

## EXTENSIONS OF REMARKS

IN RECOGNITION OF RUBEN PABON, JR., HONOREE OF NOSOTROS MAGAZINE'S 33RD ANNIVERSARY GALA AWARD BANQUET

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Ruben Pabon, Jr., who will be honored at the 33rd anniversary Gala Award Banquet of *Nosotros Magazine* on Saturday, February 21, 2001. The Banquet is an annual event that honors distinguished Hispanic leaders for their important contributions to society. This is an opportune time for today's Hispanic leaders to reflect on the economic, political, and cultural contributions that Hispanics have made to American society.

Ruben Pabon, Jr. was born in New York City and currently resides in New Jersey. He served in the United States Army during the Korean War, rising to the rank of sergeant. After being honorably discharged, he accepted a position with Pan American World Airways, from which he retired in 1987.

Mr. Pabon has continually exhibited a great passion for community service, which began when he joined the Newark Borinquen Lions Club, helping to establish outreach programs for the Hispanic community in Newark, New Jersey. He was later elected President of the Club, and received the Governor's and President's Awards for his hard work and dedication.

Mr. Pabon serves on several housing boards that seek to address the problems faced by Hispanic senior citizens and those in need of affordable housing in Newark. He currently serves as an active member of a task force created by Bergen County Executive Pat Schuber to recommend strategies for the implementation of a multi-cultural center in Bergen County, New Jersey. In addition, Mr. Pabon is treasurer of the Spanish American Cultural Association; a member of the Knights of Columbus; a member of the Hispanic Business and Professional Association; and a volunteer for the Association for Retarded Citizens in Bergen County.

In honoring Ruben Pabon, Jr., *Nosotros Magazine* is promoting the most important values in American Society today: hard work, dedication, and compassion. Mr. Pabon embodies these American ideals; and, throughout his career, he has worked tirelessly to provide others with the opportunity to meet the standard of excellence he has set.

Because of community leaders like Mr. Pabon, the Hispanic community is not only experiencing economic empowerment, but also political strength. Today, we prepare for a future that reflects our years of hard work, and our commitment to each other.

Today, I ask my colleagues to join me in recognizing Ruben Pabon, Jr. for his invaluable contributions to the Hispanic community.

TRIBUTE TO JERRY R. POER

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Jerry R. Poer, a salon and cosmetology school owner from my district. On January 26, 2001, he was inducted into the National Cosmetology Association's Board of Directors Hall of Renown.

Mr. Poer was recently honored at the International Beauty Show in Long Beach, California. The award acknowledges his many years of contributions to the cosmetology industry. Poer has received numerous other awards and honors during his distinguished career. He has received the Charleston Cosmetologist of the Year and the South Carolina Cosmetologist of the Year honors. He has also served as President of the National Cosmetology Association of South Carolina and Styles Director of the South Carolina Fashion and Education Committee. While a member of Hair America he served as coordinator for the NCA Montage Collection.

Mr. Poer has been a platform artist, lecturer, and consultant for state shows, modeling agencies, and many educational classes. Modern Salon, American Salon, Passion, and Men's Passion have each featured Mr. Poer during his career. Mr. Poer has been inducted into the South Carolina Cosmetology Hall of Fame and served on the Governor's Advisory Board. Students and staff of his cosmetology school have received nine State Hair Styling Championships.

Mr. Speaker, I ask you to join me and my colleagues today in paying tribute to an individual whose dedication to his field is extremely noteworthy. Mr. Jerry R. Poer continues to this day to support the growth and advancement of the cosmetology industry and he deserves our praise.

CELEBRATION OF 75TH ANNIVERSARY OF THE SACRED HEART PARISH IN EAST CHICAGO

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. VISCLOSKY. Mr. Speaker, it is with tremendous pleasure and admiration that I congratulate the parishioners of the Sacred Heart Parish in East Chicago, Indiana, as they celebrate their 75th anniversary as a congregation, as well as the 60th anniversary of the opening services in their current sanctuary, on March 4, 2001. The day will begin with a special Mass conducted by Bishop Dale Melczek to be followed by a celebratory luncheon.

Originally known as Mission of Assumption Slovak Parish, Sacred Heart was founded in order to service the spiritual needs of Slovaks

in East Chicago and Whiting, Indiana. Services were held at several churches in the two cities until Father Clement Mlinarovich saw a great need for the Mission in East Chicago. From 1926 to 1941, the Sacred Heart Parish conducted Masses, confessions, and missions at various churches throughout the city.

After many years of relying on other churches' facilities, the dedicated parishioners decided to build their own sanctuary. The beautiful church was dedicated in May 1941 by Bishop John Francis Noll of the Fort Wayne Diocese, with many delighted Slovak priests and lay citizens from around Lake County attending. The Sacred Heart congregation was overjoyed that they finally had their own house of worship. They also took special pride in the building because many of the parishioners volunteered to assist with its construction.

Father Andrew G. Grutka was the first resident pastor at the newly completed church. He preached to the Sacred Heart congregation from 1942 to 1944, after which he became the first Bishop of the Diocese of Gary. Father Louis Duray and Father Milan Bach succeeded Father Grutka and made significant improvements, including beautifying the sanctuary and purchasing a home for the priest. Father Joseph Semancik was later sent to Sacred Heart as the pastor, a position he maintains today.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the congregation of Sacred Heart parish in East Chicago, Indiana as they celebrate the 75th anniversary of their founding and the 60th anniversary of the construction of their church. Sacred Heart Parish has undergone many changes from the time it began as the Mission of Assumption Slovak Parish. They have settled in East Chicago, built a beautiful sanctuary, and expanded the congregation to include a variety of ethnic backgrounds. What has remained the same is the dedication, loyalty, and love for their fellow man the parishioners have displayed throughout the parish's many years of service to the community. May God continue to bless the parishioners and the church leaders for many years to come.

FEDERAL EMPLOYEE HEALTH BENEFITS FOR MILITARY RETIREES: LET'S CARRY OUT A CREDIBLE DEMONSTRATION

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CUNNINGHAM. Mr. Speaker, today I am reintroducing legislation that will address deficiencies in the ongoing demonstration project to assess the viability of a Federal Employees Health Benefit Program (FEHBP) option for military retirees. Since Congress authorized that demonstration in the FY99 Defense Authorization, I have raised concerns that the limits on it would prevent us from

• 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.

gaining adequate data on which to judge this option. Unfortunately, those concerns have been validated over the past years, and I am resubmitting corrective legislation to put us back on the right track.

While many in Congress have been pushing for an FEHBP option for military retirees for years, that effort has been stymied because some believe that it would be too costly. That is because budget analysts made some illogical assumptions in projecting the cost of FEHBP for military retirees. For example, the budgeteers incorrectly calculated that all eligible military retirees would select this option. But that is not logical. Some people may be satisfied with their access to care under Tricare, or opt out based on cost calculations. Moreover, budget analysts did not account for the savings that would accrue in other health programs for those who participate in FEHBP.

Given these unrealistic assumptions, I joined other FEHBP supporters in pushing a demonstration so that we could validate the true cost and viability of this option. Unfortunately, even the demonstration was scaled back, creating a "Catch 22" situation.

Congress authorized a three-year demonstration limited to 66,000 participants at up to ten sites. Because the number of eligibles that could be offered this option was capped at 69,663, it has been almost impossible to attract a credible pool of participants on which to judge the viability and cost. To achieve anything close to our intent, we would have to have one hundred percent participation—something no one but the budget analysts ever assumed possible. Set up for failure, this effort could provide opponents the perfect fodder to kill the FEHBP option.

DOD never began any real marketing of the option to potential beneficiaries until August 1999—two months before the pilot was to begin. And the effort that was made was completely inadequate. Notification consisted of a postcard mailer without any detailed information so that eligible participants could compare costs to their current arrangements. People who have Medicare Part B coverage were not informed that under some plans, they wouldn't have to make copayments or meet deductibles. The Department was slow to announce health fairs conducted by FEHBP insurers, leaving less than a week in most cases for potential participants to plan.

The artificial limits, combined with inadequate marketing of FEHBP to military retiree, led to unusually low participation. At the end of 1999, less than one thousand people in eight sites nationwide have signed up for the FEHBP option. Fortunately, a renewed marketing effort and extension for signup last year increased participation to 7200. But almost two years were lost in getting this demonstration off the ground, and it is set to expire at the end of 2002. Meanwhile, DOD still must spend money to market to this small group of eligible participants.

Those who participate in the FEHBP program are also prohibited from getting any further care in a military treatment facility. MTFs such as Walter Reed Army Medical Center need the older patients to keep up their full range of medical skills and they have the space to accommodate retirees. We should allow MTFs to bill health care plans for services—as we are now starting to do with Medicare Subvention.

My bill would address these limitations by:

Removing the limits on the number of people and areas of the country in which the demonstration may be carried out.

Removing the restriction, which prevents participants from using military treatment facilities (MTFs), and allows MTFs to charge the FEHBP plans for retiree services. That balances cost considerations, and ensures a steady mix of older patients so that the military medical personnel are able to keep up their full range of skills.

Extending the current demonstration two years so that we have the benefit of solid data and a credible program on which to judge the viability of the FEHBP option.

Mr. Speaker, these fixes are no substitute for comprehensive military retiree health care reform. In my view, the time for demonstrations and patchwork fixes to the DOD health care system is over. Congress took a major step in that direction last year by authorizing the "Tricare for Life" benefits. But we need comprehensive action to ensure a menu of affordable health care options for military retirees. I am confident that an honest assessment will confirm the viability of an FEHBP option for all military retirees.

We cannot continue to punt on that because of budget concerns. We provide FEHBP to millions of civilian federal employees throughout their careers and in retirement. Military personnel and their families make many sacrifices throughout their careers. The least we can do is provide them with the same level of care that other federal workers have. They deserve no less.

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#### INTRODUCTION OF THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. MARKEY. Mr. Speaker, I am pleased to join my colleague the gentleman from California (Mr. CUNNINGHAM) and a bipartisan coalition of other Members in introducing the "Energy Efficient Buildings Incentives Act."

Energy use in buildings in this country accounts for approximately 35% of polluting air emissions nationwide about twice as much as the pollution from cars. It costs the average American \$1500 to heat and cool their homes every year, which amounts to an annual cost of \$150 billion nationwide. Commercial buildings and schools incur \$100 billion in annual utility bills. And yet, the tax code fails to provide sufficient incentives to reduce wasteful and unnecessary energy use. This is bad policy, and it must be changed. In these times of "brown outs" and "black outs" in communities across this nation and in times of rising fuel prices, we should be looking for ways to ensure that energy is never wasted.

That is why we have introduced the "Energy Efficient Buildings Incentives Act." Our bill would spur use of energy efficient technologies, such as super-efficient air conditioning units, which could result in a substantial drop in peak electricity demand of at least 20,000 megawatts—the equivalent of the output of 40 large power plants. At a time when many communities are currently facing electricity supply shortages, and the local political

issues involved with siting and building new power plants are difficult and contentious, our bill provides a way to reduce pressures on the nation's electricity grid. Specifically, our bill provides tax incentives for:

Efficient residential buildings, saving 30% or 50% of energy cost to the homeowner compared to national model codes, with a higher incentive for the higher savings.

Efficient heating, cooling, and water heating equipment that reduces consumer energy costs, and, for air conditioners, reduces peak electric power demand, by about 20% (lower incentives) and 30%–50% (higher incentives) compared to national standards.

New and existing commercial buildings with 50% reductions in energy costs to the owner or tenant, and solar hot water photovoltaic systems.

If only 50% of new buildings reach the energy efficiency goals of this legislation, air pollution emissions in this country could be reduced by over 3% in the next decade, and decrease even more dramatically over time. In that same ten-year period, this legislation could result in direct economic savings of \$40 billion to consumers and businesses. For example, a family that installs an energy efficient water heater can get \$250 to \$500 back from the tax code changes and an additional \$50 to \$200 every year in reduced utility bills. Or a family that purchases a new home that meets the standards in this bill can get as much as \$2,000 returned to them by the tax incentives, in addition to the \$300 or more in continuing energy savings.

I urge other Members to join us in saving American consumers money, improving the air we breathe and the water we drink, increasing the competitiveness of American industries, and eliminating inefficiencies in the tax code by encouraging energy efficiency in our schools and our commercial and residential buildings.

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IN RECOGNITION OF JUDGE JULIO FUENTES, HONOREE OF NOSOTROS MAGAZINE'S 33RD ANNIVERSARY GALA AWARD BANQUET

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Judge Julio Fuentes, who will be honored at the 33rd Anniversary Gala Award Banquet of Nosotros Magazine on Saturday, February 21, 2001. The Banquet is an annual event that honors distinguished Hispanic leaders for their important contributions to society. This is an opportune time for today's Hispanic leaders to reflect on the economic, political, and cultural contributions that Hispanics have made to American society.

Judge Fuentes was born in Puerto Rico and raised in Toms River, New Jersey. He served in the U.S. Army from 1966 to 1969 as a military police officer. He earned his Bachelor's Degree at Southern Illinois University and his Juris Doctor at the State University of New York at Buffalo. While serving as a judge, Fuentes earned two Master's Degrees, one in Latin American Affairs at New York University and one in Liberal Arts at Rutgers University.

Throughout his career, Judge Fuentes has served with distinction and honor. For over 20 years, he has proven to be an impartial, open-minded, bright, and dedicated public servant at the Municipal, Superior, and Appeals Court levels.

Judge Fuentes's recent appointment to the 3rd U.S. Court of Appeals resonates with historic significance: He is the first Hispanic ever to be appointed to this prestigious court. As a result, the judicial branch is one step closer to reflecting America's rich diversity.

In honoring Judge Julio Fuentes, *Nosotros Magazine* is promoting the most important values in American society today: Hard work, dedication, and compassion. Judge Fuentes embodies these American ideals; and, throughout his career, he has worked tirelessly to provide others with the opportunity to meet the standard of excellence he has set.

Because of community leaders like Judge Fuentes, the Hispanic community is not only experiencing economic empowerment, but also political strength. Today, we prepare for a future that reflects our years of hard work, and our commitment to each other.

Today, I ask my colleagues to join me in recognizing Judge Julio Fuentes for his many contributions to the Hispanic community.

TRIBUTE TO D.E. SUMPTER AND ASSOCIATES

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to D.E. Sumpter and Associates (DESA) for the contributions they have made to the landscape of the South Carolina business community. This month the company commemorated its 15th anniversary.

DESA, Inc., an African American woman-owned business, has grown to 150 employees from its humble beginnings in 1986. In addition to its headquarters in Columbia, SC, the company now has regional offices in Charleston, SC, Atlanta, GA, and Falls Church, VA. DESA specializes in development education for minority businesses, conference management, technical assistance, construction management, and hospital management.

The State newspaper named DESA's founder, Diane Sumpter, one of the "People to Watch in Business in the Midlands in 2001." She contributes to her community through service on the Cultural Council of Richland and Lexington Counties. She has served on the boards of the South Carolina Chamber of Commerce and the Greater Columbia Chamber of Commerce. Ms. Sumpter is also a founding member of the Minority Contractors Association for the State of South Carolina. She is a Life Member of the NAACP, and has recently joined the Board of Directors of the South Carolina Small Business Chamber of Commerce.

DESA has worked with numerous small minority and women owned businesses through mentor protégé programs. The company has been awarded SBA's 1990 Advocate of the Year, Midland Minority Supplier Development Council's 1991 Vendor of the Year, SBA's 1992 South Carolina Minority Business Person, and the YWCA Tribute to Women in In-

dustry Award. Most recently, DESA received the 2000 BB&T Trailblazer Award.

Mr. Speaker, please join me in paying tribute to DESA and its proprietor, my good friend, Ms. Diane Sumpter for the contributions she and her company have made to our State and Nation.

