S. citizens may also be affected. These individuals are normally exempt from U.S. individual income taxes.

The problem involves the restrictions on the use of a marital deduction in the estates of these individuals. These restrictions may result in an unwarranted U.S. estate tax burden because the individuals happen to die while in the United States, when their purpose for

being here is employment with an international organization. This bill addresses these problems by providing for a limited marital transfer credit.

The bill would apply to a holder of a G-4 (international organization employee) visa on the date of death. Normally, a resident employee and the spouse would each be entitled to a unified estate and gift tax credit, which under current law is equivalent to an exemption of \$650,000 or a total of \$1,300,000. However, if the employee dies the spouse would normally return to the country of citizenship. In that case, the surviving spouse would not utilize his or her unified credit. The bill would provide for a limited marital transfer credit, which again would be the equivalent of \$650,000. Thus, in a deceased employee's estate, there would be available the unified estate and gift tax credit for bequests to any beneficiaries selected by the deceased, as well as a maximum marital transfer credit equivalent to \$650,000, the latter limited for use to marital transfers. A similar provision would apply to nonresident individuals who are not U.S. citizens; however, the unified credit equivalent of \$60,000 would be submitted for the \$650,000.

I believe this change would appropriately address the problem that currently exists. Support of my colleagues in enacting this important piece of legislation is welcomed.

TRIBUTE TO BRIGADIER GENERAL  
ROBERT ALLAN GLACEL

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Brigadier General Robert Allan Glacel, who will retire from the United States Army on September 30, 1999 after 30 years of exemplary service.

Brigadier General Glacel is the son of an Army Lieutenant Colonel who served in World War II and had a 22-year career in the U.S. Army. Brigadier General Glacel graduated from West Point in 1969 and was commissioned in the Field Artillery. After completing the Officer Basic Course and the Airborne and Ranger Courses, Brigadier General Glacel served as a forward observer and assistant executive officer with the 3rd Infantry Battalion, 319th Field Artillery, 173rd Airborne Brigade in the Republic of Vietnam. He then moved to the 3rd Infantry Division in Germany, serving as the Commander of B Battery, 1st Battalion, 10th Field Artillery; target acquisition platoon leader for the 3rd Infantry Division Artillery; and S-2 (Intelligence) of the 3rd Infantry Division Artillery.

Brigadier General Glacel served for three years in Alaska as Operations Officer and Executive Officer, 1st Battalion, 37th Field Artillery, 172nd Light Infantry Brigade (Separate). Additionally, he served as an assistant Professor of Engineering at the United States Military Academy and in the office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

In 1987, Brigadier General Glacel took command of the 1st Battalion, 4th Field Artillery, 2nd Infantry Division in the Republic of Korea, commanding the northern most Field Artillery

site in South Korea and defending the Demilitarized Zone between North and South Korea. Brigadier General Glacel served as Political Military Planner in J-5 (Plans), the Joint Staff, Washington, D.C., where he was instrumental in the negotiations in Vienna, Austria, for the Conference for Security and Cooperation in Europe between the NATO, Warsaw Pact, and nonaligned countries.

In 1992, Brigadier General Glacel became the Division Artillery Commander for the 7th Infantry Division (Light) at Fort Ord, California. After inactivating that unit due to Congressionally mandated downsizing of the Army, Brigadier General Glacel served as Executive Officer to the Under Secretary of the Army in Washington, D.C.

In 1995, Brigadier General Glacel assumed the position of Chief of the Requirements and Programs Branch, Office of the Assistant Chief of Staff for Policy in SHAPE, Belgium. In this capacity, Brigadier General Glacel was responsible for the background studies leading to the enlargement of NATO to nineteen countries with the admission of Poland, Hungary, and the Czech Republic.

Brigadier General Glacel has spent the last two years as Commanding General of the U.S. Army's Test and Experimentation Command, Fort Hood, Texas. He is responsible for all operational testing of Army equipment with particular emphasis on the Force XXI digitized Army, the backbone of our future force.

Brigadier General Glacel is a graduate of the United States Army Command and General Staff College and the Industrial College of the Armed Forces. He holds masters degrees in both civil and mechanical engineering from the Massachusetts Institute of Technology as well as a masters degree in business administration from Boston University. His awards include the Legion of Merit, the Bronze Star Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal.

Mr. Speaker, Brigadier General Bob Glacel is the kind of officer that all soldiers strive to be. He has spent thirty years serving our country, mentoring young officers and soldiers, maintaining standards of excellence, and serving his country in an exemplary fashion. The U.S. Army is a better institution for his service. I know the Members of the House will join me in offering gratitude to Brigadier General Glacel and his family—his wife, Barbara, and his daughters, Jennifer, Sarah, and Ashley—for their service to our nation, and we wish them all the best in the years ahead.

IN CELEBRATION OF THE LIFE OF  
RICHARD J. CRONIN, SR.

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. WEYGAND. Mr. Speaker, I rise today to honor the memory of Richard J. Cronin, Sr., a distinguished Rhode Islander and close family friend to whom I owe a great deal. Richard was a model of the East Providence community and will be remembered by all as a dedicated, compassionate and selfless citizen.

During the course of our lives, we meet a handful of people who, we later realize, played integral roles in the development of our character. Richard Cronin was such a person in

my life. My earliest memories of him date back to my childhood, when I would visit my grandparents in East Providence. Richard's family lived next door to them, and before long the Cronin family became as familiar to me as my own. While Richard and his wife Mildred chatted amiably with my grandparents, I would join the Cronin boys, Danny and Richard, in exploration of the neighborhood surrounding us.

I continued my contact with Richard throughout my professional career, and had the honor of serving with him on the East Providence Planning Board, of which he was a charter member and chairman. He retired from the board on May 20, 1980, with a distinguished record of service behind him. I succeeded him as chair of the Planning Board and drew on his example of honest and fair leadership to help me face this new challenge. Richard introduced me to the realm of public service, and I hope to maintain the high standards he expected of me and of those around him.

Richard wore many hats in the community and will be remembered for his numerous contributions. The owner of two businesses, Richard was a visible figure in the transportation and construction fields. He belonged to approximately a dozen trade organizations, and served as president of the Rhode Island Truck Owners Association and the New England Tank Truck Carriers. His community service was illustrated by his activity at St. Brendan Church and his status as board member of the East Providence Boys Club.

I attended Richard's memorial service last week and realized that all those present had been blessed by knowing this great man. He instilled in all of us a passion of life and a desire to improve ourselves and our surroundings. I will always consider him one of my mentors, the person who taught me the great joys and responsibilities of public service. I offer my most heartfelt sympathy to the family and friends that survived him and promise to honor his memory not only in words but also by striving to reach the high standards by which he lived his fruitful life.

DR. EDGAR WAYBURN,  
TRAILBLAZER

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Ms. PELOSI. Mr. Speaker, on Wednesday, August 11, President Clinton will present Dr. Edgar Wayburn, longtime environmental activist in the San Francisco Bay Area, with the Presidential Medal of Freedom. The White House ceremony marks yet another milestone along the trail of a lifelong pursuit of environmental wisdom. In spotlighting Edgar Wayburn's achievements, the President is also underscoring the critical importance of environmental conservation in an era of scarce water, warming climates, sprawling populations, overcrowded parks, disintegrating habitats, and declining species.

Indeed, Dr. Wayburn, the honorary president-for-life of the Sierra Club, has devoted most of his 92 years to the goals of preserving the world's wild areas and enhancing the natural environment for the benefit of future generations. In following this trail, he has always

marched in the company of this own extraordinary wit and humor—and in the company of his extraordinarily supportive wife, Peggy, a force of nature in her own right.

Even in the context of his long commitment to the environment, however, Alaska came to occupy a special place in Dr. Wayburn's world view. More than 30 years ago, he and Peggy visited the northernmost state for the first time. Alaska has literally never been the same since that visit. Dr. Wayburn and Peggy were so captivated by the glories of the Alaskan landscape that he has devoted a generous share of his life to preserving its majestic vistas, lofty mountains, and free-flowing rivers.

The national campaign that flowed from that first visit, and the hundreds of visits that followed, culminated successfully in the enactment of the Alaska Lands Act, which President Carter signed into law in 1980. It remains the largest public lands legislation in the history of the U.S. Congress. Everyone associated with that epochal event will readily grant Dr. Wayburn the lion's share of the credit for playing such a critical and essential role in protecting the vast and varied landscapes of Alaska. Today, some 104 million acres remain wild largely because of the epiphany that occurred during Dr. Wayburn's first trip to "the last frontier."

Not content with his heavy lifting on behalf of the Alaskan wilderness, Dr. Wayburn was simultaneously engaged in the struggle to create and expand Redwood National Park in Northern California. He worked closely with our former colleague, the late Philip Burton, who led the long struggle that eventually brought forth the eternal preservation of a pristine example of ancient forest.

Few of us living in Northern California at the time will soon forget the fractious debate that ricocheted through the streets of our communities and the halls of Congress. The noise grew most thunderous when the advocates of local jobs and forest preservation stood toe-to-toe in verbal slugfests. At all times during this difficult journey, Dr. Wayburn was steadfast in his recognition of the lasting importance of the inspiring redwoods. Today, these giants have a permanent home in a coastal habitat of 75,000 fog-shrouded acres. Redwood National Park is also listed as a UNESCO World Heritage Site and Biosphere Preserve and is visited by thousands of people every year from the United States and abroad.

In San Francisco, Dr. Wayburn demonstrated a similarly high standard of leadership in orchestrating the creation of Golden Gate National Recreation Area (GGNRA). As a result of Dr. Wayburn's visionary insights, an almost continuous greenbelt now stretches down the Pacific Coast from Pt. Reyes Seashore to Sweeney Ridge. In the 1960s the very notion of an urban national park was an alien concept to Congress and the National Park Service (NPS); but thanks to the tireless labors of Phil Burton and Dr. Wayburn along with the support of the local community and local environmentalists, GGNRA finally emerged in 1972 as a protected niche for a new kind of NPS administrative unit.

Today, GGNRA, with more than 22 million visitors annually, is the most visited site in the NPS system. Within its boundaries are redwood forests, beaches, dramatic headlands, marshes, abundant wildlife, historic forts, islands in the Bay, and a world-famous prison—and all of this incredible diversity lies within

easy reach of one of the largest metropolitan populations in the United States. It exists today as a living testament to those who never give up on their dreams—and to the tenacity of Dr. Edgar Wayburn in particular.

Most recently, in February, Dr. Wayburn joined us in supporting the introduction of legislation to permanently fund the Land and Water Conservation Fund and to expand efforts to conserve open space, provide urban recreation and park opportunities, and protect marine wildlife. The bill, the Permanent Protection of America's Resources 2000 Act, would be the single largest annual commitment of funds to environmental protection in our history. It is a bi-partisan, albeit challenging, effort and Dr. Wayburn's support for the legislation is invaluable.

And now, at last, shortly before his 93rd birthday, Dr. Wayburn will be standing in the White House to receive one of the highest honors that our country can bestow. It is a tribute that is long overdue but richly deserved.

Dr. Wayburn, we thank you and salute you on this momentous occasion.

H.R. 2708 "CYBERTIPLINE  
REPORTING ACT"

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. BIGGERT. Mr. Speaker, there is growing evidence that individuals are using the Internet to trade and collect child pornography.

In my district alone, police in Naperville, Illinois have made over forty Internet-related sex arrests in the past eighteen months.

Although current law requires Internet companies like America Online to directly report to law enforcement incidences involving child pornography, the law is unclear as to which law enforcement agencies should receive these reports.

This amounts to a scattershot approach to attacking the problem.

What is needed is a central clearinghouse to ensure that all reports are acted upon swiftly.

Fortunately, such a clearinghouse already exists—it's called the CyberTipline. Created by Congress, the CyberTipline gives citizens a single location to which they may report child pornography cases.

Launched in 1998, the Tipline has received over 10,000 tips from the general public, leading to dozens of arrests.

I believe the Internet community should fully utilize this important public service. To that end, I have introduced H.R. 2708, which allows America Online and others to use the CyberTipline when reporting incidents of child pornography.

This bill has the support of law enforcement agencies, as well as the leading Internet trade association.

Mr. Speaker, the best way to protect the positive, unfettered use of the Internet is to ensure that it doesn't become a sanctuary for those who prey on children.

Requiring the use of the CyberTipline is a step in that direction.

I urge my colleagues to join me in the fight against child sexual exploitation on the Internet and support H.R. 2708.

THE TAUNTON RIVER

**HON. JOHN JOSEPH MOAKLEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. MOAKLEY. Mr. Speaker, today I am introducing legislation that would call for a 3-year study to determine if the Taunton River in Massachusetts could be added to the National Wild and Scenic Rivers System.

The Taunton River is of great historic, scenic, and ecological importance, not only to the Commonwealth of Massachusetts, but also to the Nation. From a historical perspective, the Taunton River, which was formerly called the Great River, was the first river the Pilgrims encountered as they moved inland in the early 1600's. The river, which was already many thousands of years old, was also used as a travelway for Native Americans, who made canoes by carving out large pine logs. Within a few short years of the colonization, the river became an indispensable tool and lifeline for the Pilgrims. The river also served as a meeting spot for the initial contacts between Native Americans and the early European settlers. These meetings were documented through an inscription on Dighton Rock by Miguel Cortereal in 1511.

Mr. Speaker, besides the historical value, the Taunton River is also a tremendous ecological resource. The quality of the water is improving tremendously. Seven freshwater mussel species were found in the river, which is a record for Massachusetts. Striped bass and other types of fish have returned to the river. And what I find most incredible of all are the numerous sightings of the American Bald Eagle. Clearly the return of the American Bald Eagle is a sure sign of the remarkable example of the improved fisheries and pristine stretches of the river system.

Not only is the quality of the river improving, but the surrounding area is, as well. Years ago, the river was the site for many manufacturing factories that provided jobs for the residents of southeastern Massachusetts. Like many industrialized cities in Massachusetts, Taunton suffered an economic downturn in the sixties and seventies. But as a result of a concerted effort by the local community, the once blighted area was revitalized. Old buildings and warehouses were torn down, new charming street lights were installed, the facades on old buildings were refurbished, and a new riverfront park was developed. The revitalization of the area is a true economic success story, and the Taunton River is the centerpiece of this revitalization effort.

The local community deserves recognition for their outstanding dedication and commitment to protecting and preserving the valuable ecological resources of the Taunton River. It is with great pleasure that I call for a study to assess the feasibility of making the Taunton River a National Wild and Scenic River.

PERSONAL EXPLANATION

**HON. VIRGIL H. GOODE, JR.**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. GOODE. Mr. Speaker, on Wednesday, August 4, 1999, I mistakenly voted "aye" on

House Amendment 394 (Roll No. 372) offered by Mr. SCOTT to the fiscal year 2000 Commerce, Justice, State Appropriations bill. I intended to vote "nay" on that amendment.

INTRODUCTION OF H.R. 2721 TO ENHANCE IMMIGRATION LAW FAIRNESS

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. MINK of Hawaii. Mr. Speaker, today I introduced H.R. 2721, a bill to reduce the harsh consequences to legal aliens who have innocently voted and are now subject to being deported as a result.

Due to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), record numbers of aliens across America are being deported: Illegal entrants, visa overstays, and aliens who commit crimes, such as drug offenders and aggravated felons.

Swept into this dragnet are law-abiding, legal residents who made the mistake of believing they could vote, when they were not yet eligible.

IIRIRA makes legal aliens inadmissible and deportable if they violated any law, regulation or ordinance—at the federal, state, or local level on voter eligibility.

Worse yet, this three-year-old law applies retroactively. Aliens who voted decades ago—even once—are being deported today. In my district is an elderly woman who has proudly voted for 20 years because she had no idea she was not allowed to. While processing her naturalization, INS asked her if she had voted as part of its routine screening. She proudly said "yes," and she is being deported this week.

Even some immigrants who INS has tested and fingerprinted and are deemed to be qualified to become U.S. citizens are being kicked out, simply because they voted before taking the oath. Imagine their shock at being told that they are being deported along with traitors, drug dealers and violent offenders.

I do not condone violating voter eligibility rules. Violators should not escape sanctions entirely. But deportation for voting in good faith (although erroneously) is an overly harsh punishment that does not fit the offense.

My bill amends the IIRIRA of 1996 to reduce the harsh consequences to these legal aliens. It does not change any voter eligibility law. It does not reduce the sanctions that already apply to aliens who vote without permission. All my bill does is ensure that an alien who voted in good faith, without criminal intent, will not be forced to pay the ultimate price of deportation or inadmissibility.

I urge my colleagues to join me in supporting this legislation to restore a sense of compassionate justice to our immigration laws.

IN HONOR OF STONEWALK AND CIVILIANS KILLED IN WAR

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. OLVER. Mr. Speaker, I rise today to honor those civilians who have lost their lives

because of war. When conflict erupts, too often civilians pay a bitter price. I rise in remembrance, so that the many women, men and children who have been forced to yield their lives are not forgotten.

But I am not the only one who has chosen to remember civilians killed in acts of war. I am joined today by a dedicated network of Peace Abbey volunteers, who have just concluded an historic journey from Sherborn, Massachusetts to Arlington National Cemetery in Washington, DC. This journey is called "Stonewalk," and judging from its name, it's clear that the volunteers did not arrive in Washington empty-handed. In fact, they managed to pull a 2000 pound memorial stone the entire way.

The success of this feat is a tribute to past and present victims of war. Stonewalk involved volunteers from nearly all of the Atlantic states. The journey lasted 33 days and covered roughly 480 miles. The one-tone stone is appropriately named the Memorial Stone for Unknown Civilians Killed in War. It will be presented as a gift to Arlington National Cemetery today, the fifty-fourth anniversary of the bombing of Hiroshima on August 6, 1945. Prior to Stonewalk, an identical memorial stone was unveiled by famed boxer Muhammad Ali and visited by over 5,000 people.

While the story behind this stone is courageous, the truth behind it is sad and bewildering. At this very moment, bloody conflicts around the world are costing hundreds, perhaps thousands, of civilian lives per day. The toll on victimized families in Kosova, Colombia, or Sierra Leone is no less painful than that placed on the many families here in the United States who have lost relatives to war. As a world and a nation, we have much work to do to resolve our conflicts peacefully, and to avoid the senseless death of civilians.

Mr. Speaker, I commend Peace Abbey for memorializing the civilians—the women, men and children—who have died throughout the history of war.

#### COMMEMORATING THE UNVEILING OF THE MILLENNIUM WALL

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. BIGGERT. Mr. Speaker, I rise today to tell you about a celebration.

This is no ordinary get-together, though. It is Celebration 2000 and it will take place at the turn of the Millennium in what I must immodestly report is one of the most vibrant communities in America—Naperville, Illinois.

Celebration 2000 will be three days of fun for the people of Naperville. This event will honor the past, while it imagines the future. The activities include fireworks, parades, banquets, dancing, theater, music, spiritual gatherings, sports and games, writing and visual arts contests, and a torchwalk to recognize each of the past ten centuries. But what will heighten the joy of the event is the community spirit that is making it happen.

Naperville is the fastest growing city in America's heartland. Too often, such rapid change stretches and tears the fabric of a community. But not Naperville. This city has developed one of the liveliest downtowns you

will find. It has nurtured a riverwalk that has been called the most beautiful mile-long stretch in Illinois. It has one of the best school systems anywhere. A national research group recently named Naperville as the best city in America in which to raise a child. It is truly a big city with a small town atmosphere.

As you can imagine, Celebration 2000 is a gala for, by and of the people of Naperville. Next month, the names of those who made the celebration a reality will be inscribed on a beautiful millennium labyrinth and wall. These will include Mayor George Pradel and Councilwoman Mary Ellingson, the remarkable co-chairs of the Celebration 2000 committee.

Along with the Naperville Millennium Tower and Carillon, which I told this House about recently, these festivities will ring in the new year with the sounds of community, abundance and joy.

It is no wonder that the White House Millennium Council has designated Naperville as one of fewer than 20 cities in the entire nation as a model for others to follow.

For three days, the people of Naperville will rejoice in their blessings and generosity. I know you will join me in standing to wish them all the best of happiness.

#### WORKPLACE PRESERVATION ACT

SPEECH OF

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 3, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a study or guideline on ergonomics:

Mr. BRADY of Pennsylvania. Mr. Chairman, I rise in opposition to this measure and to all attempts to prevent America's workers from safer working conditions.

I am amazed by what I have heard in this debate today. First, I heard that this is not a partisan debate. It most certainly is—just check the vote totals once we're done.

Then, I heard that we can trust business to take care of its workers. If it did, we would not need collective bargaining—grievance procedures—or even the many studies the other side of the aisle keeps asking for. It is the unions in the workplace that take care of employees, not management.

Mr. Speaker, I know what I'm talking about. I came from the ranks of labor. Who was it that protected me when I was working on a scaffold? Who looked out for me to make sure I made an honest days pay for an honest day's work? It was the union, that's who!

Now, I also heard that Congress wants what is best for America's workers. If that's true, Congress should listen to the unions that were duly elected to represent those workers. They are totally opposed to this bill.

I urge my colleagues to listen to the workers voices and vote against this bill.

IN HONOR OF SHERIFF RICHARD  
ROTH

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. DEUTSCH. Mr. Speaker, I rise to honor the tremendous work of Sheriff Richard Roth. On July 26, Richard announced that he will retire after 35 remarkable years with the Monroe County Sheriff's Office. Sheriff Roth will be sorely missed by the South Florida law enforcement community, as Richard's resume is nothing sort of astonishing.

Originally beginning his career in 1965 as a radio dispatcher, Richard Roth has held countless positions in the Monroe County Sheriff's Office. Road patrol officer, detective, detective lieutenant, major—these are some of the many titles which Richard has held throughout his years of service. However, it wasn't until 1990 that he was named Sheriff to carry out the term of former Sheriff J. Allison DeFoor II. Since his appointment to the post in 1990, Richard has been re-elected twice.

Throughout his tenure as Sheriff, Richard Roth has accomplished much, including the reduction of the crime rate in the Florida Keys. Sheriff Roth was also instrumental in implementing the "Smart Cop" program, a program in which deputies are assigned a particular area so that they can become acquainted with specific neighborhood problems and concerns. This is all part of Richard's tremendous desire to have the Sheriff's office closely tied to the community, so that the south Florida law enforcement community can best accommodate the citizens of Monroe County.

Though he will not be seeking re-election, Sheriff Roth's term is by no means over. One year before the qualifying race to fill his position begins, Richard aims to have the Sheriff's Office accredited. To accomplish this, the Monroe County Sheriff's Office will have to meet all of the standards set by the Commission on Accreditation for Law Enforcement Agencies and the Commission for Florida Law Enforcement Accreditation.

Mr. Speaker, the future looks especially bright for Richard Roth because he will have his family near him full time. He and his wife Sandra have already celebrated their 41st Anniversary, and they will be busy traveling through Europe after Richard's retirement. I wish to thank him for his tremendous work on behalf of the entire south Florida community, and I would like to extend my best wishes for the future as well.

TRIBUTE TO MR. JULIUS JOHNS  
OF JOHNSON, KANSAS

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who positively affected the lives of many people. Last month Mr. Julius Johns of Johnson, KS, passed away. Julius fulfilled many important roles in his life—each of them with honesty, compassion, and common sense determination.

Julius proudly served his country. During World War II he was stationed in Australia as

a member of the Army Air Corps 19th Bombardment group. Upon returning to the United States Julius was stationed at Pyote, TX, proceeded to earn an honorable discharge in October 1945.

Julius was an effective leader for Kansas Agriculture. For years he owned and successfully operated a family farm in Stanton County. In addition to his own operation, Julius found time to help his fellow agricultural producers. Julius first served on the Stanton County Agricultural Soil Conservation Service Committee. Later he was appointed chairman of the Kansas ASCS Committee, serving in that role for nine years. In that role, Julius was an advocate for the farmers of Kansas—always searching for ways to help producers achieve higher productivity and greater success.

Julius was a successful aviator and business owner. He was a licensed multi-engine airplane pilot and for several years managed Johns Piper Sales of Hutchinson and Johnson, KS. He was also a member of the Kansas Flying Farmers and International Flying Farmers.

Most important to Julius was his family. Over the course of 57 years he and his wife Millie raised two sons and devoted endless love and attention to two grandsons and four granddaughters.

Julius fulfilled many important roles in his life—each of them with honesty, compassion, and common sense determination. Today I join his many friends and admirers in extending my deepest sympathies to Millie and her family during their time of loss.

#### THE NUTRACEUTICAL RESEARCH AND EDUCATION ACT

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PALLONE. Mr. Speaker, on August 4, the Food and Drug Administration held a public meeting regarding claims for dietary supplements under the Dietary Supplement Health and Education Act of 1994. The debate on that legislation was among one of the most memorable and widely supported legislative efforts of the 103rd Congress. It is my hope that the agency will thoroughly review the historical record of this debate and agree that regulatory policy should be implemented to allow truthful, non-misleading dissemination of health information.

The dietary supplement/functional food debate has always been one of access to products, and access to information. The debate on dietary supplements and functional foods continues with great vigor. The fundamental issues remain; the public wants safe and beneficial products and there is still, apparently, an ineffective regulatory structure. More work needs to be done in Congress regarding this aspect of health care.

In that spirit, I am announcing that upon return from the August recess, I will be introducing legislation entitled the Nutraceutical Research and Education Act.

The most important feature of this legislation will be its promotion of clinical research. The research will allow the public to get the right information on how to use dietary supplements and functional foods.

The goal of promoting clinical research is a non-partisan issue, and I look forward to working with my colleagues in the House to move this debate forward.

#### A LIFE WELL-LIVED IS A LIFE TO BE EMULATED

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. BARCIA. Mr. Speaker, some may say that the secret of a good life is fame or fortune. But I believe that the secret of a good life lies in the essence of people like Mr. Duane M. Butzin, of Auburn, Michigan. For it is the spirit of Mr. Duane M. Butzin that will continue to be reflected in our communities and our neighborhoods, despite their departing this life for the greater one beyond, that will serve as an inspiration to all of us.

I join with Duane Butzin's family and friends in celebrating the life of this fine and upstanding citizen, who quite suddenly left this life as a young man of 63 years of age. In his short years, Mr. Butzin was an inspiration to all those who knew him and all who witnessed the manner in which he filled his life with good deeds, good-natured laughter, and the most genuine willingness to help anyone in need, whether it be family, friend, or simple acquaintance. Indeed, Mr. Speaker, it is this type of individual, such as Mr. Butzin, who makes the State of Michigan such a pillar in the United States, and most assuredly, it is this type of individual who will remain the cornerstone of the future of our great country.

Mr. Butzin's faith in those around him is evidenced in his wonderful family and friends. He was the devoted husband to his beloved wife, Eleanor, as well as a loving father to his two daughters Terry and Debra. His grandchildren, Ashley, Adam, Mandi and Mariah were a great joy and source of pride. His brother, Gary, will most certainly miss his companionship, for Mr. Butzin found great solace from the outdoors, where he was an avid hunter and fisherman. His joy and delight with life are also evidenced with his appreciation of WWC wrestling. I join with his wife, children, grandchildren and brother in adding my voice to those who say Mr. Butzin's loss is a loss to all of us in the community.

Mr. Butzin's faith was well lived in his daily life and interactions with others. He was a member of St. Anthony's Catholic Church of Fisherville and was a strong voice within the Church, both through his participation in services and by his being a role model for parishioners.

Mr. Speaker, at a time when the world needs more kind-hearted, generous people like Mr. Butzin, it is our deepest sorrow to lose him at such a young age. However, his legacy is his wonderful, devoted family and his joy and celebration of life, which will continue to inspire all who knew him. Please join me in remembering and honoring Mr. Duane M. Butzin, and all that his life represents: integrity, honesty, devotion to his Church, and a deep and abiding love for his wife, Eleanor, and his family. He continues to serve as a role model to us all.

IN HONOR OF BILL DODDS-SCOTT

### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize one of my personal heroes, Bill Dodds-Scott. In doing so, I would like to honor this individual who, has given so much of himself to the people of Glenwood Springs, Colorado. When I was a young boy I was part of the Boy Scouts. At that time, Bill was the Scoutmaster.

In fact, Mr. Speaker, Bill has been the Scoutmaster in Glenwood Springs since 1955. Over that time he has had 47 young men earn the extremely prestigious rank of Eagle Scout. This is an amazing feat considering that on average, one out of every 100 boys that are part of the Boy Scouts becomes an Eagle Scout. Mr. Speaker, by no means is Bill slowing down. He believes that there are 3 or 4 more young men that may achieve the rank of Eagle Scout by the end of the year.

In addition to the honors that Mr. Dodds-Scott has received within the Boy Scouts of America, he has also earned the Adult Volunteer Humanitarian Service Award for Glenwood Springs.

Mr. Speaker, Bill is obviously respected and admired in Glenwood Springs. He has enhanced the lives of countless young men through his work as a Scoutmaster. He has been a leader, a teacher and a father figure to Troop 225. Many of the boys who have been guided by his wisdom have had their lives changed forever. While never achieving the rank of Eagle Scout myself, I can say that he has been a very big influence on my life and we are very grateful to have him as a member of the Garfield County community. Due to Mr. Dodds-Scott's dedicated service, Colorado is a better place.

#### THE BROWNFIELDS REMEDIATION WASTE ACT OF 1999

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. TOWNS. Mr. Speaker, for several years, administration officials had said they needed and wanted targeted legislation to give them necessary flexibility to achieve clean up goals of the Resources Conservation and Recovery Act (RCRA).

EPA has tried many times to address those needs as well through regulation. While those efforts have attempted to speed clean up and make requirements more rational, each attempt has met with legal challenges and protracted negotiations and lawsuits, severely limiting the Agency's ability to effectively address this concern. Moreover, with each attempt at moving in the direction of common-sense, the Agency is forced to pay fealty to broken statutory provisions that have inhibited Brownfields cleanups for 15 years.

Importantly, a 1997 General Accounting Office study confirmed this assessment: "EPA has concluded . . . the agency could not easily achieve comprehensive reform through the regulatory process. It believes that such reform can best be achieved by revising the underlying law to exempt governing remediation

waste." GAO examined EPA's concerns and those of many other stakeholders and agreed with EPA's assessment.

The portion of the RCRA law that we are concerned with is that which directs cleanup of properties contaminated with hazardous waste. That portion affects far more than the more than 5000 "RCRA permitted sites" plus most of the Superfund sites. Indeed, the current RCRA cleanup program also affects many state cleanups, including those at "brownfields sites," brownfields are abandoned, idled or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. EPA estimates there may be as many as 450,000 of these sites. As brownfields redevelopment activities have increased, it has increasingly come to our attention that the hazardous waste management and permitting requirements under RCRA either preclude the development of some sites altogether or significantly increase the time and cost of redevelopment. In fact, EPA has stated that, ". . . RCRA requirements, written with end of pipe wastes in mind, may be unnecessarily burdensome when applied to brownfields cleanups."

Let's review some of the legislative record on this issue. First, the cleanup contractors who clearly want to see more remediation activity have stated "the environmental cleanup industry faces significant impediments to implementing innovative, cost-effective solutions due to the strict permitting, treatment and disposal requirements imposed by RCRA on remediation wastes."

The State agencies which run voluntary cleanup and brownfields programs have stated: "As State Waste Managers who administer the RCRA programs, we have long recognized the need for significant reforms to the procedures by which sites are cleaned up under RCRA. Contaminated media is currently regulated by RCRA to the same degree as the "as-generated/process wastes". This is inappropriate and often leads to many environmentally undesirable impacts such as a preference for leaving wastes in place rather than treating or removing the wastes and/or unnecessary delays due to permitting requirements."

EPA has written in 1997: "While the agency has not endorsed any specific regulatory proposal, we continued to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirements, if accomplished appropriately could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment.

Just late last year, EPA had attempted one more time to provide some of the needed regulatory flexibility with the issuance of the Hazardous Waste Identification Rule (HWIR). We applaud the agency for those efforts. Unfortunately, that rule was litigated and is under settlement discussion. Remediation waste and newly generated wastes are completely different issues and should be treated differently.

Even if EPA's efforts at a settlement are successful and maintain the flexibility needed to encourage cleanup, it will take the agency over two years to implement the changes and even then the new rule would be subject to lawsuit—again introducing uncertainty. Furthermore, the HWIR did not address all of the

issues that EPA itself admitted need to be addressed to remove barriers to cleanup.

