

safer location away from the capital city. After the war, he went to retrieve them, only to discover that the secret hiding place and all it contained had been destroyed in intense American bombardment of Guam. Lost forever were the records of births, deaths and marriages dating back to the 1700s. Perhaps it was the sorrow over this immense loss that inspired Pale' Scot to become such an avid collector of artifacts and written materials about Guam and its people.

Whatever the reason may be, Monsignor Calvo bore no animosity toward the Americans who fought valiantly to recapture Guam, destroying much in the process, nor toward the Japanese who precipitated the destruction. In fact, the good monsignor worked hard after the war to heal the wounds. Despite criticisms from U.S. veterans groups, he played a major role in the establishment of the Guam Peace Memorial Park, funded entirely by private Japanese donations and dedicated in tribute to Japanese and Chamorro war dead. In recognition of his efforts to promote peace, friendship and goodwill, the Japanese Government conferred upon him its distinguished Order of the Rising Sun with gold and silver rays. He was the first American to receive this prestigious award.

Monsignor Calvo also has been an Honorary Papal Chamberlain since 1947. He is a knight in the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes, and of Malta, with the title of Magistral Chaplain in 1977. In 1991 he was enrolled in the Guma Honra, the Guam Hall of Fame, for his remarkable social, spiritual and civic contributions to the people of Guam.

With the dedication of the Monsignor Oscar Lujan Calvo Museum on December 8, 1999, future generations of students of Guam history will owe a debt of gratitude to Pale' and his diligent efforts to preserve, protect, and promote Chamorro culture and history and to share his collection. I join the people of Guam in celebrating the opening of the new museum. I look forward to visiting it and to viewing Pale' Scot's collections, much of which will be publicly displayed for the first time. And to Pale', I want to say: "Si Yu'os ma'ase, Pale', nu todo i che'cho'-mu put i estudion i fina 'posta-ta, i setbisiu-mu para i tano'-ta yan i dedikasion-mu para i Gima' Yu'os."

We are inspired by your works, grateful for your advocacy and deeply appreciative of your service to our island.

CONFERENCE REPORT ON H.R. 3194,
CONSOLIDATED APPROPRIATIONS
AND DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2000

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BERMAN. Mr. Speaker, the measure before us includes the Intellectual Property and Communications Omnibus Reform Act of 1999 (IPCORA). This legislation, among other things, makes certain technical changes in several sections of the Copyright Act, including sections 111 and 119. These two sections of current law provide compulsory copyright licenses, which enable cable systems and sat-

ellite carriers to retransmit copyrighted material from broadcast signals without obtaining the permission of the copyright owners.

I rise to emphasize one change that this legislation does not make. Nothing in IPCORA changes the definitional provisions concerning who is entitled to claim a compulsory license. Section 111(f) contains a definition of "cable system," and section 119(d)(6) contains a definition of "satellite carrier." IPCORA does not change these definitions.

In particular, neither definition encompasses digital online communications services, which may seek to retransmit broadcast material over the Internet. These services are not eligible for either of these compulsory licenses. It is clear that such services do not fit either definition I have referenced. Indeed, Internet and online services are profoundly different from the cable systems and satellite carriers which these provisions are intended to benefit. To cite just one crucial difference, cable systems and satellite carriers serve defined and delineated geographic areas within the United States, and their entitlement to retransmit under these compulsory licenses applies only within those areas. Internet and online services, by contrast, have worldwide reach, and can deliver programming to any spot on the globe the Internet reaches. It is obvious that a compulsory license designed for a local, geographically limited service cannot fairly be applied to a worldwide distribution channel.

An earlier version of IPCORA contained technical amendments spelling out that digital online communications services are not eligible for compulsory licenses under either section 111 or section 119. Because some objections were raised by some online services to these amendments, it has been decided to omit them. Some may ask whether this omission has any legal significance. The answer is no. To my knowledge, no court, no administrative agency, no authoritative commentator has ever stated or even implied that digital online services qualify as either "cable systems" for purposes of section 111, or as "satellite carriers" for purposes of section 119. In fact, the Register of Copyrights, whose agency administers both these licenses, has repeatedly stated the opposite. Since IPCORA does not change these definitions, it does not change that conclusion, with or without the amendments that caused a few online services such concern.

MEMORIALIZING MR. MANUEL
CARDOZA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. CONDIT. Mr. Speaker, today is a very sad occasion and I would like to ask for a moment of silence on the House floor to honor the passing of a good friend of mine, Mr. Manuel Cardoza.

Though we are saddened by his passing from us Thursday afternoon, and I know that his precious wife Mary and his sons, Dennis and Bobby will miss him terribly, I am equally comforted in the knowledge that Manuel passed on to a better place.

Mr. Speaker, I've known the Cardoza family for a good many years. They are a living leg-

acy of the American Dream. Manuel's parents came to the United States from the Island of Pico in the Azores as immigrant farmers and made the most of the opportunity they found here.