TRIBUTE TO SUSAN REHRER

**HON. PETER J. VISCLOSKEY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. VISCLOSKEY. Mr. Speaker, it is with great pleasure and admiration that I congratulate Ms. Susan Rehrer as she retires after 21 years of dedicated service to the Visiting Nurse Association (VNA) of Northwest Indiana. A retirement celebration will be held for her on Tuesday, March 6, 2001 at the Center for the Visual and Performing Arts in Munster, Indiana.

As Executive Director of the VNA for the past 13 years, Susan has been directly responsible for the management and administration of the agency's programs and services. She has been instrumental in leading the VNA through many different changes, including industry upheaval, market influx, new innovative programming and financial viability. Through her diligence the VNA has not only survived through these difficult changes, but it has thrived in the midst of the industry's transition.

Susan's leadership helped to successfully develop the Critical Pathways program. This program is an individualized patient care plan which relies on precise, detail-oriented information. It has revolutionized the industry by allowing each patient to receive the care needed. Susan is extremely proud of the development of this program, and her hard work has helped to ensure its success.

During her years at the VNA, Susan has demonstrated a sincere love for the community in which she lives. In addition to improving the lives of others through her professional career, she has also volunteered her time to champion many causes aimed at bringing comfort to those in need of assistance. She has played an active role in the Healthy Start program, a community-based infant mortality reduction plan employed in many areas of Northwest Indiana and throughout the country. Susan is also involved in the Healthy East Chicago program, designed to mobilize individuals and resources to promote a healthy community.

For all of her conscientious efforts, both professionally and voluntarily, Susan has been recognized by her peers. She has earned numerous state and national awards for excellence in the health care industry. Her dedication to the VNA movement and home health care in Indiana has been extraordinary. She is a true believer in the industry's importance and its ability to improve the lives of those who otherwise would live in discomfort.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in congratulating Ms. Susan Rehrer for her 21 years of service to the Visiting Nurse Association, and the last 13 years as the Executive Director. Susan has shown impeccable leadership abilities as well as an undying love for her community. The people of Northwest Indi-

ana will surely miss her enthusiasm, but we thank her for her years of service and wish her happiness in her well-deserved retirement.

INTRODUCTION OF THE MORRIS K. UDALL ARCTIC WILDERNESS ACT OF 2001

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. MARKEY. Mr. Speaker, one of the most magnificent wildlife reserves in America has been targeted for oil and gas development. It is threatened as never before, and will lose its wild, untrammelled character forever if we do not organize to fight this threat. Today, Rep. NANCY JOHNSON and I are introducing the Morris K. Udall Arctic Wilderness Act of 2001, with more than 120 cosponsors, Republican and Democrat, all united in their goal to preserve this precious wilderness in its current pristine, roadless condition for future generations of Americans.

We have a bipartisan legacy to protect, and we take it very seriously. It is a legacy of Republican President Eisenhower, who set aside the core of the Refuge in 1960. It is a legacy of Democratic President Carter, who expanded it in 1980. It is the legacy of Republican Senator Bill Roth and Democratic Representative Bruce Vento and especially Morris Udall, who fought so hard to achieve what we propose today, and twice succeeded in shepherding this wilderness proposal through the House. Now is the time to finish the job they began—now is the time to say "Yes" to setting aside the Coastal Plain as a fully protected unit of the Wilderness Preservation System.

Every summer, the Arctic coastal plain becomes the focus of one of the last great migratory miracles of nature when 130,000 caribou, the Porcupine caribou herd, start their ancient annual trek, first east away from the plain into Canada, then south and west back into interior Alaska, and finally north in a final push over the mountains and down the river valleys back to the coastal plain, their traditional birthing grounds. This herd, migrating thousands of miles each year and yet funneling into a relatively limited area of tundra, contrasts sharply with the non-migratory Central Arctic herd living near the Prudhoe Bay oil fields.

The coastal plain of the Refuge is the biological heart of the Refuge ecosystem and critical to the survival of a one-of-a-kind migratory species. When you drill in the heart, every other part of the biological system suffers.

The oil industry has placed a bull's eye on the heart of the Refuge and says "hold still. This won't hurt. It will only affect a small surface area of your vital organs!"

Nevertheless, the oil industry has placed a bull's eye on the very same piece of land that Congress set aside as critical habitat for the caribou. The industry wants to spread the industrial footprint of Prudhoe Bay into a pristine area. Let's take a look at the industrial footprints that have already been left on the North Slope. Look at Deadhorse and Prudhoe Bay. They are part of a vast Industrial Complex that generates, on average, one toxic spill a day of oil, or chemicals, or industrial waste of some

kind that seeps into the tundra or sits in toxic drilling mud pits. It is one big Energy Sacrifice Zone that already spews more nitrogen oxide pollution into the Arctic air each year than the city of Washington, DC.

Allowing this industrial blight to ooze into the Refuge would be an unmitigated disaster. It would be as if we had opened up a bottle of black ink and thrown it on the face of the Mona Lisa.

But why invade this critical habitat for oil if we don't have to?

The fact is, it would not only be bad environmental policy, it is totally unnecessary. Here's why:

1. Fuel economy. According to EPA scientists, if cars, mini-vans, and SUV's improved their average fuel economy just 3 miles per gallon, we would save more oil within ten years than would ever be produced from the Refuge. Can we do that? We already did it once! In 1987, the fleetwide average fuel economy topped 26 miles per gallon, but in the last 13 years, we have slipped back to 24 mpg on average, a level we first reached in 1981! Simply using existing technology will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry wants to drill out of the Refuge.

2. Natural Gas: The fossil fuel of the future is gas, not gasoline, because it can be used for transportation, heating and, most importantly, electricity, and it pollutes less than the alternatives. The new economy needs electricity, and it isn't looking to Alaskan oil to generate it. California gets only 1 percent of its electricity from oil; the nation gets less than 3 percent, while 15 percent already comes from natural gas and its growing. Alaska has huge potential reserves of natural gas on the North Slope, particularly around Prudhoe Bay and to the west, in an area that has already been set aside for oil and gas drilling called the National Petroleum Reserve. Moreover, we have significant gas reserves in the lower 48 and the Caribbean. The Coastal Plain of the Refuge has virtually none.

3. Oil not in the Refuge: The National Petroleum Reserve in Alaska has been specifically set aside for the production of oil and gas. It is a vast area, 15 times the size of the Coastal Plain, and relatively under-explored by the industry. Anything found there is just as close to Prudhoe Bay as the Refuge, but can be developed without invading a critical habitat in a national refuge. In fact, just last October, BP announced the discovery of a field in this Reserve that appears to be as large as Kuparuk, the second largest field on the North Slope. While the potential for oil in the Refuge still appears larger than in the Reserve, the Reserve holds much greater promise for natural gas, so that every exploratory well has a greater chance of finding recoverable quantities of one fuel or the other.

Our dependence on foreign oil is real, but we cannot escape it by drilling for oil in the United States. Energy legislation introduced this week in

We consume 25 percent of the world's oil but control only 3 percent of the world's reserves. 76 percent of those reserves are in OPEC, so we will continue to look to foreign suppliers as long as we continue to ignore the fuel economy of our cars and as long as we continue to fuel them with gasoline.

The public senses that a drill-in-the-Refuge energy strategy is a loser. Why sacrifice

something that can never be re-created—this one-of-a-kind wilderness—simply to avoid something relatively painless—sensible fuel economy?

The latest poll, done by Democratic pollster Mark Mellman and Republican pollster Christine Matthews, shows a margin of 52–35 percent opposed to drilling for oil in the refuge.

The public is making clear to Congress that other options should be pursued, not just because the Refuge is so special, but because the other options will succeed where continuing to put a polluting fuel in gas-guzzling automobiles is a recipe for failure.

Sending in the oil rigs to scatter the caribou and shatter the wilderness is what I Call "UNIMOG energy policy." You may have heard about the UNIMOG. It is a proposed new SUV that will be 9 feet tall, 7½ feet long, 3½ inches wider than a Humvee, weight 6 tons and get 10 miles per gallon.

That's the kind of thinking that leads not just to this refuge, but to every other pristine wilderness area, in a desperate search for yet another drop of oil. And it perpetuates a head-in-the-haze attitude towards polluting our atmosphere with greenhouse gases and continuing our reliance on OPEC oil for the foreseeable future.

Now that our energy woes have forced us to think about the interaction of energy and environmental policy, it is a good time to say no to a UNIMOG energy policy and yes to a policy that moves us away from gas-guzzling automobiles to clean-burning fuels, hybrid engines, and much higher efficiency in our energy consumption.

If we adopt the UNIMOG energy policy, we will have failed twice—we will remain just as dependent on oil for our energy future, and we will have hastened the demise of the ancient rhythms of a unique migratory caribou herd in America's last frontier.

We have many choices to make regarding our energy future, but we have very few choices when it comes to industrial pressures on incomparable natural wonders. Let us be clear with the American people that there are places that are so special for their environmental, wilderness or recreational value that we simply will not drill there as long as alternatives exist. The Arctic Refuge is federal land that was set aside for all the people of the United States. It does not belong to the oil companies, it does not belong to one state. It is a public wilderness treasure, we are the trustees.

We do not dam Yosemite Valley for hydro-power.

We do not strip mine Yellowstone for coal.

We do not string wind turbines along the edge of the Grand Canyon.

And we should not drill for oil and gas in the Arctic Refuge.

We should preserve it, instead, as the magnificent wilderness it has always been, and must always be.

IN HONOR OF KAREN SMITH, 20TH GRAND MARSHAL OF THE BAYONNE ST. PATRICK'S DAY PARADE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Karen Smith, who has been selected as the 20th Grand Marshal of the Bayonne St. Patrick's Day Parade. Ms. Smith was selected as the Grand Marshal in recognition of her years of dedicated service to Bayonne's Irish American community.

Karen Smith was born in Bayonne, New Jersey to Philip and Frances O'Donnell. She attended St. Vincent's School and the Holy Family Academy. After receiving her BS in Nursing from the College of Mt. St. Joseph in Ohio, Ms. Smith returned home in 1974 and began her nursing career in Bayonne Hospital, where she cares for the sick to this day in the Endoscopy Department.

Ms. Smith takes great pride in serving the Irish American community. She is a member of Ireland's 32 Club, the County Corkmen's Association, the Ticket and Raffle Committee for the annual New Jersey Irish Festival, and the Women of Irish Heritage of the Jersey Shore. She also works for Project Children, which promotes understanding and tolerance by allowing Catholic and Protestant children from Ireland to interact peacefully with each other while temporarily living with American families.

Ms. Smith's many contributions to the Irish American community are a result of her great love for America, Ireland, and the community of Bayonne.

Today, I ask my colleagues to join me in honoring Karen Smith for being selected as the 20th Grand Marshal of the Bayonne St. Patrick's Day Parade.

### TRIBUTE TO JOYCE RHENEY

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Joyce Rhenev who on February 14, 2001 was honored as South Carolina Mother of the Year 2001. The Mother of the Year Committee recognizes the dignity of motherhood and the influence that mothers have on their families, professions, communities and churches.

Along with her duties as mother and wife, Mrs. Rhenev manages to find time to donate her talents to her community in several capacities. She is a member of Orangeburg City Council, serving her 12th year in office. She is an active representative of the Downtown Orangeburg Revitalization Association board and served as co-chair on the committee to renovate Steyenson Auditorium. She volunteered to serve on the Foundation Board of TRMC and was the 1997 co-chair of the fund-raising gala. The funds raised by this gala are used in the community for hospice cancer patient care and Camp Catch-A-Breath. She was elected president of the foundation for 2000–2001.

Mrs. Rheney is a 1949 graduate of Jefferson-Hillman School of Nursing in Birmingham, Alabama. Her first job was as director of nursing at a tuberculosis sanitarium in Decatur, Georgia. After her move to South Carolina, she accepted positions in the surgical unit of Roper Hospital and later as pediatric head nurse at Saint Francis Hospital in Charleston, South Carolina.

Upon moving to Orangeburg, South Carolina in 1954, Mrs. Rheney immediately became active in the community. She held memberships in the Junior Service League, the Medical Alliance, and the Salvation Army Advisory Board. In the 1960's and 1970's she was an active supporter and volunteer for many activities at Wade Hampton Academy, where her children were students. Mrs. Rheney and her husband, Dr. John Rheney, Jr. are the parents of four children: John III, a local dentist; Betsy, a human resources representative in Aiken; Bruce, a local bank vice-president; and David, a Greenville attorney. The Rheney's raised their children in a loving, Christian home, encouraging them to love God, one another, and themselves.

As South Carolina's Mother of the Year, Mrs. Rheney will represent the state in Portland, Oregon in April at the national convention of American Mothers, Inc., a non-profit, interfaith organization founded for the purpose of developing and strengthening the moral and spiritual foundation of America's families. I am privileged to serve parts of Orangeburg county in this august body, a county which has seen three other of its outstanding women attain the state's Mother of the Year honor. Mr. Speaker, please join me in honoring Mrs. Joyce Rheney, for her outstanding work as an exemplary mother and unselfish community servant.

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#### HONORING GEORGE BECKER

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. VISCLOSKY. Mr. Speaker, on February 28, 2001, one of this nation's most distinguished and able labor leaders will officially retire. George Becker, the president of the United Steelworkers of America, will formally mark the conclusion of a career that spans 57 years.

During his tenure as the president of the Steelworkers union, he has reinvigorated the union's political presence as a force in the national debate about trade, globalization, and its effects on working men and women. He has been an outspoken critic of free trade agreements, such as NAFTA, that have resulted in the loss of tens of thousands of American manufacturing jobs and a weakening of America's manufacturing and industrial base. He has been a fierce proponent of workers' rights and human rights, especially in China, Mexico, and other developing nations around the world.

George Becker literally grew up across the street from a steel mill; the Granite City mill in his hometown of Granite City, Illinois. He went to work in the mill in the summer of 1944. Besides Granite City Steel, Becker also worked as a crane operator at General Steel Castings, and as an assembler at Fisher Body. He also served on active duty in the U.S. Marine Corps.

Becker became active in USWA Local 4804 at Dow Chemical's aluminum rolling mill in Madison, Illinois, where he worked as an inspector. Over the years, he was elected by his co-workers as local union treasurer, vice president, and president. As a result of his hard work and leadership, Becker was later appointed as a USWA staff representative.

In 1975, Becker came to the USWA's International headquarters in Pittsburgh as a staff technician in the union's Safety and Health Department. He helped to establish some of the first national health standards adopted later by the Occupational Safety and Health Administration (OSHA) for workers exposed to lead, arsenic, and other toxic substances.

Becker also led the union's collective bargaining in the aluminum industry as chair of the USWA's Aluminum Industry Conference. Later, he also headed the Steelworkers' organizing program and led major corporate campaigns, including a worldwide campaign against Ravenswood Aluminum Corporation and the return to work of 1,600 Steelworkers after a 20-month lockout. The Ravenswood struggle was later chronicled in the 1999 book, titled, "Ravenswood: The Steelworkers' Victory and the Revival of American Labor," by Tom Juravich and Kate Bronfenbrenner.

In 1985, Becker was elected as international vice president for administration. He was re-elected to that position in 1989. He also served as administrative assistant to Lynn Williams after Williams became international secretary in 1977 and international president in 1983.

In November, 1993, Becker was elected international president of the United Steelworkers and was reelected to a second term in November, 1997.

Becker's presidency of the Steelworkers has included many milestones for the union.

In June, 1995, Becker won the support of his Board of Directors to reorganize the Steelworkers from 18 districts in the U.S. into nine districts, increasing efficiency and political strength. In July, 1995, Becker engineered the merger of the 98,000-member United Rubber Workers with the Steelworkers. In 1997, the 40,000-member Aluminum, Brick, and Glass Workers Union also merged with the Steelworkers.

Under George Becker's leadership, the Steelworkers won significant settlements in strikes at Bridgestone/Firestone, Wheeling-Pittsburgh Steel, and Newport News Shipbuilding Company. The struggle at Wheeling-Pittsburgh Steel restored a defined benefit pension plan for 4,500 members. The struggle at Newport news Shipbuilding also won significant increases in workers' wages and pension benefits.