I rise today to say that we have heard the concerns of those who want to cleanup those waste sites, but have been deterred by the barriers in the law. I am pleased to announce that Congressman Towns and I have introduced the Brownfields Remediation Waste Act of 1999. This reflects a bipartisan desire to help fix some of the problems posed by RCRA to increase the number of Brownfields cleanups.

Fundamentally, this bill allows EPA to treat remediation waste differently from generated process waste. This bill also clarifies and provides the authority for the so-called "corrective action management units." The EPA rules now in place are recognized as satisfying the requirements of this clarified authority, and any future regulatory changes will benefit from a EPA study of real world problems encountered while implementing these rules.

The bill also corrects some limitations by providing that staging piles and temporary units may be used at off-site locations, owned or operated by the persons engaged in remediation at the first location. This will be helpful in consolidating and managing wastes away from the urban sites where they are currently found.

A large part of the success of remediation waste management reform, including the EPA rules and this legislation, depends on the States assuming this authority and having the flexibility to tailor these authorities in connection with their own remediation programs; whether operated under RCRA or otherwise. This bill harnesses the innovation of these programs while requiring submission and approval of provisions implementing remediation waste requirements by EPA. EPA's current authorization, as it relates to remedy selection decisions in state programs themselves, would remain the same.

We look forward to bipartisan suggestions to improve this legislation and to doing our part to help those pursuing Brownfields and other remediation efforts.

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#### INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE CLEAN WATER STATE REVOLVING FUND

**HON. SUE W. KELLY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to reauthorize one of our most important environmental infrastructure programs. The Clean Water State Revolving Fund (SRF) was created by Congress in 1987 to enhance the federal government's effort to achieve the Clean Water Act's objective of restoring and maintaining the integrity of our nation's waters. The program was enacted out of the need for a funding mechanism which allowed the federal government to be responsive to the nation's considerable wastewater infrastructure needs, and also afforded states a necessary degree of flexibility in addressing their own particular needs. Since implementing the SRF, Congress has appropriated nearly \$16 billion to states, who in turn have been able to provide nearly \$24 billion in loans for wastewater infra-

structure maintenance and construction. The impact of this investment on the livability of our communities is immeasurable. In his testimony before the House Subcommittee on Water Resources and Environment, New York Governor George Pataki reflected on the benefits brought to his state by the SRF program, calling it "the most successful federally sponsored infrastructure financing program ever."

Mr. Speaker, the time is now that we act to ensure a stable federal funding source that attempts to reflect state and local needs. The authorization for this program expired in 1994, leaving it susceptible to the whims of the budget and appropriations process. As evidence of this, one need only look at the President's proposal for the SRF in the FY 2000 budget. If enacted, his proposal of \$800 million would amount to a \$550 million cut compared to the enacted FY 99 level of \$1.35 billion. A significant cut such as this would be particularly problematic at a time when the need for this investment is enormous. The Environmental Protection Agency estimates that in the next 20 years the country faces wastewater infrastructure needs of more than \$139.5 billion, a figure acknowledged by most to be a conservative estimate. These documented needs exist in rural and urban areas in every state. The expense to our environment and the taxpayers will only increase the longer we procrastinate in addressing these needs.

We need to demonstrate a strong commitment to safe and livable communities. I feel this legislation marks an important stride in this effort. I would like to thank my good friend and colleague, Representative ELLEN TAUSCHER of California, for her assistance on this legislation, and I certainly hope that our colleagues will join us in the effort to reauthorize the Clean Water State Revolving Fund.

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#### THE BROWNFIELDS REMEDIATION WASTE ACT OF 1999

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. OXLEY. Mr. Speaker, today, along with Mr. TOWNS, the distinguished ranking member of the Subcommittee on Finance and Hazardous Materials, I am introducing H.R. XX the Brownfields Remediation Waste Act of 1999. This Act reflects a bipartisan effort that will do a number of things to improve the Nations' cleanup program and, most important, remove barriers and disincentives that have been problems for Brownfields and voluntary cleanup programs in all States.

These problems were not fully understood or thought through when Congress passed the 1984 Amendments to the Resource Conservation and Recovery Act (RCRA). We should not let broken legislation stand in the way of remediation activities. Overall, the bill will remove barriers and disincentives and tap the expertise of EPA and state programs to tailor effective solutions without the straightjacket that has inhibited actions for 15 years. We have worked on this bill with the input of State agencies and the cleanup contractors, both of whom want to see more remediation activity.

The brownfields problems has many sources and many proposals to help bring

new life to these areas. Brownfields, loosely defined as abandoned or underutilized former industrial properties where actual or potential environmental contamination hinders redevelopment or prevents it altogether. The U.S. Environmental Protection Agency ("EPA") estimates that there may be as many as 450,000 such sites nationwide.

This epidemic poses continuing risks to human health and the environment, erodes States and local tax bases, hinders job growth, and allows existing infrastructure to go to waste. Moreover, the reluctance to redevelop brownfields has led developers to undeveloped "greenfields," which do not pose any risk of liability. Development in these areas contributes to suburban sprawl, and eliminates future recreation and agricultural uses.

In the view of many, Federal law itself can be a culprit. The fundamental flaw in RCRA that hinders cleanup is that the law was primarily designed to regulate process wastes, not cleanup wastes. As a result, the law requires stringent treatment standards, usually based on combustion, for most wastestreams; establishes lengthy permit requirements; and otherwise presumes that process wastes are continuously generated and disposed of at an ongoing manufacturing facility. RCRA's requirements are awkward, expensive, and hinder and prevent cleanup.

EPA has stated: ". . . EPA has long believed that changes in the application of certain RCRA requirements to remediation waste are appropriate. While the Agency has not endorsed any specific legislative proposal, we continue to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirement if accomplished appropriately, could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health and the environment."—Letter from Michael Shapiro, Director, Office of Solid Waste, U.S. EPA to Doug MacMillan, Executive Director, Environmental Technology Council dated January 27, 1997.

"Perhaps the largest expense of RCRA is the enormous cleanup costs associated with the corrective action program. Although the RCRA corrective action cleanups could have been limited to address failures of the RCRA prevention program for as-generated wastes, Congress drafted the statute more broadly to capture old, historic wastes as well. RCRA corrective action and closures, state cleanups, CERCLA actions and voluntary cleanups often involve one-time management of large quantities of wastes. Under RCRA, management of these wastes may trigger obligations to comply with RCRA procedural and substantive requirements. For example, RCRA permits may be required for voluntary cleanups or state cleanups. Obviously this could seriously delay cleanups and dramatically increase their costs.

In addition, RCRA substantive standards are designed primarily for wastes generated from ongoing industrial processes and may not fit well in remedial situations. For example, requirements for pretreatment of cleanup wastes may foreclose other cost-effective yet protective cleanup options. . . ."—Don Clay, Assistant Administrator U.S. EPA before the House Committee on Transportation, March 10, 1992.

State cleanup agencies have also noted these problems: "At some voluntary sites, on-

site management of contaminated soils triggers the application of RCRA management requirements. While volunteers should use best management practices and comply with RCRA for offsite management of soil, meeting RCRA requirements onsite only serves to increase costs without providing any commensurate benefits to the cleanup."—Don Schregardus, Director Ohio, EPA, February 14, 1997.

". . . The objectives for site cleanups versus ongoing hazardous waste management differ markedly. The RCRA Subtitle C hazardous waste regulatory framework is designed to ensure the long-term safe management and disposal of as-generated hazardous wastes (sometimes termed "Process wastes"). RCRA Subtitle C is a prevention-oriented program containing many detailed procedural (permitting) and substantive requirements (land disposal restrictions and minimum technology requirements). Conversely, the objective of site cleanups is to achieve an effective, environmentally protective solution to existing contaminated sites. For this reason, application of RCRA Subtitle C requirements to wastes that have already been released to the environment (i.e. contaminated media) can, in many cases, increase costs and delay site remediation efforts without significant environmental benefit."—Catherine Sharp, Environmental Programs Administrator, Waste Management Division, Oklahoma department of Environmental Quality, on behalf of the Association of State and Territorial Waste Management Officials before the House Committee on Commerce Transportation and Hazardous Materials on, July 20, 1995.

Indeed, State cleanup agencies have asked to make this legislation a priority and the legislation builds and principles adopted by the National Governors Association.

Cleanup contractors have also asked us to pursue this legislation: "The Hazardous Waste Action Coalition (HWAC) the association of leading engineering, science and construction firms practicing in multimedia environmental management and remediation, strongly encourages [Congress] to make RCRA legislative reform a top priority . . . to [produce] a sound bipartisan approach to removing impediments under RCRA. . . . For example, RCRA's land disposal restriction requirements can completely eliminate many technically practicable remedies from even being considered. HWAC strongly believes that only legislative reform of RCRA [will] remove this and other disincentives to cleanup of RCRA contaminated waste sites."—Letter from the Hazardous Waste Action Coalition dated January 6, 1998.

Clearly the Brownfields Remediation Waste Act of 1999 addresses a real set of problems. The bill is tailored to do a number of things to address these problems. First, the bill provides EPA new authority to tailor regulations for the management of remediation wastes from brownfields, voluntary, State and other site cleanups without applying the often rigid and inappropriate regulations designed for newly generated process waste—thus, allowing EPA to remove barriers to fast and efficient cleanups. Second, the Act shields EPA's recent common-sense regulations concerning remediation wastes from unnecessary and disruptive litigation. Third, the bill will provide needed flexibility for offsite remediation waste management units. Finally, the Act allows State programs, subject to EPA review and ap-

proval, to run protective remediation waste programs tailored to their brownfields, voluntary response or other programs.

Mr. TOWNS and I are interested in all bipartisan suggestions for improvement and seek your support.

THE AMERICA'S PRIVATE  
INVESTMENT COMPANIES ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LaFALCE. Mr. Speaker, today, on behalf of myself and a number of House Members, I plan to introduce the America's Private Investment Companies Act. This legislation, also known as APIC, is part of the Administration's broader New Markets Initiative, which includes separate legislation to provide tax credits for investments in APIC's and other community development entities, and to expand small business lending in low- and moderate-income communities.

After seven years of strong economic growth and job creation, the unfortunate truth is that many urban areas, mid-sized cities, and rural areas are not fully participating in our economic prosperity. Despite strong income and wage growth for many Americans, millions of Americans still don't have access to jobs which pay decent wages. APIC is designed to harness the private sector to revitalize distressed low-income communities, and to create jobs and economic opportunities for those individuals who are being left behind.

Under the bill, the Secretary of HUD is authorized to licensing a number of newly created America's Private Investment Companies [called APIC's] each year, and to guarantee debt for these APIC's. In turn, these newly created APIC's will be required to invest substantially all of the funds raised through such debt in businesses operating in low-income communities.

In order to be eligible for APIC certification and for federal loan guarantees, an applicant must be a for-profit community development entity, which must have a primary mission of serving or providing investment capital for low-income communities or low-income persons, and which must maintain accountability to residents of low-income communities. The applicant must have a minimum of \$25 million in equity capital available to it. Finally, the applicant must have a statement of public purpose, with goals that at least include making qualified investments in low-income communities, creating jobs that pay decent wages to residents in low-income communities, and involving community-based organizations and residents.

Under the legislation, HUD is authorized to guarantee \$1 billion in debt each year for the next five years for an estimated ten to fifteen new APIC's each year. For every \$2 of debt that the government guarantees for an individual APIC, that APIC must have at least \$1 in equity capital, which is at risk of loss ahead of the federal guarantee. As a result, at \$7.5 billion in additional low-income community investments will be generated over the next five years. Yet, the cost of the combined credit subsidy and administrative cost is only \$37 million a year.

Substantially all of the funds from guaranteed debt, plus required equity, must be used to make investments in "qualified low-income investments"—that is, in equity investments in or loans to "qualified active businesses" located in "low-income communities"

A "qualified active business" is a business or trade, of which at least 50% of gross income must come from activities in "low-income communities," of which a substantial portion of any tangible property must be in low-income communities, and of which a substantial portion of employee services must be performed in low-income communities"

Low-income communities are census tracts with either poverty rates of at least 20%, or with median family income that does not exceed 80% of the greater of the metropolitan area median family or the statewide median family income.

At a time when Congress seems eager to enact tax breaks and loan guarantees for a broad range of industries, it is not too to ask for limited resources targeted to corporations which invest in distressed communities and low-income individuals. I urge the House to hold hearings on this legislation, and to move towards its enactment.

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#### FOREIGN TRUCK SAFETY ACT

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to NAFTA's provisions to expand Mexican trucking privileges into the United States, and to introduce the Foreign Truck Safety Act, legislation that will mandate inspection of all foreign trucks at our southern border.

When we debated NAFTA in 1993, supporters claimed that NAFTA would not harm workers here or in Mexico, and would not harm the environment. Unfortunately, they were wrong. This treaty has sent thousand of good American jobs south of the border. It has also subjected that border to increased pollution of the air, water and land.

These are the most prominent promises broken by NAFTA. But we are about to add to the list. This Administration, under terms of NAFTA, is considering opening up all of America to Mexican trucks as of January 1, 2000.

What will the entrance of Mexican trucks mean for America? It will generate more pollution and increase the loss of good paying jobs. Most seriously, it will threaten the lives of qualified American drivers who will be forced to share the road with unqualified foreign drivers, who, as evidence proves, are driving unsafe, pollution-belching trucks.

U.S. inspectors, some operating just during the weekday hours of 9:00 am to 5:00 pm, have found that almost 50% of inspected Mexican trucks have been ordered to undergo immediate service for safety problems. This is based on the results of the few inspections of foreign trucks already allowed to enter a commercial zone in the U.S. In reality, hordes of uninspected foreign trucks cross various border points after 5 pm, before 9 am, and on the weekends. Accordingly, the Department of Transportation's Inspector General has already concluded that the DOT does not have

a consistent enforcement program to provide reasonable assurance of the safety of trucks entering the United States. How could this Administration suggest expanding border-trucking privileges when we cannot regulate the current privileges we offer?

Unsafe trucks are not only appearing in the four border-states. But as the map here shows, reports of dangerous trucks have come from at least 24 additional states. From Washington to Illinois to New York, the entire country is at risk. That is why I am introducing the Foreign Truck Safety Act, because it will require mandatory safety inspections on all trucks crossing into the U.S. from Mexico. As of January 2, 2000, the Foreign Truck Safety Act will authorize the border states to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. Without this legislation, we will simply put our citizens in more jeopardy.

I think people are more important than profit, and I am concerned about the thousands of unsafe Mexican trucks rumbling down our highways and byways. Average Americans are already fearful about driving next to large, safe U.S. trucks that pass inspections; imagine their fear when unsafe Mexican trucks hit our streets, roads, and superhighways.

Mr. Speaker, it is time to stand up for Americans. Therefore, I urge all of my colleagues to work with me to pass the Foreign Truck Safety Act so that Americans will never be afraid to drive down Main Street, U.S.A.

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#### NATIONAL WEATHER SERVICE WINS SMITHSONIAN AWARD

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. COSTELLO. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishment of the National Weather Service, part of the National Oceanic and Atmospheric Administration (NOAA), in receiving a Computerworld Smithsonian Award for outstanding work in new information technology systems. The Weather Service's Advanced Weather Interactive Processing System (AWIPS) recently received the award, which honors the use of information technology to create positive social and economic change. AWIPS was the only federal award winner: Most of the other nine categories were won by some of our nation's premier corporations.

The new AWIPS system, which is now in National Weather Service field offices throughout the country, has already paid big dividends, most recently in saving lives during the devastating tornado outbreak of May 3-4 of this year, which swept through portions of 5 states.

AWIPS technology gives Weather Service forecasters access to satellite imagery, Doppler radar data, automated weather observations and computer-generated numerical forecasts, all in one computer workstation. On May 3-4, more than 70 tornadoes were pounding the U.S. between Texas and South Dakota, with particularly severe damage in

Oklahoma. The AWIPS system in the Weather Service Office in Oklahoma City enabled forecasters to simultaneously track and issue warnings for dozens of tornadoes that were tracking through the area. A highly informed public, and good cooperation with the media and with state and local officials in the area, reduced greatly the numbers of deaths that might have occurred in this still-tragic event.

The AWIPS system will continue to yield new and improved warning and forecast services to enhance safety and improve people's lives. The modern National Weather Service is a good investment of tax dollars and will be an engine of economic gain in many weather-sensitive business sectors. For an investment that costs each American about \$4 per year, today's Weather Service issues more than 734,000 weather forecasts and 850,000 river and flood forecasts, in addition to roughly 45,000 potentially life-saving severe weather warnings annually. Statistics show overall improvements in forecast accuracy and in timeliness of severe weather and flood warnings. Skilled NOAA professionals, working with AWIPS and other technologies such as Doppler radar, surface observation systems and weather satellites, make this possible.

Mr. Speaker, as Ranking Member of the Science Subcommittee on Energy and Environment, which oversees NOAA programs, I am pleased to share with my colleagues the news of this award celebrating one of the many accomplishments of the National Weather Service.

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#### CELEBRATING A CAREER OF ACCOMPLISHMENT

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. BARCIA. Mr. Speaker, when a fine and upstanding man such as Mr. William R. Wittbrodt of Midland, MI decides to retire after a long and distinguished career, then we must send our congratulations to his family and our commiserations to his employer. So I join with all of his colleagues in saying that "Bill" Wittbrodt's dedication to the work of the United States Steelworkers of America will become that of legend, as has his dedication to his wonderful family. We can only surmise that the value of his efforts will continue to appreciate during his retirement.

Mr. Wittbrodt began his contributions to society with service in our Armed Forces, with his enlistment in the Air Force in 1947, where he served four years, including his service in Korea. Mr. Wittbrodt returned to his native Midland afterwards, and upon joining Dow Chemical, became a member of Local 12075, District 50, United Mine Workers. Thus, his long devotion and service on behalf of Local 12075 was begun.

Without Mr. Wittbrodt's meticulous stewardship and great dedication to Local 12075, the local union would not have been so successful and so committed to the rights of fellow members. Mr. Wittbrodt's leadership was evidenced early; in 1954 he became the Elected Shop Steward, 5 years later he was elected full-time Chief Steward, and in 1965 he was elected to the Local Union 12075 Bargaining Committee. In 1969 he achieved a well-deserved pinnacle

of his commitment: the Presidency of Local 12075.

Mr. Wittbrodt's success as President was so evident that he was elected to four consecutive terms, and, while President, shepherded Local 12075's merging with the United Steelworkers of America in August 1972. In unparalleled support, Mr. Wittbrodt became Staff Representative to the United Steelworkers of America, and finally, this caring and devoted man became Sub-District Director, District 29 of the United Steelworkers of America in 1983.

Mr. Speaker, I have spoken at length of Mr. Wittbrodt's great contributions to the people of Michigan. But of equal importance is his great devotion to his wife of thirty-five years, Leona, and his grandchildren Merrit, Chad, Denise, Adam, Tyler and Jason, as well as his beloved great-grandchildren Jay Richard, Haley Marie and Lauren. It can be no understatement that Mr. Wittbrodt will be sorely missed by the people of Michigan he served in his distinguished career, and I join with them in expressing my deep and abiding appreciation to Mr. Wittbrodt in this first year of his retirement.

As Bill Wittbrodt enters retirement, I urge you, Mr. Speaker, and all of our colleagues to join me in congratulating him for his distinguished career, and in wishing him and his wonderful family many happy years to come.

#### WEST COAST LABOR AGREEMENT

### HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DICKS. Mr. Speaker, I want to bring to the attention of my colleagues a highly significant but largely unnoticed development—the recently agreed-upon labor pact affecting West Coast dock workers and clerks. At 5 p.m. on July 1st, with a news blackout in effect, the West Coast longshore contract expired. From early May until mid-July, officials of the Pacific Maritime Association representing roughly 100 companies on the West Coast, and representatives of the International Longshore and Warehouse Union (ILWU) met to try to hammer out a new agreement. After several days of complex, difficult negotiations—frequently lasting through the night—the two sides reached agreement several days ago. Last week, more than 99 percent of the delegates to the ILWU caucus recommended approval of the new three-year pact. It is expected that before the end of August this agreement will be fully ratified and that West Coast ports will enjoy 3 years of stability.

Besides raising wage and pension benefits the new agreement, among other things, calls for companies and union members to form a committee to discuss the introduction of new technology on the waterfront, or improve the use of current technology, to enhance productivity. This would seem to be crucial for all concerned. Canadian and Mexican ports and companies are rapidly moving forward trying to outcompete the United States for an increasing share of trade with Asia. It is in the interest of neither management nor labor to let this happen.

In a recent article in the Los Angeles Times, Professor Stephen Cohen, Co-Director of the Berkeley Roundtable on International Economy, and John Wilson, the former Chief Econ-

omist at the Bank of America and now a Senior Fellow at the Roundtable, noted that in the past twenty years waterborne trade through West Coast ports has grown from \$61 billion to an estimated \$285 billion for this year. This is double the rate of increase in total US trade growth and this West Coast waterborne trade is clearly critical to America's continuing economic prosperity. Further, that trade, according to Cohen and Wilson, now constitutes more than 60 percent of the gross state product of my state of Washington and more than 35 percent of California's GSP.

If PMA and the ILWU had not reached agreement and there had been a West Coast dock strike or lockout, the dislocations would have been felt even more strongly in Asia than here. As Cohen and Wilson have noted: Asian exports arriving by ship at West Coast ports are expected to exceed \$200 billion this year. This is the principal source of the vital foreign exchange net earnings needed to sustain the currency values, to service large foreign debts and to import the components and machinery required for growth and development of the stricken Asian economies. A significant disruption of West Coast ports would hamper recovery. It might also affect financial markets.

Mr. President, my constituents in Washington State and all Americans have a stake in this pact and in assuring that US-Asian trade continues to grow in coming years. None of us should lose sight of this reality. I am submitting for the RECORD a copy of the Cohen-Wilson article and a related article by Dan Weikel of The Los Angeles Times.

[Los Angeles Times, Wed., July 14, 1999]  
METRO—PORT STRIKE WOULD HURT U.S.,  
ASIA

(By Stephen S. Cohen and John O. Wilson)

Despite six weeks of negotiations, the International Longshore and Warehouse Union and the Pacific Maritime Assoc., which represents almost 100 West Coast shipping lines, have failed to reach an agreement for a new contract for the West Coast. Since the prior contract expired on July 1, many union work actions have affected port operations up and down the coast. A full-fledged strike would put the U.S. and many other economies at great risk.

In the last few weeks, crane drivers walked off the job for two days in Oakland, effectively shutting down one of the nation's busiest ports. Work slowdown also have impacted the flow of goods through the behemoth ports of Los Angeles and Long Beach. Ports in the Pacific Northwest are experiencing slowdowns as well.

A West Coast port shutdown could trigger a reaction in international financial markets, with the biggest risk being a worsening of the Asian financial and economic crisis. There would also be a major national economic impact, a 20-day strike at ports in California, Oregon and Washington, for example, could cost this country close to \$40 billion and 200,000 jobs. The impact of such a shutdown would increase daily across the country and even could trigger a sudden spike in American consumer prices.

What makes a West Coast dock shutdown a potential detonator of a national and international financial and economic crisis? The size and magnitude of the trade flowing through the ports, the dependency of this North American gateway on Asian economies and the relative inflexibility to divert cargo to other ports.

Since 1980, waterborne trade through West Coast ports has increased from \$61 billion to an estimated \$285 billion this year. That is

double the rate of increase in total U.S. trade growth.

This growth in trade activity is directly related to the increasing import-export activity with Asia. West Coast ports are now dominated by trade with Asia, which accounts for about three-quarters of all port activity (sea and air) in California and about 60% in Washington state. International trade accounts for about 19% of the U.S. gross domestic product and more than one-third of California's gross state product.

But the real dependency is one the other side of the Pacific. Asian exports arriving by ship at West Coast ports are expected to exceed \$200 billion this year. This is the principal source of the vital foreign exchange net earnings needed to sustain the currency values, to service large foreign debts and to import the components and machinery required for growth and development of the stricken Asian economies. A significant disruption of West Coast ports would hamper recovery. It might also affect financial markets.

The ability to shift significant volumes of Asian trade to East Coast or Gulf of Mexico ports in the event of a West Coast shutdown is now extremely limited because container facilities—ships, ports and infrastructure—are too specialized. The West Coast ports have made about 70% of all port investment in the 48 contiguous states for the past five years. As a result, high volume shipping is a powerful, integrated and, alas, inflexible system. Almost all the containers destined for the Central and Mountain states now pass through West Coast ports. So do nearly half of containers destined for the North Atlantic states.

But because of the specialization, the U.S. does not have the luxury of simply diverting Asian cargo to East Coast ports. Shipping is no longer a collection of roving ships docking here and there.

For all these reasons, the risk of a port strike is simply too great for the U.S. and world economies. The current act of management-union negotiations warrants a watchful eye from the White House and Treasury as well as the Department of Labor. If need be, both sides should be locked up at Camp David to finish the talks. But, in no case, should the ports be allowed to shut down.

Beach. "There have been long truck lines, and we've been getting calls from worried manufacturers. We should be able to clear, things up pretty quickly."

Both sides declined to discuss what agreements, if any, were reached on several important contract issues; increasing the productivity of longshore workers, the number and type of jobs under union control, and the use of new labor-saving technology on the docks.

Negotiators said the terms of the contract will not be released until after the agreement is ratified in the weeks ahead by union members and the executive board of the maritime association.

"We are pleased to have reached an agreement that provides ILWU members with a package that rewards them for the hard work they put forward every day," said James Spinoso, the union's vice president and chief negotiator.

West Coast longshore workers now earn about \$80,000 to \$100,000 a year, depending on their skills and rank. Wages can go higher for heavy equipment operators, dock bosses and marine clerks who truck cargo.

Association officials headed into the negotiations saying the talks were critical for improving the reliability and productivity of the waterfront labor force.

They also said they hoped to engage in substantive discussions about the use of technology on the docks and ways to avoid repeating the score of costly work stoppages that followed the 1998 labor contract.

Among the issues critical to the union were increases in pension and medical benefits as well as the union's jurisdiction—the number of port-related jobs that fall under its control.

Labor officials said that if modernization continues, steps must be taken to preserve union positions and expand the organization's jurisdiction beyond port boundaries.

Both sides came to the bargaining table in May after several years of court fights and political rancor.

Within the union itself long-shore locals in Southern California had repeatedly tried to remove President Brian McWilliams and neutralize his power.

The locals issued a vote of no confidence in the president and demanded that he take a leave of absence for the remainder of his term. Williams, however, has remained in office.

The union's internal conflicts coincided with series of sharp attacks by the Pacific Maritime Assn., which targeted the productivity and reliability of longshore workers.

Miniace a labor relations specialist who worked for Ford Motor Co. and Ryder, led the assault in public and in court, repeatedly suing the union over work stoppages and slowdown to no avail.

Miniace contends that productivity, measured by tons of cargo handled per hour paid has either stagnated or declined in each of the last four years. His greatest fear, he said, was that customers would send their goods through other ports in the United States or Mexico if things didn't improve on the West Coast.

Union officials criticized Miniace's aggressive approach, saying he was a newcomer who did not understand the shipping industry.

[Los Angeles Times, Fri. July 16, 1999]

LONGSHORE WORKERS, SHIPPERS REACH PACT  
(By Dan Weikel)

Longshore workers and shipping companies agreed to a new labor contract late Thursday, clearing the way for the resumption of normal cargo operations at West Coast ports that have been plagued by work stoppages and slowdowns for the last 10 days.

After almost two months of bargaining in San Francisco, the powerful International Longshore and Warehouse Union and the Pacific Maritime Assn. concluded a new three-year contract that will affect more than 10,000 dock workers in California, Oregon and Washington.

With tensions running high, there had been considerable fear that the West Coast was headed toward its first dock strike since 1971. West Coast ports, which handle cargo worth an estimated \$280 billion every year, are critical to the nation's economy.

Details of the agreement were unavailable Thursday, but negotiators said it offered increases in pay, health insurance and pension benefits for future as well as current longshore retirees, some of whom now have pensions as low as \$240 a month.

"I think this is a very good agreement for the ILWU and the Pacific Maritime Assn.," said Joseph N. Miniace, president of the West Coast's largest shipping association. "We had almost two weeks of work slowdowns, and we've been working until 3 a.m. the last few nights to get a contract. I am relieved; our team is relieved, and their team is relieved."

The Pacific Maritime Assn., which is the union's counterpart, negotiates and administers labor contracts for about 100 shipping lines, stevedore companies and terminal operators.

Association officials said Thursday evening that normal cargo operations will resume at all West Coast harbors, which

have been hampered by work slowdowns since early July.

During their peak, longshore workers shut the Port of Oakland for two days and reduced the flow of cargo by at least half at many terminals along the coast.

The pace of work raised fears that the delays eventually would cost business and industry millions of dollars in lost revenue, not to mention losses in fees to port authorities.

Harbor officials in Long Beach and Los Angeles, the nation's largest combined port, said Thursday that any backlog of cargo should be cleared from the docks in the days ahead.

INTRODUCTION OF THE AIDS MARSHALL PLAN FUND FOR AFRICA

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Ms. LEE. Mr. Speaker, today I rise to introduce legislation designed to focus both attention and resources on the global emergency of HIV/AIDS, which is wreaking havoc in developing countries, most tragically in Sub-Saharan Africa.

Throughout much of the First Session of the 106th Congress, much information has been disseminated and discussed about the HIV/AIDS crisis in Africa. While AIDS has afflicted Africa since the late 1980's, the latest increases in the HIV/AIDS infected population are staggering. The disease is quite literally obliterating entire communities and devastating the continent.

The United Nations Children's Fund (UNICEF) 1999 Annual Report notes that of the 14 million people world wide who have died from AIDS, 11 million are from the nations in Sub-Saharan Africa.

UNAIDS, the United Nations coordinating entity which tracks and combats HIV/AIDS, estimates that 22.5 million Sub-Saharan African adults and children are currently living with AIDS.

Additionally, the HIV/AIDS virus is devastating southern Africa. In Zimbabwe, 1 out of every 5 adults is infected with HIV/AIDS, and an estimated 1,400 people die every week from AIDS. In South Africa, an estimated 3.6 million people are infected with the HIV/AIDS.

A 1999 Census Bureau report states that the average life expectancy in Botswana, Malawi, Swaziland, Zambia and Zimbabwe fell from approximately 65 years of age to 40 years of age. This represents the lowest life expectancy rates in the world and is largely due to the mortality rates from HIV/AIDS.

In April, I had the opportunity to participate in a Presidential Delegation to Southern Africa to examine the growing crisis of African children orphaned by AIDS. These children now total 7.8 million and are estimated to reach 40 million by 2010. The 1999 annual report by the United Nations Children's Fund tells us, and I couldn't agree more, that "the number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."

Not only do we have a moral imperative to address this epidemic, but it is in our own best

interest to do so. HIV/AIDS in Africa is more than a humanitarian crisis, it is an economic crisis, crippling Africa's workforce in many areas and creating even greater economic instability where poverty is ever-present. For example, companies such as Barclays Bank and British Petroleum are now hiring two employees for each skilled job, assuming that one will die from AIDS. The Southern African AIDS Information Dissemination Service estimates that over the next 20 years, AIDS will reduce by one-fourth the value of the economies of sub-Saharan African countries. We cannot create successful and sustainable economic partnerships with African nations unless we address, in a substantial manner, the HIV/AIDS epidemic.

Additionally, HIV/AIDS poses serious national security concerns among the continent and globally. Perhaps the most stunning example is the 80 percent HIV infection rate of the military forces of Zimbabwe. Fledgling democratic nations, such as Nigeria, have yet to begin testing and educating their populations. Nigeria also has soldiers returning from peacekeeping operations in Liberia and Sierra Leone. If these soldiers are not tested and advised about the serious nature of their infections and educated about the risk they pose to others, we will be facing a whole new level of devastation from the epidemic.