A lifetime resident of California's great Central Valley, Manuel and Mary were long time residents of Atwater, after Manuel was born in Hanford. He farmed with his father and brother until 1945 when he left the family farm to serve in the US Maritime Service. In 1947 he returned to Atwater and farming until 1960 when he built Bellevue Bowl. He served as a director of the Merced County Mosquito Abatement Board for 30 years and held memberships in the Atwater Rotary Club and Merced Elks Lodge.

Manuel is survived by his wife Mary, his sons Bobby and Dennis and three grandchildren, Jim, Tommy and Brittany.

Mr. Speaker, I ask that my colleagues join me in honoring Manuel Cardoza.

CONFERENCE REPORT ON H.R. 3194,
CONSOLIDATED APPROPRIATIONS
AND DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SANDLIN. Mr. Speaker, this is no way to govern. Republicans have decided to run this budget bill through Congress by keeping members in the dark. The budgeting process that brought us this bill at 3:30 a.m. must change. Congress needs to find a better way to fund day-to-day government operations without jeopardizing funding for critical initiatives and programs by a process that is too partisan and deeply divided.

Even though I object to the process which brought us this bill, I will support its final passage because it contains a number of provisions which are absolutely essential for the people in my district. These provisions include relief for rural hospitals hit hard by the Balanced Budget Act of 1977 (BBA), access to local stations for rural satellite TV viewers, critical protections for dairy farmers, and the hiring of teachers and law enforcement officers.

Health care providers in rural East Texas have been hit exceptionally hard by the BBA changes. Many hospitals in East Texas receive 55-75% of revenue from Medicare. The budget package includes an agreement that would give hospitals, nursing homes, home health care agencies and other health care providers relief from cuts in Medicare payments that was enacted under the 1997 Balanced Budget Act.

This agreement will provide an estimated \$12.8 billion over five years in additional Medicare payments for hospitals, home health care agencies, managed care plans and other health providers. It also includes provisions targeted at small hospitals and rural hospitals. In addition to a higher rate of reimbursement for these institutions, the bill allows them to increase the number of residency positions they are allowed to offer.

Hospital outpatient departments will also see relief. The agreement includes a provision stating that Congress never intended to impose a 5.7% cut in payments to hospital outpatient departments. This provision will restore

these payments, reimbursing hospitals about \$4.2 billion over five years. This is critical for the financial security of our rural hospitals in East Texas. Patients' care options will be preserved with this provision, and the quality of care will be preserved.

The budget bill also contains important provisions which would allow satellite TV viewers access to local programming. Until now, satellite providers have been barred from transmitting the signals of local broadcast stations back to subscribers in the same local market. This legislation, however, contains important provisions of the Satellite Home View Act, which recently passed the House with overwhelming support.

In addition to allowing satellite carriers to transmit local broadcast signals back to subscribers in the same local market, this legislation would also eliminate the current 90-day waiting period before cable subscribers can switch to satellite service. These provisions are good news for satellite viewers who have been unfairly left deprived of access to local weather, news, and programming.

With regard to dairy, the agreement includes policy provisions that direct the USDA to implement its proposed "Option 1-A" Class 1 differential milk pricing structure. By doing so, the measure blocks portions of USDA's preferred milk marketing orders reform plan (Option 1-B) and essentially preserves the status quo in milk pricing for Texas.

This is a victory for Texas dairy farmers. If Option 1-B had been implemented, Texas dairy farmers would have lost \$56 million in producer income. With this agreement, we are preventing that loss and preserving the East Texas dairy farm.

The budget also contains a number of important Democratic victories, including funding for 100,000 new teachers, after school programs, Head Start, school construction, and the COPS program. These victories also include extensions of important tax credits for research and development, the Work Incentive tax credit, Welfare to Work credit, and Alternative Minimum Tax relief for individuals.

This year we have also given our service men and women a pay raise and provided funding for increased workload at Red River Army Depot. Specifically, the FY00 budget appropriates \$384 million for upgrading the Bradley Fighting Vehicle. Finally, this bill puts aside \$147 billion for reducing the national debt and helping ensure that future generations can share in the economic prosperity we are now experiencing as a nation.

Although I am pleased with the positive aspects of this bill, I am deeply disturbed by its more troubling provisions. Those include an arbitrary across-the-board cut upon which Republicans have insisted. Instead of eliminating the irresponsible member earmarks that load up this budget with unnecessary spending or cutting Member pay raises, Republicans have opted for a damaging, indiscriminate across-the-board cut. Moreover, they rely on accounting gimmicks to disguise the real spending in this bill, and they tell us this budget won't break the caps. This bill has not been scored, so we have no choice but to accept Republican claims that it won't dip into the Social Security trust fund.

I find the Republicans' failure to cut the Congressional pay raise particularly unconscionable. This bill would actually exempt the Congressional pay raise from the across-the-

board cut. This provision is extremely upsetting, considering that Congress twice voted against this exemption.