Becker also expanded the Steelworkers' political strength by creating a Rapid Response program, which informs and activates local union members to lobby Congress on issues crucial to working men and women. In 1998, Steelworkers generated over 170,000 letters to Congress opposing so-called "fast track" trade negotiating authority, which played a major part in defeating the measure. Becker also initiated a Washington internship program for the union, which brings rank and file members to Washington for an intensive 12-week long session of education about the workings of Congress along with practical experience in the art of lobbying on behalf of the union's legislative agenda.

Becker has become a regular fixture in Washington with frequent appearances and testimony before Congressional committees, the U.S. International Trade Commission, the Administration, and other government agencies. As one of the vice-presidents of the AFL-CIO, he was instrumental in reforming the labor federation and was a key supporter of John Sweeney as AFL-CIO president in 1995.

On the world stage, Becker is an executive committee member of the International Metalworkers Federation (IMF) and chairman of the world rubber council of the International Federation of Chemical, Energy, Mine, and General Workers' Unions (ICEM).

In 1998, Becker was appointed by President Clinton to the President's Export Council and the U.S. Trade and Environmental Policy Advisory Committee; both important forums which he used to speak out on behalf of workers' rights. Becker also served as a member of the Congressional Trade Deficit Review Commission, which conducted extensive hearings in Washington and across the nation on the causes and consequences of the nation's burgeoning trade deficits. Becker's leadership ensured that Steelworkers were prominent in the protests marking the Seattle WTO Ministerial meeting in December, 1999.

Mr. Speaker, George Becker's success as a labor leader has been because of his intelligence, skills, and tenacity. Because of all of those attributes and above all, because he has never forgotten where he came from, his career has improved the lives of millions of American workers and their families. I hope my colleagues will join me in congratulating Steelworkers union president George Becker upon his retirement and for a lifetime of dedicated service to not only the men and women of his beloved Steelworkers union, but all working men and women.

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#### SALUTING THE TUSKEGEE AIRMEN

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. ISRAEL. Mr. Speaker, February marks Black History Month and its arrival has afforded us the opportunity to spotlight some of the most courageous men in our nation's history. I am referring to the Tuskegee Airmen, African-Americans who were asked to simultaneously fight the institutionalized segregation of their homeland and the battle hardened pilots fielded by the Luftwaffe of dreaded Nazi Germany.

On the very site where some nine thousand Republic Thunderbolt fighters were built during World War II, a permanent tribute has been created by the American Airpower Museum in Farmingdale, Long Island that salutes the valor and sacrifice of the Tuskegee Airmen. A full size replica of their P-51 fighter welcomes the museum visitor and helps explain the story of these amazing airmen.

I was honored and pleased to be able to join members of the Tuskegee Airmen, and the many friends of Republic Airport and my constituents in dedicating this exhibit during Black History Month.

Tuskegee Airmen flew more than 15,500 sorties and completed nearly 1,600 missions

and they are credited with never losing an American bomber to enemy fighters while flying escort. This tribute at the American Airpower Museum at Republic will forever remind us that racism did not deter these brave men from serving their country, defending our freedoms and protecting our future.

In addition, credit must be offered to two companies that came forward to underwrite this effort—Equal and Avirex—whose support made this tribute possible. These firms reflect the type of public-private partnership that is ensuring our nation's heritage is preserved, protected, and celebrated. I congratulate them for their efforts and publicly salute their commitment to this task.

The remarks of Lee Archer, a Tuskegee Airman ace who is credited with five kills, will ring forever at this historic defense plant. He repeated the words of fellow African-American Air Force pilot Chappie James, "you agitate, you demand, you argue but when the country is in trouble you hold her hand."

JANUARY 31, 2001 SPEECH TO THE  
UNIVERSITIES RESEARCH ASSO-  
CIATION

**HON. SHERWOOD L. BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. BOEHLERT. Mr. Speaker, I had the honor to present my maiden speech as Chairman of the House Science Committee to the Universities Research Association on January 31, 2001.

In my remarks, I outlined my goals and initial priorities for the 107th Congress. As I said in the speech: I want to ensure that we have a healthy, sustainable and productive R&D establishment—one that educates students, increases human knowledge, strengthens U.S. competitiveness and contributes to the well-being of the nation and the world. With those goals in mind, I intend to concentrate initially on three priorities—science and math education, energy policy and the environment—three areas in which the resources and expertise of the scientific enterprise must be brought to bear on issues of national significance.

Mr. Speaker, for the information of my colleagues, I submit herewith the full text of my remarks into the CONGRESSIONAL RECORD.

CONGRESSMAN SHERWOOD BOEHLERT  
(R-NY) SPEECH TO UNIVERSITIES RE-  
SEARCH ASSOCIATION—JANUARY 31,  
2001

It's a pleasure to be with you this morning. This is actually my first speech as chairman of the House Science Committee, so I want to use this opportunity to give you a general sense of where I hope to take the Committee. You can think of this "maiden speech" as a kind of experiment—if it works, you'll be the only people to have heard these themes when they were fresh; if it doesn't work, you'll be the only people to have heard them—period.

Actually, though, after serving on the Committee for 18 years and having worked with many of you, the issues before the Science Committee are hardly virgin territory for me.

I even think I know the recipe for becoming a popular chairman. My formula was

prompted by Clark Kerr's famous advice on how to become a popular university president. He said that to be successful at running a university you just had to provide three things—"football for the alumni, parking for the faculty and sex for the students." Committees are supposed to be a bit more tame, so I figure the three things I have to provide to be popular are: press coverage for the Members, parking for the staff, and money for the scientific community.

I do indeed intend to provide those three items, but I want to go beyond that. I want to build the Science Committee into a significant force within the Congress and, with that momentum, I want to ensure that we have a healthy, sustainable, and productive R&D establishment—one that educates students, increases human knowledge, strengthens U.S. competitiveness and contributes to the well-being of the nation and the world.

With those goals in mind, I intend to concentrate initially on three priorities—science and math education, energy policy and the environment—three areas in which the resources and expertise of the scientific enterprise must be brought to bear on issues of national significance.

Education is perhaps the most pressing dilemma of the three. I imagine that by now we can all recite the litany of evidence that our education system is not performing adequately—particularly—but not exclusively—at the K-12 level. There are the TIMSS surveys showing

The evidence is easy to adduce because it's been familiar for so long. In fact, I dare say, the concerns have not changed appreciably since I first joined the Science Committee in 1983. Unfortunately, a familiar list of solutions doesn't spring as readily to our lips.

Now, I hope you won't be surprised to learn that I don't have a ready set of solutions. I have not been holding back on providing answers all these years just so I could offer them up the moment I became chairman. What I do have is a set of questions that I hope will frame the Committee's agenda as we put together an education program, in concert with the Administration and other House committees.

Here are some of my questions. First, how can we attract more top students into science and math teaching?

This is a fundamental question. No curriculum, no piece of technology, no exam is going to cure our education ills if we don't have teachers who are conversant with the subject matter they are teaching, and who can communicate their excitement and their comfort, to the students. I think scholarships are part of the answer, but clearly we need something more systemic.

Second, how can we ensure that technology actually improves education? The government's focus needs to shift from merely providing access to technology to figuring out how to use it in a manner that truly offers education, not distraction or empty entertainment or even mere information.

Third, how can we use exams in a way that promotes critical thinking, retention of knowledge and a love of learning? The current mania for measurement is a necessary antidote to an era marked by a lack of accountability. But the wrong kinds of tests will not only mask evidence of a continuing decline; they could contribute to it.

This isn't a speech on education policy, so I'll leave the matter there, for now—except to say that the question I've raised—and indeed the entire national discussion about education—must be of active concern to your institutions.

And one of my goals will be to find new ways to draw on the resources of our great

research universities to help answer the kinds of questions that I just posed. The partnership between universities and industry has grown markedly closer in recent years; the relationship between universities and our nation's school systems must do the same.

Universities can also play a role in addressing my second priority area—energy policy. Clearly, as President Bush has said, we need a comprehensive energy policy that looks at all aspects of supply and demand, in both the short- and long-term.

But my focus will be on ensuring that we concentrate sufficiently on alternative sources of energy—wind, solar, fuel cells, etc.—and on conservation and efficiency. These are areas that have been underfunded in terms of both research and deployment.

Moreover, we have spent so much time over the past 20 years having philosophical battles over government energy programs that we haven't devoted enough effort to figuring out how to make the programs work better. The energy supply programs of the Department of Energy (DOE) are due for a good, hard look from people who unequivocally support their goals.

In the area of environment, as well, our government research programs need to be reviewed by people who genuinely want to improve them, by folks who want more reliable results, not more convenience ones. We need to ensure that research in ecology and other environmental sciences—fields in which we know astonishingly little—that such research is adequately funded and is conducted by top scientists both inside and outside the government.

But in making environment a focus of the Science Committee's work, I want to do more than explore the workings of government research programs. I want the Committee to be a central forum to learn about the science behind ongoing—and, even more importantly, brewing—controversies in environmental policy.

Two prominent examples spring to mind immediately. First, global climate change, where the scientific consensus is growing all the time that we face serious consequences from human-generated emissions of greenhouse gases; and second, biotechnology, where I believe more serious attention needs to be paid to concerns about possible ecological impacts even as we acknowledged the potential benefits of genetically modified organisms.

Now, I realize, of course, that I have been speaking to you for a while without mentioning any of the science policy issues usually discussed at URA gatherings. Well, I did say that this was an experiment—but it's not supposed to be one that tests your patience.

But I wanted to start with my three immediate priorities because they will be the subject of our first three full Committee hearings—probably in early March—and because I think that the entire research community needs to think more about such issues, about the intersection of research with our national goals and concerns.

But I don't mean to indicate the Committee will turn away from the equally critical concerns about the health of the research enterprise itself.

So let me say unambiguously that I will fight to increase research funding, in general, and funding for the physical sciences, in particular. Unique and vital DOE facilities, like Fermilab, must continue to prosper, even as we participate in international projects like the Large Hadron Collider.

With that commitment in mind, I want the Committee, early on, to take a serious look

at the balance within the federal research portfolio. Now we all know that that is a somewhat euphemistic way of raising the question, "Is biomedical research bulking too large in the federal research budget?" Those who believe that the National Institutes of Health (NIH) are eating up a disproportionate share of the federal budget have two solid facts on their side: the extraordinary growth in that share, and the dependence of the American economy, and of biomedical research itself, on a wide range of research disciplines. And a cursory look at the numbers certainly gives one the feeling that things may be a little out of whack.

But if we are to take action, we're going to need to dig a little deeper and ask some tougher question. How would we know if NIH was over-funded in either relative or absolute terms? Given the public concern with health and the advances in biology why shouldn't NIH

These are not meant, in the least, as merely rhetorical questions. They are difficult questions that ought to be explored further if we're going to make a case for either limiting NIH's growth or greatly increasing the budget for every other field.

Similarly, we need to ask tough questions, if we're really thinking about doubling the entire federal civilian science budget. Questions like: Why double? What are we going to get for that money? How will we know if we are under- or over-spending in any field?

The science policy debate sometimes seems composed entirely of randomly generated numbers. We really need to push for more data.

I don't say this out of any opposition to the proposed bill that would set a goal of doubling the science budget. In fact, I'm kindly disposed toward that bill. I would like to find a way to pass it. The bill might do some real good because it would put Congress on the record as saying that science spending is a real priority.

But that shouldn't obscure the fact that doubling will never become a reality if we can't make a much more solid case to the appropriators.

It's a case that is going to have to be made agency by agency, as well as in general terms. Looking at DOE, for example, I want to get a much clearer sense of the Department's needs as it tries to upgrade aging facilities and replace a retiring workforce. And despite years of post-Cold War studies, my sense is that we still don't have a clear policy regarding the role of the national laboratories.

If we're going to increase the federal science budget, we also need to take a much harder look, brushing aside all cant, at the changing nature of our research universities. I'm thinking here especially of the questions raised by the growing partnership between universities and industry.

That partnership, encouraged by legislation, is having many beneficial effects. But it's time we make sure that we understand better how it's affecting the university—in terms of education, the free flow of information, the nature of university research, and the development of intellectual property, to name just a few matters of concern.

This is the time to review that relationship, when it is still developing and fluid. Neither partner has been sufficiently willing to do that. University officials sometimes simultaneously argue, on the one hand, that partnerships are at the cutting-edge of organizational arrangements and, on the other, that their hallowed institutions are still seeking the truth in the time-honored way that has not changed appreciably since the Middle Ages. I exaggerate, of course, but the discussion really does have to be a little bit more open.

Universities ran into trouble in undergraduate education, in part, because they were unwilling for too long to acknowledge that the rise of the modern research university had changed the nature of the campus. That reluctance stemmed from the understandable fear that raising questions would lead some to argue that research and education could not productively co-exist. But in the end, the lack of discussion hurt undergraduate education in a way that put research at greater risk. An honest, open look at partnerships now should help make them more productive rather than hampering them.

Obviously, there are many more issues before the Committee, but what I've discussed should give you a good sense of my approach and concerns.

My goal is to be your staunchest ally and your fairest critic. To be Shakespearean about it, my role model will be Cordelia—King Lear's daughter who would not utter false professions of love, but who stood by her father when everyone else had deserted him. I won't press the analogy—I don't want to imply that university presidents will become crazed, naked old men wandering helplessly about the moors.

All I mean to say is that you can count on me to fight for the nation's interest by bolstering, and drawing on the expertise of the scientific community. You can also count on me to ask tough and uncomfortable questions to ensure that the scientific community is acting in its and the nation's long-term interests. I intend to do that openly, fairly, cooperatively and with true intellectual curiosity.

I want to run the Committee in a way that would make Einstein smile. I want to make sure that as long as I'm chairman, no one plays dice with your universe.

I look forward to working with all of you.

IN HONOR OF GOV. RICK PERRY,  
BORDERFEST TEXAN OF THE  
YEAR RECIPIENT

**HON. RUBÉN HINOJOSA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. HINOJOSA. Mr. Speaker, every year since 1977, the City of Hidalgo in my district has held BorderFest. This is a four day event celebrating the diverse ethnic groups in South Texas. Not only are there entertainment, educational and cultural events, but each year a recipient is chosen for the prestigious Texan of the Year award.

Past recipients of the award have included business and community leaders, college presidents, and government officials. This year's recipient is Texas Governor Rick Perry.

Governor Perry was recently sworn in as the 47th Governor of the State of Texas. He previously served as Lieutenant Governor, Texas Commissioner of Agriculture, and a representative to the Texas Legislature. He is a graduate of Texas A&M University and served in the U.S. Air Force.

As a fifth generation Texan, Governor Perry has devoted his public life to serving his fellow Texans. He is committed to public school reform, and has pledged to make the Texas higher education system the best in the nation. He has also recognized the need to rebuild the state's infrastructure and take advantage of new technology. He is known for his willingness to work with members from both parties to get the job done.

Rick Perry is well-deserving of this honor, and I commend the BorderFest Award committee for its selection of Gov. Perry.

ARCTIC REFUGE WILDERNESS

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Ms. SLAUGHTER. Mr. Speaker, although nearly 95 percent of Alaska's North Slope is available for drilling, international petroleum companies are still pushing Congress to open the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas exploration and development.

I am pleased to join my colleagues Representative MARKEY and Representative NANCY JOHNSON as we continue efforts to permanently protect the Arctic National Wildlife Refuge.

My constituents in Rochester, New York are hurting due to the high energy prices.

But opening up the Arctic National Wildlife Refuge to oil and gas development is not the answer.

Forget for the moment that this area is the heart of a refuge which serves as critical breeding or migratory habitat for over 200 species of animals and more than 180 bird species and that exploration could cause significant environmental damage.

I would like to remind my colleagues that studies by the U.S. Geological Survey and the General Accounting Office have concluded there is probably far less oil in the Arctic Refuge than previously believed.

And if we allowed drilling for oil in the Alaskan wildlife refuge, it would not produce any oil for an estimated 10 years.

Even then, it would not significantly reduce our nation's dependence on foreign oil.