Mr. Speaker, I am convinced that the United States must take the lead in developing an immediate and sustained response to this crisis in Africa and globally. It is in our own national interest to aggressively attack the HIV/AIDS crisis in Africa, just we have with other diseases such as small pox and polio. Communicable diseases know no boundaries. As the world gets smaller, we have an obligation to eradicate HIV/AIDS from the face of the earth to protect the world family from its devastating effects. To date our response as a nation to this global epidemic has been sorely inadequate. For this reason, today I am introducing the AIDS Marshall Plan Fund for Africa Act (AMFPA). The AIDS Marshall Plan will assist African governments and non-governmental organizations to combat and control AIDS by providing grant funding for HIV/AIDS research, education, prevention and treatment.

Specifically, this legislation creates the AMPFA Corporation that shall be a new United States government agency. The Corporation shall work in conjunction with the heads of appropriate federal agencies currently engaged in combating the spread of HIV/AIDS in Africa. The AMFPA Corporation shall be governed by a Board of Directors with the advice and guidance from an International Advisory Board made up of distinguished leaders with impeccable integrity and commitment to the health and well being of people throughout the world. The Corporation shall also consult with representatives from community-based African health, education and related organizations regarding the efficacy of providing grant funding in African countries.

The Corporation shall also create a public-private partnership by soliciting funds from private companies and donor nations—especially the G8 countries—to contribute significant resources to its grant making activities.

Mr. Speaker, I realize that accountability is a key issue in today's foreign assistance environment. Therefore, the Corporation shall create self-sufficiency requirements for grant recipients to ensure their programs become increasingly independent of AMFPA funding.

Additionally, the Corporation shall create criteria for African governments to establish matching funds based upon ability to pay and to demonstrate a national commitment to combating HIV/AIDS by establishing, for example, a national HIV/AIDS council or agency.

Additionally, Mr. Speaker, the administrative costs, or overhead associated with the AMPFA Corporation, are mandated to be no more than 8 percent of the Corporation's overall budget. The AMPFA Act authorizes the appropriation of \$200 million for each of the fiscal years 2001 through 2005. Also, for each of the fiscal years 2002 through 2005, the Act authorizes an appropriation to fund an additional amount equal to 25 percent of the total funds contributed to the Corporation.

Mr. Speaker, in a June 1999 lecture entitled "The Global Challenges of AIDS", United States Secretary General Kofi Annan stated that "no company and no government can take on the challenge of AIDS alone. What is needed is a new approach to public health—combining all available resources, public and private, local and global". It is my intent that the AIDS Marshall Plan for Africa serve as a replicable model for addressing this crisis globally. Already, this proposed legislation has received the support of over 40 Members of Congress and has caught the interest of the African diplomatic corps, African and African-American organizations, AIDS activists, and global health organizations that are interested in providing assistance to pass the legislation.

In closing, Mr. Speaker, I am committed to seeing this legislation through to final passage and encourage my colleagues to review the legislation and to contact me or my staff with questions. This bill will support Africa in a substantive and meaningful manner.

#### ABUSES BY STATE TAXING AUTHORITIES

#### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. WELLER. Mr. Speaker, I submit for the RECORD the following letter:

Hon. DAVID WALKER,  
Comptroller General of the United States,  
Washington, DC.

DEAR MR. WALKER: I am writing to request an investigation by the United States General Accounting Office ("GAO") of alleged abuses by State taxing authorities against former residents.

As a Member of the Oversight Subcommittee of the House Ways and Means Committee, I spent significant time last year addressing the issue of taxpayer abuses by the Internal Revenue Service. As a result of our work, and Congressional and GAO investigations, many serious tax violations and wrongdoings were uncovered within the IRS. Last year, Congress held a series of hearings on the issue and addressed these serious problems by passing significant reforms and taxpayer protections as part of the "Internal Revenue Service Restructuring and Reform Act of 1998."

I am, therefore, disturbed to learn that while we addressed taxpayer abuses at the federal level, there may be just as many oppressive actions occurring throughout the country at the State level. A recent *Forbes* Magazine article entitled "Tax torture, local style" (July 6, 1998), highlights the fact that

"[T]here are at least half as many revenue agents working for the states as the federal government" and "[C]ollectively, they are just as oppressive as the feds." See, Attached Article. In another recent article, the *Los Angeles Times* reported that the state taxing authority, the California Franchise Tax Board, "is second in size and scope only to the Internal Revenue Service—and by all accounts the state agency is the more efficient, more aggressive and more relentless of the two" and "there is little to stop the agency from becoming more aggressive." See, attached article, "State Agency Rivals IRS in Toughness," *Los Angeles Times* (August 2, 1999, page 1).

The *Forbes* article lists a number of state tax department problems including: (1) privacy violations by California, Connecticut, and Kentucky; (2) criminal or dubious activities by Connecticut, Indiana, Kentucky, New Mexico, North Carolina, Oklahoma, and Wisconsin; and (3) mass erroneous tax-due bills by Arizona, California, Indiana, Michigan, and Ohio. In addition, my office has recently received materials from taxpayers alleging abuse by State taxing agencies (e.g., materials from Mr. Gil Hyatt alleging a number of abuses by the California Franchise Tax Board ("FTB") against former residents of the State of California). See, Attachment.

I believe this issue is important and deserves study and a full investigation by the GAO. Should taxpayer abuses exist at the State level against former residents, I would consider recommending any and all appropriate legislation to address these deplorable activities and encourage State's Attorney Generals to begin separate investigations into such actions. We should do whatever we can to protect the rights of our citizens against overzealous Federal or State tax agencies.

I look forward to working with you and your staff on this important investigation.

Sincerely,

JERRY WELLER,  
Member of Congress.

#### THE WIDESPREAD ABUSE

When Congress passed the Internal Revenue Service Restructuring and Reform Act of 1998, an era of tyranny at the IRS came to an end. Congressional hearings revealed story after story of taxpayer abuse by the IRS. The stories of abuse so inflamed the public and Congress that sweeping reform soon followed. But taxpayers abuse is still as prevalent as ever—only the perpetrators of this abuse are the state taxing agencies. In its rush to reform the IRS, Congress overlooked a whole other level of taxpayer abuse at the state level. This type of abuse by state taxing agencies has received attention from the press. In the article "Tax torture, local style," William Barrett discusses the "extortion," "sweepingly false declarations of taxes," "false notices," "[p]rivacy violations," and "criminal or dubious activities" by state taxing agencies. (William Barrett, *Forbes*, July 6, 1998). Many states have resorted to the same type of abusive tactics for which their federal counterpart—the IRS—was reprimanded by Congress.

In many cases, a state taxing agency has even exceeded the IRS in its recklessness and abusiveness. In a front-page *LA Times* article entitled "State Agency Rivals IRS in Toughness", Liz Pulliam compares the FTB unfavorably with the IRS—"the Franchise Tax Board is second in size and scope only to the Internal Revenue Service—and by all accounts the state agency is the more efficient, more aggressive and more relentless of the

two". (Liz Pulliam, "State Agency Rivals IRS in Toughness", *L.A. Times*, August 2, 1999, at A1). She also quotes Mr. Dean Andal, a former FTB Board member, who criticizes the FTB as "brutal" and "hard and sometimes arbitrary" and states that "there is little to stop the agency from becoming more aggressive" (Pulliam, *supra*).

States are particularly abusive towards former residents who have moved to another state. Moving to another state is a common occurrence in the U.S., where citizens have the constitutional right to travel to and establish residency in any state in the United States. In 1996, Congress passed legislation which prevents states from taxing the pensions of retirees living in other states. This congressional legislation illustrates the need for federal intervention in order to prevent states from overreaching in their pursuit of tax revenue. Unfortunately, this action by Congress only focused on one small avenue in which states illegally pursue nonresidents for additional taxes. Another tactic is to assess a tax on citizens leaving the state by contesting when the former resident moved out of the state. Years after a citizen has relocated to another state, the state taxing agency will open a "residency audit" to extort a former resident.\*\*\*HD\*\*\*The Abuse Exemplified: The California Franchise Tax Board

The abusive taxing tactics used by states is best illustrated by the California Franchise Tax Board (FTB), as indicated in the *LA Times* article *supra*:

"[The FTB] is tainted by arrogance and a stubborn unwillingness to compromise."

"For two years in a row, corporate tax executives have ranked California's [FTB] among the toughest, least fair and least predictable state tax agencies in the country."

#### STATE IS RANKED MOST AGGRESSIVE

Many corporate taxpayers agree. In both 1997 and 1998, company tax executives ranked California at the top of a 'worst offenders' list compiled by *CFO* magazine to rate the tax agencies of the 50 states. . . . The state [California] was described as among the least predictable in administering tax policy and among the most likely to take a black-and-white stance on unclear areas of tax law. (Pulliam, *supra*).

The FTB particularly targets for abuse Nevada residents who formerly resided in California. The FTB agents are well trained in targeting such nonresidents. For example, the FTB targets wealthy and famous people living in gated affluent communities of Las Vegas. Agents develop a list of potential victims compiled from property rolls, tax records, and newspaper accounts. This list is supplemented by trips into the wealthy neighborhoods of Las Vegas in order to survey former California residents. Wealthy and famous individuals are the preferred targets because they are particularly vulnerable to threats of violating their privacy and causing them bad publicity. The FTB then audits the victim's financial and personal affairs. This includes agents making periodic trips across state lines in order to secretly survey victims. The agents trespass onto the victim's property, record the victim's movements, and even probe the victim's garbage and mail all while making sure to avoid contact with the victim. All of this is done stealthily, without the

knowledge of the Nevada authorities. If the agents are caught in the act, they falsely claim immunity for their auditing tactics under color of authority and they claim a false constitutional right to collect taxes in Nevada—all while violating the constitutional rights of their victims and the sovereignty of Nevada. This is not a legitimate investigation, but a covert operation to uncover private information for what is best characterized as extortion of the victim.

The FTB hires inexperienced and unsuccessful recruits as auditors. Many of these auditors are untrained and unsupervised. They are given training manuals that they do not study. The training materials are illustrated with such sadistic cartoons as a skull-and-crossbones on the cover of the penalties section (which is to illustrate how to pirate an additional 75% override on the tax assessment). They have little or no legal background or training and do not know nor do they care about the victim's Constitutional rights. They except legal cliches and case law from other audits and insert them throughout their workpapers indiscriminately. They mimic comments that they read that supports the FTB's position and they ignore information about supports the victim's position. Some auditors are so inept that they actually use pseudonyms from "boilerplate" and training manuals audits (e.g., Marie Assistant) in their own audits because they do not understand such an obvious step as the need to replace the pseudonyms in the "boilerplate" audits with the actual names of the individuals in the particular case under audit. These are the kind of people that California has charged with the awesome power of auditing taxpayers—"the power to tax is the power to destroy."

The FTB gathers large quantities of private information about the victim during the audit. The FTB goes to the victim's adversaries, who are not privy to the victim's private information, and offer them a way to help dispose of their adversary, the FTB's victim, by concocting damaging victims evidence against the FTB's victim. A bitter ex-spouse or ex-girlfriend, an estranged relative, or a vengeful former employee are preferred. The FTB avoids contacting the victim's friends, and close relatives who are privy to the victim's private information because such witnesses would undermine the FTB's attack on the victim. The FTB has actually sent out intimidating and harassing letters to the victim's friends, colleagues, and business associates and has even gone so far as to audit these people apparently to intimidate and harass them, to isolate the victim, and to deprive the victim of the support that he or she needs at such a crucial time. The FTB's apparent intent is to have the victim embattled by adversaries and separated from supporters. "They tend to look at every audit as a battle. In the gray areas, they push the envelope rather than work out a reasonable compromise." (Pulliam, *supra*).

The FTB auditors boldly admit to emphasizing bad evidence for the taxpayer and ignoring good evidence for the taxpayer. In one of the FTB's largest residency audits, the auditor trumped-up a large assessment with penalties based on false affidavits from the victim's adversaries while completely ignoring all of the victim's close relatives, friends, and associates. Also in this same audit, the auditor relied on about the fifty false California connections while ignoring a thousand solid Nevada connections and preempted submission

of thousands-more solid Nevada connections by the victim. Even more significant, the thousands of Nevada connections involved thousands-of-times more value (purchase offers on custom homes,

The California Legislature was so suspicious of and concerned about the FTB that it passed the Taxpayer's Bill of Rights statute, which among other things, forbids the FTB from evaluating employees based upon revenue collected or assessed or upon revenue collected or assessed or upon production quotas. The law also states that the head of the FTB must certify in writing annually to the California State Legislature that the FTB has not evaluated employees based upon revenue collected or assessed or quotas. But this certification is misleading since, by an indications, promotions and rewards still go to those FTB employees who bring in the most revenue. And quotas by different names abound in the FTB. Once FTB employee rapidly progressed from a low-ranking auditor to a high-prestige position for making one of the FTB's largest residency assessments ever. FTB auditors must generate over \$1,000 of revenue for every hour charged to an audit. A quota system is indicated in the LA Times article *supra*: "The agency [FTB] added 362 auditors between 1992 and 1996, promising the legislative that the new positions would boost collections."

Furthermore, there is little supervising of FTB auditors. Instead, this type of auditing and tax collection appears to be encouraged by management. The FTB claims to have layers of review in order to ensure accuracy and fairness; however, these layers actually proliferate the fraud of the FTB auditors. The auditor's supervisors do not get involved in the audits, instead relying completely on an auditor's self-serving narrative report in reviewing an audit without any regard for the victim's evidence or arguments. Unbelievably, FTB auditors and management get credit for assessments and get promotions and rewards immediately after the audit even though the assessments may never be collected at all and any collection may be decades away. This encourages excessive tax assessments for immediate promotions and rewards, but the feedback that it was a bad audit may be more than a decade away.

The legal department gets involved in reviewing penalties, but indications are that the lawyers encourage unwarranted penalties to force a settlement rather than provide an independent review. This is confirmed by the fact that the FTB audit and protest proceedings are expressly exempted from the California administrative proceedings act to permit the FTB to proceed in violation of the victim's Constitutional right to due process. The FTB implies that the "protest" proceeding is an independent review of an objective protest officer, when in fact it is a continuation of the investigation to gather more information, to attempt to force the victim into an extortionate settlement, and to prepare the FTB's case for any appeal by the victim to the next stage of the administrative proceeding. The victim tells his case to a wolf-in-sheep's-clothing, misleading the victim into presenting his or her case to an independent reviewer when in fact the protest officer is an important part of the FTB's abuse. The FTB's denial of due process to a victim under the sham that the audit and the protest are merely investigations is untenable and will be easily declared unconstitutional when chal-

lenged. The FTB has deprived victims of their Constitutional rights for too long.\*\*\*HD\*\*\*THE FTB'S PLOT—FALSIFY THE OFFICIAL RECORDS

By contesting the residency of former California residents who have moved from the state, the FTB assesses additional taxes on money earned *after* the former resident moved from California. This type of treatment of non-residents is a blatant violation of the victim's Constitutional right to move between states. Despite overwhelming evidence to the contrary from the victim, the FTB will often allege a residence date that allows it to encompass as much additional tax revenue as possible. In order to support its outlandish residency date, the FTB will disregard the victim's substantial Nevada connections, will overly emphasize and rely upon minimal (and often erroneous) California connections, will distort Nevada connections into California connections, and will devise nonexistent California connections.

The FTB maintains, for example, that a six-month lease on an apartment in Nevada and opening escrow on a custom home purchased in Nevada are not Nevada residency connections. The FTB has gone so far as to actually maintain that, for purposes of residency, a former California resident can only claim to have resided in a Nevada apartment if: 1) the apartment complex has security gates, 2) the apartment is left "trashed" after moving out, 3) the apartment managers can provide information on the movements of the tenant (even after several years have passed since the tenant lived there), and 4) poor people do not reside in the apartment complex.

Furthermore, the FTB maintains that a former California resident is only permitted to sell a California house to a stranger and that a former California resident is only permitted to reside in a Nevada house if he can prove the Nevada house was not purchased for investment or appreciation and only if the Nevada house has security gates. The FTB asserts that California voter registration and obtaining a California driver's license are significant California residency connections, but disregards the same actions when taken in Nevada as mere formalities that are easy to do and not relevant to the issue of Nevada residency despite the FTB's own regulations and decades of case law to the contrary. All of these holdings can be found in the FTB's own audit files.

Unbelievably, the FTB relies on the following considerations as supporting California residency:

An overnight stay in a California motel is a California residency connection while a six-month lease on an apartment in Nevada is not a Nevada residency connection.

A bank account in a Nevada bank is a California residency connection because the Nevada bank also has a California branch.

A mail-order purchase made from Nevada to a California mail order provider for delivery of merchandise to a Nevada home is a California residency connection even though the mail order purchase was made from Nevada by a Nevanadan and was delivered to a Nevada address.

This type of California mail-order purchase is a sham purchase because, the FTB argues, the Nevanadan could have bought the product in Nevada and saved the cost of freight.

The FTB uses circular reasoning by concocting a late Nevada residency date and then

alleging that purchases made in Nevada *after* the concocted Nevada residency date are California residency connections for the period *before* this concocted Nevada residency date in order to attempt to support this date.

Actual Nevada receipts are not Nevada connections while false California receipts that the FTB concocts are California connections.

A credit-card purchase made in Nevada for use in a Nevada house is a California residency connection if the credit-card charge, unknown to the Nevadan, is cleared through a California credit-card office.

A California driver's license, surrendered to the Nevada DMV upon obtaining a Nevada driver's license, is a California residency connection because the surrendered California driver's license had not yet expired while the Nevada driver's license is not a Nevada residency connection because it is easy to get.

Gifts sent by a Nevadan to an adult child or a grandchild living in California constitutes a California residency connection.

Checks drawn on a Nevada bank are California residency connection even though the checks were written in Nevada by a Nevada resident to Nevada workers for work done on a Nevada house and where the checks were even cashed in Nevada; and a regulated investment company open-ended fund (a mutual-fund money-market account) was deemed by the FTB auditor to be a California bank account constituting a California residency connection and a basis for a fraud determination even though the FTB Legal branch gave a legal opinion stating that the regulated investment company is not a bank and normally not a California residency connection.

This is only a partial list of the kind of absurd considerations that the FTB will use to rationalize its residency determinations. Such far-fetched and concocted California connections are what the FTB relies upon to support its residency determinations—the FTB must make the most of what it has available and what it can concoct in order to extort California income taxes from nonresidents.

CELEBRATING THE SERVICE OF  
MS. EMILY AMOR

**HON. TONY P. HALL**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. HALL of Ohio. Mr. Speaker, I rise today to recognize a wonderful woman and exemplary citizen of the District of Columbia. Ms. Emily A. Amor is now 96 years old and has just been named the "Volunteer of the Century" by the Central Union Mission. She has been an active volunteer for almost 20 years.

Her dedication to God, to her country and to those in need has been proven through a lifetime of service. She has served by praying, working and volunteering. Her commitment has led her to join me every Wednesday morning at 7 am to pray for the city of Washington, DC, its leaders and its residents. She has served meals to the homeless on every major holiday for years. And before retiring at age 70, she worked with the Department of Housing and Urban Development.

She is truly an amazing example of a selfless servant. She has a heart-felt compassion for others, especially those who are poor and

hurting. Her life has truly exemplified Jesus Christ's example of loving one's neighbor, no matter who they might be. I only hope that I can have half as much life in me as she does when I reach age 96.

I ask my colleagues to join me in commending Emily for all of her great work. I am glad to be able to call her a friend and am humbled by her servant's heart. I wish her the best for many years to come.

THE NUCLEAR WEAPONS DE-  
ALERTING RESOLUTION

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. MARKEY. Mr. Speaker, 54 years ago tomorrow a single bomb in a single city changed our world. The atomic bomb dropped on Hiroshima leveled the city, engulfed the rubble in a fireball, and killed 100,000 people. Three days later another 70,000 people died at Nagasaki, and people are still dying today from leukemia and other remnants of those explosions.

The victims of Hiroshima cast shadows from the explosion's blinding light that were permanently etched not only in the remaining buildings but also in our souls. Since August 6th, 1945 we have lived in fear that such nuclear destruction would happen again, perhaps in the United States. Today, the accidental launch of a single missile with multiple warheads could kill 600,000 people in Boston, or 3,000,000 people in New York, or 700,000 people in San Francisco or right here in Washington, DC. If that missile sparked a nuclear exchange, the result would be worldwide devastation.

For 40 years of Cold War we played a game of nuclear chicken with the Soviet Union, racing to make ever more nuclear bombs, praying that the other side would turn aside. During the Cuban missile crisis and many other times we came perilously close to going over the cliff. Then in 1991 the Cold War and the Soviet Union ended. Yet today we not only keep hundreds of nuclear missiles with nowhere to point them, we keep many of them ready to fire at a moment's notice.

This threat from this "launch-on-warning" policy is real. On January 25, 1995, when Russia radar detected a launch off the coast of Norway, Boris Yeltsin was notified and the "nuclear briefcase" activated. It took eight minutes—just a few minutes before the deadline to respond to the apparent attack—before the Russian military determined there was no threat from what turned out to be a U.S. scientific rocket. The U.S. is not immune: on November 9, 1979 displays at four U.S. command centers all showed an incoming full-scale Soviet missile attack. After Air Force planes were launched it was discovered that the signals were from a simulation tape.

And the danger of an accidental nuclear war is growing. The Russian command and control system is decaying. Power has repeatedly been shut off in Russian nuclear weapons facilities because they couldn't afford to pay their electricity bills. Communications at their nuclear weapons centers have been disrupted because thieves stole the cables for their copper. And at New Year's the "Y2K" bug in com-

puters that are not programmed to recognize the year 2000 could cause monitoring screens to go blank or even cause false signals.

There is no reason to run the terrible risk of an accidental nuclear war. It is hard today to imagine a "bolt out of the blue" sudden nuclear attack. And even if the U.S. was devastated by an attack, the thousands of nuclear warheads we have on submarines would survive unscathed. Keeping weapons on high alert is an intemperate response to an implausible event.

Mr. Speaker, it is time to take a large step away from the brink of nuclear war, to take our nuclear weapons off of hair-trigger alert. Today I am introducing a resolution that expresses the sense of Congress that we should do four things:

We should immediately remove some nuclear weapons from high alert.

We should study methods to further slow the firing of all nuclear weapons.

We should use these unilateral measures to jump-start an eventual agreement with Russia and other nuclear powers to take all weapons off of alert.

And we should quickly establish a joint U.S.-Russian early warning center before the Year 2000 turnover.

These are not new or radical ideas. President George Bush in 1991 ordered an immediate standdown of nuclear bombers and took many missiles off of alert. President Gorbachev reciprocated a week later by deactivating bombers, submarines, and land-based missiles. Leading security experts including former Senator Sam Nunn, former Strategic Air Command chief Gen. Lee Butler, and a National Academy of Sciences panel have endorsed further measures to take weapons off of high alert. Two-third of Americans in a 1998 poll support taking all nuclear forces off alert, and this week I received a petition signed by 270 of my constituents from Lexington, MA calling on the President to de-alert nuclear missiles.

I urge my colleagues to join together to co-sponsor this resolution. The best way we can commemorate the anniversary of the nuclear explosion at Hiroshima is to make sure we will never blunder into an accidental nuclear holocaust.

INTRODUCTION OF LEGISLATION

**HON. CHARLES W. "CHIP" PICKERING**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PICKERING. Mr. Speaker, I rise today to address one of the many reforms I believe are necessary to improve the administrative processes of the Federal Communications Commission (FCC). The issue that I believe needs to be addressed immediately relates to the proliferation of merger activity in the telecommunications industry.

Since passage of the Telecommunications Act of 1996, the industry has seen massive upheaval as companies try to position themselves for the new Information Age economy. Many of these companies are attempting to combine their strengths to better position themselves to compete in a deregulated marketplace. One of the problems these companies have faced recently is the regulatory uncertainty of the FCC's merger review process.

As we all know, the telecommunications industry is one of the key driving forces of our economy. As such, we in the Congress need to ensure that unnecessary government intervention doesn't cause needless delay in bringing new and innovative products to the market. Even more so, we must ensure that the business community is not competitively disadvantaged by an endless regulatory review process.

Whenever a company is required to seek approval of the government, there is some uncertainty, particularly as it relates to the length of merger review. My bill is narrowly crafted to remedy this situation. My bill would require the FCC to approve or deny a merger application within 60 days of being on public notice, the FCC can extend this by 30 days with a majority vote by the Commissioners. When reviewing mergers or acquisitions by small- or mid-sized companies the time frame is limited to 45 days with no extensions. It's that simple—no delays, no foot-dragging.

When Congress passed the Telecommunications Act of 1996, the Congress imposed a variety of time constraints on the FCC. I believe that many of us who were involved in that process did not think that we would subject the business community to these lengthy and uncertain delays at the FCC. One of the biggest problems that some of my constituents have raised with me is not knowing if a merger will take 3 months, 9 months or even 16 months. There is simply no logic or rationale to the FCC's lengthy process.

The uncertainty of the regulatory process can have devastating effects on both large and small companies. This potential for lengthy reviews can force companies to miss product roll-outs, miss a window of opportunity to raise venture capital, and at times has been manipulated by competitors to forestall a decision by the agency. We simply cannot allow these scenarios to continue.

This legislation will do what all legislation should do—it requires the processes of government to work for the community they are meant to serve. Giving a definite time period for reviewing a merger will allow companies to better plan their entries into new markets. It will give Wall Street more certainty in making investment decisions. And finally, it will remove the oftentimes subjective nature of the review process and require the agency to reach a decision in a fair and efficient manner.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TIME LIMITS ESTABLISHED.**

Title IV of the Communications Act of 1934 is amended by adding after section 416 (47 U.S.C. 416) the following new section:

**"SEC. 417. TIME LIMITS FOR COMMISSION ACTIONS.**

**"(a) PUBLIC INTEREST DETERMINATIONS.—**  
**"(1) DEADLINE FOR ACTION.—**The Commission shall make a determination with respect to the public interest, convenience, and necessity in connection with any application for the transfer or assignment of any license under title III, or with respect to an application for the acquisition or operation of lines under title II, not later than 60 days after the date of submittal of such application to the Commission, except as provided in paragraphs (2) and (3).  
**"(2) EXTENSION.—**The deadline for such determination may be extended for a single additional 30 days by order of the Commission approved by a majority of its members.

**"(3) SHORTER DEADLINE FOR CERTAIN ACQUISITIONS INVOLVING SMALL LOCAL EXCHANGE CARRIERS.—**In connection with the acquisition, directly or indirectly, by one local exchange carrier or its affiliate of the securities or assets of another local exchange carrier or its affiliates where the acquiring carrier or its affiliate does not, or by reason of the acquisition will not, have direct or indirect ownership or control of more than 2 percent of the subscriber lines installed in the aggregate in the United States—  
**"(A)** the deadline under paragraph (1) shall be 45 days after the date of submittal of the application; and  
**"(B)** the deadline shall not be subject to extension under paragraph (2).  
**"(b) Approval Absent Action.—**If the Commission does not approve or deny an application described in subsection (a) by the end of the period specified in such subsection (including any extension thereof permitted under subsection (a)(2)), the application shall be deemed approved on the day after the end of such period. Any such application deemed approved under this subsection shall be deemed approved without conditions."

**SEC. 2. EFFECTIVE DATE.**  
**(a) IN GENERAL.—**The amendment made by section 1 shall apply with respect to any application described in section 417(a)(1) of the Communications Act of 1934 (as added by this Act) that is submitted to the Federal Communications Commission on or after the date of enactment of this Act.  
**(b) PENDING APPLICATIONS.—**With respect to any application pending before the Federal Communications Commission for more than 60 days as of the date of enactment of this Act, the Commission shall approve or deny such application with or without conditions within 30 days after such date of enactment. If the Commission fails to approve or deny such applications within such 30-day period, such pending applications shall be deemed approved without condition. Section 417(a)(2) of the Communications Act of 1934 (as added by this Act) shall not apply to such pending applications.

**SEC. 2. EFFECTIVE DATE.**

**(a) IN GENERAL.—**The amendment made by section 1 shall apply with respect to any application described in section 417(a)(1) of the Communications Act of 1934 (as added by this Act) that is submitted to the Federal Communications Commission on or after the date of enactment of this Act.

**(b) PENDING APPLICATIONS.—**With respect to any application pending before the Federal Communications Commission for more than 60 days as of the date of enactment of this Act, the Commission shall approve or deny such application with or without conditions within 30 days after such date of enactment. If the Commission fails to approve or deny such applications within such 30-day period, such pending applications shall be deemed approved without condition. Section 417(a)(2) of the Communications Act of 1934 (as added by this Act) shall not apply to such pending applications.

**BUSINESS, MILITARY AND COMMUNITY LEADERS MAKE GOOD SENSE ON DEFENSE SPENDING**

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important issues we face today is how to adequately meet important social needs at a time when a majority in Congress unfortunately insists on large yearly increases in military spending while also operating under the budget caps of the 1997 budget act. Our national policy continues to mistakenly spend huge amounts of money defending ourselves and the rest of the world from a military threat that has greatly receded, at the expense or a number of other important social and economic goals of our society.

I commend Business Leaders for Sensible Priorities for its thoughtful leadership on educating the public about the important of redirecting American resources away from the military in order to appropriately respond to the legitimate needs of Americans. I ask that three sets of recent statements by national security experts Admiral Stansfield Turner (US Navy ret.) and Vice Admiral Jack Shanahan (USN-ret.); social advocacy leaders Marian

Wright Edelman, President of the Children's Defense Fund, and Bob Chase, President of the National Education Association; and business leaders Bruce Klatsky, chairman & CEO of Philips—Van Heusen, and Mohammad Akhter, executive director of the American Public Health Association, which appeared in the New York Times under the auspices of Business Leaders for Sensible Priorities, be inserted into the RECORD. These commentaries do a good job outlining how our national security would in no way be endangered by a lower defense budget and the socially constructive ways in which the savings generated by such a reduction could be directed.

[From the New York Times, August 1, 1999]  
**IF MY BUSINESS USED PENTAGON ACCOUNTING PRACTICES, I'D BE SENT TO JAIL**

(By Bruce Klatsky)

A 1995 General Accounting Office analysis revealed that the Pentagon's financial books can't account for \$43 billion in payments made to defense contractors. The New York Times reported two weeks ago that the Pentagon "defied the law and the Constitution by spending hundreds of millions on military projects that lawmakers never approved." The Los Angeles Times reported last month that \$5.5 million was diverted from the Pentagon's operating budget to refurbish the residences of Navy brass.

If my publicly-traded, SEC-regulated company handled our finances this way I'd be facing jail time.

It's not just that taxpayer funds are being wasted, but my business experience in allocating scarce resources tells me that a dollar can only be invested once. Those billions squandered by Pentagon bureaucrats are unavailable for programs that really build national security, and not just appropriate military needs but our education and health care too. The savings from reducing military waste are there. To get a copy of our alternative defense budget, showing how America can trim 15% of the Pentagon budget or \$40 billion every year, call us at the number below or download it from our web site.

[From the New York Times, August 1, 1999]  
**IF WE INVESTED MORE IN HEALTH CARE, WE'D SAVE LIVES**

(By Mohammad Akhter)

Thankfully, the Cold War is over. Challenges to America's national security now come mainly from within: violence, drug abuse and people without access to health care all pose serious threats to our nation's health. Today's U.S. economy is the strongest in recent memory, but we are neglecting critical health problems that will increase the burden of disease on the next generation.

America needs to change its priorities. Wise investments in public health programs provide handsome returns in good health and prosperity. Here's where some of the unaccounted for Pentagon money should have gone for real investment:

As a step towards covering all Americans, we should provide health insurance for the 11 million American children who don't have it costing \$11 billion annually.

It would cost \$644 million to fully immunize the children who will be born next year.

All women could be assured of screening for breast and cervical cancer for just over \$1 billion.

We could rebuild the nation's system of disease detection, protecting Americans from diseases such as flu and foodborne illness as well as possible bioterrorist attacks for \$1.3 billion.

Those sound public health investments would pay real dividends in communities

across America. The future depends on the choices we make today. Shifting our priorities from Pentagon waste to unmet health needs will save lives, and assure good health for this and the next generation.

[From the New York Times, July 30, 1999]  
WHY SHOULD WE PAY FOR NUCLEAR WEAPONS  
WE DO NOT NEED?

(By Admiral Stansfield Turner, U.S. Navy,  
ret.)

Last week, the House of Representatives voted to cancel the \$64 billion F-22 fighter aircraft program because America doesn't need such an expensive weapon. The same criteria that led the House to scuttle that Cold War holdover should lead to canceling other unnecessary weapons programs.