Republican tactics throughout the budget process have produced an imperfect bill. Their unwillingness to negotiate with Democrats from the beginning is the reason behind this 11th hour budget bill. Unfortunately, Republicans put off budget negotiations until the very last minute in favor of partisan rhetoric and have thereby prevented Congress from passing a Patients' Bill of Rights, funding a Medicare prescription drug benefit for seniors, increasing the minimum wage for working Americans, and providing meaningful tax relief for families.

These realities make it especially difficult for me to cast my vote in favor of this bill. The most troubling consequence of this bill is the potentially detrimental effect of the across-the-board cut on veterans' healthcare. I will vote for the Motion to Recommit for this reason, and for all the other reasons I have cited, in hopes that these problems can be addressed before final passage of the bill.

However, should the Motion to Recommit fail, I will support final passage because, although it is imperfect, this bill is a product of lengthy negotiations. I accept that negotiation requires compromise, and not everyone will agree on every aspect of a compromise. All in all, I support this bill because, despite its shortcomings, it is good news for the people of East Texas.

BERNARDO FORT-BRESCIA AND
LAURINDA SPEAR INDUCTED TO
THE INTERIOR DESIGN MAGAZINE
HALL OF FAME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Bernardo Fort-Brescia and his wife, Laurinda Spear, on being inducted as members of the 1999 Interior Design Magazine Hall of Fame.

In 1977, Bernardo and Laurinda, both graduates of Ivy League architectural schools, founded the Miami based *Arquitectonica* which has been making headlines with a brand of unconventional modernism that combines clarity and formal rigor with unusual daring in color and wit. The firm's designs have won numerous awards from the American Institute of Architects and Progressive Architecture.

Bernardo and Laurinda have worked on many memorable designs, including the Miami City Ballet headquarters in Miami Beach, the American Airlines Arena in Miami, and the future Westin New York at Times Square on New York's 42nd Street. These projects have been featured in many magazines and professional journals including *Time*, *Newsweek*, *Domus*, and *Architectural Digest*. Bernardo and Laurinda have lectured around the world and their work had been exhibited in many prestigious museums and galleries throughout the Western Hemisphere and Europe.

I urge my colleagues to join me in congratulating Bernardo Fort-Brescia, FAIA and Laurinda Spear, FAIA on their induction to the 1999 Interior Design Magazine Hall of Fame.

CONFERENCE REPORT ON H.R. 2116,
VETERANS MILLENNIUM HEALTH
CARE AND BENEFITS ACT

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of H.R. 2116, the Veterans Millennium Health Care Act of 1996. As a conferee on this legislation, I am grateful the Senate accepted one particular provision, my proposal to add bronchiolo alveolar carcinoma to the Department of Veterans Affairs presumption list for radiogenic cancers.

For the last ten years, I have worked to add this lung cancer to the VA's presumption list for service-connected veterans. During the 104th and 105th Congresses, the House passed my legislation to add this cancer to the VA's presumption list. This year, we have convinced our Senate colleagues of the need to put this provision into law because of the VA's continual denial of most claims by atomic veterans and their survivors.

Bronchiolo alveolar carcinoma is not considered a smoker's cancer. During a recent class action lawsuit in the state of Florida, the jury specifically excluded bronchiolo alveolar carcinoma from the list of lung cancers compensable due to smoking. Furthermore, the National Research Council cited Department of Energy studies in the BEIR V report stating that "bronchiolo alveolar carcinoma is the most common cause of delayed death from inhaled plutonium 239."

I know of this firsthand because I have been working with Joan McCarthy, a New Jersey resident, who lost her husband, Tom, to bronchiolo alveolar carcinoma in 1981. Tom had served as the navigator on the U.S.S. *McKinley* which participated in Operation Wigwam, an underwater atomic test in the Pacific that produced a surge of mist which Tom inhaled. Twenty-five years later, Tom died of lung cancer, a father and husband who was only in his early forties. Passage of the Veterans Millennium Health Care Act today will add this cancer to the VA's presumption list and thus ensure that Joan McCarthy and other veterans and their widows receive the compensation which they need and deserve.

I am also proud of this bill's long-term care provisions for our nation's veterans. It reflects the months of heavy lifting that the House Veterans' Affairs Committee has done on this issue as America's veterans community gets older and consequently needs quality health care.

Another provision which I authored as free standing legislation and is now in the conference report is a respite care provision. For the first time, we are giving the VA the ability to contract out for respite care services. Until now, if a veteran's care giver, be it his spouse or adult child, needed a short break, their only recourse was to wait for a bed to be made available at either a VA or state nursing home. The extra burden of transporting the veterans almost makes this self-defeating and it is witnessed by the fact that only 232 cases of respite care were provided by the VA during the 1998 fiscal year.

The need for respite care cannot be underestimated. A few years ago, my wife, Marie,