During full operating capacity, ANVRR would supply only about 2 percent of America's oil demand in a given year.

Finally, none of the North Slope oil reaches the East Coast because it is too far to transport.

Therefore, development in ANWR would not have any measurable impact on home heating oil shortages or prices in the Northeast.

The Energy Department's National Renewable Energy Laboratory (NREL) in Golden, Colorado claims that 100% of U.S. electricity needs could be met by installing just 17 square miles of rooftop solar panels in each state. The possibilities are endless if we devote the necessary resources and expertise to meeting our domestic energy demand.

IN RECOGNITION OF GEORGE A.  
CASTRO, II, RECIPIENT OF THE  
HISPANIC AMERICAN RECOGNITION  
AWARD

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize George A. Castro, II, President of

the Hispanic American Association for Political Awareness, for his personal achievements and for his outstanding contributions to his community. Mr. Castro will receive the Hispanic American Recognition Award from Mayor Jim McGreevey on February 25, 2001.

George A. Castro, II emigrated to the United States from Colombia in 1985 with only his lucky quarter and a strong desire for success. A short time later, he started his first business, a cleaning company, which grew to 60 employees in just a few years. The rapid growth of the company allowed it to bid on the state's largest jobs.

In 1989, Mr. Castro received his real estate license and gained employment at an ERA office in Union County, where he became the top-producing seller with more than \$10 million in sales after his first year and \$27 million the following year. In 1991, Mr. Castro opened his own office, Countywide-Realty, as an independent broker. Within a year and a half, Countywide was one of the most successful real estate offices in New Jersey. The office joined the Century 21 franchise in 1995, eventually changing its name to Century 21 Atlantic.

Recently, Century 21 Atlantic received Century 21's prestigious Double Centurion Office award for achieving more than \$90 million in sales in 1999, a 300% increase over the previous year.

Mr. Castro is an accomplished businessman and community activist. The success of Century 21 Atlantic and the Ritz Theatre and Performing Arts Center, which he purchased in 1994, has made him a role model for the Hispanic community. Mr. Castro serves as the Chairman of the Hispanic Political Action Committee and is a member of the Zoning Board of Adjustment for the City of Elizabeth. He also participates in the Boy Scouts of America, Eastern Union County.

Today, I ask my colleagues to join me in recognizing George A. Castro, II for all he has accomplished and for all he has contributed to his community.

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 2001*

Mr. KUCINICH. Mr. Speaker, today I rise to express concern over the second section of H. Con. Res. 39, honoring the sacrifices of the heroic U.S. soldiers killed by an Iraqi missile attack ten years ago.

Mr. Speaker, in this section, Congress "resolves to support appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again." Undoubtedly, we must work to ensure that American service men and women are never again victim to such a tragedy. But would the most futuristic theater missile defense system the Pentagon is currently working on the Theater High-Altitude Area Defense system, or THAAD, have helped our soldiers ten years ago? Probably not: the system failed six con-

secutive tests before finally intercepting a target missile for the first time in June 1999. Many experts believe this system will be no more effective than our patriot missiles at defending an attack like the one on American troops in Saudi Arabia ten years ago. Meanwhile, Mr. Speaker, projected costs for construction of THAAD are now estimated at \$9.5 billion.

Mr. Speaker, for those who believe in the necessity of missile defense, there are other less expensive and more effective theater missile defense programs in development that might represent an improvement on the system that failed the twenty-eight soldiers we honor today. To the extent we promote such cost-effective weaponry through this resolution, we duly recognize the valor of these men and women. To the extent, however, this resolution supplies blanket endorsement of any theater missile defense system, we do not accomplish a lofty purpose.

HONORING DR. MARGARET DRICKAMER FOR OUTSTANDING SERVICE

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Ms. DELAURO. Mr. Speaker, it is with great pleasure, though a sad heart, that I pay tribute to an outstanding leader in geriatric medicine and a tremendous asset to the VA Connecticut Health System, Dr. Margaret Drickamer, as she retires from her service to the United States Veterans Administration.

It has been nearly fifteen years since Dr. Drickamer first came to the VA Medical Center in West Haven, Connecticut as the Medical Director of the then Nursing Home Care Unit. In that time, Dr. Drickamer has been responsible for the complete reorganization of the department as well as the expansion of services available to Connecticut veterans—making a real difference in lives of many. Today, the section of Geriatrics and Extended Care is a multi-faceted program which provides a continuum of inpatient, outpatient and consultative services.

When Dr. Drickamer first came to the VA, she was charged with the oversight of the Nursing Home Care Unit, an inpatient unit which provided long-term, residential nursing care for several dozen veterans. Under her leadership, this small unit has been transformed into a successful continuum of care, including an extended inpatient care unit, a geriatric day hospital program, an expanded geriatrics clinic, a homebased primary care program and a palliative care program. The multitude of services now offered by the Geriatrics and Extended Care section have had an extraordinary impact on thousands of Connecticut veterans.

Dr. Drickamer's success can be attributed to her endless commitment to the patients of the Medical Center and the outstanding compassion she demonstrates each day. Each time I visit the Medical Center, I am told by patients how much they depend on Dr. Drickamer, both as their doctor and, more importantly, their friend. Equally important is her dedication to her staff. Their enthusiasm and generosity a reflection of the example she has set for

over a decade. Led by her innovative vision, Dr. Drickamer has ensured that Connecticut's veterans are receiving quality care.

In addition to her work at the VA Medical Center, Dr. Drickamer is widely recognized for her work as an educator in her field. Articles and abstracts published in the American Journal of Medicine, the New England Journal of Medicine, and the Annals of Internal Medicine are only a few of her many professional accomplishments. She has been honored with a myriad of awards and honors—a true testament to her unparalleled dedication.

It is my great honor to join friends and colleagues in thanking Dr. Margaret Drickamer for her many years of service to the West Haven VA Medical Center and our community. Her innumerable efforts on behalf of our country's veterans have left an indelible mark on our nation. My best wishes to you on your future endeavors.

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of this resolution.

It's been ten years since the Persian Gulf War and the allied victory in Operation Desert Storm. We learned a great deal during the war, perhaps most importantly that strong relationships with our allies and others were critical to building the kind of support necessary to see the war through. Those relationships have also been critical in maintaining pressure on Saddam Hussein in the years following the allied victory. The war also taught us that we can achieve our objectives—with minimal loss of life—thanks to our professionally trained troops and technologically advanced weapons systems.

While we know that war inevitably entails loss of life, and that soldiers assume the risks of war, this realization doesn't make it easier to bear the news when a loved one is killed in service to our country. Today we honor the sacrifices of the 28 servicemen killed in February 1991 when an Iraqi Scud missile hit a U.S. Army barracks in Saudi Arabia. We extend our sympathy and thanks to their families, and we honor their memories. In the same spirit, we honor the contributions of those serving today in our armed forces. Every day they brave hardships in the name of defending our country and our freedom. We can never be grateful enough for what they do.

This resolution also asks us to resolve to support "appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again." I am supporting this resolution for what it says and not for what some may believe it says.

Just to be clear: Theater missile defense systems are different from the proposed national missile defense system, which continues to raise many questions and concerns that I believe must be addressed before deployment can be considered.

There is no question that we must do all we can to defend our troops in the field. We should provide them with the best training, equipment, and weapons. We should also develop better technologies to protect them from incoming enemy fire. This means doing all we can to be better able to counter the kind of threat posed by Iraq's Scud missiles back in 1991.

Mr. Speaker, this ten-year anniversary presents us with a duty and an opportunity. We have the duty to look back in honor of our servicemen, but we also have the opportunity to look forward to identify possible new solutions to longstanding regional problems. This is an opportunity for us to consider anew questions about our overall Persian Gulf policy—the viability of our current sanctions regime on Iraq, the importance of working with our allies in the region, and our overdependence on foreign oil. Along those lines, I was encouraged to learn today of Secretary Powell's proposal to refocus sanctions more narrowly on Saddam Hussein's military capabilities and ease the economic sanctions that have placed an unfair burden on Iraq's population. This is a step in the right direction.

If we can help to bring stability to the region, we can rest assured knowing that our servicemen will be less likely to be put in harm's way in the future.

Again, I stand with my colleagues here today to honor the memories of the U.S. soldiers lost in Operation Desert Storm. We will not forget their sacrifice.

#### TRIBUTE TO RICKEY GELB

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to Rickey Gelb, recipient of the 2000 Fernando Award.

The Fernando Award is awarded annually in recognition of an individual's lifetime achievement of volunteerism in California's San Fernando Valley. Rickey Gelb is a most worthy recipient.

Rickey has lived in the San Fernando Valley nearly all of his life. He is the managing general partner of development and management company Gelb Enterprises and owner of RMG Properties. He is also a licensed general contractor in California.

Rickey and his wife Robbi are longtime close personal friends of my wife Janice and I. I know firsthand that Rickey's success is well-earned. He graduated from Valley Junior College with an associate's degree in 1967. With that, he went to work for ATA Stores, where over the next 25 years he worked his way up from truck driver and repairman to senior corporate officer and major stockholder. During that time, he also founded Gelb Enterprises.

Since 1985, Rickey has devoted his entrepreneurial efforts exclusively to the development and expansion of Gelb Enterprises.

He has also been an extraordinary volunteer.

Rickey Gelb serves on the board of the First Commerce Bank and is a past president of the West Valley Police Activity League (PALS). He is currently CFO of the Encino Chamber of

Commerce, a member of the Los Angeles Department of Transportation Mobile Action Committee, a Commissioner for the City of Los Angeles, a member of the Ventura/Cahuenga Boulevard Review Board and Treasurer of Mayor Richard Riordon's Valley Job Recovery Corporation.

In addition, Rickey is on the Board of Directors of the Mid-Valley Jeopardy Foundation, on the Police, Fire and Public Safety Committee, Encino/Tarzana Hospital Community Foundation and on Councilwoman Cindy Miscikowski's Encino Community Council.

Rickey Gelb is a recipient of the Criminal Justice Award and has received numerous appreciation awards from City, County, State and Federal agencies and charitable foundations. He now serves as a member of the Patrons Association of LAVC and is president of the Alumni Association. He received the Distinguished Alumni Award at the 50th Anniversary celebration.

Mr. Speaker, I know my colleagues will join me in congratulating Rickey Gelb for the honor of receiving the 2000 Fernando Award and thank him and Robbi for decades of service to our community.

#### THE PARITY FOR PART-TIME WORKERS ACT

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CARDIN. Mr. Speaker, unemployed part-time workers who meet monetary eligibility requirements are precluded from receiving Unemployment Insurance (UI) in at least 31 States merely because they seek part-time, rather than full-time employment. This means that a laid-off parent who wants to continue to work part-time to care for a child is denied UI benefits while looking for employment, despite having earned sufficient past wages to be eligible for such assistance.

For this reason, I am reintroducing the Parity for Part-time Workers Act. This legislation would prohibit the denial of UI based solely on the fact that an individual is seeking part-time work, if the individual: (1) Otherwise qualifies for unemployment compensation based wholly or mostly on part-time work; and (2) seeks at least 20 hours of work a week. In short, this family-friendly legislation will help level the playing field for part-time workers.

In 1995, the non-partisan Advisory Council on Unemployment Compensation recommended prohibiting discrimination against part-time workers. More recently, a working group on UI issues with members representing businesses, workers and the State and Federal UI agencies also recommended that part-time workers be treated more fairly. And finally, a Government Accounting Office (GAO) report released last month clearly illustrates the inequitable barriers standing between part-time and other low-wage workers and UI benefits. I do not think we need any additional evidence that this problem demands an immediate solution.

I urge my colleagues to support this effort to prevent discrimination against unemployed part-time workers.

#### IN SUPPORT OF THE BLUNT-BENTSEN RETIREMENT PLAN ACT

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. BENTSEN. Mr. Speaker, it is with great pleasure that I wish today, to join with my distinguished colleague, Mr. Blunt, in introducing legislation to give small employers the chance to show how much they care for their employees. The Blunt-Bentsen Retirement Plan Act would establish the "qualified small employer plan," a new kind of design-based plan available exclusively to employers with fewer than 100 employees.

Today, we, as a nation, are experiencing the lowest unemployment rate in a generation. This recent boom in job creation has been driven in large part by growth in the number of small businesses created. However, even as incomes rise, we have an abysmally low savings rate of 3.8 percent of disposable personal income. There is broad consensus that a substantial number of American workers will be unable to afford a retirement that maintains their current lifestyle, at least not without working more years than currently planned. According to the nonpartisan Employee Benefit Research Institute (EBRI), 36 percent of American workers are not saving for retirement.

Americans think of retirement income in terms of a "three-legged stool," consisting of Social Security, personal savings, and employer-sponsored benefits. Unfortunately, employer-sponsored retirement plans are not available to all American workers. In fact, only 21 percent of all individuals employed by small businesses with less than 100 employees participate in an employer-sponsored plan, compared to 64 percent of those who work for businesses with more than 100 employees. Moreover, only 11.1 percent of working family heads who work at business with 10 or fewer employees actually participate in employer-sponsored plans. According to EBRI's 2000 survey of small employers, thirty-nine percent who currently do not offer plans, contemplate starting a plan in the next two years.

Under current law, small business employers who want to offer a retirement plan to their employees are forced to choose between unappealing options. They can either establish a traditional qualified plan, and manage the prohibitively high compliance and administration costs or set up a highly restrictive design-based plan (such as the SIMPLE or SEP). The Blunt-Bentsen Retirement Plan offers a third option. The Blunt-Bentsen bill would establish the "qualified small employer plan," a new kind of design-based plan available exclusively to small employers (those with fewer than 100 employees). The Blunt-Bentsen bill seeks to offer small businesses and their employees with opportunities for pension savings commonly available to large corporations and public sector employees. Characteristics of the qualified small employer plan include 100 percent coverage, accelerated vesting, and minimum non-integrated benefits.

The most important aspect of this legislation is that the employer must make an annual, mandatory contribution of at least three percent of an employee's compensation if that employee is at least 21-years-old and has

worked more than 1,000 hours in the preceding calendar year. It does not matter whether the employee contributes. Employers have the option of contributing as much as 10 percent. This will undoubtedly give small business employees not only a stake in equity, but a larger stake in the success of that business. In a world largely absent of retirement plans where employers alone make annual contributions, I believe this measure provides a third practical alternative to government mandated pensions and no pension coverage at all. In turn, small business employers are allowed to contribute a higher percentage of their salary to a retirement plan than they would otherwise be allowed under current law.

Second, for a variety of reasons, the number of companies offering defined benefit plans has fallen dramatically. Between 1970 and 1990, the percentage of private sector workers covered by a pension plan decreased by 2 percent from 45 percent in 1970 to 43 percent in 1990. This is not progress.

Finally, an aging population where most men and women who reach age 65 can expect to live at least another decade will surely place some stress on Social Security's ability to pay out benefits. Today, Social Security is the main source of income for 80 percent of retirees. While Social Security is currently strong, it faces challenges to its solvency as the Baby Boom generation nears retirement.

In short, the three-legged stool of retirement security is in jeopardy without a correction. Plans where employers make automatic, mandatory contributions have been replaced by plans where employees make voluntary contributions. No longer do companies automatically bear the risks and costs of professionally made investment decisions. Today, workers have to bear the risks and costs of their investment decisions. Investment decisions can be quite scary for inexperienced, first time, lower- and middle-income investors, who have a lot more to lose than wealthy investors. Employees in these pension plans not only have to take a crash course in "Investing 101" but are less likely to accomplish personal savings with stagnant or slowly rising wages.

It is imperative that Congress put in place new, innovative and cost-effective ways to expand pension coverage. The Blunt-Bentsen bill put a new critical tool in the hands of small businesses to create greater security against the risks and burdens of old age, inflation, and economic downturns for their employees.

#### REFORMING THE ESTATE TAX

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mrs. MINK of Hawaii. Mr. Speaker, yesterday I introduced H.R. 759, a bill that would reform the estate tax and provide an immediate exclusion equivalent deduction of \$5 million.