There's more in the Pentagon's budget to cut, and invest in Sensible Priorities. Case in point: We spend over \$30 billion each year maintaining a nuclear arsenal at a level of close to 12,000 nuclear warheads. A very much smaller, 1,000-warhead force would still provide the destructive force of 40,000 Hiroshima explosions. That would surely be enough to protect America from any security threat. Such a reduction would save as much as \$17 billion annually.

The United States must maintain the world's strongest armed forces, but that does not mean we should spend money on weapons we couldn't possibly use. Besides large savings on nuclear weapons, there are other ways to cut waste or trim excesses in the Pentagon's budget without jeopardizing our national security. Business Leaders for Sensible Priorities has developed suggestions for reducing the defense budget by 15%, or \$40 billion yearly. To get a copy, call the number below or download it from our website.

Our children and grandchildren deserve to inherit a strong America, but one that is strong in education, health care, equality of opportunity and quality of life, as well as military power.

[From the New York Times, July 30, 1999]  
WHY CAN'T WE AFFORD TO MODERNIZE OUR  
SCHOOLS?

(By Bob Chase)

Nothing is more important for our nation's future than a high quality education for America's children. Educators know that students learn best in safe and modern schools, equipped with the latest technology.

However, according to the U.S. General Accounting Office, America's public schools need \$112 billion for repair and modernization. This is no surprise. The average school building in America is 50 years old.

Unfortunately, some in Congress are choosing to ignore this dire need. That puts our nation and our children at risk. Record student enrollment and the demands of a 21st Century workforce make investing in education a national imperative.

Other nations fund the education of their children at significantly higher levels than we do. Let's make our children's education our number one priority. Kids deserve a bigger slice of the budget "pie," and they should get it. One future depends on it.

[From the New York Times, July 28, 1999]  
I KNOW SOMETHING ABOUT NATIONAL  
SECURITY

(By Vice Admiral Jack Shanahan, U.S. Navy  
Ret.)

Not every new weapon increases our nation's military strength. Some even weaken us. The F-22 fighter jet is just such a weapon.

So congratulations to the House of Representatives for voting last week to halt the

F-22 program. The House got it right, America doesn't need this plane to maintain unquestioned air superiority.

There's a lot more waste in the Pentagon budget besides the \$64 billion F-22. The same prudence the House showed scrapping that wasteful program should also be applied to other unnecessary weapons programs. An analysis by Lawrence Korb, former assistant secretary of defense under President Reagan, shows how to trim the Pentagon budget 15%—about \$40 billion annually—while maintaining the world's strongest armed forces. To get a copy of Dr. Korb's report, call the number or go to the website listed below.

Having served 35 years in uniform through three wars, I know what makes America strong. It's not just weapons. National security is also about investing in education and healthcare that make our people strong.

[From the New York Times, July 28, 1999]  
WE KNOW ABOUT HELPING CHILDREN GROW UP  
HEALTHY

(By Marian Wright Edelman)

Our nation's strength is in our people, and our "national security" should be measured by how we invest in children.

Is it fair that the richest nation in the world has over 14 million children living in poverty and more than 11 million without health insurance? Is it fair that one million children eligible for Head Start cannot get in, or that only about one child in ten receives child care assistance?

By curbing military spending, we can free up money for vital, unmet needs like providing health insurance for all uninsured children. For the cost of each F-22 jet fighter, we could provide child care spaces for 50,000 more children.

Health care and early education are crucial for children. Countless studies show that healthy children are more likely to stay in school, stay out of trouble, and get on the path to productive lives. Head Start and child care programs prepare children for school and help their parents work. At the same time Congress debates spending more money for new weapons, it will have a chance to vote on whether to invest more dollars in child care. I hope they make the right choice.

#### LA LECHE LEAGUE INTERNATIONAL

#### HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize La Leche League International (LLL), the World Alliance for Breastfeeding, National Breastfeeding Month, August 1999, and World Breastfeeding Week, August 1-7, 1999. The theme for World Breastfeeding Week this year is Breastfeeding: Education for Life, sponsored by LLLI and WABA. World Breastfeeding Week is part of WABA's ongoing campaign to increase public awareness of the importance of breastfeeding. LLLI is a founding member of WABA's global alliance of health care providers, non-governmental organizations, and mother support groups.

This week, all over the world, people will be participating in the World Walk for Breastfeeding, organized by La Leche League International, an international nonprofit organization that provides breastfeeding information

and encouragement through mother-to-mother support groups and interactions with parents, physicians, researchers, and health care providers. LLLI reaches over 200,000 women monthly in 66 countries.

This year's World Walk for Breastfeeding will be the ninth annual walk, and my community of the Greater Kansas City area will be participating through twelve local La Leche groups. The Walk is a fundraiser for LLLI, and a portion of the money raised will stay with the local groups to fund their outreach and support activities.

Breastfeeding has been identified by the U.S. Surgeon General as a high priority objective for the year 2000, with the goal of increasing to at least 75 percent the proportion of mothers who breastfeed their infants in the early postpartum period and to at least 50 percent those who breastfeeding until the infant is six months of age. All available knowledge indicates that human milk optimally enhances the growth, development, and well being of the infant by providing the best possible nutrition, protection against specific infection and allergies, and the promotion of maternal and infant bonding. Further, breastfeeding is economical and promotes healthier mothers, and it benefits society through lower health care costs for infants, a healthier workforce, stronger family bonds, and less waste.

August 1 makes the ninth anniversary of the signing of the Innocenti Declaration on the Protections, Promotion, and Support of Breastfeeding which was adopted in 1990 by 32 governments and 10 United Nations Agencies. This Declaration states: AS a global goal for optimal maternal and child health and nutrition, all women should be enabled to practice exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to four to six months of age. Thereafter, children should continue to be breastfed while receiving appropriate and adequate complementary foods for up to two years of age or beyond. This child feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can benefit in this manner.

Mr. Speaker, please join me in celebrating National Breastfeeding Month and World Breastfeeding Week, and let us lend our support to this global effort to nurture our infants and provide them with the best possible nutrition in the first months of their lives.

#### TRIBUTE TO INDIA'S INDEPENDENCE

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PALLONE. Mr. Speaker, I rise tonight to join with the people of India and the Indian-American community to commemorate India's Independence Day. The 52nd anniversary of India's Independence will actually occur on August 15th, while Congress is in recess, so I wanted to take this opportunity tonight, before we adjourn, to mark this important occasion before my colleagues in this House and the American people.

On August 15, 1947, the people of India finally gained their independence from Britain, following a long and determined struggle that

continues to inspire the world. In his stirring "midnight hour" speech, India's first Prime Minister, Jawaharlal Nehru, set the tone for the newly established Republic, a Republic devoted to the principles of democracy and secularism. In more than half a century since then, India has stuck to the path of free and fair elections, a multi-party political system and the orderly transfer of power from one government to its successor.

India continues to grapple with the challenges of delivering broad-based economic development to a large and growing population. Indeed, today's New York Times reports that India's population is expected to reach one billion in about 10 days. India has sought to provide full rights and representation to its many ethnic, religious and linguistic communities. And India seeks to be a force for stability and cooperation in the strategically vital South Asia region. In all of these respects, India stands out as a model for other Asian nations, and developing countries everywhere, to follow.

This year, we have seen that India faces serious challenges from outside forces intent on destabilizing the democracy that India's founders dreamed of and that successive generations of Indians have worked to build. Armed militants, operating with the support of Pakistan, crossed over onto India's side of the Line of Control in Kashmir. India's armed forces responded to this incursion in a firm but restrained manner. At the same time, India has sought to resolve its differences with Pakistan in a peaceful way, through bipartisan negotiations.

Mr. Speaker, next month, India will once again demonstrate its commitment to democracy for all the world to see, as it conducts Parliamentary elections. As in past years, hundreds of millions of men and women from all across India—Hindus, Muslims, Buddhists, Jains, Christians—will cast ballots, choosing from candidates representing a diverse array of political parties. I am confident that the elections will be free and fair, as they have been in past years. Whichever party will form the new government, I am confident that they will continue to build on the dream of India's first Prime Minister Nehru to move forward on the path of representative democracy and economic development.

There is a rich tradition of shared values between the United States and India. We both proclaimed our independence from British colonialism. India derived key aspects of its Constitution, particularly the statement of Fundamental Rights, from our own Bill of Rights. It is well known that Dr. Martin Luther King derived many of his ideas of non-violent resistance to injustice from the teachings of Mahatma Gandhi. That commitment to the use of peaceful means to overthrow tyranny has been emulated by such diverse world leaders as Nelson Mandela and Lech Walesa.

Today, the National Capital Planning Commission here in Washington approved a small park with a memorial to Mahatma Gandhi across from the Indian Embassy on Massachusetts Avenue in Washington, D.C., known as Embassy Row. Last year, this House approved legislation co-sponsored by myself and the Gentleman from Florida, Mr. McCollum, authorizing the Government of India to establish the memorial. The proposed Gandhi Memorial will be a most worthy addition to the landscape of our nation's capital, and it won't

cost the American taxpayers anything to construct it.

Another extremely important link between our two countries, a human link, is the more than one million Americans of Indian descent. I have the honor of representing a Congressional district in Central New Jersey with one of the largest Indian-American communities in the country. Increasingly, my colleagues in this House, Democrats and Republicans from all regions of the country, have indicated to me that their Indian-American constituents are playing increasingly prominent roles in all walks of life.

Another way in which India and America continue to grow closer is through increased economic ties. The historic market reforms begun in India at the beginning of this decade continue to move forward, offering unparalleled opportunities for trade, investment and joint partnerships—all of which include a human dimension of friendship and cooperation, in addition to the economic benefits for both societies.

Mr. Speaker, for more than a year, United States-India ties have been strained over the issue of nuclear testing, and the subsequent imposition of unilateral American sanctions against India. There is a growing bipartisan effort in Congress, and within the Administration, to lift these sanctions, which have not advanced United States interests and have only served to set back the growing United States-India relationship.

Just this week, we witnessed a debate in this chamber as an amendment to the Foreign Operations Appropriations bill was proposed to cut aid to India, in a purely punitive gesture. The amendment was subsequently withdrawn, after one Member of Congress after another rose to oppose the amendment and to argue for a strengthened United States-India relationship.

Mr. Speaker, there are indications that President Clinton will visit India and other countries in the South Asia region early next year. It's been 20 years since a United States President last visited India, so I think such a visit is long overdue.

Just a few weeks ago, we Americans celebrated the Fourth of July. For a billion people in India, one-sixth of the human race, the 15th of August holds the same significance. I am proud to extend my congratulations to the people of India, citizens of the world's largest democracy, as they celebrate the 52nd anniversary of their independence.

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#### RETIREMENT OF CAPTAIN DAVID W. WALTON

#### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. TANNER. Mr. Speaker, I rise to recognize the outstanding career of Captain David W. Walton and express my appreciation for his twenty-six years in the service of this great nation.

Captain Walton, who last served as Director of Supply Corps Personnel, was awarded a number of decorations and commendations over his career, including the Legion of Merit (3), the Meritorious Service Medal (3), the Navy Commendation Medal (2) and the Navy Achievement Medal (2).

Again, Mr. Speaker, I am proud to extend my best wishes to Captain Walton. Captain Walton, may you always know the success you have enjoyed during your years in the United States Navy. On behalf of a grateful nation, thank you for your faithful service.

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#### H.J. RES. 57—DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 27, 1999*

Mr. UDALL of Colorado. Mr. Speaker, I have thought long and hard about what position to take on the Joint Resolution disapproving Normal Trade Relations with China. While it may be in both our national and global interests to continue to engage China economically, I feel strongly that the United States cannot sit by and ignore the flagrant abuses of human rights that China continues to perpetrate. In good conscience, I cannot support NTR for China.

This is a difficult issue for me personally. As someone who has had the opportunity to travel extensively throughout Asia, I feel a deep connection with that part of the world. I have spent time in Tibet, getting to know the people and sharing in their customs and traditions. The Tibetans are a peaceful and spiritual people, undeserving of the abuses they have suffered under the Chinese government.

When I climbed Mt. Everest in 1994, our group struggled with which route to take so as not to land on Tibetan territory and thereby give support to the Chinese government. Although we did eventually set foot in Tibet, every individual in our group made a commitment to do what we could in our own lives to show support for the people of Tibet and to protest China's human rights record and occupation of Tibet. It is with this commitment in mind that I support this resolution.

The Chinese Government maintains one of the most atrocious human rights records in the world. China continues to wage an all-out war on the people, environment, religion and culture of Tibet. In the 46 years of Chinese occupation, over one million Tibetans have been killed and thousands more unjustly tortured, shot and imprisoned. China has plagued Tibet with extensive deforestation and open dumping of nuclear waste. But the abuses are not only reserved for Tibet. Ten years after the Tiananmen Square Massacre, the Chinese Government has still not made good on its commitment to increase social freedom. Just last week, the Chinese Government banned the religious group, Falun Gong, and imprisoned 5,000 people for peacefully exercising their basic human rights.

As the leader of the free world, the United States is in a unique position to push for freedom and democracy for the people in the region. We must use this opportunity to make a statement to China that we will not tolerate its blatant disregard for human rights.

## VFW KANSAS CITY

**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to join my constituents in the Fifth District of Missouri and citizens around the country to honor the Veterans of Foreign Wars (VFW). Kansas City, home of the Veterans of Foreign Wars' National Headquarters, is proud to be the host site for the 100th Convention of this American Institution. I would like to recognize the VFW, an organization dedicated to 100 years of this nation's men and women who have sustained our country's freedom through personal sacrifice.

In 1899 veterans from the Spanish American War united and became the voice of the veteran. Veterans who fought side by side on the battlefield became the advocates for a strong national defense and supporters for veterans and their rights. The last century has witnessed the continual evolution of this organization as it paralleled the growth of our country.

Every decade had presented a different social and economic America. Every conflict has been fought with a new generation of military fortified with the latest technology and skills. The challenge for this organization has been to understand and provide for the emotional and social needs of every generation of veterans. They have met these challenges by serving as lobbyists, advisors, educators, and organizers of beneficial programs for the enlisted and retired. They are active contributors to their community, champions of today's youth, and always vigilant in recognizing and remembering those who made the ultimate sacrifice for freedom.

Mr. Speaker, please join me in saluting the VFW's and all veterans' contributions during both war and peace.

THE FORD CENTER AND BETHEL  
A.M.E. CHURCH: MAKING A DIFFERENCE  
IN THE ASBURY PARK  
COMMUNITY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PALLONE. Mr. Speaker, on Saturday, July 10, 1999, the Bethel African Methodist Episcopal Church of Asbury Park, NJ, dedicated the Bethel Ford Center and Community Development Corporation. The successful completion of the major improvements at the center is a testimony to the long-standing commitment of both the Bethel AME Church, and of the two great community leaders for whom it is named, Mr. and Mrs. William Benjamin Ford.

The Ford Center is a community outreach program serving Asbury Park and surrounding communities. Its mission includes decreasing hunger, providing clothing and offering education and training to improve marketable skills. Dedicated volunteers and professional staff help to provide a food pantry, a clothes closet, computer training, academic remediation, and advise on employability and life skills.

Mr. William Benjamin Ford and Mrs. Willie Mae Taylor Ford, native of Florida, moved to the Jersey Shore in the early 1930s. The Fords were pillars in Bethel AME Church and throughout the community for more than 25 years. Mr. Ford served as Pastor Steward, Class Leader and member of the Lay Organization for many years. He was an employee of the Asbury Park Press for 50 years. Mrs. Ford served Bethel as a Stewardess, Trustee, Missionary, Class Leader, member of the Gospel Chorus and Senior Choir. She operated the Modernistic Beauty Shop in Asbury Park for over 25 years.

The Fords' dedication to serving Bethel lasted throughout their lives, and it still lives through their son, Mr. Greeley Ford. In 1998, Mr. Greeley Ford, who attended Bethel Church as a child and young adult, deeded the property on Atkins Avenue that had been the Modernistic Beauty Shop.

Incorporated in 1879, Bethel Church was one of the first churches in Asbury Park. According to the tradition related by the Church's founders, the organization took place in 1869 under the direction of the Rev. John Cornish. The group had been holding services in a tent at what is now known as the 900 block of Lake Avenue when Mr. James A. Bradley, founder of Asbury Park, proposed a permanent church home and deeded the land, at the southwest corner of Second Avenue and Main Street, in 1893. The congregation worshipped at this site until 1949. The property was sold to a car dealership, who soon demolished the landmark building. The new church home located at the corner of Langford Street and Cookman Avenue, was the former Sons of Israel Synagogue, also a landmark since 1883. Services were held here for the first time on March 6, 1949. The church was renovated in 1954 and again in 1990, while improvements have been made and new amenities have consistently been added throughout the years. In March 1997, the present minister, the Rev. John C. Justice, was appointed to Bethel. Pastor Justice's leadership has seen a continued increase in the number of members of the Congregation and the Fellowship at Bethel.

Mr. Speaker, I am proud to join with the members of Bethel AME Church and the entire Asbury Park community in welcoming the Ford Center and saluting all those who helped make it a reality.

HONORING THE SAN ANTONIO  
COMMUNITY HOSPITAL OF UPLAND,  
CALIFORNIA ON ITS 75TH  
ANNIVERSARY

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to San Antonio Community Hospital of Upland, California which will be celebrating on August 14, 1999 its 75th year of providing comprehensive, quality health care. From its humble beginnings as a small community hospital in 1907, San Antonio has grown into a predominant health care leader in the western Inland Empire in Southern California.

Today, nearly 2,000 professional, technical and service personnel at their 332-bed facility

provide a wide array of medical services, while utilizing the very latest technologies. The 500 plus-member medical staff includes many of the region's leading physicians and specialists who make San Antonio an exceptional hospital. In addition, San Antonio nurses have earned a reputation as compassionate, responsive professionals who continue to meet strict educational and professional standards.

Over the years, San Antonio's logo of a growing plant has become a familiar mark in the community conveying everything the hospital represents. In the hospital's own words, the stalk and leaves express "a feeling of a living, growing organization, consistent with the life mending role the hospital plays. The sturdy central stem, symbolize the elements of the hospital's structure—Trustees, Medical Staff, and Employees. The complete symbol recalls the cooperative efforts needed to accomplish the hospital's primary goal of securing the patient's well being."

At a time when the nation's top concern is achieving quality health care, San Antonio Community Hospital is a shining beacon of excellence in patient care, services, and facilities that respond to consumer and physician needs.

I know my colleagues join me in honoring San Antonio Community Hospital on their 75th Anniversary and wish them many more years of continued success.

FAREWELL TO CONGRESSMAN  
GEORGE BROWN

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. MORELLA. Mr. Speaker, those of us who served with George Brown are saddened at his passing for we have lost a colleague and friend, a true gentleman who was always honest and thoughtful.

George Brown was a benevolent, yet intense and resolute, advocate for science; a true supporter and friend to the entire scientific community, and a determined fighter for the public good.

He always felt passionately that science could be the basis for progress. George was convinced that the scientific advancements nurtured by Congress would lead to a better world for everyone. And that was his goal for all those many years.

He was consistently dedicated to openness and educating others about science. He was always eager to learn, and to share, the latest perspectives of science and technology.

His commitment to science always rose above partisanship. I know that George shared my satisfaction that the Science Committee has long been considered one of the most bipartisan in Congress. This is a testament to the respect that everyone had for George Brown, and his determined belief that advancing our Nation's scientific research and development is a goal that is not bound by partisan politics.

And as we look up to see his portrait in the committee room, I am pleased that his vision and his legacy will live on among the committee.

I am grateful that I had time to serve with George. We worked together on a number of

initiatives over the years, especially technology transfer and competitiveness issues. Once, we were preparing a special video to celebrate a landmark anniversary of an important science organization. George and I went down to the House Recording Studio to tape the video. Everything was all set up and ready to go so that we could go through it rapidly. Our remarks were even ready in the teleprompter. I worked quickly, and finished my segment in one take. However, George just couldn't seem to get it right. Take after take after take, he kept messing up. What should have taken 10 minutes dragged on and on. Finally, after about an hour, we were interrupted by a vote. After the vote, George came back and was finally able to wrap-up the video, but this story underscored that George Brown had difficulty being scripted—in his life, in his political career, and in the way he operated on the Science Committee. George, with his foul cigar and rumpled suit, enjoyed ad libbing, sometimes being irreverent. He had an endearing personality that often came out—even in the most tense of moments.

I will miss George Brown. Science and our nation have lost a fair and just man, a true leader. But we will always remember him as we move forward towards the 21st century and a universe of new scientific advancement. I offer my condolences to his wife Marta Macias Brown and his family.

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INTRODUCTION OF BILL TO  
AMEND CLEAR CREEK COUNTY,  
COLORADO PUBLIC LAND TRANSFER ACT

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**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. UDALL of Colorado. Mr. Speaker, at the request of the Commissioners of Clear Creek County, I am today introducing a bill to amend the Clear Creek County, Colorado, Land Transfer Act of 1993.

The bill would amend section 5 of that Act so as to allow Clear Creek County additional time to determine the future disposition of about 6,000 acres of land that was transferred to the county under that section of the 1993 Act.

Under the 1993 Act, the county had 10 years within which to resolve questions related to rights-of-way, mining claims, and trespass situations on the lands covered by that section of the Act and then to decide which parcels to transfer and which to retain. Among other things, the county is working with the Colorado Division of Wildlife on a proposal that would result in some 2,000 acres being transferred to the Division of Wildlife for management as Bighorn Sheep habitat.

The County Commissioners have informed me that this process has taken longer than they anticipated, and that a 10-year extension of time would be helpful to a successful conclusion to this process. The bill I am introducing today responds to that request.

SHIVWITS NATIONAL  
CONSERVATION AREA

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. STUMP. Mr. Speaker, the Shivwits Plateau is located on the southern end of the Arizona Strip, which borders Arizona, Utah and Nevada. This area's remote and primitive landscape contains a spectacular array of scientific, historic, and cultural resources. This relatively unspoiled area remains a rugged frontier. It is a place where one can view the compatibilities of relics of ancient cultures alongside modern ranching operations.

Mr. Speaker, in November, 1988, Secretary of the Interior Bruce Babbitt first announced his desire to use the Antiquities Act to create a national monument on the Shivwits Plateau in northern Arizona. Since that time, the Secretary's actions clearly indicate that the Department of the Interior has some general environmental concerns over the Shivwits Plateau that they do not believe can be redressed by current law. It is my hope that as we proceed through the hearing process, the Secretary's concerns will be more specifically identified so that they can be addressed legislatively.

Mr. Speaker, today, I am introducing the Shivwits Plateau National Conservation Area Establishment Act. My hope in introducing this legislation is to continue a public, legislative dialogue on protecting Shivwits Plateau. While Secretary Babbitt has made some general public comments on the protections he would like to see on the Shivwits Plateau, we have worked for months to translate these comments and concepts into legislative language.

The legislation protects the remoteness, native biodiversity and ecological richness of the Shivwits Plateau, while at the same time increasing public awareness, outdoor recreation use and enjoyment. Equally as important, the bill preserves the ranching lifestyle and maintains the existing, historic and traditional uses of the Shivwits Plateau, goals that the Secretary has expressed in public forums this year.

Mr. Speaker, I would like to take this opportunity to discuss several sections of the bill and my intentions for including these sections in the Shivwits National Conservation Area Establishment Act.

The boundaries of the NCA encompass approximately 570,000 acres, containing 384,000 acres of public lands managed by the Bureau of Land Management, 164,000 acres of public land within the boundaries of the Lake Mead National Recreation, but which are geographically separated from the rest of Lake Mead, 14,000 acres of Arizona State Trust Land, managed by the Arizona State Land Department, and 8,000 acres of privately held land.

Mr. Speaker, I believe that the resources of this area within the Shivwits Plateau can best be managed solely by the Bureau of Land Management as a separate, distinct management unit. For this reason, the bill removes lands in the NCA that are currently within the boundaries of the Lake Mead National Recreation Area from the jurisdiction of the National Park Service to control by the Bureau of Land Management. Grazing on this land is currently managed by the Bureau of Land Management,

but the land is under the general management of the National Park Service.

The legislation requires that the Bureau of Land Management protect and administer the NCA, and develop a new management plan for the NCA. Through a series of public meetings and closely working with the stakeholders of the region, the Bureau has been managing the region under a combination of resource management and interdisciplinary plans whose results have been lauded by all users, as well as the Secretary of the Interior. The current plans provide a significant amount of flexibility for the management of the Shivwits Plateau, and have continually been developed and refined over the past several years. Their goals and objectives reflect the varied interests of the Arizona Strip, including those of conservationists, the Federal government, local governments, recreationists, permittees and land owners, and would, I believe, accommodate the interests of the Secretary to protect the area for the future. For that reason, the bill directs the Bureau to use existing plans, specifically the goals and objectives, as a foundation for developing a management plan for the new NCA.

The legislation also establishes the Shivwits Plateau National Conservation Area Advisory Committee. The committee is designed to be diverse, yet well balanced, with the purpose of advising the Secretary on the preparation and implementation of the management plan.

Mr. Speaker, the Secretary, during his numerous visits to Arizona, has expressed his desire to permit the continuation of valid existing uses. Therefore, the bill permits the continuation of existing authorized uses, within the framework and restrictions of the current management plans. Hunting, fishing and trapping will continue to be regulated by the State of Arizona, State and private landowners will continue to have reasonable access to their land and existing roads and trails on public and private lands will continue to be maintained. In addition, grazing will be allowed to continue, within the goals and objectives of the management plan, and permittees will be able to maintain and improve necessary structures and water tanks within their allotments. Finally, local governments and private parties will continue to have helicopter and aircraft access to the Arizona Strip.

Mr. Speaker, this bill establishes that land within the boundaries of the NCA can only be acquired from willing sellers. The Secretary is also required to make a diligent effort to acquire private lands, subsurface rights and mining claims within the NCA. The legislation further guarantees that land values will not be affected by the NCA designation and fair market value will be paid for land acquisitions.

The Shivwits National Conservation Area Establishment Act establishes the framework for withdrawing lands within the NCA from mineral entry and exploration. The bill requires the Secretary to assess the oil, gas and other mineral potential in the NCA no later than two years after the enactment of this legislation. The mineral assessment will be exchanged with the State and subject to a peer review by the Arizona State Department of Mines and Minerals. Additionally, the Secretary cannot make, modify or extend any mineral withdrawal authorized by the Federal Lands Management Policy Act within the boundaries of

the NCA after January 1, 1999. If the Secretary withdraws the land, all lands and minerals within the NCA will be available for mineral leasing, under the Mineral Leasing Act. Language in the legislation specifies that the establishment of the NCA will not affect the value of subsurface mineral rights.

Mr. Speaker, the bill also requires the Secretary to develop and implement forest restoration projects and provide alternative grazing allotments to permittees affected by restoration projects. The legislation places a three years time limit on the amount of time a restoration project may impact grazing allotment. Current methods used to control plant growth will continue to be permitted in the Shivwits NCA.

Mr. Speaker, as you know, water rights are a source of contention in the West, and I have ensured in my bill that existing water rights within the NCA are not affected by this designation and that no new water rights will be created.

The bill also places requirements on the Secretary to improve and maintain specified roads, within the NCA, as all-weather roads. The Secretary is also required to conduct a survey of the conservation area, noting all sites of archaeological, historical or scientific interest.

Mr. Speaker, the bill also initiates a framework necessary for local communities to develop the infrastructure to support this conservation area. This bill authorizes the Secretary to implement the recommendations contained in the April 1999 report of the Sonoran Institute. This report detailed three major goals that must be accomplished to ensure the long-term health of the local communities and the surrounding public lands. These three goals include building local and agency capacity for partnerships, building local entrepreneurial capacity and restoring landscape health through local efforts. Finally, this bill conveys to Colorado City, Arizona, Fredonia, Arizona, Mohave County Arizona and the Kaibab Band of Paiute Indians certain federal lands needed to handle the increased visitor ship of the Shivwits Plateau.

Mr. Speaker, I sincerely hope, in introducing this legislation, that we send a strong message to the Secretary of the Interior and the President, indicating Congress' desire to work on a legislative proposal to address the needs of the Shivwits Plateau.

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TRIBUTE TO AMALIA DISTENFELD

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to pay tribute to the inspiring matriarch of an American family. Amalia Distenfeld, Born in Lvov, Poland, in August 1919, came to this country in 1947, to start a new life. She and her husband, the late Dr. Menachem Distenfeld, were among a handful of survivors of two very extensive and well-known families that perished in the Holocaust.

Amalia is living testimony to her own courage and the possibilities of the American

dream. Hard work, coupled with purpose, optimism and an unflinching dedication to family allowed her to see children, grandchildren, and great-grandchildren thrive in this country of freedom. She has dedicated her life to promoting educational and moral values that have helped guide and sustain her family.

The same tenacity that allowed Amalia and Menachem to survive the nightmare of the Holocaust enabled this young couple to surmount the struggle of a new beginning in New York, devoid of resources, in a strange environment with three children. Amalia took in boarders, cooked and cleaned for them, while her husband learned the language of their new country, then studied and reestablished himself as a physician. Her strength, her faith in God and her refusal to be crushed by the past, allowed for a quick integration into American life. Amalia worked with Menachem in their Queens, New York, office to establish a medical practice whose hallmark was selfless public service to the community at large, including a great many fellow survivors. Unfortunately, just as life's promises were being realized, she was left a young widow. Without her beloved Menachem, Amalia's natural exuberance and steadfast commitment to family has sustained her over the last 33 years. She took on new challenges and new careers of public service, first in the American Heart Association and then the American Lung Association, where she worked well into her late seventies.

Perhaps Amalia's greatest joy is derived from the achievements of her children and grandchildren in areas of education, technology, law, medicine, and business. She cherishes her time with them as they do with her. Mr. Speaker, Amalia is a living lesson of courage, hope and optimism to all who know her. Her children's fidelity to Amalia's religious legacy and their appreciation for America's blessings were learned at her knee.

I ask my colleagues in the United States Congress to join me in wishing Amalia Distenfeld good health and happiness on the occasion of her 80th birthday, with many wonderful and blessed years to come.

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GENE WISNER

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. GARY MILLER of California. Mr. Speaker, I rise today to honor Gene Wisner, who will be retiring from the Yorba Linda City Council in California. Mr. Wisner served on the City Council from January 3, 1983 to November 1992 and was elected again in November of 1994. He has twice served his community honorably as Mayor, as well as represented his city: as Vice Chairman and Chairman of the Eastern/Foothill Transportation Corridor Agency; a member of the Budget & Finance Committee on the Transportation Corridor Agency; a members of the City Audit Committee; the League of California Cities; National League of Cities; Orange County Fire Authority; and the Orange County Sanitation District. He also served as city representative to the Yorba Linda Water District and the Yorba Linda Chamber of Commerce.

While serving as a member of the City Council, Gene Wisner worked toward many beneficial projects for Yorba Linda including the development of the Richard Nixon Library and Birthplace, an expansive city park system, city recreational facilities, the Community Center/Senior Citizen Facility, and the Casa Loma Field House. Mr. Wisner is to be congratulated for his service to the community, not only as a Council Member, but as an active supporter of community groups such as the Boy Scouts of America, the Y.M.C.A. and local youth sports programs.

It is with extreme pleasure that I wish the best for Mr. Wisner in his retirement from the Yorba Linda City Council.

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CONGRATULATIONS VERA  
TRINCHERO TORRES

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sincere congratulations to a dear friend, Ms. Vera Trinchero Torres, who has been named the 1999 Citizen of the Year by the St. Helena Chamber of Commerce.

A co-owner of the famous Sutter Home Winery and mother of two, Vera dedicates most of her free time to charitable work for the community of the Napa Valley.

Although a New Yorker by birth, Vera moved to the Napa Valley at age ten and has been a resident of the area ever since. As a child, she and her older brother, Bob, helped out in the winery after school and on weekends. Vera worked on the bottling line and swept up, all the while looking after her little brother, Roger.

After graduating from St. Helena High School, Vera began a 24-year career as a legal secretary. In fact, I'm proud to say she was the mainstay in the law office of my uncle, former Judge Lowell Palmer. In 1979, as Sutter Home began its transformation from a small mom-and-pop operation to a large, modern winery, Vera took on the responsibility of running the office full-time.