Clearly the estate tax has a deleterious effect on successful persons who hope to pass along property to their children. In my State of Hawaii, property values are highly inflated and properties which would not result in any estate tax on the mainland are subject to estate tax in Hawaii. In 1997, the latest figures available, 2.5 percent of estates in Hawaii were subject to Federal estate taxes, compared to only 1.9 percent nationwide.

Existing inheritance taxes unfairly penalize ordinary individuals who work hard their entire lives so they can leave something for their children. The tax scale hits family farmers and businesses disproportionately. I have received many letters from constituents detailing the burden the tax has had on their small business.

Currently, the first \$675,000 of estates are exempt from tax. The exemption level will increase to \$1,000,000 in 2006. Family businesses have an exemption of \$1,300,000. These numbers are too low. No small family-owned farm or small family-owned business should have to be sold by the children to pay an inheritance tax.

I agree that a full repeal of the estate tax would give too much tax relief to the wealthiest Americans. My bill merely increases the exemption for estates to \$5 million and makes that change effective immediately.

I urge my colleagues to cosponsor this legislation.

#### IN HONOR OF BLACK HISTORY MONTH

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. ENGEL Mr. Speaker, since 1976 Black History Month has been celebrated in February to recognize the heritage and achievements of African-Americans.

I rise in honor of Black History Month and its 2001 theme—Creating and Defining the African-American Community: Family, Church, Politics, and Culture. As I reflect on this year's theme, I feel we must come together to remember the struggle of African-Americans and honor all of their accomplishments.

At one time, this country erected every conceivable legal, societal and cultural roadblock to prevent African-Americans from having access to education, wealth and politics in our society. In overcoming these roadblocks, they have contributed greatly to America's identity, community, culture and politics. We must recognize the African-American community and the critical role African-Americans have and will continue to have in the development of our country.

But, we must always remember that so much more must be done. I have been horrified by the reports from Florida about voter disenfranchisement. From poor staffing, inadequate explanations of voting procedures, to outright voter intimidation, these issues must be addressed. To truly move into the 21st century, we must end the practices of the 19th century.

We must also end, once and for all, the despicable practice of racial profiling. The process of singling out people who "may"—and I underline and emphasize may—be engaged in criminal activity solely because of race is infuriating. There is just no logic behind it—but instead there is hate and discrimination. I was pleased to learn of President Bush's move to end racial profiling. I plan to hold him and his administration to this commitment.

I represent the great state of New York and a district rich in history. From early politicians to famous athletes, African-Americans in the

Bronx have been pioneers in many different fields. From scientists, to members of the clergy, to entertainers, more and more African-Americans are represented in leadership positions in our society.

I am always inspired by the community spirit and leadership I witness from African-Americans in the 17th Congressional District of New York. It is my hope that as we celebrate Black History Month in the future, we will be able to celebrate the many more achievements of African-Americans.

#### IN MEMORY OF THE HONORABLE LYNN M. EWING, JR.

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of Representatives of the passing of my good friend The Honorable Lynn M. Ewing Jr. of Nevada, Missouri. He was 70.

Lynn, a son of the late Lynn M. Ewing Sr. and Margaret Blair Ewing Coffey, was born in Nevada, Missouri, on November 14, 1930. After graduating from Nevada High School in 1948, Lynn attended Princeton University. He received an AB in 1952 and a Juris Doctor degree in 1954 from the University of Missouri-Columbia, graduating second in his law school class. Mr. Ewing was a member of Phi Beta Kappa, Sigma Nu fraternity and Order of the Coif.

He entered the United States Air Force and served as an attorney in the Judge Advocate General Corps until returning to Nevada in 1956 and joining the law firm Ewing, Ewing, Carter and Wight. He continued to practice law with the Ewing law Firm until his death.

Lynn was involved with the Farm and Home Savings Association for 24 years, serving as general counsel, board member and president. He was a life member of the American Bar Association, a member of the Missouri Bar Association and the Vernon County Bar Association, and a fellow of the American College of Mortgage Attorneys. He served on the Missouri Bar Disciplinary Committee. He was admitted to practice before the United States Supreme Court in 1961. He was elected to the Missouri House of Representatives in 1959 and served three terms representing the citizens of Vernon and Barton counties.

Lynn formerly served as chairman of the Vernon County Democratic Central Committee. He was elected to the Nevada City Council in 1967 and served the city for six years, including two terms as mayor. He served on the board of directors of the Nevada Regional Medical Center, the Nevada Library Board, the Nevada Chamber of Commerce, the Nevada Planning commission and the Nevada Economic Development Corporation. He also served as a board member of Citizens State Bank, Nevada, Missouri. He was a member of the Nevada Rotary Club and was named citizen of the year in 1975. He received the Paul Harris Fellow Award from the Rotary.

Lynn was a member of the All Saints Episcopal Church and served the church as a vestry member, senior warden and lector. Mr.

Ewing was appointed by Governor Warren Hearnes to serve on the Missouri Land Reclamation Commission and by Governor Mel Carnahan to serve on the Coordinating Board for Higher Education, where he served as chairperson. He was a member of the Missouri Academy of Squires. He was a member of the Missouri Savings and Loan Association and the U.S. League of Saving and Loan Associations. He received a Faculty Alumni Award from the University of Missouri. He served on the Missouri Law School Foundation board of directors and was a member of the University of Missouri-Columbia Jefferson Club. He was a charter member of the University of Missouri-Columbia Law Society and Mosaic Society.

Mr. Speaker, Lynn Ewing Jr. will be missed by all who knew him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Peggy; his brother, Blair; his two daughters, Margrace Buckler and Melissa Arnold; his son, Lynn M. Ewing III—and his grandchildren.

CELEBRATING THE LIFE AND ACCOMPLISHMENTS OF BEN BARKIN

**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to take this opportunity to share my admiration for my longtime friend and constituent, Mr. Ben Barkin, who passed away recently at the age of 85.

Ben Barkin is fondly remembered as the father of Milwaukee's Great Circus Parade. The parade features circus wagons from the Circus World Museum in Baraboo, Wisconsin, some more than one hundred years old. It celebrates America's history of the circus by recreating old-fashioned circus parades in an authentic manner, along a three-mile route through downtown Milwaukee.

In 1963, Ben Barkin and Charles "Chappie" Fox organized Milwaukee's first Great Circus Parade. Ben convinced the Joseph Schlitz Brewing Company to be the parade's exclusive sponsor. In 1973, Schlitz was no longer able to sponsor the parade, and the parade shut down for twelve years, but in 1985, Ben was able to bring it back. The Great Circus Parade was made an annual event the following year, after Ben raised more than \$900,000. Mr. Barkin retired as the chairman of the Great Circus Parade in 1995, but he remained its guiding light. His greatest accomplishment was promotion of the parade at a national level, and securing funding to keep the parade free to the public.

The Great Circus Parade now brings in hundreds of thousands of visitors from all over the United States. It is also shown on 200 public television stations nationwide and worldwide on the U.S. Information Agency's Worldnet System and the Armed Forces Television Network.

A Milwaukee Journal Sentinel article describing the 2000 Great Circus Parade captured the parade's magic for children of all ages. Seven-year-old Terry Parks told the newspaper, "I got to see a real lion, not something on TV." Sixty-two-year-old Richard Czaja

said, "I love the horses, and the wagons were unbelievable the way they restored them and kept them up." Circus Parade fans come to Milwaukee and camp out every year near the city's lakefront. The resulting tent city is affectionately known as Barkinville, and each year Mr. Barkin would go down and meet the people camping out for the parade.

Throughout his life, Ben focused his endless energy to other things other than the Great Circus Parade. During World War II, Ben volunteered with the U.S. Treasury to sell war bonds, and he helped make Milwaukee the standard for war bond fund raising. He was invited to Washington to present the model that was soon adopted by the rest of the country. After the war he founded the nationally recognized public relations firm of Barkin, Herman, Solochek, and Paulsen. In 1970, he was named as the "best publicist in the country" by 100 of the nation's largest newspapers. That same year he helped Bud Selig bring the Brewers to Milwaukee.

Ben Barkin was an advocate for civil rights by looking past religious and racial differences. He was the chairman of the B'nai B'rith Youth Commission, and spoke out advocating better race relations. He also supported religious causes, whether they were Catholic, Jewish, or Protestant. Ben was also a devoted husband to Shirley for more than fifty years, and a loving father to his son Coleman.

On February 2, 2001, Wisconsin lost one of its greatest citizens, and children lost a friend. I ask my colleagues to join me in remembering this great American and in celebrating his life and his legacy.

TRIBUTE TO HERITAGE HIGH SCHOOL HURRICANES—STATE GROUP AAA DIVISION 5 FOOTBALL CHAMPIONS

**HON. ROBERT C. SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. SCOTT. Mr. Speaker, I rise today with great pride to call attention to a group of young students from Newport News, Virginia who have distinguished themselves, their school, their community and the Commonwealth of Virginia.

The Heritage High School Hurricanes football team had a remarkable season and I believe the Hurricanes deserve formal recognition for their accomplishments. On December 2, 2000, the Heritage High School Hurricanes won its first state Group AAA Division 5 Football Final at the University of Richmond Stadium. The Heritage Hurricanes completed the 2000 season with a truly impressive record, 14–0. It was the only unbeaten team in the AAA.

Established in 1996, Heritage High School is a magnet school specializing in engineering and technology. Heritage High School was named in honor of five former high schools located in Newport News. Students must meet rigorous academic requirements, take responsibility for academic progress, behavior and attendance, and they are expected to participate in school and community activities. This drive for excellence has now been extended into the field of athletics.

To quote from our hometown newspaper, the Daily Press,

[s]ome high school defenses have big kids. Some have fast kids. Some have smart kids. Once in a blue moon a Heritage comes along. A team with kids who are big, fast and smart.

Their remarkable 2000 season carries on the tradition of championship football in Newport News, started by Newport News High School in 1931, and continued by Carver High School in 1961 and our last state champion—the 1966 Huntington High Vikings.

I want to extend my enthusiastic congratulations for a job well done to the Heritage High School Hurricanes—the Group AAA Division 5 2000 Virginia High School League State Football Champions.

THE SSI MODERNIZATION ACT OF 2001

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. STARK. Mr. Speaker, today I support "The SSI Modernization Act of 2001," for which I am an original cosponsor. In 1972, the Congress passed legislation to create the Supplementary Security Income (SSI) Program to help the most vulnerable in our society. The SSI Program provides a base level of a support to the elderly, disabled and blind who do not qualify for Social Security or whose Social Security benefits are inadequate. Currently, about 6.6 million of these individuals rely on SSI to provide income for the basic necessities of food, clothing, and shelter.

Unfortunately, Congress has done little since the creation of SSI to ensure that the program serves the recipients in the 21st century as well as it did in the 20th century. As a result, the program now serves a population living at a level of 70 percent of poverty and does not serve those at or near the poverty line. This bill does six items to modernize SSI:

1. It rewards SSI recipients who want to work by increasing the amount of earned income excluded from reducing the SSI benefit from \$65 to \$130 a month and indexes it to inflation in future years. This limit has not been increased since 1972 and would be \$260 a month if they had kept pace with inflation.

2. It increases the General Income exclusion from \$20 to \$40 of income per month and would index the amount to inflation in future years. This exclusion means that the first \$40 of income received by an SSI recipient will not be used to reduce their benefit check. For recipients who have a significant work history and receive a Social Security benefit, they will be able to retain more of their Social Security benefit. This limit has not been increased since 1972 and would be \$80 if it had kept pace with inflation.

3. The bill increases the amount of resources that recipients are allowed to own from \$2,000 to \$3,000 for an individual and from \$3,000 to \$4,500 for a couple and then indexes it for inflation in future years. If these resources limits had kept pace with inflation they would be \$6,000 for an individual and \$9,000 for a couple.

4. The amount of infrequent or irregular income that recipients are allowed to earn before benefit reduction is increased from \$10 to

\$20 a month for earned income and \$20 to \$40 a month for unearned income. These limits have not been changed since 1981.

5. The bill delays SSI eligibility redeterminations for disabled children from 18 years old until one of two things occur first: either the person becomes 21 years old or finishes secondary school.

6. SSI would exclude the entire amount of educational grants, scholarships from SSI income determinations and exclude it for up to 9 months for SSI resource determinations.

This is a small incremental bill that makes some long overdue technical improvements to SSI. I look forward to working with my colleagues to quickly enact this legislation to improve the lives of the most economically vulnerable Americans who depend on SSI.

TRIBUTE TO JOURNALIST  
BERNARD SHAW

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 28, 2001*

Ms. NORTON. Mr. Speaker, today is a sad day for the news junkies of the world. Bernard Shaw, one of the industry's most respected journalists, is stepping down from the CNN anchor desk after 20 years on the job.

Shaw was there when the fledgling cable network first turned on the lights and rolled tape in 1980. And he has remained with CNN, reporting some of the century's most exciting national and international events.

How many of us recall the Persian Gulf War and Shaw's reports of bombs falling over Baghdad. And who can forget his pointed questioning of politicians, who often found it difficult to be as pointed in their response.

For many of us, the really difficult part begins as Bernard Shaw takes his leave and "stands down," as he says, from CNN. But how do we say goodbye to someone who, after so many years, has become a fixture in our homes and offices?

Bernie Shaw will be missed because of his special brand of professionalism and nononsense reporting. He will be missed because we have enjoyed sharing his love of politics and world events.

And, for many of us, Bernard Shaw will be missed because over the years, he has been the lone African American, who has anchored national broadcasts and major events. He has moderated presidential debates, anchored coverage of primaries and national elections, and traveled the world reporting breaking international news. It is unlikely that Bernard Shaw's job description included the term, "role model," but it is certain that his skill and tenacity have inspired many and engendered considerable respect and pride among us all.

PERSONAL EXPLANATION

**HON. BOB RILEY**

OF ALABAMA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 28, 2001*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 16, on motion to suspend the rules and agree to the resolution H.

Con. Res. 39. Had I been present I would have voted "yea."

STATEMENT TO ACCOMPANY THE  
INTRODUCTION OF THE ENERGY  
EFFICIENT BUILDINGS INCEN-  
TIVES ACT

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 28, 2001*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Energy Efficient Buildings Incentives Act. I am joined in this effort by a substantial and diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, as well as Mr. SMITH of New Hampshire in the Senate, and many others. This bill is supported by a strong coalition of industries and organizations. I have submitted a list of supporters below.

My constituents in San Diego have been suffering from outrageously high-energy prices for nearly a year. Our citizens and city have been forced into a crisis by the State legislature's deregulation of the electricity market. While I and my colleagues from San Diego are seeking solutions to this terrible crisis, I am introducing this bill in an effort to formulate a long-term energy plan.

The Energy Efficient Buildings Incentives Act will provide tax incentives for the construction of energy efficient buildings. Structures of this nature could potentially cut energy usage by as much as 50 percent. This would result in a nearly 6 percent reduction in air emissions over the next 10 years—equivalent to taking 40 percent of the automobiles off the road.

The bill will offer tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The legislation is structured to promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future. The incentives will apply to:

Efficient new residential buildings that save 30 percent to 50 percent in energy costs compared to national model codes, including a higher incentive for higher savings.

Efficient heating, cooling, and water heating equipment that reduce emissions and peak electric loads by about 20 percent (lower incentives) and 30 percent–50 percent (higher incentives) compared to national standards.

Efficient commercial buildings with 50 percent energy and power cost savings.

Residential-scale solar hot water and photovoltaic equipment.

The design and administration for these energy efficient structures is based on the track record of successful state programs over the past decade. Buildings account for some 35 percent of air pollution emissions nationwide, and cost their owners over \$250 billion a year in energy costs. They also contribute to well over half of peak electric power demand. If enacted promptly the incentives in this bill will begin to mitigate electric peak reliability problems by the summer of 2001.

This bill will help both families and businesses reduce annual energy costs, saving over \$80 billion in present value over the next

decade. Energy costs of businesses are tax deductible under current law, so reductions in energy costs means billion of dollars in saving to the Federal government.

I urge all my colleagues to join me in supporting the energy Efficient Buildings Incentives Act. Together we can provide for a cleaner environment and help reduce energy needs, thus postponing the need for building new power plants as well as helping to save our environment.

THE ENERGY EFFICIENT BUILDINGS INCENTIVES  
ACT

Natural Resources Defense Council, Environmental Defense, Consumer's Choice Council, U.S. PIRG, World Wildlife Federation, Defenders of Wildlife, American Oceans Campaign, Environmental and Energy Study Institute, American Council for an Energy-Efficient Economy, Legal Environmental Assistance Foundation, Inc., Michigan Environmental Council, Minnesotans for an Energy Efficient Economy, American Rivers, and World Wildlife Fund.

ENRON, Pacific Gas and Electric Company, Sacramento Municipal Utility District, PacificCorp, Northern California Power Agency, CA Municipal Utilities Association, and Northeastern Public Power Association.

American Portland Cement Alliance, Air Conditioning Contractors of America, Foamed Polystyrene Alliance, North American Insulation Manufacturers Association, Polyisocyanurate Insulation Manufacturers Association, American Energy Technologies, American Solar Energy, and Energy Conservation Services of North Florida.

National Association of State Energy Officials, Home Builders Association of Central Vermont, Inc., Insulation Contractors Association of America, California Building Industry Association, California Association of Building Energy Consultants, National Council of the Housing Industry, National Association of State Energy Officials, and Florida Solar Energy Industries Association.

Union of Concerned Scientists, National Wildlife Federation, Sierra Club, The Wilderness Society, National Environmental Trust, Physicians for Social Responsibility, Global Green USA, Friends of the Earth, Alliance to Save Energy, League of Conservation Voters, American Oceans Campaign, Consumer's Choice Council, National Environmental Trust, and Izaak Walton League of America.

Massachusetts Electric, Southern California Edison, Montana Power, California ISO, Sempra Energy, City of Los Angeles, and Los Angeles Water & Power.

Siemens Solar Industries, TRANE, Climatic-Solar Corp., Energy Partners, Solar Systems of Florida, AllSolar Service Company Inc., Solar-Fit, and Solar Source.

National Insulation Association, California Energy Commission, Florida Solar Energy Center, Solar Energy Industries Association, California Air Resources Board, and Manufactured Housing Assoc.

TRIBUTE TO JEAN N.  
CHAMBERLAIN

**HON. SANDER M. LEVIN**

OF MICHIGAN  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 28, 2001*

Mr. LEVIN. Mr. Speaker, today I reflect on the outstanding accomplishments of Ms. Jean Chamberlain, as she is honored by the Oak Park Business & Education Alliance of Oak Park, Michigan.

The Oak Park Business & Education Alliance is dedicated to the empowerment of urban schools. Their decision to honor Jean is a reflection of her long-time dedication to the communities of South Oakland County.

For over 40 years, Jean has been a resident of Royal Oak, Michigan. She began her public career after raising a family. Her valuable leadership has helped bring together the cities, the county government and local businesses of southern Oakland County.

Since March of 1993, Jean Chamberlain has served as the first and only South Oakland Governmental Liaison. She previously acted as the Executive Manager of the Greater Royal Oak and Oak Park Chambers of Commerce. She continues to work with a variety of organizations including the Woodward Dream Cruise Board of Directors; the Eight Mile Boulevard Association; and the Salvation Army Advisory Council, among others.

Her tireless work resulted in the Michigan Women's Commission naming her, in 1998, as one of the 20 most outstanding women in Michigan.

Mr. Speaker, I ask my colleagues to join my salute to an exceptional leader, Jean Chamberlain. I wish her continued success.

#### PERSONAL EXPLANATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Ms. SANCHEZ. Mr. Speaker, during Rollcall vote No. 16, on February 27, 2001 on H. Con. Res. 39 I was unavoidably detained. Had I been present, I would have voted "yea."

#### CENTRAL NEW JERSEY RECOGNIZES ROCKY L. PETERSON FOR HIS SERVICE TO OUR COMMUNITY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. HOLT. Mr. Speaker, I speak to recognize Rocky Peterson for his dedication to the cause of social justice for Central New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the achievements Rocky has made fighting prejudice as an active member of his community and a positive contributor to our society.

Mr. Peterson is a Partner at the Princeton law firm of Hill Wallack, where he serves as the partner-in-charge of the School and Municipal Law practice group. Mr. Peterson concentrates his practice in general litigation, municipal law and labor and employment issues on behalf of both public entities and educational organizations.

Throughout his distinguished career a lawyer Rocky Peterson has been a tireless advocate for central New Jersey's diverse communities. Mr. Peterson is an active member in many local professional and community organizations. He takes special interest in the arts as a founder and organizer of the Trenton Jazz Festival.

Once again, I applaud the efforts of Rocky Peterson and ask my colleagues to join me in recognizing his steadfast commitment to serving our community.

#### IN SUPPORT OF THE IRA CHARITABLE ROLLOVER INCENTIVE ACT

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CRANE. Mr. Speaker, today I am introducing legislation entitled the "IRA Charitable Rollover Incentive Act of 2001". This is one of three bills I am introducing today to correct certain peculiarities in the tax code that discourage charitable giving. I introduced a similar bill in the 106th Congress, which garnered 125 co-sponsors. The essence of this bill was included in the tax bill vetoed by President Clinton in 1999 and was included again in the pension reform bill that passed last year.

This legislation would allow individuals age 59½ or older to contribute amounts currently held in Individual Retirement Accounts (IRAs) directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction. This legislation will give individuals more freedom to allocate their resources as they see fit while providing badly needed resources to churches, colleges and universities, and other social organizations.

All IRA withdrawals are generally taxed as ordinary income. Currently, individuals may withdraw funds from an IRA without incurring an early withdrawal penalty once they reach age 59½. Under so-called minimum distribution rules, an individual must begin making withdrawals by April 1st following the year he or she reaches age 70½. The IRA was intended to encourage individuals to save for retirement, but due to the strong economy in recent years and the general increase in asset values, many individuals have more than sufficient funds to retire comfortably. Thus it is a common practice for retirees to transfer some of their wealth to charities and, in some cases, that wealth is held in an IRA.

If our tax code were not so laden with peculiarities and oddities, this legislation would not be needed. A taxpayer could readily recognize the income for tax purposes and take a charitable deduction. Unfortunately, in many cases under current law such a simple arrangement results in a loss of some portion of the charitable deduction. For example, charitable contributions are subject to the itemized deduction "haircut" under which certain taxpayers lose a portion of their charitable deduction. I have introduced separate legislation to address this problem.

Another problem results when a donation exceeds 50 percent of the taxpayer's adjusted gross income—30 percent if the gift is to a private foundation. In this case the taxpayer cannot take the full deduction immediately; it must be spread over a period of years. Given the time value of money, delaying the timing of the deduction means the taxpayer can only effectively deduct a fraction of the value of the total gift.

It is impossible to know how much capital is trapped by the current rollover rules and thus

unavailable to our nation's charities. According to one report, there is over \$1 trillion held in IRA accounts. If only 1 percent of this would be donated to charity but for the tax problems associated with charitable rollovers, this represents a \$10 billion loss of resources to these organizations that do so much good.

This is sound legislation that has consistently received strong bi-partisan support. I hope we can finally see its enactment in 2001.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

#### RECOGNIZING THE MEN AND WOMEN WHO SERVED IN THE GULF WAR

SPEECH OF

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 2001*

Ms. BALDWIN. Mr. Speaker, I rise today, on the 10th Anniversary of the cease-fire that ended the Gulf War, to recognize those who served in our country's military during this conflict. Across this nation families and friends will honor the many who served and sacrificed for our nation. I'm deeply honored to observe this day and I salute all those who served in our nation's military during this time of war, of containment, and of peace-making, and peace-keeping.

I believe that we must take every opportunity possible to honor our service members, veterans, and their families. We must honor them for giving their time and energies and, too often, their lives in the service of our nation. In addition to honoring them through words, we must also honor them through action. Too many Gulf War service members and their families have been forgotten in the years that have followed the War. They have been left on their own to discover why their lives have changed forever because of fatigue and sickness that cannot be explained. Today, I ask that we all commit ourselves to honoring those who served in the Gulf War by doing everything within our power to solve this ongoing mystery. We must do everything within our power to assure that the men and women who have served our nation in its time of need are being served in their time of need.

To all who served in our nation's military and their loved ones who waited and worried at home, we honor your service and your sacrifices. Not just today, but every day.

#### H.R. 775: IMPROVING OUR ELECTION LAWS

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. HORN. Mr. Speaker, I am pleased to join today with our colleague, Mr. HOYER, and others in introducing the Voting Improvement Act of 2001. As we all know, the past election

produced a great deal of confusion, turmoil and uncertainty. Although there were a number of factors in producing that confusion, one major factor in Florida and other states was the continuing use of outdated and even antiquated punch-card voting systems.

The bill we are introducing today tackles this problem immediately and directly by establishing a grant program for the states to replace all punch card systems before the next federal election in 2002. In short, this bill provides a practical solution for solving some of our most troublesome voting equipment problems.

As Mr. HOYER has noted, punch card systems have the highest rate of error among all voting methods—one study by MIT and Caltech recently estimated that the nationwide error rate for punch cards is 2.5 percent. In a national election, that would mean that nearly 1 million votes are thrown out and never counted due to mistakes caused by punch card systems. Clearly, we need to make replacement of these antiquated systems a high priority.

In addition to immediate equipment replacement, this bill establishes an ongoing grant program to assure that new voting systems are developed and deployed so that voters have up-to-date systems in the future. The bill also assures that voter education and training of poll workers are given increased attention and support. And, it establishes a permanent bipartisan commission to act as a nationwide resource for information gathering and studying the “best practices” for ballot design and other basic election needs.

Mr. Speaker, the Voting Improvement Act is one of several proposals being introduced for overhauling our election laws and making certain that we never repeat the chaos of the past election. All of these demand careful review and the development of a bipartisan consensus for sound reform. This bill sets clear priorities and offers practical solutions that must be part of any final reform plan. I urge our colleagues to join us in this effort.

CENTRAL NEW JERSEY RECOGNIZES JAMES B. GOLDEN, JR. FOR HIS SERVICE TO OUR COMMUNITY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. HOLT. Mr. Speaker, today I speak in recognition of James B. Golden, Jr. and his ongoing dedication to serving the growing needs of Central New Jersey families. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the dedication Director Golden has shown working to address the needs of a diverse community.

On March 13, 2000, James was appointed Director of the Trenton Police Department. In this capacity he oversees a department of 511 sworn and civilian employees who protect and serve more than 88,000 citizens in and around New Jersey's capital city.

Prior to joining the force in Trenton, Director Golden held the position of Chief of Police with the Saginaw, Michigan Police Department.

Director Golden comes to Trenton with a long and outstanding career. He is a graduate

of the 179th session of the FBI National Academy, the Senior Management Institute for Police (SMIP) at Harvard University, and the Temple University Public Service Management Institute.

He is a Past President of the National Organization of Black Law Enforcement Executives (NOBLE). While in Saginaw, he served on the Advisory Board of the St. Mary's Medical Center; he was a member of Boys and Girls Club Board of Trustees and was the immediate Past Chairman of the Saginaw County Crime Prevention Council.

Once again, I applaud the efforts of Director Golden and ask all my colleagues to join me in recognizing his steadfast commitment to serving our community.

### INTRODUCTION OF THE CHARITABLE CONTRIBUTIONS GROWTH ACT

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CRANE. Mr. Speaker, today I am introducing legislation to help our charitable organizations and promote fairness in our tax code by encouraging charitable giving. This is one of three bills I am introducing today to correct certain peculiarities in the tax code that discourage charitable giving.

Many taxpayers today contribute to charitable organizations out of the goodness of their hearts and in the expectation that they will not be subject to federal income tax on their gifts. However, in some cases taxpayers suffer a reduction in the amount of their charitable deductions. For example, under current law itemizing taxpayers with incomes above a certain threshold (\$128,950 this year for a married couple filing jointly) suffer a phase-down in the total amount of charitable contributions they can take. The phase-down is at the rate of 3 percent of their itemized deductions for every \$1,000 over the threshold, up to a total in lost deductions of 80 percent. Thus, a taxpayer making a \$10,000 contribution and subject to this phase-down could lose up to \$8,000 in charitable deduction. This is part of the itemized deduction “haircut” administered as part of the 1986 Tax Reform Act.

Obviously, most individuals give to charity because the act of charity is a blessing for both the giver and the receiver. It is hard to imagine the individual who gives for the purpose of getting a tax deduction. Nevertheless, taxes can affect the amount an individual is willing to give. When the tax burden overall increases, individuals have less discretionary income and thus less income to give to charity. And when the effective price of charitable giving rises, which is exactly the consequence of the phase-down in itemized deductions, there is a disincentive to give.

The legislation I am introducing today is very simple. It excludes from the itemized deduction “haircut” all qualified charitable contributions. Qualified medical expenses, certain investment interest expense, and deductions for casualty losses already receive this treatment. Certainly charitable contributions should be treated no worse.

This legislation is good social policy because it provides additional, private resources

to charitable organizations. It also helps to develop the strength of our social fabric by encouraging more individuals to become involved in their communities through charitable organizations. In many instances, individuals first become involved through financial contributions before applying their personal time, energy, and creativity.

This legislation is also good economic policy because charitable organizations help to build up those on the paths to success while acting as an effective safety net to those in trouble or need. As welfare reform has taught us abundantly, given the right incentives and the proper assistance, almost every individual can evolve from being a ward of society to being a productive member.

And this legislation is sound tax policy. Whether we have an income tax or a consumption tax, one principle remains clear and unchanging. No one should be taxed on property given to someone else.

This legislation is an important step toward increasing the resources of our charitable organizations. I hope my colleagues will join me as co-sponsors. I hope President Bush will endorse this legislation as part of his faith-based program. And I hope it can find its way to his desk this year for his signature.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

### BLACK HISTORY MONTH

### HON. ADAM SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. SCHIFF. Mr. Speaker, as we celebrate Black History Month, I would like to recognize several African American leaders from my district in California: Loretta Glickman Hillson, Ruby McKnight Williams and Ralph Riddle.

Loretta Glickman Hillson began her political career in the 1960s as President of the Human Relations Committee at Pasadena City College. As President of this organization, she led the fight to ensure equal access for all in the Rose Queen tryouts sponsored by the Tournament of Roses Association. Subsequently in 1978, Hillson became the first African American woman to become a member of the Tournament of Roses Association.

In 1977, Hillson became the first African American woman to be elected to the Pasadena City Council. After serving three years on the City Council, Hillson then became Pasadena's first African American vice-mayor. In 1982, Hillson won a momentous victory in the Pasadena mayoral election, once again breaking the color barrier by becoming the first African American woman to become Mayor of Pasadena. Hillson's selection as Mayor also marked the first time in the history of the United States, that a black woman became Mayor of a city with a population over 100,000. During her political career in Pasadena, Hillson was successful in making local government more accessible to residents in black neighborhoods, resulting in increased political activism and heightened interest in civil affairs among the black community.

Prior to beginning her political career, Hillson sang professionally with the New Christy Minstrels. She also spent several years as a choir director, English teacher and investment counselor. She is currently living in Lubbock, Texas with her husband Reverend William B. Hillson, whom she married in 1991. Hillson's career paved the road for a more equal and representative government in Pasadena. Her strength and character will continue to be admired by generations to come.

Although Loretta Hillson certainly faced opposition and adversity during her tenure in city politics, many civil rights leaders of the past are responsible for the opportunities which African Americans like Hillson have enjoyed.