Today, Vera oversees company profit sharing and pension plans for Sutter Home's 450 employees and serves as the family-run corporation's secretary. She also manages the company's extensive charitable activities, which amount to several hundred thousand dollars each year. In addition, Vera is an active supporter of numerous local youth groups, including the St. Helena Boys and Girls Club.

In 1996, in recognition of her philanthropic efforts and service to the community, Vera was named, by me, Woman of the Year for the 2nd District of the California State Senate.

The St. Helena Citizen of the Year Award is one more honor of many to come for this wonderful neighbor, great friend, and tremendous asset to our community.

Once again, I offer my congratulations to Vera and to her family.

CENTRAL NEW JERSEY RECOGNIZES THELMA AND HARRY ZALEWITZ

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. HOLT. Mr. Speaker, I rise today in recognition of Thelma and Harry Zalewitz, who will be honored this weekend by the State of Israel Bonds with the Independent Issue Award for their contributions to the Jewish community in America over the last 50 years. Together they have served on a wide variety of committees, held countless leadership positions, and tirelessly advocated the importance of public service and "giving back" to the community.

Both Thelma and Harry Zalewitz were born in the United States to parents who had emigrated from Eastern Europe. Their families had settled in America with the hope of escaping persecution and reaching toward freedom and the ability to create a better life. They met in Paterson, NJ, and were married in 1946 after Harry returned from World War II. Ten years later, the couple moved with their three children to Verona, NJ, where they joined and immediately became involved in the Jewish Community Center of Verona.

Within a short time, both Harry and Thelma were serving on the Synagogue's Board and holding elected positions. Harry was chosen as Synagogue President and Thelma as Executive Secretary to the Board of Directors. Harry also held the position of co-chairman of the Verona-Cedar Grove campaign of the Jewish Federation. Over the years, the couple has actively participated in the development and growth of the Jewish Community Center of Concordia. Harry served as Vice President for the center, and lent his expertise as a member of the Board of the Jewish Federation of Greater Middlesex County. Their gratitude for the quality of life they have been privileged to experience has directed them to give both time and resources to insure that same quality of life for all Jewish people.

Today, Harry and Thelma continue to lead their local Jewish community. Thelma currently serves the important role of writing the Yartzeits for the Jewish Congregation of Concordia, transposing the Hebrew dates to the Gregorian calendar dates. They also support the State of Israel through investment in the Israel Bonds campaign.

Thelma and Harry have willingly given themselves to the community. I urge my fellow representatives to join me in recognizing this exceptional couple.

**RURAL EDUCATION INITIATIVE**

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. POMEROY. Mr. Speaker, I am very pleased to join my distinguished colleague Congressman BARRETT of Nebraska, along with Representatives PETRI, BALDACCI, and THUNE, in introducing the Rural Education Initiative. This legislation will provide smaller rural school districts across the country with

the flexibility and funding they need to provide a quality education for our children.

A strong investment in the public education system is critical to our nation's future. In recent years, Congress has recognized that reality by increasing federal support for education. These funds are currently disproportionately channeled to larger school districts. Many small and rural school districts have simply fallen through the cracks. Small school districts, including many in North Dakota, have had to forgo federal dollars because they lack the personnel and the resources to apply for competitive grants. Also, due to low enrollment and a lack of special categories of students in these schools, single formula grants fail to provide sufficient revenue to fund any one significant project. As currently structured, these federal grant programs fail to meet the needs of rural school districts.

To address the unique circumstances of smaller rural schools, the Rural Education Initiative would allow school districts with fewer than 600 students to combine funds from four distinct federal programs and provide additional funds based on enrollment. In North Dakota, Belfield Public School District, for example, which has an enrollment of 310 students, would receive a minimum grant of \$50,000 under this legislation. By combining and increasing federal funds to rural districts like Belfield, this legislation would give school administrators the resources and flexibility they need to support local educational priorities.

Mr. Chairman, as Congress moves forward with the reauthorization of the Elementary and Secondary Education Act (ESEA), we can not overlook our small and rural school districts. Thirty-five percent of all school districts in the United States and 86 percent of school districts in North Dakota have fewer than 600 students, and are currently struggling to make ends meet. The Rural Education Initiative would take a strong step forward by leveling the playing field for rural school districts, and I urge my colleagues to support it.

**CLEVELAND CLINIC CHILDREN'S HOSPITAL FOR REHABILITATION**

**HON. STEPHANIE TUBBS JONES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mrs. JONES of Ohio. Mr. Speaker, it is with great pride that I announce the renaming of Health Hill Hospital for Children to the Cleveland Clinic Children's Hospital for Rehabilitation.

Since 1998, Health Hill Hospital for Children has been part of the Cleveland Clinic Health System. Devoted entirely to pediatric development, Health Hill has one of the largest teams of pediatric therapists in the nation. In addition to being one of the world's preeminent medical research and educational facilities, the Cleveland Clinic Health System is northeast Ohio's foremost provider of comprehensive medical and rehabilitative services to children requiring long-term treatment. Not only does the hospital's pediatric staff provide excellent care to critically ill and disabled children, but they do so in a comforting and caring environment that eases the children's fears and worries.

The primary goal for Health Hill is to create a more independent lifestyle for these children

and their families. For example, by providing unique programs, like the Day Hospital Program, children can receive daily intensive therapy without having to be hospitalized. Day Hospital patients receive therapy, nursing and medical care, yet are able to return home to their families each evening and weekend. Providing patients with the opportunity to maintain their routines and home lives is so important in making a sick child feel as "normal" as possible. The hospital serves children with a variety of illnesses, ranging from spinal cord and head injuries, respiratory problems, feeding disorders, and burns to chronic or congenital medical conditions.

Mr. Speaker, Health Hill Hospital has proven to be more than just a "hospital." Their commitment to providing the highest standards of medical services for special needs children is why they continue to be a shining example of one of the best children's specialty hospitals. Cleveland Clinic Children's Hospital for Rehabilitation is affiliated with the renowned Cleveland Clinic Foundation, ranked among the ten best hospitals in the nation by U.S. News and World Report's annual guide to "America's Best Hospitals." It is exciting to see the resources of this prestigious hospital devoted to the care of children.

Again, I am honored to announce the Cleveland Clinic Children's Hospital for Rehabilitation's new designation, and commend the Foundation's outstanding achievements throughout the past 78 years.

**REMEMBERING AND HONORING THE SERVICE OF JAMES FARMER**

**HON. MAX SANDLIN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. SANDLIN. Mr. Speaker, I rise today to pay tribute to a recipient of the Presidential Medal of Honor, an honored American, and a true leader. When we think of the civil rights movement, certain names often come to mind. The names Martin Luther King and Rosa Parks are easy to remember, but I think of a man who was born in the town I call home: Marshall, Texas.

This man was a behind-the-scenes organizer. He was the last living member of the "Big Four" who shaped the civil rights movement in the mid 1950s and 1960s. He founded the Congress of Racial Equality in the 1940s. He organized countless demonstrations and sit-ins. He directed the Freedom Rides to desegregate interstate bus stations in the South in 1961. He served with the NAACP, the US Department of Health, Education and Welfare and taught at several colleges. He was awarded over 22 honorary doctorates, and in 1998, he earned the Presidential Medal of Freedom. This man was James Farmer.

Mr. Farmer was the son of a Methodist minister and professor of Theology at Wiley College. At 14, on a full scholarship, he went to Wiley College to study medicine only to find that he could not stand the sight of blood. Perhaps more in line with his calling, Mr. Farmer left medicine behind to study religion at Howard University, where he became acquainted with the civil disobedience methods employed by Ghandi. However, upon graduation, he found that he had no desire to minister in a

church that actively practiced segregation. It was this realization that pushed him into civil rights activism.

In 1942, he founded the Congress of Racial Equality in Chicago, and in 1947, he held the first Freedom Ride. He was beaten, arrested, and served time in prison. He was encouraged to let things settle down in the South, to let them cool off. Mr. Farmer, however, refused to back down. In 1963 he was attacked at a demonstration he had organized in Louisiana. State troopers came after him with guns, cattle prods, and tear gas, but he escaped with the help of a funeral director who drove him through the police cordon in a hearse. Although he had planned to attend the March On Washington, he was arrested in Louisiana for disturbing the peace and had to settle for watching Martin Luther King make him famous "I Have a Dream" speech on the television.

After the leadership of the Congress of Racial Equality changed hands, he surprised some civil rights leaders by joining the Nixon administration as an assistant secretary in the Department of Health, Education and Welfare. He knew that if African Americans were ever to have any say in national policy on race, then they had to be active in the government. Mr. Farmer recognized the potential in the position and used it to persuade the administration to approve funds for the Head Start program in Southern States. His response to those who thought he was abandoning the movement was that he saw himself as a bridge. "I lived in two worlds. One was the volatile and explosive one of the new black Jacobins and the other was the sophisticated and genteel world of the white and black liberal establishment. As a bridge, I was called on by each side for help in contacting the other."

Indeed, Mr. Farmer's concept of two worlds was what fueled his passion for equality. He often reminisced of his childhood before and after he became aware of discrimination. Growing up around colleges, he was sheltered from much of the racism that surrounded him. It wasn't until he discovered that he couldn't go wherever he wanted that he even realized he was any different from others.

At three years old, what he wanted was a soda, not social change. Given his young age and his sheltered upbringing, he couldn't understand why he couldn't use the money his father had given him to go and buy one at the drug store on the way home. He cried and pleaded to no avail. Finally his mother told him he couldn't buy a soda because it was a "whites-only" drug store, and he wasn't allowed to enter. Then she cried. And that was the day that young Mr. Farmer became determined to do something about it. He vowed to destroy segregation.

It was this same determination that got him through sitting in the "buzzard's roost," the segregated balcony in the cinema near Wiley College. And it was this same determination that put him on board the Freedom Ride to Jackson, Mississippi. He later called his organization of the Freedom Ride his proudest achievement.

Mr. Farmer had many achievements of which to be proud. I consider it an honor to have been a part of the driving force behind his most recent accomplishment which occurred just last year. On January 15, 1998, President Clinton awarded James Farmer the Presidential Medal of Freedom, the highest ci-

vilian honor the United States of America gives. For Mr. Farmer, it was the crowning moment on a rich past of activism and determination. "It's a vindication, an acknowledgment at long last. I'm grateful it came before I died." At 79, Mr. Farmer finally received his soda.

As we celebrate the life of James Farmer, let us remember one of his last lessons to us all. He said that we have beaten segregation, we have beaten Jim Crow. Now we have to beat racism, and it's going to take all of us to do it.

JOHN MICHAEL HURLEY

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a long time friend, John Michael Hurley of my district. John passed from this life on June 10, 1999.

John made his career in public service, first in the Armed Forces where he served in the Army, Navy, Marine Corps Reserves, and Air Force. Upon his retirement from the Air Force he began a career with the City of Toledo's Streets, Bridges & Harbors Division until his 1992 retirement. While employed with the city, he rose to the top leadership post of AFSCME Local 7. He worked for the union as steward, divisional steward, chief steward, and president. He also served AFSCME Ohio Council 8 as regional vice president, and was a board member of Ohio's Public Employees Retirement System. Throughout that service, the quality guarded the hard fought rights of working people throughout our community and state.

In addition to his civil service, John was also an active member of local veterans organizations, belonging to the Veterans of Foreign Wars Northwood Post #2984 and American Legion Conn Weisenberger Post #587. Rounding out his service to community and country, John coached Toledo's North End Lorange Lions Baseball Team.

A family man, John was the proud father of Angela, Laura, Lillian, Nicole, Patrick, Andrew, David, and Kelly, and doting grandfather to 21 grandchildren. Our condolences to them, his wife Joanne, and his sisters and brothers. May they gain some small comfort in knowing the spirit and fire of John Hurley is carried through in each of them. The people of our community have been touched with his strength and kindness and our nation expresses its gratitude for his service to our country.

WEKIVA WILD AND SCENIC RIVER  
ACT OF 1999

**HON. BILL McCOLLUM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation, the Wekiva Wild and Scenic River Act of 1999, designating the Wekiva River and its tributaries of Rock Springs Run and Seminole Creek for inclusion in the National Wild and Scenic Rivers System.

In the 104th Congress, legislation was signed into law to authorize a study of the Wekiva River by the Department of Interior to determine whether it is eligible and suitable for inclusion in the National Wild and Scenic Rivers System. The National Parks Service recently completed this study and concluded that the Wekiva River system is an excellent candidate for receiving this designation.

This legislation would allow the Wekiva River and its tributaries to join the Loxahatchee as Florida's second river to receive this designation. The Wekiva Wild and Scenic River Act of 1999 provides Congressional designation of 41.6 miles of eligible and suitable portions of the Wekiva River, Rock Springs Run, Seminole Creek, and Black Water Creek with State management and the establishment of a coordinated Federal, State, and local management committee (Alternative C of the study). As the report states, the Wekiva River area provides "outstanding remarkable resources" which makes it eligible for this national designation.

For more than 30 years, the National Wild and Scenic Rivers Act has been safeguarding some of our most precious rivers across the country. In October of 1968, the Wild and Scenic Rivers Act pronounced that certain selected rivers of the nation which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they shall be protected for the benefit and enjoyment of present and future generations. Designated rivers receive protection to preserve their free-flowing condition, to protect the water quality and to fulfill other vital national conservation purposes.

Furthermore, this legislation recognizes the efforts that have been initiated at the local and state level through the local coordinated management committee. This committee will be responsible for determining and implementing the comprehensive management plan for the Wekiva River under this designation and will be composed of a representative from each of the following agencies: Department of Interior, through the National Park Service; The East Central Florida Regional Planning Council; The Florida Department of Environmental Protection, Wekiva River GEOPark; The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve; The Florida Department of Environmental Protection, Office of Ecosystem Planning and Coordination; The Florida Department of Agriculture and Community Affairs, Seminole State Forest; The Florida Audubon Society; The Friends of the Wekiva; The Lake County Water Authority; The Lake County Planning Department; The Orange County Parks and Recreational Department; The Seminole County Planning Department; The St. Johns River Management District; and The Florida Fish and Wildlife Conservation Commission.

Floridians are blessed with some of the most rich and engaging natural resources in the world. Every year thousands of people come to Florida to enjoy our rivers and oceans. Located in Central Florida, the Wekiva River Basin is a complex ecological system of rivers, springs, lakes, and streams with many indigenous varieties of vegetation and wildlife which are dependent on this water system. Included in this area are several distinct recreational, natural, historic and cultural

resources that make the Wekiva River an excellent addition to the National Wild and Scenic Rivers System, and it is great pride that I introduce this legislation for consideration before this body.

IN MEMORY OF CHARLES  
BRADLEY EARNEST

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. MICA. Mr. Speaker, it is my honor to pay tribute to a neighbor, friend and young man who gave his life in service to his country. Brad Earnest, as he was affectionately called, died on August 2, 1999 in Florida.

Brad was critically injured in a helicopter crash as he served in the 10th Special Forces of the United States Army. In the nine years since that accident Brad remained in a coma.

He is survived by his mother, Minna H. Earnest, who deserves the gratitude, great respect and deepest sympathy of every member of Congress and all Americans.

Not only did Minna Earnest lose her son she also sacrificed her husband to our nation when he was killed in Vietnam. What greater heartbreak could one family, one wife and mother endure for the sake of her country?

My last memories of Brad recall him proudly telling me of his Army assignment and his work in service to our country. Most of all we will miss his smile but always remember and celebrate his life.

Brad was a graduate of Winter Park High School in Winter Park, Florida. He attended Auburn University in Alabama where he was a member of Theta Chi Fraternity.

Brad was born in Portsmouth, Virginia on October 16, 1962 and will be laid to rest in Opelika, Alabama.

I know the United States House of Representatives and every Member of Congress extend our deepest sympathy to Brad's mother, Minna H. Earnest, and to his brother, Bryan H. Earnest of Maitland, Florida, and to his paternal grandmother, Margaret Earnest of Opelika, Alabama.

TRIBUTE TO WILLIE MORRIS

**HON. CHARLES W "CHIP" PICKERING**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PICKERING. Mr. Speaker, I rise to pay tribute to Willie Morris—the great Mississippi writer who dedicated a lifetime to exploring what it means to be a Southerner, and showing what it means to be a friend. And today many friends and admirers are grieving over his death earlier this week.

Everyone who loved Willie and cared for his work understands what a terrible loss this is. In his own unique way, he touched countless souls with his emotional honesty and boyish sense of humor. His perspective was a refreshing retreat from the culture of cynicism that poisons our society, and corrodes our democracy.

William Morris was an American original, and a Mississippi legend. And, the truth is, it's

hard to imagine Mississippi without Willie Morris.

Willie grew up in Yazoo City, Mississippi, a small town on the edge of the Delta, and went on to study at the University of Texas, where he was awarded a Rhodes Scholarship.

At 32, he became the youngest editor-in-chief of Harper's magazine in New York City. In the 1980s he came back to his native Mississippi to teach writing at Ole Miss and to write books.

Willie Morris wrote about the little things that make small-town life special—like football games, dogs, and hole-in-the-wall restaurants. He also wrote about the big things—like faith, family and friendship.

But Willie never shied away from putting these heart-warming descriptions in the context of the South's racial history, or revealing the challenges of laying down its burden.

He did this magnificently, I felt, in "The Courting of Marcus Dupree"—a story about how the outstanding high school football star helped breakdown long-held hostilities between whites and blacks in Philadelphia, Mississippi.

In this book and others, Willie acknowledged the progress made toward racial harmony in Mississippi and across America.

As someone who lived through the transition from the Old South to the New South, he had seen dramatic change in his homeland. But one way or another, he always found a way to say: "We must do better."

Another favorite theme of Willie's was dogs. "Every little boy ought to have a dog," he once said. In *My Dog Skip* and *North Toward Home*, he told some of the best dog stories I've ever heard, stories that inspire the warmest memories of the dogs of our own childhood. Many are so good they make you wish you had lived them yourself—like the time at age 12 when he taught his English Fox Terrier, Skip, how to drive a car:

"I would get the dog to prop himself against the steering wheel," he writes, "his black head peering out the windshield, while I crouched out of sight under the dashboard. Slowing the care to ten or fifteen, I would guide the steering wheel with my right hand while Skip, with his paws, kept it steady. As we drove by the Blue-Front Café, I could hear one of the (old) men shout: 'Look at that ol' dog drivin' a car!'"

Willie Morris loved life and all things in it. And most of all, he loved making friends and encouraging others.

Several years ago, a young writer friend of mine from Texas met Willie and after their meeting sent Willie an essay he had been working on. Days later my friend received his essay, with excellent edits, and a hand-written note from Willie that said: "You're a damn fine writer. Keep the faith, my friend!"

That letter now hangs framed, on my friend's wall, as a medal of encouragement.

Mark Twain once said: "the great people in life are the ones that tell others that they, too, can be great." Willie Morris was one of those great people. He was the kind of guy that once he made friends with you, he was a friend for life. Our good friend Willie Morris has gone away, but his beautiful words and sweet spirit will live on forever and ever.

Our thoughts and prayers are with his wife, Joanne Prichard, and his son, David Rae, in this difficult time.

H.R. 2116—VETERANS' MILLENNIUM HEALTH CARE ACT

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. FILNER. Mr. Speaker, and colleagues, I rise in support of the Veterans' Millennium Health Care Act. This bill improves the VA health care system in many ways—it will extend long term care and emergency care services—provide sexual trauma counseling—and will give the VA access to a portion, if funds are recovered from tobacco companies, to compromise for its costs of tobacco-related illnesses.

I am especially pleased that this legislation ensures that the Veterans Administration (VA) will work with licensed doctors of chiropractic care to develop a policy to provide veterans with access to chiropractic services. Even though chiropractic is the most widespread of the complementary approaches to medicine in the United States, serving roughly 27 million patients—and even though Congress has recognized chiropractic care in the other areas of the federal health care system (Medicare, Medicaid, and federal workers compensation), VA has chosen not to make chiropractic routinely available to veterans. This bill changes that!

As a Member representing a portion of San Diego County, I am also pleased that H.R. 2116 includes a biomedical research facility for the VA San Diego Healthcare System to accommodate current and pending research programs on diabetes, immunology, hypertension, Parkinson's Disease, AIDS, and memory.

I encourage my colleagues to support and vote in favor of the Veterans' Millennium Health Care Act.

PRAISING STATE REPRESENTATIVE BILL COLLIER'S PUBLIC SERVICE

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. TANNER. Mr. Speaker, first and foremost William H. "Bill" Collier is a gentleman who represents the finest traditions of public service and generosity that so many Tennesseans hold dear.

I was privileged to serve in the Tennessee state legislature with Rep. Bill Collier for four years from 1984 to 1988. For six years after I was elected to the U.S. House of Representatives, I represented several communities that also had the good fortune to be represented by Bill Collier during his service in the state legislature.

He retired from the state legislature in 1994 after a distinguished career dedicated to public service on behalf of the people of Humphreys and Benton Counties.

Just last month, a section of Highway 70 in New Johnsonville was named for Bill Collier. That action was not only fitting, but also well deserved for a man who was committed to public service. It doesn't hurt that the bypass at Waverly was built largely because of his perseverance.

And that's not all that can be said about Bill. He is also one of the finest auctioneers Middle Tennessee has known.

Bill Collier, his wife, Patricia, their three children and two grandchildren are a tribute to the values we as Tennesseans consider so important and we wish him the best.

An article published in the News-Democrat in Waverly under the headline "Collier Looks Back at His Career" is printed below in honor of Bill's public service and dedication to his family.

[From the Waverly (TN) New Democrat, July 9, 1999]

COLLIER LOOKS BACK AT HIS CAREER  
(By Grey Collier)

Work to become, not to acquire.

This quote by Elbert Hubbard in Monday's Tennessean might be best exemplified by Humphreys County native William H. (Bill) Collier.

Collier, who last weekend was honored by having a section of the newly-widened Highway 70 in New Johnsonville named for him, has long worked for the good of his home county.

Collier promised to try and get the bypass in Waverly when he ran for the state representative in 1984.

"We got the first three phases in Waverly funded," Collier said.

"Then we realized we needed to get it through New Johnsonville."

Upon entering his first term in the state legislature, Collier went to bat for the county immediately.

"I was in a meeting and an aide come to ask if he could do anything for us," Collier said. "I told him I wanted an appointment with Gov. (Lamar) Alexander."

At the time, there was a recession going on and Consolidated Aluminum had closed. "I told him about the shape Humphreys County was in and that we needed a bypass to bring in business," Collier said.

"He told me I was the first freshman (new representative) who spoke with him so candidly and he was going to help me," he said.

Soon after, Alexander made a visit to the county and plans were announced for the bypass.

"Our last conversation before (Alexander) left office was about the bypass," Collier said. "He said, 'Bill, the money is in the budget for the bypass, don't let anything happen to it.'"

Collier was successful in getting on the transportation finance ways and means committee which was also a big help in getting the bypass financed and built.

"John Bragg was the committee chairman and told me he had heard all he wanted to about 'that bypass'," Collier said. "I told him he would stop hearing about it when it was built."

The completion of the by-pass is one of Collier's favorite accomplishments, but there are others as well.

He acquired a \$250,000 grant for factory building in the Waverly Industrial Park and a \$50,000 grant for a feasibility study of the state park in New Johnsonville.

"Those are the three things I am most proud of," Collier said. "But I have to attribute all of my accomplishments to the good help I had from local leaders and other politicians—especially Sen. Ben. Riley Darnell."

Collier did not run for reelection in 1994 due to health reasons. That ended his 10 year tenure in the legislature and a 22 year political career.

A Humphreys County native, Collier was born in the Big Richland community. He was employed with TVA for 10 years as an iron worker and foreman.

In 1957 he attended Reppert Auction School and began working part time as an auctioneer and real estate agent.

"I felt TVA and went full time as an auctioneer and real estate agent in 1960," he said.

His office was located on Main Street. At that time there was only one other real estate office in Waverly. How times change.

Since then he has not only conducted hundreds of auctions, but also took part in training a few.

"Governor Buford Ellington appointed me to the auction commission over west and part of middle Tennessee for five years," Collier said.

He was also an instructor for five years with the Nashville Auction School.

"I have five auctioneers at Collier Realty and have taken an active part in training all of them," he said.

He worked alone for three years before Gene Trotter came in as an auctioneer and Shirley Rochelle as a real estate agent. Nancy Trollinger worked as Collier's secretary for 20 years.

When he entered the legislature he took on Kenneth Dreaden as a partner so that he could devote more time to his political office.

In 1967, Collier married Patricia Fowlkes Collier. They have three children, Greg Gunn of New Johnsonville, Allyson Haggard of Okeechobee, FL, and Daniel Collier of Waverly.

He has two grandchildren, Connor Gunn, 6, and Mollie Collier, 3.

These days you are most likely able to catch him at the office where he still goes daily. Otherwise, he is likely to be sitting on the front porch swing, sharing Diet Coke and peanuts with his granddaughter.

IN RECOGNITION OF DEDICATED  
SERVICE BY MR. ROBERT TOBIAS

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 27, 1999*

Mrs. MORELLA. Mr. Speaker, I congratulate Robert Tobias on his outstanding service as President of the National President of the National Treasury Employees Union and wish him continued success as he engages in other professional challenges. I am proud to count Bob as my constituent and I thank him for the assistance he has given me on behalf of federal employees.

During the past 31 years that he has spent with the NTEU, Bob has been an effective advocate of federal employees, working his way up from staff attorney, to general counsel, to executive vice president, and finally, in 1983, to National President. Over these 31 years, NTEU has grown from 20,000 members in one agency to 155,000 members in 22 agencies.

During his impressive career, Bob received numerous Presidential appointments and awards: President Bush appointed him to the Federal Employees Salary Council; and President Clinton appointed him to both the National Partnership Council and the Commission to Restructure the IRS.

Bob also has been at the forefront of recent government reform efforts through his membership in the National Commission on Restructuring the IRS. The Commission's work

was the basis for the most far-reaching changes in the agency in nearly 50 years. Currently, he has been nominated to serve on the IRS Oversight Board and is awaiting Senate confirmation.

Bob's leadership style is firm but fair, and he is on the cutting edge of new developments in labor relations. I have worked personally with Bob on many issues, and often times we met with great success.

For example:

We collaborated on establishing the Fair Share formula, which prevented a large FEHBP monthly premium increase, thereby insulating federal employees and retirees from the full rise in health care premiums.

We worked to strike Medical Savings Accounts as an FEHBP option MSA's would have resulted in "cherry picking," and increased FEHBP premiums by siphoning off relatively healthy enrollees into catastrophic/MSA plans.

Bob's expertise on these issues was invaluable.

A glimpse into some of his other accomplishments further illuminates the reasons why Bob is such a great source of information and expertise. Through collective bargaining, Bob reached important agreements regarding: Quality of work life; developing the first national alternative work schedule; and child care facilities.

Bob was also instrumental in the Hatch Act reform, which allows federal employees to exercise their rights to participate in political activity.

Bob's work does not stop with advocacy on behalf of the NTEU. All federal employees benefit from his efforts, at the bargaining table and in the courtroom. He has used litigation to protect federal employee rights in a number of landmark cases. For example:

Bob worked on a Supreme Court victory just this year that established the right of federal employees and their collective bargaining representatives to initiate midterm bargaining;

Bob successfully sued Presidents Nixon in 1975 and Reagan in 1981 to obtain back pay for federal employees; and

Bob achieved a federal court victory that gave federal employees the right to engage in informational picketing.

I wish Bob the best of luck in his teaching and writing endeavors. His recommendation for the next National President, NTEU Executive Vice President Colleen Kelly, has a tough act to follow. The wonderful staff at NTEU will ease her transition, while Bob's legacy will benefit federal employees for generations. I heartily thank Bob for his devotion and service to civil servants. Shakespeare could have had Bob Tobias in mind when he wrote in Henry VIII: "The force of his own merit makes his way."

DEPARTMENTS OF COMMERCE,  
JUSTICE, AND STATE, THE JUDICIARY,  
AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2000

SPEECH OF

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 4, 1999*

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

Mr. HOLT. Mr. Chairman, five years ago next month, Congress passed and the President signed into law the most comprehensive piece of Federal anti-crime legislation in history. Now, the Majority seems intent on slashing funding for the centerpiece of that bill—the COPS program. In that time, COPS has provided law enforcement agencies in my district and across the nation with critical funding to fight and prevent crime. In my district, communities in Hunterdon, Monmouth, Mercer, Middlesex, and Somerset counties have received more than \$14 million to fund the addition of 290 officers to the beat.

The creation of the COPS program was a breakthrough in law enforcement. By funding additional officers, critical technologies, and valuable training, COPS has been a catalyst for the revolutionary shift to community policing.

COPS and community policing have put us on the right track. Crime is at its lowest level in more than a quarter of a century. Violent crime is at a 27 year low. The murder rate is lower than it has been in three decades. And the police chiefs and sheriffs in my district consistently tell me that we could have never achieved this much without the additional officers and technology funded under the COPS program.

In May, COPS provided for the 100,000th officer and some think this means that we can pat ourselves on the back and declare victory. I disagree.

Crime is still too high. While we have made progress, violent crime is still six times higher than it was in 1962. And more than 18,000 people were murdered in the U.S. last year. We can and must do more.

That is why I support continuing the COPS program to add 30,000 to 50,000 more officers to the street. Every major law enforcement group, as well as the U.S. Conference of Mayors and the National League of Cities support this proposal.

Mr. Chairman, we cannot afford to play politics with the safety of our communities. Congress should reauthorize and fully fund the COPS program.

#### INTRODUCTION OF HEALTHY START LEGISLATION

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. CUMMINGS. Mr. Speaker, I rise today to speak in support of our nation's infants and their mothers.

As a parent, I understand that children flourish in our society when they have a healthy environment to develop and learn. But most importantly, they must have a healthy start at life.

Sadly, however, four babies die each hour and 33,000 babies die each year in the U.S. before they are a year old.

In 1992, 17 out of 1,000 babies born in my home district of Baltimore City did not live to see their first birthdays. In the most deprived

neighborhoods of our city, that rate was 20 out of 1,000!

Poor women were effectively shut out of affordable prenatal care and often had children who were severely underweight or born with birth defects that could have easily been prevented through adequate medical treatment.

However, our city's infant mortality rate has dropped 31 percent since the implementation of Healthy Start. In fact, in the two neighborhoods where Baltimore's Healthy Start Centers are located and easily accessible, the rate has been slashed a staggering 61% from earlier rates. The national infant mortality rate is also at a historic low of 7.1 deaths per 1,000 live births in 1997, and the proportion of mothers getting early prenatal care is at a record high of 82 percent.

Healthy Start is a phenomenal program that empowers urban communities to fully address the medical, behavioral, cultural, and social service needs of women and their infants by building strong coalitions and commitment among families, volunteers, the private sector, and health care and social service providers.

I have seen the difference this program has made in saving the lives of our children and their parents, as well as transforming the lives of the men and women who work for the program. The employees and volunteers have developed invaluable skills and a sense of pride in their service to nurture families.

As such, I will reintroduce legislation that I sponsored during the 105th Congress that makes the Healthy Start Initiative, which began in 1991 as a demonstration program, a permanent one.

I believe that as lawmakers, we have a duty to our nation's mothers and their unborn to: encourage women to make healthy choices during pregnancy by seeking prenatal care; reduce infant deaths and promote the birth of healthy babies; and provide healthy environments in which these future generations can flourish.

Healthy Start has been a successful component to accomplishing these goals and should be a permanent instrument in our efforts to cultivate healthy children.

Let's make a permanent difference in the lives of our nation's children. We owe every baby a healthy entrance into this world and each deserves a healthy start!

I urge support of my Healthy Start legislation.

#### IN RECOGNITION OF LIEUTENANT DOUG VERISSIMO

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. McGOVERN. Mr. Speaker, after World War II, in order to continue public interest in naval aviation, Admiral Chester Nimitz formed the Blue Angels. In June 1946, this elite group performed its first demonstration. The Blue Angels have performed for over 322 million people in the fifty-three years since that first public flight. Their aerobatics, skill and precision have amazed and entertained people of all ages. However, these pilots do much more than just fly these supersonic planes. They represent the Navy, the United States Armed Forces and the entire nation at public func-

tions. They are role models to children and adults, demonstrating the values of successful people—teamwork, education, preparation and respect.