Rudy McKnight Williams is one of those leaders whose undaunting courage helped shape the society we live in today. Williams was born in 1894 in Topeka, Kansas, and as a young adult moved to California just as the Depression swept the nation. As a single woman in 1930, Williams had moved to California with the hope of becoming a kindergarten teacher as she had been in Topeka. Yet, the Pasadena school district denied employment to Williams because of her race. Although she faced an extremely segregated community with discriminatory laws, Williams refused to let her dreams be destroyed by racism and prejudice. Leaving her teaching career behind, Williams became a founding member of the Pasadena branch of the NAACP. She became a leader of the Civil Rights Movement in Southern California, petitioning for municipal and school employment, home ownership and access to public swimming pools for African Americans.

In addition to her work with the NAACP, Williams also volunteered with the League of Women Voters, and served as Commission Chairman of the Pasadena Recreation Commission. She was also President of the Tuesday Morning Club, The Women's Democratic Club, and the Interracial Women's Club. Yet, her greatest service was to the NAACP where she served for over 65 years, including two terms as President in 1959 and from 1969–1982. In addition, Williams served for six years as an advisor to the NAACP National Youth Work Committee. During Williams' leadership in the NAACP, the Pasadena branch backed two precedent-setting school integration cases in which Williams visited the U.S. Supreme Court to witness the decisions. Mrs. Williams was also involved in other organizations, including Co-Op Village, Citizens Urban Renewal Advisory Committee, Pasadena Head Start, and the Pasadena Commission on Human Needs and Opportunities. Williams remained active with the NAACP as President Emeritus of the NAACP Executive Board until her death in 1999.

Williams contributed much to the spirit of Pasadena. Her community activism and work with our youth will be sorely missed. Yet, Williams' legacy lives on as Pasadena pays her tribute in an annual awards banquet in her name honoring those who exhibit excellence in community service.

In addition to Loretta Glickman Hillson and Ruby McKnight Williams, I would like to honor Ralph Riddle, another Pasadena community leader who assisted in changing the Pasadena Police Department. Ralph Riddle was born on June 9, 1916 in Pasadena, California. He attended Pasadena High School and then completed his university education in Arizona. In

1942, Ralph joined the military and spent four years as an Army Sergeant stationed throughout the world. After returning to Pasadena, Riddle joined the Pasadena Police Department on November 12, 1946, becoming the first African American police officer in the history of the Pasadena Police Department.

Although Riddle was assigned to various units within the Pasadena Police Department, his first love was community relations. Prior to the late 1960s, the Pasadena Police Department was without a community relations department. Under the leadership of Police Chief Bob McGowan, Riddle helped establish a community relations department and was subsequently chosen to lead the unit. In this position, Riddle acted as a liaison between the Pasadena Police Department and the African American community. He remained in this position until 1974, when he retired from the Pasadena Police Department and became the Pasadena City College security chief until the early 1980s. In addition to Riddle's community service efforts, he volunteered extensively with the Pasadena NAACP.

Although Mr. Riddle passed away in January of 1990, his life continues to touch the Pasadena community through his shining example and through the career of his daughter-in-law, Lt. Phlunte Riddle, the first African American Sergeant and First African American Lieutenant in the history of the Pasadena Police Department.

Mr. Speaker, I am pleased to participate in Black History Month as well as to pay tribute to Loretta Glickman Hillson, Ruby McKnight Williams and Ralph Riddle. I am extremely proud of the rich history in my district and of the leadership, humanity, and compassion exhibited by Mrs. Hillson, Mrs. Williams and Mr. Riddle. In closing, I would like to wish Loretta and Reverend Hillson the very best. To the family of Ruby McKnight Williams and Ralph Riddle, a grateful community gives thanks that both Ruby's and Ralph's lives touched so many. And to Lt. Phlunte Riddle, I wish you the very best in all your endeavors.

#### BLACK HISTORY MONTH

#### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CANTOR. Mr. Speaker, February is a national celebration of the role of black Americans in all segments of life in the United States. It is a time to celebrate the achievement of blacks in every field from science and the arts to government and politics. February gives us a chance to reflect on how much black Americans have contributed to America and an opportunity to learn from the past in order to look confidently toward the future. Black history in the United States has been a proving ground for America's ideals and this month we celebrate our nation's diversity.

The story of black Americans is one of valor in the face of hardship. Because of the struggles they have endured, we have become better people. Through their sacrifice, we have become a better nation. All Americans must be reminded of their undying dedication to the ideals of freedom and liberty upon which our nation was founded. Their progress throughout American history is a true testament to the reality of the American dream.

Understanding our past allows us to pursue a bright future as a diverse, but united nation. For this reason, I commend the deserved attention February brings to African-Americans who have shaped our history and who will be an integral part of our destiny. I seek the day when the tragic side of the black legacy in America can be laid to rest once and for all and applaud black Americans for their tremendous contributions to the history of our great nation.

#### CENTRAL NEW JERSEY RECOGNIZES LARRY A. SHEFFIELD FOR HIS SERVICE TO OUR COMMUNITY

#### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. HOLT. Mr. Speaker, today I recognize Larry Sheffield for his ongoing dedication to serving the diverse needs of Central New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the achievements Larry has made fighting prejudice as an active member of his community and a positive contributor to our society.

Mr. Sheffield is the President and CEO of Universal Consulting Group, Inc., a management consulting firm specializing in emerging, growth and ethnic markets. Prior to establishing the consulting group, Mr. Sheffield was responsible for managing practices in the New Jersey office of Goodrich and Sherwood.

Throughout his distinguished career, Larry Sheffield has been a tireless advocate for Central New Jersey's diverse communities. Mr. Sheffield is an active member in many local professional and community organizations. Larry's achievements have won him praise from such organizations as the Jaycee's, the Harlem YMCA and the Boys Club of America.

Once again, I applaud the efforts of Larry Sheffield and ask my colleagues to join me in recognizing his steadfast commitment to serving our community.

#### IN SUPPORT OF THE CHARITABLE GIVING TAX RELIEF ACT

#### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. CRANE. Mr. Speaker, today I am introducing legislation entitled the "Charitable Giving Relief Act". This is one of three bills I am introducing today to correct certain anomalies in the tax code that discourage charitable giving.

Specifically, this bill will allow nonitemizers to deduct 100 percent of any charitable contributions up to the amount of the standard deduction. Under current law, while nonitemizers receive the standard deduction, only itemizers can take a deduction for their charitable contributions.

Non-itemizers are predominantly low- and middle-income taxpayers who as a group give generously to charitable causes. However,

lacking a specific deduction for their charitable contributions, there can be no question that they face a disincentive to making charitable contributions relative to itemizers, who tend to be upper-middle income and upper-income taxpayers. This certainly appears unfair. But, more importantly, it means charitable organizations supported predominantly by lower-income individuals are even more strapped for financial support than they need be. For example, churches serving lower-income communities have fewer resources to address the needs of their congregations as a result of this disincentive.

I introduced similar legislation in the 106th Congress, and 149 Members signed on as co-sponsors. I have made two important changes to last year's bill, however. First, taxpayers would now be able to deduct the full amount of their contribution, rather than only half. And, second, to prevent certain individuals from gaming the system I limit the amount a non-itemizer can take to the amount of the standard deduction.

Along with the two other bills I am introducing today preserving the charitable deduction against the itemized deduction phase-down and allowing IRA rollovers to charity, we have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities. These bills will significantly increase the resources available to our charitable organizations.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

A TRIBUTE TO MR. H. LEE DIXSON

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. LEWIS of California. Mr. President, today I recognize an outstanding civil servant, Mr. H. Lee Dixon, who has served with distinction for the past seven years for the Secretary of the Navy as the Assistant Deputy Commandant for Programs and Resources under the Commandant of the Marine Corps and as the Fiscal Director of the Marine Corps. It is a privilege for me to recognize his many outstanding achievements in this capacity and to commend him for a career spanning more than 35 years of superb service to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure as Assistant Deputy Commandant for Programs and Resources and as Fiscal Director, which began in March 1994, Mr. Dixon has provided Members of the Senate Appropriations Committee, as well as our professional and personal staffs with timely and accurate support regarding United States Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the committee, the Department of the Navy and the Marine Corps to strengthen their close working relationship and to ensure that the most modern, well-trained and well-

equipped Marine forces are attained for the defense of our great Nation.

Mr. President, Lee Dixon and his wife, Carolyn, have made many sacrifices during his career, and as they embark on the next great adventure beyond their beloved Marine Corps, I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever-faithful service to God, country and the Department of the Navy. *Semper Fidelis.*

### BRISTOL-MYERS SQUIBB COMPANY ABUSE OF AVERAGE WHOLE- SALE PRICE SYSTEM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. STARK. Mr. Speaker, I have recently sent the following letter to Bristol Myers Squibb highlighting the extent to which this company has been inflating its drug prices and engaging in other deceptive business practices.

The evidence provided shows that Bristol-Myers Squibb Co. has knowingly and deliberately inflated their representation of the average wholesale price ("AWP") which is utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers.

In doing so, Bristol-Myers Squibb Co. is abusing the public trust, endangering patients by affecting physician prescribing practices, and exploiting America's seniors and disabled who are forced to pay 20 percent of these inflated drug costs. And American taxpayers are picking up the rest of the tab.

To help bring an end to these harmful, misleading practices, I have called on the FDA to conduct a full investigation into such business practices.

These practices must stop and these companies must return the money to the public that is owed because of their abusive practices.

I submit the following letter to Bristol-Myers Squibb Co. to the CONGRESSIONAL RECORD.

*February 22, 2001.*

MR. PETER DOLAN,  
President, Bristol-Myers Squibb Co., New York,  
NY.

DEAR MR. DOLAN: Ongoing Congressional investigations have uncovered compelling evidence that Bristol-Myers Squibb ("Bristol") has for many years deliberately overstated the prices of some of its prescription drugs in order to cause the Medicare and Medicaid programs to pay inflated amounts to Bristol's customers. Bristol's participation in this scheme is costing American taxpayers billions of dollars in excessive drug costs and is jeopardizing the public's health safety and welfare. Bristol touts itself as "America's Most Admired Pharmaceutical Company" and says it is 11 out of 1,025 companies measured for "social responsibility". Yet, I think it is outrageous that your company would falsely inflate prices at a time when Medicare and the states' Medicaid Programs battle the crisis of spiraling prescription drug prices.

The price manipulation scheme is executed through Bristol's falsely inflated representations of average wholesale price ("AWP"), direct price ("DP") and wholesaler acquisition cost ("WAC"), which are utilized by

Medicare, Medicaid and most private third party payers in establishing drug reimbursements to providers. The difference between the inflated representations of AWP, DP and WAC versus the true prices that providers are paying is regularly referred to in your industry as "the spread".

Bristol has control over the AWP's, DP's and WAC's published for its drugs and directs national publishers to change their prices. An internal Bristol document directing a national publisher of drug prices to increase all of Bristol's AWP's for oncology drugs by multiplying Bristol's supplied direct prices by a 25% factor rather than the previous 20.5% factor. A variance of 16% to 20% between direct drug prices and AWP's represents a range that would more than generously cover inventory costs, normal price variances and any reasonable mark-up on oncology drugs occurring in the wholesale marketplace [Bristol sold the vast majority of its infusion oncology drugs directly to oncologists through its wholly owned OTN subsidiary, and while OTN did not mark up drug prices or at any time own the drugs, it was instead paid a commission directly from Bristol without the occurrence of any significant mark-ups at the wholesale level]. None of the 4.5% price increase was intended to provide more revenues to Bristol or enable wholesalers to charge higher prices to oncologist. There were no significant price markups at the wholesale level. Instead, the increase in the AWP created a spread that, in itself, provided a financial kickback to oncologists for prescribing Bristol's cancer drugs.

Since the additional 4.5% orchestrated by Bristol in 1992, the Medicare Program has needlessly paid more than an estimated \$60 million dollars for just two of Bristol's cancer drugs—this taxpayer abuse does not even account for additional Medicare beneficiary co-payments. To add insult to injury, one of the drugs Taxol (Paclitaxel) was significantly developed with taxpayer funds by the National Institute of Health.

A similar AWP increase by Glaxo drew the following objection from its competitor, Smith Kline Beecham: In an apparent effort to increase reimbursement to physicians and clinics, effective 1/10/95, Glaxo increased AWP for Zofran by 8.5% while simultaneously fully discounting this increase to physicians . . . The net effect of these adjustments is to increase the amount of reimbursement available to physicians from Medicare and other third party payors whose reimbursement is based on AWP. Since the net price paid to Glaxo for the non-hospital sales of the Zofran multi-dose vial is actually lower, it does not appear that the increase in AWP was designed to increase revenue per unit to Glaxo. Absent any other tenable explanation, this adjustment appears to reflect an intent to induce physicians to purchase Zofran based on the opportunity to receive increased reimbursement from Medicare and other third party payors. In fact, we have had numerous verbal reports from the field concerning Glaxo representatives who are now selling Zofran based on the opportunity for physicians to receive a higher reimbursement from Medicare and other third-party payors while the cost to the physician of Zofran has not changed.

The evidence clearly shows that Bristol has intentionally reported inflated prices and engaged in other improper business practices in order to cause its customers to receive windfall profits from Medicare and Medicaid when submitting claims for certain drugs. The evidence further reveals that Bristol manipulated prices for the express purpose of expanding sales and increasing market share of certain drugs where the arranging of a financial benefit or inducement

would influence the decisions of healthcare providers submitting the Medicare and Medicaid claims. Indeed, Bristol did not falsify published prices in connection with other drugs, where sales and market penetration strategies did not include the arranging of such financial "kickbacks" to the healthcare provider.

In the case of the drugs for which Bristol sought to arrange a financial kickback at the expense of the government programs, the manipulated discrepancies between your company's falsely inflated AWP's and DP's versus their true costs are staggering. For example, in the 2000 edition of the Red Book, Bristol reported an AWP of \$1296.64 for one 20mg/ml, 50ml vial of Vepesid (Etoposide) for injection [NDC #00015-3062-20], while Bristol was actually offering to sell the exact same drug to Innovatix members (a

In addition to Bristol's unconscionable price manipulation of Vepesid, I am also concerned about Bristol's newer drug Etopophos. As the following excerpts from Bristol's own documents reveal, Bristol's earlier participation in the false price manipulation scheme with respect to Etoposide (Vepesid) interfered with physicians medical decisions to use Etopophos:

"The Etopophos product profile is significantly superior to that of etoposide injection . . ."

"Currently, physician practices can take advantage of the growing disparity between Vepesid's [name brand for Etoposide] list price (and, subsequently, the Average Wholesale Price [AWPI] and the actual acquisition cost when obtaining reimbursement for etoposide purchases. If the acquisition price of Etopophos is close to the list price, the physician's financial incentive for selecting the brand is largely diminished".

Bristol thus acknowledges that financial inducements influence the professional judgment of physicians and other healthcare providers. Bristol's strategy of increasing the sales of its drugs by enriching, with taxpayer dollars, the physicians and others who administer drugs is reprehensible and a blatant abuse of the privileges that Bristol enjoys as a major pharmaceutical manufacturer in the United States.

Physicians should be free to choose drugs based on what is medically best for their patient. Inflated price reports should not be used to financially induce physicians to administer Bristol's drugs. Bristol's conduct, in conjunction with other drug companies, has cost the taxpayers billions of dollars and serves as a corruptive influence on the exercise of independent medical judgment.

Bristol employed a number of other financial inducements to stimulate the sales of its drugs at the expense of the Medicare and Medicaid Programs that were concealed from the Government. Such inducements included volume discounts, rebates, off invoice pricing and free goods designed to lower the net cost to the purchaser while concealing the actual cost of the drug from reimbursement officials. Bristol provided free Etopophos to Drs. Lessner and Troner in exchange for the Miami oncologist's agreement to purchase other Bristol cancer drugs. This arrangement had the effect of lowering the net cost of the cancer drugs to the oncologist and creating an even greater spread than would already result from the invoiced prices. The value of the free goods is often significant: Similarly, other exhibits show that Bristol provided free Cytogards in order to create a lower than invoice cost to physicians that purchased other cancer drugs through the Oncology Therapeutic Network.

It is important to note that the above free good examples created financial incentives to the physicians that were over and above the spread created by the difference between

Bristol's reported prices and regular prices provided to the market.