I would especially like to commend Lieutenant Doug Verissimo, a native of Massachusetts. Currently the #5 Lead Solo Pilot in the Blue Angels, Lt. Verissimo earned his commission and wings of gold in July 1989. He joined the Blue Angels in October 1996. Two constituents of mine—Mr. and Mrs. Carney Clary of Holden, Massachusetts—met Lt. Verissimo in 1997. Since that time, the Clarys have followed Lt. Verissimo's career. They relayed to me not only his eagerness to speak to children and adults and his commitment to his unit, but also his talent in talking to young people about the benefits of a good education and striving toward a dream. At this point, I would like to enter into the RECORD the letter from the Clarys documenting the extraordinary actions of Lt. Verissimo.

On August 21 and 22, Massachusetts will once again welcome the Blue Angels as performers. Lt. Verissimo will perform his naval duties and will demonstrate the kind of role model he is as he meets and greets the adoring fans of the Blue Angels. I welcome the Blue Angels to the Commonwealth, and I commend Lt. Verissimo for his hard work and dedication to the Blue Angels, the Navy and to America.

HOLDEN, MA,  
*January 24, 1999.*

Congressman JAMES McGOVERN,  
*House Office Building,  
Washington, DC.*

DEAR CONGRESSMAN McGOVERN: Congratulations on your re-election. I am writing you this letter per your request after speaking with you at the Worcester Airport on August 27, 1998.

My name is Carney Clary. I reside in Holden having been born and raised in the Grafton Hill section of Worcester. I am married to the former Sheila Haran (a relative of Dan Foley) and are the parents of three children and grandparents to four. I am a three year veteran of the United States Army serving in Korea from 1955-1958. For the past 35 years I have been employed as a Police Officer in the City of Worcester. I am an avid aviation fan and attend all air shows by our own and foreign military services. I am considered the guru of aircraft and their performances by my colleagues and friends.

I spoke to you about a young Naval Aviator from Falmouth, MA who currently flies with the United States Naval Flight Demonstration Team "Blue Angels", 1st Lt. Douglas Verissimo, who last year was the navigator and this year is flying the #6 opposing solo slot. Please bear with me while I attempt to explain to you why I feel this young aviator deserves the Navy Commendation Ribbon and Medal as well as nomination to the next highest rank.

A Naval Reservist Chief Petty Officer, a friend of the family, who was on active duty serving at the Plantation St. Naval facility in Worcester made arrangements for my wife and I to partake in a social brunch with the Blue Angels Pilots in the Officer's Club on Friday, June 7, 1996. Shortly before this planned event the Commanding Officer grounded the Blue Angels in what was billed as a "Final Farewell to Boston or the S. Weymouth Naval Air Show."

The time is now June 28 and 29th 1997. My family attended the Airshow at Quonset State Airport in N. Kingston, R.I. where after the performance of the Blue Angels, the pilots come to the spectator line and sign

autographs. On both these days I spoke with Lt. Verissimo finding him most professional and friendly.

In July, 1997, we vacationed in Brunswick, Me, at the Parkwood Inn. The Blue Angels also were staying in this Inn. My wife and I were sitting in the coffee lounge when Lt. Verissimo entered with his colleagues. Space being at a minimum the Lt. asked if he could sit with us. I told him how we had seen him and spoken to him in R.I. and how he signed an autograph for my grandson. I went on to tell him how disappointed I was about the failure of the Blue Angels to perform in S. Weymouth and with the commander grounding the unit and I thought this was a setback for Naval Aviation.

It was at this point that all the people present got to know Lt. Verissimo. He didn't stutter or stammer but went forward stating how the New Commanding Officer George Dom and the rest of the demo team went forward to bring the public the best ever display of aviation skills as expected by the taxpayer for the expenditure of the tax dollars. The remainder of the weekend we had breakfast in the same place and Lt. Verissimo introduced all of the people present and their assignments with the Blue Angels. Never once did he say I, but we, as a team. Lt. Verissimo told us how his mother was originally from Worcester and the main topic of his conversation was education and the importance of it. The Blue Angels left Brunswick and flew over the USS Constitution in Boston Harbor. Two weeks later Lt. Verissimo sent a beautiful picture of a flight display signed by all the members of the Blue Angels personalized to Mr. and Mrs. Clary with an enclosed note from himself.

On the 1st and 2nd of August, 1998, The Blue Angels were at Hanscom Air Base. When their demonstration was complete Lt. Verissimo again approached the sidelines for the signing of autographs. He did not see us immediately, and let me tell you, we saw a True American Professional in action. He spoke to all, the very young children, kneeling down to be at their level, the teenagers and adults, expressing the importance to the teenagers of continuing education, "what is your best subject? History, now work on making math your next best subject." "Make sure you make education number one." Education and team work. This was his focus. Lt. Verissimo exhibited his skills as a fine Military Aviator whom the United States and the State of Massachusetts should be extremely proud to call one of their own.

If ever there was an individual most deserving of the Navy Commendation Ribbon & Medal and the nomination to the next highest rank for his performance as a professional Naval Aviator, dedication to his country & service and education it is Lt. Douglas Verissimo.

Sincerely yours,

CARNEY T. CLARY.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 12, 1999.

Admiral NORB RYAN,  
Department of the Navy, Office of Legislative  
Affairs (RM 5C760), Washington, DC.

DEAR ADMIRAL RYAN, I am writing to you on behalf of Mr. and Mrs. Carney Clary, who contacted me regarding Lieutenant Doug Verissimo.

Mr. and Mrs. Clary praised Lt. Verissimo for his teamwork as well as his pride in the Navy and Blue Angels. I am proud and impressed by their account of Lt. Verissimo. His actions, reflecting the values and training of the Navy and Blue Angels, should be commended.

A copy of the letter from Mr. and Mrs. Clary is included. Please pass my respect, praise and admiration to Lt. Verissimo, as well as to his Commanding Officer. Do not hesitate to contact me if I can do anything else on behalf of the Clary's or on behalf of Lt. Verissimo.

Sincerely,

JAMES P. MCGOVERN,  
Member of Congress.

CERTIFIED NURSE MIDWIFERY  
SERVICES ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TOWNS. Mr. Speaker, I rise today with my colleague, Mr. UPTON of Michigan, to reintroduce the Certified Nurse Midwifery Services Act.

There are approximately two million disabled women in Medicare who are of child bearing years that are not receiving "well women" services, due to the fact that Medicare is a poor payer for these covered services. Last year, the Agency for Health Policy and Research (AHRP) released a study stating that disabled women were not receiving their primary care services. A disproportionate number of disabled women who are covered by Medicare are currently being seen by Certified Nurse-Midwives (CNMs), who are duly equipped to handle the underserved population through the unique personal training of CNMs. Although, CNMs are sought to deliver these services Medicare currently reimburses a CNM in rural areas \$14 for a typical well-woman visit, which could include: a pap smear, mammogram, and other pre-cancer screenings. The typical well-woman visit in fee for services cost on average \$50 per visit. CNMs administer the same tests and incur the same associated costs but receive only 65 percent of the physician fee schedule for these services. At this incredibly low rate of reimbursement, a CNM simply cannot survive.

Our legislation, which has over 30 bipartisan co-sponsors, increases the level of reimbursement to 95 percent of the physician fee schedule, which is the economic reality in the marketplace. Moreover, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Additionally, the bill ensures facility fee payments for freestanding birth centers where a woman can receive the full range of care from her preferred CNM.

This bill will enhance access to "well woman" care for thousands of women in underserved communities. I urge my colleagues to support this legislation as we move forward with initiatives to address shortfalls in the Medicare system.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certified Nurse Midwifery Medicare Services Act of 1999".

SEC. 2. MEDICARE PAYMENT FOR CERTIFIED NURSE-MIDWIFE AND MIDWIFE SERVICES.

(a) CERTIFIED MIDWIFE, CERTIFIED MIDWIFE SERVICES DEFINED.—(1) Section 1861(gg) of the Social Security Act (42 U.S.C. 1395x(gg)) is amended by adding at the end the following new paragraphs:

"(3) The term 'certified midwife services' means such services furnished by a certified midwife (as defined in paragraph (4)) and such services and supplies furnished as an incident to the certified midwife's service which the certified midwife is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) as would otherwise be payable under this title if furnished by a physician or as an incident to a physician's service.

"(4) The term 'certified midwife' means an individual who has successfully completed a bachelor's degree from an accredited educational institution and a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary."

(2) The heading in section 1861(gg) of such Act (42 U.S.C. 1395x(gg)) is amended to read as follows:

"Certified Nurse-Midwife Services; Certified Midwife Services".

(b) CERTIFIED MIDWIFE SERVICE BENEFIT.—

\* \* \* \* \*

(B) in paragraph (6), by striking "or" and inserting "or in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of obstetrics and gynecology, nothing in this paragraph shall be construed to preclude a certified nurse-midwife or certified midwife (as defined in paragraphs (1) and (3), respectively, of subsection (gg)) from teaching or supervising such intern or resident-in-training, to the extent permitted under State law and as may be authorized by the hospital; or";

(C) in paragraph (7), by striking the period at the end and inserting "or"; and

(D) by adding at the end the following new paragraph:

"(8) a certified nurse-midwife or a certified midwife where the hospital has a teaching program approved as specified in paragraph (6), if (A) the hospital elects to receive any payment due under this title for reasonable costs of such services, and (B) all certified nurse-midwives or certified midwives in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title."

(4) BENEFIT UNDER PART B.—Section 1832(a)(2)(B)(iii) of such Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

(A) by inserting "(I)" after "(iii)";

(B) by inserting "certified midwife services," after "certified nurse-midwife services,"; and

(C) by adding at the end the following new subclause:

"(II) in the case of certified nurse-midwife services or certified midwife services furnished in a hospital which has a teaching program described in clause (i)(II), such services may be furnished as provided under section 1842(b)(7)(E) and section 1861(b)(8);"

(5) AMOUNT OF PAYMENT.—Section 1833(a)(1)(k) of such Act (42 U.S.C. 1395l(k)) is amended—

(A) by inserting "and certified midwife services" after "certified nurse-midwife services"; and

(B) by striking "65 percent" each place it appears and inserting "95 percent".

(6) ASSIGNMENT OF PAYMENT.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking "and (F)" and inserting "(F)"; and

(B) by inserting before the period the following: “, (G) in the case of certified nurse-midwife services or certified midwife services under section 1961(s)(2)(L), payment may be made in accordance with subparagraph (A), except that payment may also be made to such person or entity (or to the agent of such person or entity) as the certified nurse-midwife or certified midwife may designate under an agreement between the certified nurse-midwife or certified midwife and such person or entity (or the agent of such person or entity);”

(7) CLARIFICATION REGARDING PAYMENTS UNDER PART B FOR SUCH SERVICES FURNISHED IN TEACHING HOSPITALS.—(A) Section 1842(b)(7) of such Act (42 U.S.C. 1395u(b)(7)) is amended—

(i) in subparagraphs (A) and (C), by inserting “or, for purposes of subparagraph (E), the conditions described in section 1861(b)(8),” after “section 1861(b)(7).”; and

(ii) by adding at the end the following new subparagraph:

“(E) In the case of certified nurse-midwife services or certified midwife services furnished to a patient in a hospital with a teaching program approved as specified in section 1861(b)(6) but which does not meet the conditions described in section 1861(b)(8), the provisions of subparagraphs (A) through (C) shall apply with respect to a certified nurse-midwife or a certified midwife respectively under this subparagraph as they apply to a physician under subparagraphs (A) through (C).”

(B) Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by subparagraph (A).

### SEC. 3. MEDICARE PAYMENT FOR FREESTANDING BIRTH CENTER SERVICES.

(a) FREESTANDING BIRTH CENTER SERVICES, FREESTANDING BIRTH CENTER DEFINED.—

(1) IN GENERAL.—(A) Section 1861(gg) of the Social Security Act (42 U.S.C. 1395x(gg)), as amended in section 2(a)(1), is amended by adding at the end the following new paragraphs:

“(5) The term ‘freestanding birth center services’ means items and services furnished by a freestanding birth center (as defined in paragraph (6)) and such items and services furnished as an incident to the freestanding birth center’s service as would otherwise be covered if furnished by a physician or as an incident to a physician’s service.

“(6) the term ‘freestanding birth center’ means a facility, institution, or site (other than a rural health clinic, critical access hospital, or a sole community hospital) (A) in which births are planned to occur (outside the mothers’s place of residence), (B) in which comprehensive health care services are furnished, and (C) which has been approved by the Secretary or accredited by an organization recognized by the Secretary for purposes of accrediting freestanding birth centers. Such term does not include a facility, institution, or site that is a hospital or an ambulatory surgical center, unless with respect to ambulatory surgical centers, the State law or regulation that regulates such centers also regulates freestanding birth centers in the State.”

(B) The heading in section 1861(gg) of such Act (42 U.S.C. 1395x(gg)), as amended in section 2(b)(2), is further amended by adding at the end the following:

“; Freestanding Birth Center Services”.

(2) MEDICAL AND OTHER SERVICES.—Section 1861(s)(2)(L) of such Act (42 U.S.C. 1395x(s)(2)(L)), as amended in section 2(b)(1), is further amended—

(A) by inserting “(i)” after “(L).”; and

(B) by adding “and” after the semicolon; and

(C) by adding at the end the following new clause:

“(ii) freestanding birth center services;”.

(b) PART B BENEFIT.—

(1) IN GENERAL.—Section 1832(a)(2)(B)(iii) of such Act (42 U.S.C. 1395k(a)(2)(B)(iii)), as amended in section 2(b)(4), is further amended by inserting “freestanding birth center services,” after “certified midwife services.”

(2) AMOUNT OF PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and (S)” and inserting in lieu thereof “(S)”; and

(B) by inserting before the semicolon the following new subparagraph: “, and (T) with respect to freestanding birth center services under section 1861(s)(2)(L)(ii), the amount paid shall be made on an assignment-related basis and shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) an amount established by the Secretary for purposes of this subparagraph, such amount being 95 percent of the Secretary’s estimate of the average total payment made to hospitals and physicians during 1997 for charges for delivery and pre-delivery visits, such amounts adjusted to allow for regional variations in labor costs; except that (I) such estimate shall not include payments for diagnostic tests, drugs, or the cost associated with the transfer of a patient to the hospital or the physician whether or not separate payments were made under this title for such tests, drugs, or transfers, and (II) such amount shall be updated by applying the single conversion factor for 1998 under section 1848(d)(1)(C).”

### SEC. 4. INTERIM, FINAL REGULATIONS.

Except as provided in section 2(b)(7)(B), in order to carry out the amendments made by this Act in a timely manner, the Secretary of Health and Human Services may first promulgate regulations, that take effect on an interim basis, after notice and pending opportunity for public comment, by not later than 6 months after the date of the enactment of this Act.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment offered by Representative BURTON. This amendment terminates United States bilateral aid to India for human rights reasons.

The Burton amendment is wrong on several fronts. In the wake of the recent Pakistani incursion across the line of control, the U.S. and India have a new opportunity to build a broad-based relationship. Instead of applauding India for the admirable restraint shown in the recent Kashmir crisis, this amendment would punish India by cutting humanitarian assistance.

India has been working to address its human rights record. As evidenced by the most recent State Department Country Reports on Human Rights, India has received

high marks for its significant improvement. The report praised India for its substantial progress and for its Independent National Human Rights Commission. Despite the continued dispute over the future of Kashmir, India continues to allow the International Committee of the Red Cross to visit prisons in Kashmir.

India the world’s largest democracy has a strong and vibrant democracy. Despite the relative youth of this democracy it features an independent judiciary, free press and political parties. The Indian press has been at the forefront in investigating human rights violations.

In a few short months, most Indians will exercise one of the greatest hallmarks of democracy, the right to vote. In the world’s largest people will vote and more than 100 national regional parties will participate in this national election for India.

The best way we can influence our democratic allies is to continue our nation to nation dialogue. Punitive damages will only serve to hinder the progress that has been made in the relations between the United States and India. During the last year this relationship has resulted in an increased dialogue on nuclear nonproliferation, a firmer understanding of Southeast Asia security concerns, and an increase in constructive trade between our two nations. And we must encourage India and Pakistan to seek peace not war.

A “yes” vote on the Burton amendment would send the wrong message at the wrong time. We do not want to be responsible for undercutting peace and stability in the region. I respectfully ask my colleagues to vote “no” on the Burton amendment and let us continue the dialogue with India.

## AMERICAN INVENTORS PROTECTION ACT OF 1999

SPEECH OF

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1999

Mr. COBLE. Mr. Speaker, in light of eleventh-hour negotiations on a final suspension version of H.R. 1907, which the House of Representatives passed on August 4, 1999, changes have been made to the bill which are not reflected in the committee report that was filed. I therefore intend that this document supplement the report for purposes of detailing a more accurate legislative history of H.R. 1907. It should be noted that the later-adopted changes to the suspension version primarily concern title II, title V, and title VI, to which these supplementary comments will be confined. Changes to other sections of the bill are technical.

### TITLE II—FIRST INVENTOR DEFENSE

Generally, Title II strikes an equitable balance between the interests of U.S. inventors who have invented and commercialized business methods and processes, many of which until recently were thought not to be patentable, and U.S. or foreign inventors who later patent the methods and processes. The title creates a defense for inventors who have reduced an invention to practice in the U.S. at least one year before the patent filing date of another, typically later, inventor and commercially used the invention in the U.S. before the filing date. A party entitled to the

defense must not have derived the invention from the patent owner. The bill protects the patent owner by providing that the establishment of the defense by such an inventor or entrepreneur does not invalidate the patent.

The title clarifies the interface between two key branches of intellectual property law—patents and trade secrets. Patent law serves the public interest by encouraging innovation and investment in new technology, and may be thought of as providing a right to exclude other parties from an invention in return for the inventor making a public disclosure of the invention. Trade secret law, however, also serves the public interest by protecting investments in new technology. Trade secrets have taken on a new importance with an increase in the ability to patent all business methods and processes. It would be administratively and economically impossible to expect any inventor to apply for a patent on all methods and processes now deemed patentable. In order to protect inventors and to encourage proper disclosure, this title focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.

The earlier-inventor defense is important to many small and large businesses, including financial services, software companies, and manufacturing firms—any business that relies on innovative business processes and methods. The 1998 opinion by the U.S. Court of Appeals for the Federal Circuit in *State Street Bank and Trust Co. v. Signature Financial Group*,<sup>1</sup> which held that methods of doing business are patentable, has added to the urgency of the issue. As the Court noted, the reference to the business method exception had been improperly applied to a wide variety of processes, blurring the essential question of whether the invention produced a “useful, concrete, and tangible result.” in the wake of *State Street*, thousands of methods and processes used internally are now being patented. In the past, many businesses that developed and used such methods and processes thought secrecy was the only protection available. Under established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.

*Sec. 201. Short title.* Title II may be cited as the “First to Invent Act.”

*Sec. 202. Defense to patent infringement based on earlier inventor.* In establishing the defense, subsection (a) of §202 creates a new §273 of the Patent Act, which in subsection (a) sets forth the following definitions:

(5) *commercially used and commercial use* mean use of any method in the United States so long as the use is in connection with an internal commercial use or an actual sale or transfer of a useful end result;

(2) commercial use as applied to a nonprofit research laboratory and nonprofit entities such as a university, research center, or hospital intended to benefit the public means that such entities may assert the defense only based on continued use by and in the entities themselves, but that the defense is inapplicable to subsequent commercialization or use outside the entities;

(3) method means any method for doing or conducting an entity's business; and

(4) effective filing date means the earlier of the actual filing date of the application for the patent or the filing date of any earlier U.S., foreign, or international application to which the subject matter at issue is entitled under the Patent Act.

To be “commercially used” or in “commercial use” for purposes of subsection (a), the use must be in connection with either an internal commercial use or an actual arm's-length sale or other arm's-length commercial transfer of a useful end result. The method that is the subject matter of the defense may be an internal method for doing business, such as an internal human resources management process, or a method for conducting business such as a preliminary or intermediate manufacturing procedure, which contributes to the effectiveness of the business by producing a useful end result for the internal operation of the business or for external sale. Commercial use does not require the subject matter at issue to be accessible to or otherwise known to the public.

Subject matter that must undergo a pre-marketing regulatory review period during which safety or efficacy is established before commercial marketing or use is considered to be commercially used and in commercial use during the regulatory review period.

The issue of whether an invention is a method is to be determined based on its underlying nature and not on the technicality of the form of the claims in the patent. For example, a method for doing or conducting business that has been claimed in a patent as a programmed machine, as in the *State Street* case, is a method for purposes of §273 if the invention could have as easily been claimed as a method. Form should not rule substance.

Subsection (b)(1) of proposed §273 establishes a general defense against infringement under §271 of the Patent Act. Specifically, a person will not be held liable with respect to any subject matter that would otherwise infringe one or more claims to a method in another party's patent if the person:

(1) acting in good faith, actually reduced the subject matter to practice at least one year before the effective filing date of the patent; and

(2) commercially used the subject matter before the effective filing date of the patent.

The first inventor defense is not limited to methods in any particular industry such as the financial services industry, but applies to any industry which relies on trade secrecy for protecting methods for doing or conducting the operations of their business.

Subsection (b)(2) states that the sale or other lawful disposition of a useful end result produced by a patented method, by a person entitled to assert a §273 defense, exhausts the patent owner's rights with respect to that end result to the same extent such rights would have been exhausted had the sale or other disposition been made by the patent owner. For example, if a purchaser would have had the right to resell a product or other end result if bought from the patent owner, the purchaser will have the same right if the product is purchased from a person entitled to a §273 defense.

Subsection (b)(3) creates limitations and qualifications on the use of the defense. First, a person may not assert the defense unless the invention for which the defense is asserted is for a commercial use of a method as defined in §273(a) (1) and (3). Second, a person may not assert the defense if the subject matter was derived from the patent owner or persons in privity with the patent owner. Third, subsection (b)(3) makes clear that the application of the defense does not create a general license under all claims of the patent in question—it extends only to

the specific subject matter claimed in the patent with respect to which the person can assert the defense. At the same time, however, the defense does extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements that do not infringe additional, specifically-claimed subject matter.

Subsection (b)(4) requires that the person asserting the defense has the burden of proof in establishing it by clear and convincing evidence. Subsection (b)(5) establishes that the person who abandons the commercial use of subject matter may not rely on activities performed before the date of such abandonment in establishing the defense with respect to actions taken after the date of abandonment. Such a person can rely only on the date when commercial use of the subject matter was resumed.

Subsection (b)(6) notes that the defense may only be asserted by the person who performed the acts necessary to establish the defense, and, except for transfer to the patent owner, the right to assert the defense cannot be licensed, assigned, or transferred to a third party except as an ancillary and subordinate part of a good-faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

When the defense has been transferred along with the enterprise or line of business to which it relates as permitted by subsection (b)(6), subsection (b)(7) limits the sites for which the defense may be asserted. Specifically, when the enterprise or line of business to which the defense relates has been transferred, the defense may be asserted only for uses at those sites where the subject matter was used before the later of the patent filing date or the date of transfer of the enterprise or line of business.

Subsection (b)(8) states that a person who fails to demonstrate a reasonable basis for asserting the defense may be held liable for attorneys' fees under §285 of the Patent Act.

Subsection (b)(9) specifies that the successful assertion of the defense does not mean that the affected patent is invalid. Paragraph (9) eliminates a point of uncertainty under current law, and strikes a balance between the rights of an inventor who obtains a patent after another inventor has taken the steps to qualify for a prior use defense. The bill provides that the commercial use of a method in operating a business before the patentee's filing date, by an individual or entity that can establish a §273 defense, does not invalidate the patent. For example, under current law, although the matter has seldom been litigated, a party who commercially used an invention in secrecy before the patent filing date and who also invented the subject matter before the patent owner's invention may argue that the patent is invalid under §102(g) of the Patent Act. Arguably, commercial use of an invention in secrecy is not suppression or concealment of the invention within the meaning of §102(g), and therefore the party's earlier invention could invalidate the patent.<sup>2</sup>

*Sec. 203. Effective date and applicability.* The effective date for Title II is the date of enactment, except that the title does not apply to any infringement action pending on the date of enactment or to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before the date of enactment.

#### TITLE V—PATENT LITIGATION REDUCTION ACT

*Generally.* Title V is intended to reduce expensive patent litigation in U.S. district

<sup>1</sup>149 F.3d 1368 (Fed. Cir. 1998) [hereinafter *State Street*]

<sup>2</sup>See *Dunlop Holdings v. Ram Golf Corp.*, 524 F.2d 33 (7th Cir. 1975), cert. denied, 424 US 985 (1976).

courts by giving third-party requesters, in addition to the existing *ex parte* reexamination in Chapter 30 of title 35, the option of *inter partes* reexamination proceedings in the PTO. Congress enacted legislation to authorize *ex parte* reexamination of patents in the PTO in 1980, but such reexamination has been used infrequently since a third party who requests reexamination cannot participate at all after initiating the proceedings. Numerous witnesses have suggested that the volume of lawsuits in district courts will be reduced if third parties can be encouraged to use reexamination by giving them an opportunity to argue their case for patent invalidity in the PTO. Title V provides that opportunity as an option to the existing *parte* reexamination procedures.

Title V leaves existing *ex parte* reexamination procedures in Chapter 30 of title 35 intact, but establishes an *inter parte* reexamination procedure which third-party requesters can use at their option. Title V allows third parties who request *inter partes* reexamination to submit one written comment each time the patent owner files a response to the PTO. In addition, such third-party requesters can appeal to the PTO Board of Patent Appeals and Interferences from an examiner's determination that the reexamined patent is valid, but may not appeal to the Court of Appeals for the Federal Circuit. To prevent harassment, anyone who requests *inter partes* reexamination must identify the real party in interest and third-party requesters who participate in an *inter partes* reexamination proceeding are estopped from raising in a subsequent court action or *inter partes* reexamination any issue of patent validity that they raised or could have raised during such *inter partes* reexamination.

Title V contains the important threshold safeguard (also applied in *ex parte* reexamination) that an *inter partes* reexamination cannot be commenced unless the PTO makes a determination that a "substantial new question" of patentability is raised. Also, as under Chapter 30, this determination cannot be appealed, and grounds for *inter partes* reexamination are limited to earlier patents and printed publications—grounds that PTO examiners are well-suited to consider.

*Sec. 501. Short title.* Title V may be cited as the "Optional *Inter Partes* Reexamination Procedure Act."

*Sec. 502. Clarification of Chapter 30.* Section 502 distinguishes Chapter 31 from existing Chapter 30 by changing the title of Chapter 30 to "Ex Parte Reexamination of Patents."

*Sec. 503. Definitions.* Section 503 amends §100 of the Patent Act by defining "third-party requester" as a person who is not a patent owner requesting *ex parte* reexamination under §302 or *inter partes* reexamination under §311.

*Sec. 504. Optional Inter Partes Reexamination Procedure.* Section 504 amends Part 3 of title 35 by inserting a new Chapter 31 setting forth optional *inter partes* reexamination procedures.

New §311 of §504 differs from §302 of existing law in Chapter 30 of the Patent Act by requiring any person filing a written request for *inter partes* reexamination

Similar to §303 of existing law, new §312 of the Patent Act confers upon the Director the authority and responsibility to determine, within three months after the filing of a request for *inter partes* reexamination, whether a substantial new question affecting patentability of any claim of the patent is raised by the request. Also, the decision in this regard is final and not subject to judicial review.

Proposed §§313-14 of §504 are similarly modeled after §§304-305 of Chapter 30. Under proposed §313, if the Director determines

that a substantial new question of patentability affecting a claim is raised, the determination shall include an order for *inter partes* reexamination for resolution of the question. The order may be accompanied by the initial PTO action on the merits of the *inter partes* reexamination conducted in accordance with §314. Generally, under proposed §314, *inter partes* reexamination shall be conducted according to the procedures set forth in §§132-133 of the Patent Act. The patent owner will be permitted to propose any amendment to the patent and a new claim or claims, with the same exception contained in §305: No proposed amended or new claim enlarging the scope of the claims will be allowed.

Proposed §314 elaborates on procedure with regard to third-party requesters who, for the first time, are given the option to participate in *inter partes* reexamination proceedings. With the exception of the *inter partes* reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party. In addition, the third party-requester in an *inter partes* reexamination shall receive a copy of any communication sent by the PTO to the patent owner. After each response by the patent owner to an action on the merits by the PTO, the third-party requester shall have one opportunity to file written comments addressing issues raised by the PTO or raised in the patent owner's response. Unless ordered by the Director for good cause, the agency must act in an *inter partes* reexamination matter with special dispatch.

Proposed §315 prescribes the procedures for appeal of an adverse PTO decision by the patent owner and the third-party requester in an *inter partes* reexamination. Both the patent owner and the third-party requester are entitled to appeal to the Patent Board of Appeals and Interferences (§134 of the Patent Act), but only the patentee can appeal to the U.S. Court of Appeals for the Federal Circuit (§§141-144); either may also be a party to any appeal by the other to the Board of Patent Appeals and Interferences. The patentee is not entitled to the alternative of an appeal of an *inter partes* reexamination to the U.S. District Court for the District of Columbia. Such appeals are rarely taken from *inter partes* reexamination proceedings under existing law and its removal should speed up the process.

To deter unnecessary litigation, proposed §315 imposes constraints on the third-party requester. In general, a third-party requester who is granted an *inter partes* reexamination by the PTO may not assert at a later time in any civil action in U.S. district court<sup>3</sup> the invalidity of any claim finally determined to be patentable on any ground that the third-party requester raised or could have raised during the *inter partes* reexamination. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the reexamination. Prior art was unavailable at the time of the *inter partes* reexamination if it was not known to the individuals who were involved in the reexamination proceeding on behalf of the third-party requester and the PTO.

Section 316 provides for the Director to issue and publish certificates canceling unpatentable claims, confirming patentable claims, and incorporating any amended or new claim determined to be patentable in an *inter partes* procedure.

Title V creates a new §317 which sets forth certain conditions by which *inter partes* reexamination is prohibited to guard against

harassment of a patent holder. In general, once an order for *inter partes* reexamination has been issued, neither a third-party requester nor the patent owner may file a subsequent request for *inter partes* reexamination until an *inter partes* reexamination certificate is issued and published, unless authorized by the Director. Further, if a third-party requester asserts patent invalidity in a civil action and a final decision is entered that the party failed to provide the assertion of invalidity, or if a final decision in an *inter partes* reexamination instituted by the requester is favorable to patentability, after any appeals, that third-party requester cannot thereafter request *inter partes* reexamination on the basis of issues which were or which could have been raised. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the civil action or *inter partes* reexamination. Prior art was unavailable at the time if it was not known to the individuals who were involved in the civil action or *inter partes* reexamination proceeding on behalf of the third-party requester and the PTO.

Proposed §318 gives a patent owner the right, once an *inter partes* reexamination has been ordered, to obtain a stay of any pending litigation involving an issue of patentability of any claims of the patent that are the subject of the *inter partes* reexamination, unless the court determines that the stay would not serve the interests of justice.

*Section 505. Conforming amendments.* Section 505 makes the following conforming amendments to the Patent Act:

A patent owner must pay a fee of \$1,210 for each petition in connection with an unintentionally abandoned application, delayed payment, or delayed response by the patent owner during any reexamination.

A patent applicant, any of whose claims have been twice rejected; a patent owner in an reexamination proceeding; and a third-party requester in an *inter partes* reexamination proceeding may all appeal final adverse decisions from a primary examiner to the Board of Patent Appeals and Interferences.

Proposed §141 states that a patent owner in a reexamination proceeding may appeal an adverse decision by the Board of Patent Appeals and Interferences only to the U.S. Court of Appeals for the Federal Circuit as earlier noted. A third-party requester in an *inter partes* reexamination proceeding may not appeal beyond the Board of Patent Appeals and Interferences.

The Director is required pursuant to §143 (proceedings on appeal to the Federal Circuit) to submit to the court the grounds for the PTO decision in any reexamination addressing all the issues involved in the appeal.

*Sec. 506. Report to Congress.* Five years after the effective date of title V, the Director must submit to Congress a report evaluating whether the *inter partes* reexamination proceedings set forth in the title are inequitable to any of the parties in interest and, if so, the report shall contain recommendations for change to eliminate the inequity.

*Sec. 507. Estoppel Effect of Reexamination.* Section 507 estops any party who requests *inter partes* reexamination from challenging at a later time, in any civil action, any fact determined during the process of the *inter partes* reexamination, except with respect to a fact determination later proved to be erroneous based on information unavailable at the time of the *inter partes* reexamination. The estoppel arises after a final decision in the *inter partes* reexamination or a final decision in any appeal of such reexamination. If §507 is held to be unenforceable, the enforceability of the rest of title V or the Act is not affected.

*Sec. 508. Effective date.* Title V shall take effect on the date that is one year after the

<sup>3</sup> See 28 U.S.C. §1338.

date of enactment and shall apply to all *inter partes* reexamination requests filed on or after such date.

#### TITLE VI—PATENT AND TRADEMARK OFFICE

*Generally.* Title VI establishes the PTO as an agency of the United States within the Department of Commerce. The Secretary of Commerce gives policy direction to the agency, but the agency itself is responsible for the management and administration of operations and has independent control of budget allocations and expenditures, personnel decisions and processes, and procurement. The Committee intends that the office will conduct its patent and trademark operations without micromanagement by Department of Commerce officials, with the exception of policy guidance of the Secretary. The agency is headed by an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, a Deputy, and a Commissioner of Patents and a Commissioner of Trademarks. The agency is exempt from government-wide personnel ceilings. A patent public advisory committee and a trademark public advisory committee are established to advise the Director on agency policies, goals, performance, budget and user fees.

*Sec. 601. Short title.* Title VI may be cited as the "Patent and Trademark Office Efficiency Act."

#### SUBTITLE A—UNITED STATES PATENT AND TRADEMARK OFFICE

*Sec. 611. Establishment of Patent and Trademark Office.* Section 611 establishes the PTO as an agency of the United States within the Department of Commerce and under the policy direction of the Secretary of Commerce. The PTO is explicitly responsible for decisions regarding the management and administration of its operations and has independent control of budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions. Patent operations and trademark operations are to be treated as separate operating units within the Office.

The PTO shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of discharging its functions. For purposes of venue in civil actions, the agency is deemed to be a resident of the district in which its principal office is located, except where otherwise provided by law. The PTO is also permitted to establish satellite offices in such other places in the United States as it considers necessary and appropriate to conduct business.

*Sec. 612. Powers and duties.* Subject to the policy direction of the Secretary of Commerce, in general the PTO will be responsible for granting and issuing patents, the registration of trademarks, and the dissemination of patent and trademark information to the public.

The PTO will also possess specific powers, which include:

(1) a requirement to adopt and use an Office seal for judicial notice purposes and for authenticating patents, trademark certificates and papers issued by the Office;

(2) the authority to establish regulations, not inconsistent with law, that

(A) govern the conduct of PTO proceedings within the Office,

(B) are in accordance with §553 of title 5,

(C) facilitate and expedite the processing of patent applications, particularly those which can be processed electronically,

(D) govern the recognition, conduct, and qualifications of agents, attorneys, or other persons representing applicants or others before the PTO,

(E) recognize the public interest in ensuring that the patent system retain a reduced fee structure for small entities, and

(F) provide for the development of a performance-based process for managing that includes quantitative and qualitative measures, standards for evaluating cost-effectiveness, and consistency with principles of impartiality and competitiveness;

(3) the authority to acquire, construct, purchase, lease, hold, manage, operate, improve, alter and renovate any real, personal, or mixed property as it considers necessary to discharge its functions;

(4) the authority to make purchases of property, contracts for construction, maintenance, or management and operation of facilities, as well as to contract for and purchase printing services without regard to those federal laws which govern such proceedings;

(5) the authority to use services, equipment, personnel, facilities and equipment of other federal entities, with their consent and on a reimbursable basis;

(6) the authority to use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities or personnel of any State or local government agency or foreign patent or trademark office or international organization to perform functions on its behalf;

(7) the authority to retain and use all of its revenues and receipts;

(8) a requirement to advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

(9) a requirement to advise Federal departments and agencies of intellectual property policy in the United States and intellectual property protection abroad;

(10) a requirement to provide guidance regarding proposals offered by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

(11) the authority to conduct programs, studies of exchanges regarding domestic or international intellectual property law and the effectiveness of intellectual property protection domestically and abroad;

(12) a requirement to advise the Secretary of Commerce on any programs and studies relating to intellectual property policy that the PTO may conduct or is authorized to conduct, cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

(13) the authority to (A) coordinate with the Department of State in conducting programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations, and (B) transfer, with the concurrence of the Secretary of State, up to \$100,000 in any year to the Department of State to pay an international intergovernmental organization for studies and programs advancing international cooperation concerning patents, trademarks, and other matters.

The specific powers set forth in new subsection (b) are clarified in new subsection (c). The special payments of paragraph (14)(B) are additional to other payments or contributions and are not subject to any limitation imposed by law. Nothing in subsection (b) derogates from the duties of the Secretary of State or the United States Trade Representative as set forth in §141 of the Trade Act of 1974,<sup>4</sup> nor derogates from the duties and functions of the Register of Copyrights. The Director is required to consult with the Administrator of General Services when exercising authority under paragraphs (3) and (4)(A). Finally, nothing in §612 may be construed to nullify, void, cancel, or

interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the PTO.

*Sec. 613. Organization and management.* Section 613 details the organization and management of the agency. The powers and duties of the PTO shall be vested in the Director, who shall be appointed by the President, by and with the consent of the Senate. The Director performs two main functions. As Under Secretary of Commerce for Intellectual Property, she serves as the policy advisor to the Secretary of Commerce on intellectual property issues. As Director, she is responsible for the management and direction of the PTO. She shall consult with the Public Advisory Committees, *infra*, on a regular basis regarding operations of the agency and before submitting budgetary proposals and fee or regulation changes. The Director shall take an oath of office. The President may remove the Director from office, but must provide notification to both houses of Congress.

The Secretary of Commerce, upon nomination of the director, shall appoint a Deputy Director to act in the capacity of the Director if the Director is absent or incapacitated. The Secretary of Commerce shall also appoint two Commissioners, one for Patents, the other for Trademarks, without regard to chapters 31, 51, or 53 of the U.S. Code. The Commissioners will have five-year terms and may be reappointed to new terms by the Secretary. Each Commissioner shall possess a demonstrated experience in patent and trademark law, respectively; and they shall be responsible for the management and direction of the patent and trademark operations, respectively. In addition to receiving a basic rate of compensation under the Senior Executive Service<sup>5</sup> and a locality payment,<sup>6</sup> the Commissioners may receive bonuses of up to 50 percent of their annual basic rate of compensation, not to exceed the salary of the Vice President, based on a performance evaluation by the Secretary, acting through the Director. The Secretary may remove Commissioners for misconduct or unsatisfactory performance.

The Director may also appoint other officers, agents, and employees as she sees fit, and define their responsibilities with equal discretion. The PTO is specifically not subject to any administratively or statutorily imposed limits (full-time equivalents, or "FTEs") on positions or personnel.

The PTO is charged with developing and submitting to Congress a proposal for an incentive program to retain senior (of the primary examiner grade or higher) patent and trademark examiners eligible for retirement for the sole purpose of training patent and trademark examiners.

The PTO will be subject to all provisions of title 5 of the U.S. Code governing federal employees. All relevant labor agreements which are in effect the day before enactment of title VI shall be adopted by the agency. All PTO employees as of the day before the effective date of Title VI shall remain officers and employees of the agency without a break in service. Other personnel of the Department of Commerce shall be transferred to the PTO only if necessary to carry out purposes of title VI of the bill and if a major function of their work is reimbursed by the PTO they spend at least half of their work time in support of the PTO, or a transfer to the PTO would be in the interest of the agency, as determined by the Secretary of Commerce in consultation with the Director.

<sup>4</sup> 28 U.S.C. § 5382.

<sup>5</sup> 5 U.S.C. § 5304(h)(2)(C).

<sup>6</sup> 19 U.S.C. § 2171.

On or after the effective date of the Act, the President shall appoint an individual to serve as Director until a Director qualifies under subsection (a). The persons serving as the Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks on the day before the effective date of the Act may serve as the Commissioner for Patents and the Commissioner for Trademarks, respectively, until a respective Commissioner is appointed under subsection (b)(2).

*Sec. 614. Public Advisory Committees.* Section 613 provides a new section 5 of the Patent Act which establishes a Patent Public Advisory Committee and a Trademark Public Advisory Committee. Each Committee has nine voting members with three-year terms appointed by and serving at the pleasure of the Secretary of Commerce. Initial appointments will be made within three months of the effective date of the Act; and three of the initial appointees will receive one-year terms, three will receive two-year terms, and three will receive full terms. Vacancies will be filled within three months. The Secretary will also designate chairpersons for three-year terms.

The members of the Committees will be U.S. citizens and will be chosen to represent the interests of users. The Patent Public Advisory Committee shall have members who represent small and large entity applicants in the United States in proportion to the number of applications filed by the small and large entity applicants. In no case shall the small entity applicants be represented by less than 25 percent of the members of the Patent Public Advisory Committee, at least one of whom shall be an independent inventor. The members of both Committees shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation. The patent and trademark examiners' unions are entitled to have one representative on their respective Advisory Committee in a non-voting capacity.

The Committees meet at the call of the chair to consider an agenda established by the chair. Each Committee reviews the policies, goals, performance, budget, and user fees that bear on its area of concern and advises the Director on these matters. Within 60 days of the end of a fiscal year, the Committees prepare annual reports, transmit the reports to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Congress, and publish the reports in the Official Gazette of the PTO.

Members of the Committees are compensated at a defined daily rate for meeting and travel days. Members are provided access to PTO records and information other than personnel or other privileged information including that concerning patent applications. Members are special Government employees within the meaning of §202 of title 18. The Federal Advisory Committee Act shall not apply to the Committees. Finally, §614 provides that Committee meetings shall be open to the public unless by a majority vote the Committee meets in executive session to consider personnel or other confidential information.

*Sec. 615. Patent and Trademark Office funding.* Pursuant to §42(c) of the Patent Act, fee available to the Commissioner under §31 of the Trademark Act of 1946<sup>7</sup> may be used only for the processing of trademark registrations and for other trademark-related activities, and to cover a proportionate share of the administrative costs of the PTO. In an effort to more tightly "fence" trademark funds for trademark purposes, §615 amends this language such that all (trademark) fees avail-

able to the Commissioner shall be used for trademark registration and other trademark-related purposes. In other words, the Commissioner may exercise no discretion when spending funds; they must be earmarked for trademark purposes.

*Sec. 616. Conforming amendments.* Technical conforming amendments to the Patent Act are set forth in §616.

*Sec. 617. Trademark Trial and Appeal Board.* Section 617 amends §17 of the Trademark Act of 1946 by specifying that the Director shall give notice to all affected parties and shall direct a Trademark Trial and Appeal Board to determine the respective rights of those parties before it in a relevant proceeding. The section also invests the Director with the power of appointing administrative trademark judges to the Board. The Director, the Commissioner for Trademarks, the Commissioner for Patents, and the administrative trademark judges shall serve on the Board.

*Sec. 618. Board of Patent Appeals and Interferences.* Under existing §7 of the Patent Act, the Commissioner, Deputy Commissioner, Assistant Commissioner, and the examiners-in-chief constitute the Board of Patent Appeals and Interferences. Pursuant to §618 of Title VI, the Board is comprised of the Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges. In addition, the existing statute allows each appellant a hearing before three members of the Board who are designated by the Commissioner. Section 618 empowers the Director with this authority.

*Sec. 619. Annual report of Director.* No later than 180 days after the end of each fiscal year, the Director must provide a report to Congress detailing funds received and expended by the PTO, the purposes for which the funds were spent, the quality and quantity of PTO work, the nature of training provided to examiners, the evaluations of the Commissioners by the Secretary of Commerce, the Commissioners' compensation, and other information relating to the agency.

*Sec. 620. Suspension or exclusion from practice.* Under existing §32 of the Patent Act, the Commissioner (the Director pursuant to §632 of this Act) has the authority, after notice and a hearing, to suspend or exclude from further practice before the PTO any person who is incompetent, disreputable, indulges in gross misconduct or fraud, or is noncompliant with PTO regulations. Section 620 permits the Director to designate an attorney who is an officer or employee of the PTO to conduct a hearing under §32.

*Sec. 621. Pay of Director and Deputy Director.* Section 621 replaces the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office to receive pay at Level III of the Executive Schedule.<sup>8</sup> Section 621 also establishes the pay of the Deputy Director at Level IV of the Executive Schedule.<sup>9</sup>

*Sec. 622. Study on fees.* Section 622 call on the Under Secretary of Commerce for Intellectual Property to conduct a study of alternative fee structures to encourage maximum participation by inventors in the PTO.

#### SUBTITLE B—EFFECTIVE DATE; TECHNICAL AMENDMENTS

*Sec. 631. Effective Date.* The effective date of Title VI is four months after the date of enactment.

*Section 632. Technical and conforming amendments.* Section 632 sets forth numerous technical and conforming amendments related to Title VI.

#### SUBTITLE C—MISCELLANEOUS PROVISIONS

*Sec. 641. References.* Section 641 clarifies that any reference to the transfer of a function from a department or office to the head of such department or office means the head of such department or office to which the function is transferred. In addition, in other federal materials to the Commissioner of Patents and Trademarks refer, upon enactment, to the Director of the United States Patent and Trademark Office. Similarly, references to the Assistant Commissioner for Patents deemed to refer to the Commissioner for Patents and references to the Assistant Commissioner for Trademarks are deemed to refer to the Commissioner for Trademarks.

*Sec. 642. Exercise of authorities.* Under §642, except as otherwise provided by law, a federal official to whom a function is transferred pursuant to Title VI may exercise all authorities under any other provision of law that were available regarding the performance of that function to the official empowered to perform that function immediately before the date of the transfer of the function.

*Sec. 643. Savings provisions.* Relevant legal documents that relate to a function which is transferred by Title VI, and which are in effect on the date of such transfer, shall continue in effect according to their terms unless later modified or repealed in an appropriate manner. Applications or proceedings concerning any benefit, service, or license pending on the effective date of Title VI before an office transferred shall not be affected, and shall continue thereafter, but may later be modified or repealed in the appropriate manner.

Title VI will not affect suits commenced before the effective date of passage. Suits or actions by or against the Department of Commerce, its employees, or the Secretary shall not abate by reason of enactment of Title VI. Suits against a relevant government officer in her official capacity shall continue post enactment, and if a function has transferred to another officer by virtue of enactment, that other officer shall substitute as the defendant. Finally, administrative and judicial review procedures that apply to a function transferred shall apply to the head of the relevant federal agency and other officers to which the function is transferred.

*Sec. 644. Transfer of assets.* Section 644 states that all available personnel, property, records, and funds related to a function transferred pursuant to Title VI shall be made available to the relevant official or head of the agency to which the function transfers at such time or times as the Director of the Office of Management and Budget (OMB) directs.

*Sec. 645. Delegation and assignment.* Section 645 allows an official to whom a function is transferred under Title VI to delegate that function to another officer or employee. The official to whom the function was originally transferred nonetheless remains responsible for the administration of the function.

*Sec. 646. Authority of Director of the Office of Management and Budget with respect to functions transferred.* Pursuant to §646, if necessary the Director of OMB shall make any determination of the functions transferred pursuant to Title VI.

*Sec. 647. Certain vesting of functions considered transfers.* Section 647 states that the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of that function.

*Sec. 648. Availability of existing funds.* Under §648, existing appropriations and funds available for the performance of functions and

<sup>7</sup> 5 U.S.C. § 5314.

<sup>9</sup> 5 U.S.C. § 5315.

<sup>7</sup> 15 U.S.C. § 1051, *et. seq.*

other activities terminated pursuant to title VI shall remain available (for the duration of their period of availability) for necessary expenses in connection with the termination and resolution of such functions and activities subject to the submission of a plan to House and Senate appropriators in accordance with Public Law 105-277 (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, Fiscal Year 1999).

*Sec. 649. Definitions.* *Function* includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

*Office* includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

**FOOD STAMP OUTREACH AND RESEARCH FOR KIDS ACT OF 1999 (FORK) WILL KEEP CHILDREN FROM GOING HUNGRY**

**HON. WILLIAM J. COYNE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. COYNE. Mr. Speaker, today Representative SANDER LEVIN and I are introducing legislation to make sure that children in America do not go hungry. In 1998, over 14 million children lived in households that couldn't always afford to buy food. That was an increase of almost 4 million children over 1997. At the same time, the number of poor children not getting Food Stamps reached its highest level in a decade. Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), would help us give children who are currently going hungry the Food Stamps they need.

Some time ago, our local food banks started telling me that the number of people coming to them for help was increasing. They were concerned that they might run out of food if the demand kept going up. When we asked them who the new people coming to the food bank were, they said they were mostly low-income working families. When the food bank screened people using the eligibility guidelines, it looked like most of the new people who came to the Food Bank should have been receiving Food Stamps but were not.

Because of those reports and others like them, SANDER LEVIN and I asked the General Accounting Office to investigate and determine whether Food Stamp-eligible families were losing benefits, the cause of any declines, and what impact declines were having on children.

GAO recently finished its investigation, which confirmed many of the anecdotal reports. While a number of people have left the Food Stamp program because of the improved economy, economic growth alone does not explain the drop in Food Stamp participation. GAO found that demand for emergency and supplemental food was increasing and that some state agencies were not following federal laws regarding Food Stamp benefits. Perhaps most disturbing of all, GAO found that almost half of the people who have lost Food Stamps since 1996 are children.

Our bill, the Food Stamp Outreach and Research for Kids Act of 1999 (FORK), is designed to address GAO's findings and recommendations.

FORK would provide grant funding to food banks, schools, health clinics, local governments, and other entities that interact with

working families. The grants would allow those organizations to develop and expand innovative approaches to Food Stamp outreach, which would help the Food and Nutrition Service enroll many of the eligible families that currently go hungry.

FORK would also require the Food and Nutrition Service (FNS) to conduct on-site inspections of state Food Stamp programs to identify barriers to enrollment and work with states to develop corrective action plans.

FORK would authorize FNS to conduct research which will help it improve access, formulate nutrition policy, and measure program impacts and integrity.

FORK would require the Departments of Agriculture and Health and Human Services to work with state Temporary Aid to Needy Families (TANF) programs to retrain caseworkers and make sure that prospective and former TANF recipients are informed about their Food Stamp eligibility.

Finally, FORK would authorize FNS to form public-private partnerships to expand its nutrition education program.

I hope our colleagues will join us in supporting this important legislation. I do not believe that anyone in Congress ever intended for children to go hungry because their parents left welfare and went to work. Now that we know it is happening, it is our responsibility to act quickly to make the Food Stamp program work for families in need.

**HONORING FORMER SECRETARY LLOYD M. BENTSEN ON THE RECEIPT OF THE PRESIDENTIAL MEDAL OF FREEDOM**

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. BENTSEN. Mr. Speaker, on Tuesday, August 11, 1999, President William Jefferson Clinton will present the Medal of Freedom to Lloyd M. Bentsen—the 69th Secretary of the Treasury, member of the Senate and House of Representatives, and candidate for Vice President of the United States.

Lloyd Bentsen was born in Mission, in Texas' Rio Grande Valley in 1921. The first of four children to Edna Ruth Colbath Bentsen and Lloyd M. Bentsen, Sr. Lloyd Bentsen grew up in the South Texas farming community, seven miles from the Mexican border. He received his B.A. and law degree from the University of Texas in 1942. With World War II underway, he enlisted in the U.S. Army Air Corps. After brief service as a private in intelligence work in Brazil, he became a pilot and in early 1944 began flying combat missions in B-24's from southern Italy with the 449th Bomb Group. At age 23 he was promoted to rank of Major and given command of a squadron of 600 men.

In 18 months of combat, Bentsen flew 35 missions against highly defended targets such as the Ploesti oil fields in Romania, which were critical to the German war machine. The 15th Air Force, to which the 449th was attached, is credited with destroying all the gasoline production within its range, or about half German's fuel on the continent. Bentsen's unit also flew against communications centers, aircraft factories, and industrial targets in Ger-

many, Italy, Austria, Czechoslovakia, Hungary, Romania and Bulgaria. Bentsen participated in bombing raids in support of the Anzio campaign, and flew against targets in preparation for the landing in southern France.

He was awarded the Distinguished Flying Cross, one of the Army Air Corps' and now the Air Force's highest commendations for valor. He also was awarded the Air Medal with three oak leaf clusters, the medal and each subsequent cluster representing specific campaigns for which he was decorated. He was promoted to colonel in the Air Force Reserve before completing his military service.

After the war, Bentsen returned to his native Rio Grande Valley where he was elected as Hidalgo County Judge in 1946 and to the U.S. House of Representatives from the 15th Congressional District in 1948. He served three terms in the House during which he cast crucial votes against the poll tax and in support of programs for returning veterans. He declined to seek reelection in 1954 and decided to begin a career in business.

For 16 years, Bentsen was a businessman in Houston. By 1970, he had become President of Lincoln Consolidated, a financial holding institution, including insurance, banking, and real estate. In this capacity, he built the first integrated hotel in Houston.

Secretary Bentsen was elected a United States Senator from Texas in 1970 and served as Chairman of the Senate Finance Committee from 1987 through early 1993. He also served as Chairman of the Joint Committee on Taxation and the Joint Economic Committee and was a member of the Senate Armed Services, Commerce, Science and Transportation, Intelligence, and Environment and Public Works Committees. In 1988, he was the Democratic Party nominee for Vice President of the United States.

During his 23 years in the U.S. Senate, Lloyd Bentsen drafted and passed progressive and far reaching legislation. He left an indelible mark on tax, trade, health care, and transportation legislation. His greatest achievements include the passage of the landmark Employer Retirement Income Security Act (ERISA), the Trade Act of 1988, Equal Opportunity Education legislation, anti-age discrimination legislation for the elderly, Medicare and Medicaid expansion—particularly benefiting indigent children. He was also a leader in establishing a more equitable funding formula for federal highways. As a result, Texas' highways are in much better shape because of his efforts.

Senator Bentsen was nominated by President Clinton to be the 69th Secretary of the Treasury. He served from January 20, 1993 until December 22, 1994.

As Secretary of the Treasury, Lloyd Bentsen was an important architect of the President's economic recovery package that has helped fuel the longest peacetime economic expansion in more than 60 years, while bringing the federal budget into balance. He also led the President's effort to pass the North American Free Trade Agreement.

On December 27, 1994 he ended his 30-plus years of public service and returned to practice law in Houston, where he now resides with his wife of 55 years, the former Beryl Ann Longino of Lufkin, Texas. While public service has been their calling, their true blessing has been their three children, Lloyd III, Lan, and Tina and their respective spouses, Gail, Adele,

and Rick Smith and their seven grandchildren, Lloyd IV and Ryan Bentsen; Skyler, Kendall and Kate Bentsen; and Lori and Richard Smith.

Mr. Speaker, Lloyd Bentsen is a committed public servant with a remarkable record of achievement as Treasury Secretary, Senator, Representative, businessman and decorated war veteran. He is also a devoted husband and a caring father, grandfather, and uncle. He has dedicated his life to public service and his family. He is an example and an inspiration to Texans and Americans, of all that is good in public service. He is truly deserving of the Medal of Freedom, which is awarded by the President and recognizes individuals who have made significant meritorious contributions to the security or national interests of the United States; world peace; cultural or other significant public or private endeavors. Without doubt, Lloyd Bentsen meets this criteria and I salute him for his achievements and receipt of this award.

THE 50TH ANNIVERSARY OF THE  
PEPSI SOUTHERN 500

**HON. JOHN M. SPRATT, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. SPRATT. Mr. Speaker, on September 5th of this year, the Darlington Raceway will celebrate the 50th Anniversary of the Southern 500 stock car race, now known as the Pepsi Southern 500.

The Darlington Raceway, I'm proud to say, is located in my district. It was built in 1949, and unlike most stock car tracks of its day, it was paved with asphalt, giving the track its name, "The Lady in Black."

Harold Brasington, a native of Darlington, attended the Indianapolis 500 in 1933, and brought home with him a dream, a vision of some day having a race track in his home town, Darlington, South Carolina. Harold Brasington's dream had to wait out the Depression and World War II, but he nurtured it and in 1949 he made it come true.

The first Southern 500 was held on September 1, 1950, and sanctioned by "Big Bill" France and NASCAR, the National Association of Stock Car Auto Racing. STROM THURMOND was the Governor of South Carolina at the time, and he and his lovely wife, Jean, cut the ribbon and christened the race the "Southern 500," to the delight of 25,000 fans, an unexpected overflow crowd.

The Southern 500 was an instant success. It soon grew into the largest sporting event in South Carolina. This Labor Day Weekend, over 100,000 people are expected for the 50th anniversary. Millions more will enjoy the race by television or radio.

The great success of the Darlington Raceway started with the vision and skills of two great entrepreneurs, Harold Brasington and "Big Bill" France, both now gone. But their leadership has been carried forward by Jim Hunter, who has made Darlington Raceway bigger and better than ever, and who has won recognition as South Carolina's "Economic Ambassador." Because of his skills as a manager and sports promoter, the Pepsi Southern 500 and the TranSouth 400 now generate over \$50 million, making the Darlington Race-

way a top source of tourism income for South Carolina.

Other race tracks have been built since 1949, some larger, some more glamorous than Darlington. But the Darlington Raceway remains world famous, and an attraction fans everywhere, because it remains the genuine article.

The Darlington Raceway has never forgotten its roots and the people who helped make it what it is. Every year, the Darlington Raceway makes a substantial contribution to Darlington's schools. It recognizes a Darlington County Teacher of the Year, and awards a scholarship to a Darlington County high school senior; and every year, it cosponsors a gala honoring 1500 county educators.

Mr. Speaker, I am proud to represent the Darlington Raceway. As we approach the 50th Anniversary of the Southern 500, I think commendations are in order for Jim Hunter, President of the Darlington Raceway; for Bill France, Jr., CEO of International Speedway Corporation and President of NASCAR; and for everyone involved in bringing us 50 years of the finest, most exciting stock car racing in the world.

SILK ROAD STRATEGY ACT OF 1999

SPEECH OF

**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, August 2, 1999*

Mr. PITTS. Mr. Speaker, I rise today in strong support of H.R. 1152, the Silk Road Strategy Act. I commend my colleague, Mr. BEREUTER, for championing this important legislation that will greatly benefit countries in Central Asia and the Caucasus.

The Silk Road Strategy Act is a proactive policy of engagement, which authorizes U.S. assistance to support the economic and political independence of Kazakhstan, Krygyzstan, Tajikistan, Uzbekistan, Turkmenistan, Armenia, Georgia, and Azerbaijan. Since the breakup of the Soviet Union, after decades of Communist rule, these countries have faced a tough road toward economic development and prosperity, and the cultivation of a democratic society.

With this in mind, the U.S. must actively engage this region to ensure a peaceful post-Soviet era, and to protect our national security. Since being elected to Congress in 1996, I have worked hard to build bridges between the U.S. and Central Asia and the Caucasus. Through regular meetings with Ambassadors from this region and travel to Central Asia, I am keenly aware of the necessity of this bill.

Mr. Speaker, the Great Silk Road, which in ancient times joined the East with the West, by means of trade, cultural-humanitarian, political and economic ties, has a history stretching back several thousand years. The Great Silk Road played the role of a connecting bridge between countries and civilizations. It served as a channel for trade, which became the catalyst for the development of crafts and the active exchange of philosophies and cultures. The spirit of the Great Silk Road is what this bill before us today is about—a new Silk Road—connecting Central Asia and the Caucasus with the United States, in an effort to encourage economic, cultural, and political exchange between our countries.

I am proud to be a cosponsor of this bill and look forward to continuing working with Central Asia and Caucasus states to build prosperous market-oriented economies in the former Soviet Union. Again, I thank my colleague, Mr. BEREUTER, for sponsoring this bill, and I urge my colleagues to support the Silk Road Strategy Act.

HOMES OVER TAX CUTS

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Ms. SCHAKOWSKY. Mr. Speaker, I am protesting this rule because it's the first step in ripping off the roof over people's heads.

That's what we are doing when we cut the HUD budget. Some people will argue that cutting the budget is good government. They will argue that we are reducing wasteful government spending. But this isn't just some government program. It's a roof over people's heads. When we cut this program, we are taking away some senior's rent money. We are throwing families out of their homes. We are denying people on fixed and low incomes the safety and security of an affordable home.

One of those government programs is the Section 8 program. HUD has contracted with private landlords to provide affordable apartments to people on fixed and low incomes. Over 500,000 of those apartments will come up for renewal in the next five years. If we don't renew those contracts, landlords will leave the program, raise their rents and evict hundreds of thousands of people on fixed and low incomes.

This is a terrible thing and we know it. Last March, we cut \$350 million from the Section 8 program to pay for non-emergency spending in Kosovo. But both the Chairman of the Appropriations Committee and the Chairman of the VA-HUD Appropriations subcommittee promised to put it back if they could because they know that it is money well spent. If we have the money, we ought to use it to give people a safe home so they can go to work and their children can go to school and they all can be productive citizens.

Well, we can put the \$350 million back if we don't give \$800 billion to wealthy special interest in the form of an irresponsible tax cut. And we should put in an extra \$1 billion that the President has requested because 500,000 households are depending on us.

This money is well spent. It's money for local governments to attract jobs. It's money for services for seniors and persons with disabilities so that they can live their lives with some comfort. It's money for secure families. People deserve this from us and we ought to give it to them. Oppose this rule, because it's the first step in ripping off the roof over people's heads.

FULLY FUND HOUSING AND COMMUNITY  
DEVELOPMENT

NATIONAL LOW INCOME  
HOUSING COALITION,

*Washington, DC, August 3, 1999.*

Hon. JANICE SCHAKOWSKY,  
*House of Representatives,*  
*Cannon Building, Washington, DC.*

DEAR REPRESENTATIVE SCHAKOWSKY: This year marks the 50th anniversary of the Housing Act of 1949, in which Congress declared

the national goal of a decent home and a suitable living environment for every American family. We believe, as do most Americans, that this nation is capable of achieving this worthy goal.

However, we have a long way to go. Even while most Americans are thriving in our remarkably healthy economy, many families still struggle with excessive housing costs and insufficient income to meet basic needs. Over 9,000,000 very low income households pay more than half of their income for housing. The 1999 report by the Joint Center for Housing Studies at Harvard, *The State of the Nation's Housing*, clearly documents the paradox of record accomplishments in housing production and home ownership while rents are increasing faster than wages. Nowhere in the country can a household with one full time minimum wage earner afford basic housing costs. Families who apply for housing assistance wait longer than they ever have before, and in many communities, waiting lists are closed indefinitely.

We believe that a time when we are celebrating bountiful budget surpluses is also the time to address our severe national shortage of affordable housing. This can best be done by strengthening the proven federal housing and community development programs that lift up low-income Americans. There is ample evidence that housing assistance helps low income families gain the housing stability that is necessary for family members to succeed at work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards to more and more people, the Committee moved us backwards by failing to fully fund the President's FY2000 HUD budget request. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homeless Assistance, among others, and does not fund a single new housing voucher.

We find it inconceivable that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts that are under consideration in the House will not improve the housing circumstances of low income people, but more housing assistance will.

We urge you to vote against the HUD-VA-IA Appropriations bill when it comes to the full House. We are capable of doing much better.

Sincerely,

ACORN, AFSCME, AIDS Policy Center for Children, Youth and Families, Alliance for Children and Families, Campaign for America's Future, Center for Community Change, Child Welfare League of America, Children's Defense Fund, Children's Foundation, Coalition on Human Needs, Development Training Institute, Employment Support Center, Feminist Majority, Friends Committee on National Legislation (Quaker), International Brotherhood of Teamsters, Jesuit Conference, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil Rights, Lutheran Services in America, McAuley Institute, Mennonite Central Committee U.S., Washington Office, NAACP, National Alliance to End Homelessness.

National Association of Child Advocates, National Association of Housing Cooperatives, National Association of School Psychologists, National Center on Poverty Law Inc., National Coal-

ition for the Homeless, National Council of Churches, National Council of Jewish Women, National Council of Senior Citizens, National Housing Law Project, National Housing Trust, National League of Cities, National Low Income Housing Coalition, National Ministries, American Baptist Churches, USA, National Neighborhood Coalition, National Network for Youth, National Puerto Rican Coalition, National Rural Housing Coalition, National Urban League, Neighbor to Neighbor, Network, A National Catholic Social Justice Lobby, Preamble Center, Public Housing Authorities Directors Association, Surface Transportation Policy Project, Unitarian Universalist Affordable Housing Corporation, United Church of Christ, Office of Church in Society, U.S. Conference of Mayors, Volunteers of America.

#### GAMBLING ATM, AND CREDIT/ DEBIT CARD REFORM ACT

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to implement one of the more important recommendations of the National Gambling Impact Study Commission to help lessen the potential financial losses of compulsive gambling for individuals and families. My legislation, the "Gambling ATM and Credit/Debit Card Reform Act", amends federal law to reduce the ready availability of cash and credit for gambling by removing automated transfer machines (ATMs), credit card terminals, debit card point-of-sale machines and other electronic cash dispensing devices from the immediate area of gambling activities.

The National Gambling Impact Study Commission recently completed the nation's first comprehensive analysis of legalized gambling in more than twenty years. The Commission took on one of the most difficult and divisive issues in America today and produced an extremely thoughtful report with more than 70 recommendations for changes in gambling policy. The thoroughness of the Commission's effort, despite significant divisions and difficulties, is commendable and clearly justifies the efforts of those of us who sponsored legislation to create the Commission three years ago.

A major finding of the Commission is that America has been transformed during the past 20 years from a nation in which legalized gambling was localized and limited to one in which it is almost omnipresent and a major economic and entertainment activity. Some form of legalized gambling is now permitted in 47 states and the District of Columbia. Thirty-seven states officially sponsor gambling through state lotteries. Americans now spend an estimated \$650 billion a year on legalized gambling—more than they spend on movies, records, theme parks, professional sports and all other forms of entertainment combined.

The Commission also found that while legalized gambling can produce positive economic benefits for the communities in which it is introduced, it also produces significant negative consequences for millions of individuals and

families—consequences such as bankruptcy, crime, divorce, abuse and even suicide. A specific concern of the Commission has been the dramatic increase in problem and pathological gambling. Studies suggest that more than 5 million Americans are pathological or problem gamblers, and that another 15 million have been identified as "at-risk" or compulsive gamblers. Growth in problem and compulsive gambling has been particularly noticeable among women and includes growing numbers of teenagers.

The Commission identified the ready availability of cash and credit in and around gambling establishments as a major factor contributing to irresponsible gambling and to problem and pathological gambling behavior. Between forty and sixty percent of all money wagered by individuals in casinos, for example, is not physically brought onto the premises but is obtained by gamblers after their arrival. Much of this money derives from credit markers extended by casinos, but a growing portion involves cash derived from ATMs and debit cards and cash advances on credit cards.

Credit cards, debit cards and ATMs have long been used within gambling resort hotels and near other gambling facilities. But their availability and use on gambling floors for purposes of making bets or purchasing playing chips was generally prohibited. This changed in 1996 when the New Jersey Casino Control Commission approved the use of credit card point-of-sale machines at gambling tables for direct purchases of playing chips and slot tokens. The action was immediately recognized by gambling experts as one of the "most potentially dramatic changes" in gambling in decades that would result in more impulse gambling by consumers and higher revenues for casinos. Since then, ATM machines have been moved from outside casinos and other gambling establishments to locations near gambling floors and debit card machines have also been installed directly at gaming tables.

Allowing gamblers to use ATMs, credit and debit cards directly for gambling removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. This separation helps break the excitement of the moment and permits many gamblers to walk away. Providing electronic transfers of additional cash not only feeds compulsive behavior, but makes it easier for problem gamblers to bet all their available cash, draw down their bank accounts, and then tap into the available credit lines of their credit cards as well. Financial institutions become unwitting accomplices in encouraging gamblers to bet more money than they intended and more than most can afford.

My legislation addresses this problem in a number of ways. First, it amends the Truth in Lending Act (TILA) to prohibit gambling establishments from placing credit card terminals, or accepting credit cards for payment or cash advances, in the immediate area where any form of gambling is conducted. It also amends the Electronic Funds Transfer Act (EFTA) to impose a similar prohibition on the placing of any automated teller machine, point-of-sale terminal or other electronic cash dispensing device in the immediate area where gambling occurs. The bill directs the Federal Reserve Board to publish and enforcement rules for assuring that all electronic transfers of cash and credit are physically segregated to the extent possible from all gambling areas. And it provides for comparable civil liability as provided

elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission's report confirms that legalized gambling has become a national phenomenon. While it is unreasonable to think we can stop its growth, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gambling ATM and Credit/Debit Card Reform Act."

#### SEC. 2. IMPLEMENTATION OF THE NATIONAL GAMBLING COMMISSION'S RECOMMENDATIONS RELATING TO BANKING AND CREDIT.

(a) INITIATION OF ELECTRONIC FUND TRANSFERS IN GAMBLING ESTABLISHMENTS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(2) by inserting after section 917 the following new section:

#### "SEC. 918. PLACEMENT OF ELECTRONIC TERMINALS IN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may place, or cause to be placed, an electronic terminal in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board will prescribe such regulations as the Board may consider to be appropriate to ensure that the initiation of electronic fund transfers by consumers is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) LIABILITY.—For purposes of section 915, a failure to comply with the requirements of subsection (a) with regard to any electronic terminal shall be considered a failure to comply with a provision of this title with respect to any consumer who initiates an electronic fund transfer at such terminal while such violation continues.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

"(2) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(b) USE OF CREDIT CARDS TO INITIATE EXTENSIONS OF CREDIT IN GAMBLING ESTABLISHMENTS.—

(1) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

#### "SEC. 140 PROHIBITION ON INITIATION OF EXTENSIONS OF CREDIT IN CERTAIN GAMBLING AREAS WITHIN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may—

"(1) place, or cause to be placed, an electronic terminal; or

"(2) otherwise accept the use of a credit card by a consumer to initiate a consumer credit transaction to pay for money, property, or services obtained by the consumer, in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board shall prescribe such regulations as the Board may consider to be appropriate to ensure that the use of an electronic terminal or the use of a credit card to initiate a consumer credit transaction to pay for money, property, or services obtained by a consumer is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, any use of an electronic terminal or credit card referred to in paragraph (1) should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) CIVIL LIABILITY.—

"(1) IN GENERAL.—Any person who fails to comply with any provision of this title with respect to any electronic terminal or the acceptance of a credit card to initiate a consumer credit transaction at a place in a gambling establishment that constitutes a violation shall be liable to any consumer who uses the electronic terminal or provides a credit card at such place in an amount equal to the sum of the amounts determined under each of the following subparagraphs:

"(A) ACTUAL DAMAGES.—The greater of—

"(i) the amount of any actual damage sustained by the consumer as a result of such failure; or

"(ii) any amount paid, directly or with the proceeds of the credit transaction, by the consumer to such person.

"(B) PUNITIVE DAMAGES.—

"(i) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(ii) CLASS ACTIONS.—In the case of a class action, the sum of—

"(I) the aggregate of the amount which the court may allow for each named plaintiff; and

"(II) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(C) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under subparagraph (A) or (B), the costs of the action, together with reasonable attorneys' fees.

"(2) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any person under paragraph (1)(B), the court shall consider, among other relevant factors—

"(A) the frequency and persistence of non-compliance by such person;

"(B) the nature of the noncompliance;

"(C) the extent to which such noncompliance was intentional; and

"(D) in the case of any class action, the number of consumers adversely affected.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ELECTRONIC TERMINAL.—The term 'electronic terminal'—

"(A) means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate a consumer credit transaction in payment for any money, property, or services obtained by the consumer; and

"(B) includes point-of-sale terminals, automated teller machines, and cash dispensing machines.

"(2) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

"(3) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

"140. Prohibition on initiation of extensions of credit in certain gambling areas within gambling establishments."

DEATH OF HON. GEORGE E. BROWN, JR.

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LUTHER. Mr. Speaker, Congressman George Brown will be sorely missed not only by his constituents in California but also by those of us who had a chance to work with him here in Washington.

George will always be remembered as someone who looked to the future. As a member, and later chairman, of the Science Committee, he showed his devotion to new technology and space exploration. He fought hard for solar energy and fuel alternatives. I had the pleasure of serving on the Committee with him, and I can say I am indebted to him for his responsible, far-sighted leadership.

Equally important, George brought solid values to Washington—devotion, honesty, and hard work. He shunned petty personal attacks and negative political games. His dignity and decency earned him the respect of his colleagues. He leaves a void that will not easily be filled. Thank you George, for setting a high standard for public service in America.

IN MEMORY OF THE HONORABLE GEORGE E. BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant and friend of many years, George Brown. We met and began working together in this great body when he joined me here in 1963. Almost from the start, George began following his own path in Congress, but in doing so he served his constituents, country, and friends as well as any Member has served those that they represent.

George was truly an advocate for all people. Even when it was unpopular, he pursued his belief that all people were created equal and he championed the civil rights legislation that transformed America. As a patron of the working men and women of this country, he worked to bring workers protection from hazardous working conditions. And he believed that all citizens should be able visit federal parks. Due in part to this vision, the citizens of this great nation have access to more federal parks than ever before.

With George's passing, this institution and the American people have lost part of their history. George was a repository of institutional knowledge and a person that has contributed greatly to our country as a whole. I know I speak for all of the Members of Congress when I say that this body will miss George Brown. I would also like thank his family and the citizens of the 42nd District of California for sharing him with us for so long.

TRIBUTE TO THE LIFE OF JUDGE  
FRANK M. JOHNSON, JR.

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to Judge Frank M. Johnson, Jr. a native of my hometown of Haleyville, Alabama. On July 23, 1999, Judge Johnson passed away at the age of 80.

After graduating from the University of Alabama in 1943 at the top of his class, Frank Johnson enlisted in the Army as a private. Soon, he received a commission as an infantry lieutenant. During World War II, he served during the Normandy invasion, and won a Bronze Star as a platoon leader in Gen. Patton's Third Army. Twice he was wounded in battle during the war. After he recovered, he was transferred to England and served out the war as a legal officer in the Judge Advocate General's Corps, eventually being promoted to Captain.

Judge Johnson was first promoted to the bench in 1954, then the youngest serving federal judge in the nation. In 1955, he was elevated to U.S. Middle District Judge in Montgomery, Alabama, and in 1979 he was named to the U.S. Court of Appeals.

His career on the bench was marked by many pivotal rulings. In 1956, in his first major ruling, Judge Johnson joined the majority on a three-judge panel in the case concerning the Rosa Parks case. This decision brought the end of segregated bus systems. With this ruling, Judge Johnson staked his place in the civil rights battle, fighting for equality for all Americans during his judicial career.

Judge Johnson participated in rulings that desegregated all types of public places and services, from schools to museums, from airports to restaurants from libraries to parks. Even in the face of harsh criticism and resistance, Judge Johnson stood firm in his belief in equality and justice for all Americans.

Desegregation was not his only accomplishment in the Civil Rights fight. After finding rampant discrimination against blacks registering to vote, Judge Johnson issued a ruling that became the formula Congress used to ensure voting rights nationwide in the Voting

Rights Act of 1965. Also, Judge Johnson was part of a panel that ordered the Alabama State Legislature to draw its district lines by population, not by mere geography. This was the first ruling of its time, and helped ensure that citizens were not disenfranchised simply because they lived in a minority-dominated geographic area.

It was his style to stand firm on what he believed was right, often in the face of intense criticism. Judge Johnson, one of America's most distinguished jurists, is an example of dedication for all Americans. All of America—but especially Alabama—feels the loss of Judge Frank Johnson, and we are thankful for his life of public service.

A TRIBUTE TO GEORGE BROWN

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. BERMAN. Mr. Speaker, it is with great sadness that I take the floor today to bid farewell to a giant in California governance and politics.

George Brown was the epitome of a great public servant. Elected as a spirited anti-war crusader, he never lost his bearings. Although he mellowed with time, he never strayed far from his Quaker roots and his strong principles.

In a recent campaign, George's opponent ran a series of ads called "Guilty as Charged," that accused him of being out of touch—a common theme of challengers. George was not out of touch, but in a very different context, he was indeed "guilty as charged."

George was guilty as charged for tireless work on behalf of those less privileged, against discrimination based on race, sexual orientation or gender; for better education, for the nation's working men and women, for children, for the environment, and always—against weapons of mass destruction, for arms control and for peace.

He will always be remembered as a man of principle, unafraid to stand alone, impervious to pressure. In 1966, George cast the sole vote in the House of Representatives against the Defense Appropriations Bill—his act of defiance against the Vietnam War.

From his time as Mayor of Monterey Park to the California Assembly, to Congress where he served as Chairman and then Ranking Member of the Science Committee, he always held his office in spite of ferocious opposition—simply because he paid close attention to his constituents and won the undying loyalty of a tight, but determined majority. They loved him and they wanted him to represent them.

Gruff, crusty and colorful, no one could turn a phrase just like George. If he disagreed with a proposal, it "bordered on lunacy." He loved the thought that he had become a virtual legend in his own time.

We hope that his family will be comforted by his legacy and by knowing that he was one of a kind and a shining example of integrity and principle. George Brown is simply irreplaceable in this House of Representatives.

SIR ARTHUR GILBERT

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. SHERMAN. Mr. Speaker, I rise today to honor an exceptional individual who has made an enormous contribution to the arts. In recognition of his valuable advancement of the arts worldwide, he has been knighted by the Queen of England, a great honor for both him and his wife Lady Marjorie Gilbert. This high distinction is rarely awarded to individuals outside Great Britain. It attests to Sir Gilbert's dignity, personal integrity, and contribution to Western culture. Arthur helped develop Los Angeles then went on to build one of the world's greatest collections of gold and silver art, as well as the world's premier collection of micro-mosaics. Receipt of this Knighthood represents a culmination of years of dedication, hard work, and a love for the arts.

This gentleman epitomizes the twin values of hard work and generosity. Early in his life, he began a successful career in the clothing business. He went on to settle in California where he became an illustrious developer, helping to build a bright future for Californians. However, personal success was not enough, he became not only a generous benefactor of many charities, but started a rich collection of decorative art that combines both history and beauty. Indeed, he has long shared his priceless collections with the public and recently donated it to a museum in England so that the entire world can enjoy these exquisite, and often overlooked, forms of art. Arthur Gilbert has truly worked to turn his personal success into a lasting legacy of art for everyone and has thus brought honor on himself and us all.

Mr. Speaker, I ask my colleagues to please join me in honoring this man who embodies the diligence and generosity to which we all aspire and whose dedication to the arts serves as an inspiration and a model to us all.

We must support and honor individuals, like Arthur Gilbert, who cultivate artistic enthusiasm, understanding, and appreciation. Through such enterprising and charitable individuals, we are given a glimpse of how bright our future can be. A world filled with the dedication, hard work, altruism, and dignity that his well earned title of knight represent. thanks to Sir Arthur Gilbert's contribution to the arts, we know that the future will be a beautiful one that many future generations can appreciate.

Mr. Speaker, I look forward to this October when Buckingham Palace will see the investiture of Sir Arthur Gilbert as a Knight Bachelor. I know that he, and Lady Marjorie Gilbert, will be justly proud.

IN HONOR OF THE LATE REPRESENTATIVE  
GEORGE E. BROWN, JR.

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

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. TRAFICANT. Mr. Speaker, it should be easy to honor someone that you have known for almost 16 years. However, it is difficult to honor every poignant and inspiring memory of

him. Sixteen years sounds like a long time of fond memories, but my dear friend and colleague, George Brown, has been making lasting impressions in this country for over 35.

From the depth of issues like fighting discrimination and segregation, to the brink of the AIDS epidemic and continuing world conflicts, George has experienced a changing country and world throughout his time in Congress. However, experiencing change is considerably separate from making change, which George Brown did much of. He has been a part of these changes, and for that reason, we honor him today.

As a college student in the 1930's, Brown began inspiring change when he began to fight for civil rights. At the University of California at Los Angeles, George helped to integrate the campus when he was the first white man to live with an African-American roommate. That strive for change continued as he graduated from UCLA with a degree in Industrial Physics and used it to serve the people of Los Angeles. He was elected to the Monterey Park, CA, city council in 1954 and became mayor of the city in 1955, just one year later. George moved on to the California State Assembly in 1958, where he focused on environmental issues. This drive to fight for the environment stayed with George throughout his entire career, including his 17 terms in Congress.

In 1962, George Brown ran to represent the 29th district in California and won his seat with an 11 percentage point margin. During his years in Congress, Representative Brown voted for the Civil Rights Act of 1964, served on the House Committee on Science as a ranking member, served on the House Committee on Agriculture, worked to integrate technology and education, spoke out on foreign policy issues and fought painstakingly hard to keep the environment safe, clean and healthy.

I would like to praise George Brown for who he was and how he contributed to this society. As a Congressman, as a family man, as an environmentalist and as a citizen, George Brown will be remembered.

THE LATE HON. GEORGE BROWN

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. LaFALCE. Mr. Speaker, I appreciate having this opportunity to say a few words in memory of my friend and colleague George Brown and to reflect on his distinguished service to our nation.

Through his military service in WWII and nearly 35 years in the House of Representatives, George Brown established a record of public service matched by few others. Indeed, he has ennobled our profession through his example.

During his career, George showed himself to be a man of strong moral conviction and uncommon vision. In his early days in Washington, George continued his life-long work as a tireless advocate for racial equality and civil rights.

Later, as Chairman and Ranking Member of the Science Committee, he lent his scientific expertise and steadfast support to issues of science, technology, and aeronautics. He will be best remembered, perhaps, for his dedication to strengthening America's commitment to manned and unmanned space exploration. His efforts in this area have left an indelible mark on our space program, and have quite literally broadened our nation's horizons.

George also recognized the need to conserve our natural resources and protect the environment, long before such issues were part of the mainstream agenda. Time has shown just how right he was.

Throughout his many years in the House, George had a wonderful ability to work with people of all political persuasions. He was always willing to find common ground and form alliances with others, making him an extraordinarily effective advocate for the people of his 42nd District.

George Brown will be remembered as a man who challenged us to make our world a better place, while advocating exploration of worlds beyond our own. He was a great member of this institution. I will miss him. I extend my deepest sympathies to his family.

GEORGE BROWN, CONGRESSIONAL  
ICON

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. VENTO. Mr. Speaker, I am pleased to add my words of condolences to the family of George Brown, our late colleague. George was a friend and counselor to many members, including myself. He was a real worker and advocate for people in the House. Congressman Brown applied himself and invested himself in the pursuit of good policy, first for the people of this nation and California, and for the attainment of human kind.

Congressman Brown invested the time and energy to understand the intricacies of policy and often we stood up together and spoke for good, sound science as it affected our landscapes and natural resources. The United States Biological Survey, the man in the Biosphere program, and, of course, George Brown had a legacy of accomplishments to match similar efforts related to the National Science Foundation (NSF), NASA, and the Office of Technology Assessment (OTA).

I know that George felt if we had good information as members or as administrators we would be equipped to make the best public policy. George Brown's modest life and background working for a good education, which he obtained and used, says a lot about Representative Brown. George Brown did not forget how he got to where he was and the need to stand up for those without a voice in the political power structure. George Brown worked against housing discrimination, for the right of workers to win representation and fair compensation and eventually was elected to local office and to the United States House where he set off on a great career and journey.

George Brown, plain speaking and modestly attired, possessed the power of ideas and

knowledge. Congressman Brown didn't let political expediency interfere with what he thought was the right vote or the correct action. We will miss the warm friendship and special role that George Brown played in Congress on a professional and especially personal basis, but his spirit will live in our actions and memories. George Brown has set a very high mark and we surely stand on this shoulders as we look ahead to and try to see the future and hope for our great nation.

My sympathy to his wonderful wife Marta and to his family, you have our support and comfort. God bless George Brown and thank God for the service of this wonderful man.

IN HONOR OF THE WORLD PEACE  
BELL AND THE CITY OF NEW-  
PORT, KENTUCKY

**HON. KEN LUCAS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today to pay tribute to the city of Newport, Kentucky, where the World Peace Bell arrived at its permanent home this weekend. At 12 feet in diameter and 12 feet in height, the bell weighs 66,000 pounds. It is the world's largest swinging bell. I also rise to recognize Wayne Carlisle for his vision, commitment, and enthusiasm, without which the World Peace Bell would not have been possible.

The World Peace Bell is a powerful symbol of freedom and peace. It was cast in Nantes, France, on December 11, 1998, the 50th Anniversary of the Universal Declaration of Human Rights. The Bell has an inscription commemorating that document, as well as engravings marking the most important events of the past 1,000 years.

The World Peace Bell was first rung in Nantes on March 20, 1999, in a public ceremony, and it began a month-and-a-half-long sea voyage from France to New Orleans, where the Bell was made part of that city's July Fourth celebration. The Bell was transported by barge up the Mississippi and Ohio Rivers, making stops in 14 cities along the way. The Bell arrived at its final destination on August 1st.

The World Peace Bell will officially open on September 21, 1999, the International Day of Peace, when it will toll to observe the opening session of this year's United Nations General Assembly. On New Year's Eve 1999, the Bell will be rung once every hour and broadcast so that people in every time zone around the globe will hear the new millennium rung in by our World Peace Bell. This celebration will include leaders of church and state from around the world, as well as participants performing native rituals and wearing traditional costumes.

Mr. Speaker, I would also like to take this opportunity to congratulate the city of Newport and neighboring river cities on their successful revitalization efforts. The World Peace Bell is only one of a number of projects coming to fruition in the region. The success of these efforts is a testament to the spirit and hard work of the people of Northern Kentucky.

## TRIBUTE TO GEORGE BROWN

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. PACKARD. Mr. Speaker, I would like to take this Opportunity to pay tribute to both a colleague and friend, George Brown.

I had the privilege of serving on the Science Committee during George's tenure as Chairman, and I valued the opportunity to learn from his leadership. George and I worked together on many occasions in support of interests important to our native southern California.

Mr. Speaker, George Brown was an unapologetic liberal, yet that did not stop him from actively working with and befriending Members from the other side of the aisle. In fact, George may forever be remembered for his ability to bring together all Californians serving in Congress. Today, my colleague JERRY LEWIS is doing a remarkable job of leading the California delegation. We should not forget that George Brown began this effort.

In George Brown, this institution has lost a distinguished Member of Congress, a faithful public servant, and a good man. George will be greatly missed, not only as a tireless advocate for the people of California's 42nd Congressional District, but as a close friend to those so fortunate to have known him.

IN HONOR OF THE LATE REP.  
GEORGE BROWN

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. STARK. Mr. Speaker, I rise today to speak with fondness about the late Congressman George Brown. His death leaves us with one less person dedicated to the fight for America's future. When I came to Congress to try to end the Vietnam War, George was also fighting against that war. With his leadership, we brought our soldiers home and ended one of the lowest points in American morale and foreign policy. His fight for what was right didn't end with Vietnam. He fought for the environment, for education, and for the underprivileged throughout his career.

One of Representative Brown's legacies is the Environmental Protection Agency. Before George Brown, there was no single entity in government designated to protect American air, water, land, and wildlife. His dedication to protecting our ecosystem helped improve the quality of life for all of us and future generations. George Brown raised environmental activism from a few dedicated scientists to the general public, making the environment an issue and assuring that the government protected it.

Representative Brown interests went beyond preserving the environment for future generation; he cared deeply about the education of our children. George supported the establishment of educational loans. These loans have provided millions of Americans with the opportunity to go to college and contribute more to our society. Recently, he joined in support of building more schools, hiring

more teachers, and improving the quality of our classes. He was committed to quality education for our children.

George Brown fought to improve the lives of all Americans. He fought especially hard for those Americans who couldn't fight for themselves. Before coming to Congress, George worked to end anti-union laws and to ban discrimination. Once elected to Congress, he worked to enact the Civil Rights Act to address which discrimination against minorities. He also joined in the fight to improve health care, provide affordable prescription drugs, and even to protect our health care workers from accidental needlesticks.

Congressman George Brown fought for so many things that we now take for granted. George stood up for what was right for our environment, education, and the underprivileged. Beyond all of these accomplishments, he was an example to all of us. He stood up for what he believed in regardless of the potential political fall out. He exemplified the ideals that this country was founded on.

Although George is no longer with us, we will continue to fight to ensure that every American has the same rights, freedoms, and opportunities that some want to reserve for the elite few.

THE LYME DISEASE INITIATIVE  
OF 1999

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 5, 1999*

Mr. SMITH of New Jersey. Mr. Speaker, today I am reintroducing legislation to wage a comprehensive fight against Lyme disease.

This proposal represents the next stage of our campaign to reduce and then eradicate Lyme disease. It is a five year, \$125 million blueprint for attacking the disease on every front. In addition to authorizing the necessary resources to wage this war, the bill: (1) makes the development of better detection tests for Lyme the highest priority of Lyme disease research; (2) lays out a list of vital public health goals for agencies to accomplish, including a 33 percent reduction in Lyme disease within five years of enactment in the 10 highest and most endemic states; (3) fosters better coordination between the scattered Lyme disease programs within the Federal Government through a five-year joint-agency plan so that the left hand knows what the right hand is doing; (4) helps protect federal workers and visitors at federally owned lands in endemic areas through a system of periodic, standardized, and publically accessible Lyme disease risk assessments; (5) requires a review of our system of Lyme disease prevention and surveillance of search for areas of improvement; (6) fosters additional research into other related tick-borne illnesses so that the problem of co-infection can be addressed; (7) initiates a plan to boost public and physician understanding about Lyme disease; and (8) creates a Lyme Disease Task Force to provide the public with the opportunity to hold our public health officials accountable as they accomplish these tasks.

Mr. Speaker, Lyme disease is one of our nation's fastest growing infectious diseases, and the most common tick-borne disease in

America. According to some estimates, Lyme disease costs our nation \$1 billion to \$2 billion in medical costs annually. The number of confirmed cases of Lyme disease was nearly 16,000 last year, an increase of 24.5 percent from the previous year, and that is only the tip of the iceberg. Many experts believe the official statistics understate the true numbers of Lyme disease cases by as much as ten or twelve-fold. Lyme disease is sometimes called the 'Great Pretender' disease because its symptoms so closely mimic other conditions. Thus, it can be easily misdiagnosed. Worse still, our current detection tests are not always reliable and accurate enough to detect the disease in patients.

The Lyme Disease Initiative of 1999 builds on the accomplishments of the legislation introduced in the previous Congress, H.R. 379. As Members may recall, we were successful in getting a portion of that bill enacted as part of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, as well as part of the Fiscal Year 1999 Defense Appropriations bill. The provisions from last year up dedicated up to \$3 million in Department of Defense funding dedicated for Lyme and tick-borne disease research, so that our soldiers and their families can be protected when they work and live in areas endemic for Lyme disease. This \$3 million in funding was a good start, but there is still so much that remains unknown about Lyme disease.

That is where the new proposal comes in. It is the product of countless meetings with patients and families struggling to cope with this terribly debilitating disease. I cannot tell my colleagues how many times I have met with families who have told me heart breaking stories about how they went from doctor to doctor without getting an accurate diagnosis, getting progressively weaker and sicker, while racking up massive medical bills. Sadly, the lack of physician knowledge about Lyme disease, and the inadequacies of existing laboratory detection tests, compound the misery. Consequently, we have consulted extensively with the organizations representing these patients, as well as with the agencies charged with implementing the new program, to ensure that the bill addresses these very real concerns.

In short, I believe this is a good plan that affirmatively meets the needs of patients, and one that is worthy of my colleagues' support.

## THE LYME DISEASE INITIATIVE OF 1999

## SECTION 1. SHORT TITLE—LYME DISEASE INITIATIVE OF 1999

## SECTION 2. FINDINGS

## SECTION 3. FIVE YEAR PLAN OF ACTION, PUBLIC HEALTH GOALS

Establishes a Five-Year plan (authorizing \$125 million over five years) to reduce the incidence and prevalence of Lyme disease, and requires Secretaries of Health and Human Services, Defense, Agriculture, and Interior to collaborate in creating this five year plan.

Goal No. 1: Direct Direction Tests. The legislation directs federal researchers to make the development of a reliable, reproducible direct detection test for Lyme disease a priority. Without a good detection test, individuals will continue to get misdiagnosed, insurance companies will continue to dispute and deny needed treatments, and patients will not know if they are truly cured of Lyme.

Goal No. 2: Improved Surveillance and Reporting System. Requires a review of the existing reporting system for Lyme, including

the surveillance criteria used to determine whether or not a case of Lyme is counted in the state statistics reported to CDC. Requires this review to be inclusive, and obtain the input of health providers, Lyme disease patient advocacy groups, and state and local governments. It also considers the use of a 'dual reporting' system so that valuable data collected on persons who do not meet the surveillance criteria definition of Lyme—but are still being treated for Lyme by their doctor.

Goal No. 3: Lyme Disease Prevention. Requires CDC to establish a baseline rate of Lyme disease in the 10 highest endemic states, and aims for a reduction in this rate of 33 percent within 5 years. Means used to accomplish this goal may include natural and non-pesticidal means to control tick populations, as well as better public education and systematic risk assessments on the risks of Lyme disease on federally owned lands in endemic areas.

Goal No. 4: Prevention of Other Tick-Borne Diseases. Authorizes programs to prevent, and expand research on, other tick-borne infectious diseases. Although Lyme disease cases are the overwhelming majority of all tick-borne infections in the U.S., many Lyme patients are co-infected with other tick-borne diseases.

Goal No. 5: Improved Public and Physician Education. Establishes a multi-departmental program to improve public and health provider awareness of how to prevent Lyme disease, how to diagnose it, and how to treat it.

SECTION 4. LYME DISEASE TASK FORCE

Establishes a joint government/public Lyme Disease Task Force to provide advice

to the Secretaries of Agriculture, Health and Human Services, Defense and Interior on achieving the five public health goals.

Public members on the task force will include: (1) Lyme disease research scientists, (2) Lyme disease patient advocacy organizations, (3) clinicians with extensive experience in treating Lyme disease, (4) Lyme disease patients, and/or the parents or family members of those who have had Lyme disease.

SECTION 5. ANNUAL REPORTS

Mandates annual progress reports to Congress so the taxpayers will be able to hold agencies accountable for following through on the five year plan.

SECTION 6. DEFINITIONS

SECTION 7. AUTHORIZATION OF APPROPRIATIONS

Provides \$125 million over five years in new authorization to fund this coordinated, multi-agency war on Lyme disease.

\$40 million in additional authorization over five years (\$8 million/year) for the National Institutes of Health (NIH), most of which will be used to develop and improve direct detection tests for Lyme. This new money, if appropriated, will increase existing NIH Lyme research by approximately 41 percent.

\$40 million in additional authorization over five years (\$8 million/year) for the Centers for Disease Control and Prevention (CDC). This money will be used to review the surveillance criteria, fund tick control and public education initiatives, as well as prevention programs. If enacted and appropriated, CDC resources devoted to Lyme would be doubled under the proposed bill.

\$30 million in additional authorization over five years (\$6 million/year) for the Department of Defense (DoD). This amount was identified by DoD in its Fiscal Year 1999 report to Congress on Lyme disease as the amount necessary to fund current and future research requirements.

\$7.5 million in additional authorization over five years (\$1.5 million/year) for the Department of Agriculture to enhance USDA's research capabilities on Lyme. USDA currently is exploring innovative techniques to remove/manage tick populations with minimal pesticide exposure to humans.

\$7.5 million in additional authorization over five years (\$1.5 million/year) for the Department of Interior. This will be used to improve public awareness and understanding of the risks of Lyme disease at federally owned lands, as well as needed tick control efforts.

State	Total number Lyme cases reported to CDC 1989-1998	Annual incidence per 100,000 persons
New York .....	39,370	21.6
Connecticut .....	17,728	54.2
Pennsylvania .....	14,870	12.3
New Jersey .....	13,428	16.9
Wisconsin .....	4,760	9.3
Rhode Island .....	3,717	37.5
Maryland .....	3,410	6.8
Massachusetts .....	2,712	4.5
Minnesota .....	1,745	3.8
Delaware .....	1,003	14.0