Bristol's price manipulation scheme was directed at both the Medicare and Medicaid Programs. Bristol commonly reported prices directly to Medicare carriers as well as State Medicaid Programs. Exhibit 8, attached hereto, contains examples of Bristol's price reports that were routinely directed to State Medicaid Programs and Medicare carriers through Western Union Mailgrams.

This scheme is further illustrated by Bristol's fraudulent price representations about its drug Blenoxane. Bristol's AWP fraud with respect to Blenoxane is clearly demonstrated in Composite Exhibit 9, attached hereto, which consists of invoices relating to sales of the drug by Oncology Therapeutic Network to Jeffery N. Paonessa, MD, an oncologist practicing in St. Petersburg, Florida. In 1995, Bristol caused an AWP to be published of \$276.29 when it sold Blenoxane to Dr. Paonessa for \$224.22. In 1996, Bristol increased its reports of AWP to \$291.49, while continuing to sell the drug to Dr. Paonessa for \$224.27. In 1997, Bristol falsely reported that it had increased its AWP to \$304.60 when, in reality, it lowered the price to oncologists as reflected by its price to Dr. Paonessa of \$155.00. In 1998, Bristol again reported a false AWP of \$304.60 while reducing its price to oncologists as reflected by the \$140.00 price to Dr. Paonessa. The following chart summarizes this information:

Blenoxane 15—NDC#00015-3010-20

Year	Red Book AWP	Price to Florida oncologist	Spread
1995	\$276.29	\$224.22	\$52.07
1996	291.49	224.22	67.27
1997	304.60	155.00	149.60
1998	304.60	140.00	164.60

It is essential that the Health Care Financing Administration ("HCFA") and other government reimbursement authorities receive truthful and accurate information from Bristol regarding drugs for which the government reimburses. The evidence uncovered by the Congressional investigations to date seems to reveal a conscious, concerted and successful effort by Bristol to actively mislead HCFA and others about the price of their drugs. I have forwarded this matter to the Department of Justice and request that Bristol's conduct be investigated under the Anti-Kickback and Prescription Drug Marketing Statutes.

Bristol's price manipulation has already caused the Medicare and Medicaid Programs unconscionable damage. The inflation index for prescription drugs continues to rise at a rate of more than twice that of the consumer price index. The American taxpayer, Congress and the press are being told that these increases are justified by the cost of developing new pharmaceutical products. Bristol and several other manufacturers are clearly exploiting the upward spiral in drug prices by falsely reporting that prices for some drugs are rising when they are in truth and in fact falling. This fraudulent price manipulation cannot be permitted to continue. I urge Bristol to immediately examine its corporate conscience, correct its behavior and make amends for the injuries it has caused government programs to date. It is time to earn your claims for social responsibility.

Please share this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,  
Ranking Member.

BLACK HISTORY MONTH

HON. ALLEN BOYD

OF FLORIDA  
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. BOYD. Mr. Speaker, the month of February is known as "Black History Month." It celebrates, not only the black race, but also the spirit and contributions of African-American culture.

The beauty and strength of America is rooted in her people. Each ethnicity contributes to the diverse patchwork that is our nation. I find it particularly important that we recognize the history of black Americans during the month of February. From the egregious stories of abduction that brought so many ancestors to this nation, to Jackie Robinson tearing down the barriers of color in Major League Baseball, the story of black America, with its' highs and lows, is one that should be revived and remembered.

As Black History Month in the year 2001 comes to a close, I embrace the future with a stronger knowledge of the past and look forward to the day Dr. Martin Luther King dreamed of "when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to Join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God almighty, we are free at last!"

CENTRAL NEW JERSEY RECOGNIZES DEFOREST B. SOARIES, JR. FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HOLT. Mr. Speaker, today I recognize Rev. Dr. DeForest B. Soaries, Jr., and his ongoing dedication to serving the needs of families throughout New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the many contributions he has made working to address the growing needs of our diverse community.

On January 12, 1999, Governor Christine Todd Whitman presented Rev. Soaries as New Jersey's Secretary of State. Secretary Soaries has since brought new energy to the Department of State and its mission to preserve and promote the story of New Jersey and its citizenry. With his broad experience and extensive abilities, Secretary Soaries oversees one of the leading departments of state government.

In his official capacity, Secretary Soaries oversees the Department of State's operating agencies consisting of the New Jersey State Museum; New Jersey Martin Luther King, Jr., Commission; and the Governor's Office of Volunteerism to name a few. Additionally, Secretary Soaries was charged with advancing a number of Governor Whitman's quality of life programs.

Secretary Soaries is an ordained minister and presently serves as the senior pastor of the very active First Baptist Church of Lincoln Gardens. Since joining the leadership of First Baptist, Secretary Soaries has worked to increase the congregation's membership. Secretary Soaries has aided in the development

of a number of economic, spiritual, and educational programs for church members and local residents.

Once again, I applaud the many ongoing contributions to our community made by New Jersey's Secretary of State DeForest Soaries and ask all my colleagues to join me in recognizing these commitments.

DISTINGUISHED DIRECTOR'S  
AWARD

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. LIPINSKI. Mr. Speaker, today I personally extend my warmest congratulations to United States Marshal James L. Whigham and the honorable men and women of the Northern District of Illinois' United States Marshals Service.

On February 28, 2001, Marshal James L. Whigham accepted the prestigious 2000 Director's Distinguished District Award on behalf of the Northern District of Illinois' United States Marshals Service. The outstanding achievements of Marshal James L. Whigham and the men and women of the Northern District have brought great pride to my district, and I commend their dedication and commitment to their service.

It is a great achievement and honor to be distinguished among the other United States Marshals Service districts. This honor has truly shown the strong leadership and exemplary performance of the United States Marshals in the Northern District of Illinois.

I am very proud of United States Marshal James L. Whigham and the men and women of the Northern District of Illinois. I wish them the best of luck in their future service to our community.

PERSONAL EXPLANATION

**HON. DENNIS REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. REHBERG. Mr. Speaker, I was unavoidably detained due to travel delays and was not able to cast a vote on rollcall No. 16. Mr. Speaker, had I been present and not unavoidably delayed I would have voted "yea" on this important House Concurrent Resolution.

IN MEMORY OF CLARENCE  
MARVIN BLACKMAN, SR.

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. ETHERIDGE. Mr. Speaker, today I honor the life of Clarence Marvin Blackman, Sr. of Benson, North Carolina, who died December 20, 2000. In his passing, Benson lost one of its most outstanding citizens and a man who was instrumental in growing the town to its present state. He was the kind of citizen who had the best interest of his community in mind before he made any decision.

As one of his friends put it, "If anything good happened in Benson, it was a safe bet that C.M. Blackman would be one of the people behind it."

Born in Johnston County, Blackman was the son of the late Frank and Callie Altman Blackman. He came to Benson in 1934 to open a farm supply and grocery store with Alton Massengill. He later bought out his partner and in subsequent years added an insurance agency to the business he already owned. In 1950, Blackman and four other Benson men founded the Benson Livestock Market, putting a market in easy reach of the hundreds of farmers in Harnett and Johnston counties.

A man of great energy and widespread interests, Blackman served as a town commissioner for 29 years and was mayor from 1955 to 1959. He was named Citizen of the Year in 1962 and was a charter member of the Benson Lions and the Benson Businessman's Club, which later became the Benson Area Chamber of Commerce. He was also a member of the Benson Junior Order.

After being appointed to the Board of Directors of the Benson Annual Sing in the early 1940's, Blackman served as assistant manager. He also served as announcer for the competitions.

Blackman loved his family and friends and business associates. He hosted a Christmas breakfast for them every year for 31 years. In 1999, the breakfast was named in his honor as the Annual C.M. Blackman Christmas Breakfast.

Blackman's survivors include his wife, Pernella Massengill Blackman; a daughter, Jackie B. Smith of Fayetteville; two sons, C.M. Blackman, Jr., of Raleigh and Danny Blackman of Dunn; six grandchildren and eight great-grandchildren.

Mr. Speaker, C.M. Blackman, Sr. used every minute of his long and productive life to make the world a better place. He was a respected and successful businessman, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

INTRODUCTION OF A BILL TO REPEAL THE 2-PERCENT EXCISE TAX ON PRIVATE FOUNDATIONS

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. STEARNS. Mr. Speaker, the United States is blessed with a deep spirit of philanthropy. Charitable organizations serve the interests of both the individual and the community. Private foundations, in particular, have made a measurable difference in the lives of Americans. From access to public libraries, developing the polio vaccine, and even leading in the creation of Emergency 911, each and every American has experienced the benefits of the tireless efforts of these foundations.

Currently, there are approximately 47,000 foundations in the United States. In 1998, foundations gave away an estimated \$22 billion in grants. These foundations were also forced to give the Federal Government a grant of \$500 million in 1999.

Under current law, nonprofit private foundations generally must pay a 2-percent excise tax on their net investment income. This requirement was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of Government audits of these organizations. However, since 1990, the number of IRS audits on private foundations has decreased from 1200 to 191. Yet, excise collections have grown from \$204.3 million in 1990 to \$499.6 million in 1999.

In addition, private foundations are bound by a 5-percent distribution rule. Foundations must make annual qualifying distributions for charitable purposes equal to roughly 5-percent of the fair market value of the foundation's net investment assets. The required 2-percent excise tax—payable to the IRS—actually counts as a credit to the 5-percent distribution rule.

So, what we have is a private foundation making a charitable grant to the Federal Government every year. Now, the last time I looked, the Federal Government was not in any dire need of charitable contributions. In fact, in the next 10 years, the Federal budget surplus is projected to be \$5.7 trillion. In 2002 alone, we are projected to have a \$231 billion surplus. Therefore, I believe that Americans have been more than "charitable" in giving the Government their hard-earned dollars. It is time that we begin the process of returning that money to the people.

President Bush is working to accomplish that goal with his reduction in tax rates, and allowing for the increased use of charitable deductions and credits. My bill goes one step further, it gives those charitable organizations relief from wasting \$500 million on the Federal Government and, instead, giving the money to those who truly need it.

I would also like to emphasize that former President Clinton proposed a reduction in the excise tax in his fiscal year 2001 budget. The Treasury Department noted, "Lowering the excise tax rate for all foundations would make additional funds available for charitable purposes." Common sense dictates that the elimination of this tax would spur additional charitable giving.

I want to thank Congressman CRANE for his support on this bill and ask our colleagues to lend their support as well.

VETERANS' OPPORTUNITIES ACT  
OF 2001

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing on behalf of Mr. Evans, Mr. Hayworth, Mr. Reyes and myself the Veterans' Opportunities Act of 2001. This measure would make a number of needed improvements to VA benefits and services including memorial affairs, life insurance, the means-tested pension program, automobile and adaptive equipment and specially adapted housing for seriously disabled veterans. Five different transition and outreach services to servicemembers, veterans, and disabled veterans and their dependents are included in the bill, as well as provisions affecting various veterans' educational assistance programs.

My colleagues and I have also consulted with Armed Services Committee Chairman BOB STUMP and Ranking Democratic Member IKE SKELTON to make certain time-sensitive technical amendments to certain servicemembers' and veterans' education provisions in current law.

Mr. Speaker, veterans' benefits and services indeed are "earned opportunities." They are earned through selfless and often hazardous service to our nation, during war and peace alike. Doing right by America's sons and daughters who have worn the military uniform is firmly ingrained in our national values, our national pride, and our sense of moral responsibility. On behalf of my fellow original cosponsors, I would like to highlight just a few of the 17 provisions in the bill.

Sadly, our nation loses about 1,500 World War II veterans each week. The Department of Veterans Affairs projects that the current death rate for our veterans will continue to increase, peaking in 2008. Our bill would increase the burial and funeral expenses for veterans whose death is service-connected from \$1,500 to \$2,000; increase burial and funeral expenses for veterans with nonservice-connected disabilities from \$300 to \$500; and increase the burial plot allowance from \$150 to \$300. The amount payable for these benefits has remained constant for many years in spite of inflation. The purchasing power associated with these provisions still is limited and I consider these provisions as a starting point for further improvements. I note that VA continues to maintain some 119 veterans cemeteries and 26 States participate in VA's State Cemetery Grants program. Both of these programs provide a final resting place for our veterans, and are separate and independent from the burial benefits in this bill.

Mr. Speaker, VA provides certain severely disabled veterans with grants for the purchase of automobiles or other conveyances. The grant also provides for adaptive equipment necessary for safe operation of these vehicles. Our bill would increase the amount of assistance for automobile and adaptive equipment for severely disabled veterans from \$8,000, which Congress established in October 1998, to \$9,000. Veterans eligible for the automobile allowance are among the most seriously disabled. I have a deep respect for them. Prior to the 1998 increase, Congress had not adjusted the grant since 1988. We need to ensure that seriously disabled veterans have the opportunity to participate in the everyday freedoms sustained by their service. We owe them nothing less and they ask for nothing more.

VA provides a one-time specially adapted housing grant of up to \$43,000 to veterans with service-connected disabilities consisting of certain combinations of loss or loss of use of extremities and blindness or other organic diseases or injuries. Veterans with service-connected blindness alone or with loss or loss of use of both upper extremities may receive a home adaptation grant of up to \$8,250. Our bill would increase the amount of assistance for specially adapted housing grants for severely disabled veterans from \$43,000 to \$48,000 and the amount for additional adaptations that may be necessary later in the life of the dwelling from \$8,250 to \$9,250. I urge my colleagues to support these increases because, unless the amounts of the grants are periodically adjusted, inflation erodes their value and effectiveness.

Whenever we have the opportunity to make our policies family-friendly for Americans who wear the military uniform, I think we should do so. Our bill would extend coverage under the Servicemembers Group Life Insurance program to dependent spouses and children. The amount of coverage for a spouse would not exceed \$100,000 and the amount of coverage for each child would be \$10,000. The servicemember would not pay premiums on the child's coverage.

Mr. Speaker, I applaud my colleagues LANE EVANS and JERRY MORAN for their efforts on our provision that would revise the rules with respect to the net worth limitation for VA's means-tested pension program. Under our bill, the value of real property owned by the veteran and the veteran's spouse and children would be excluded if such property is used for farming, ranching, or similar agricultural purposes. I believe this provision is a fairer approach to the family farmer who becomes disabled from nonservice connected causes. Further, it would simplify administration of this program.

I appreciate Representatives PASCRELL and DOYLE'S work on our next provisions, which would expand the definition of "eligible dependent" for purposes of VA outreach services to mean a spouse, surviving spouse, child, or dependent parent. The bill would require VA to make known through a variety of means such as the Internet, media outlets, and veterans' publications the VA services available, and require VA to provide to the veteran or dependent information concerning benefits and health care services whenever the veteran or dependent first applies for any benefit. My colleagues and I appreciate VA Under Secretary for Benefits Joe Thompson making Ms. Diane Fuller and Mr. Dennis Rhodes available to assist us in drafting this legislation.

Mr. Speaker, the fundamental marker of a successful transition for our servicemembers is timely and suitable employment. The Departments of Labor, Veterans Affairs and Defense operate a Transition Assistance Program, known as "TAP" for this and other transition purposes. In its 1999 report to the Veterans' Affairs and Armed Services Committees of the House and the Senate, the bipartisan Congressional Commission on Service members and Transition Assistance made a number of recommendations to improve servicemembers' transition programs and services. The Commission reported that the Department of Defense expects to separate about 238,000 servicemembers annually for the foreseeable future and that during the 10-year period from 1987 to 1997, total unemployment compensation to former servicemembers surpassed \$2.9 billion. The Commission also reported that compared with other veterans, Department of Labor Transition Assistance Program participants collected Unemployment Insurance for Ex-Service Members benefits for shorter periods because they found jobs more quickly. About 65 percent of servicemembers are married at the time of transition and many have children.

The issue our bill addresses is one of the timing of the Transition Assistance Program. Although section 1142 of title 10, United States Code, requires the Services to furnish transition assistance no later than 90 days before an individual's separation or retirement, the law does not specify the earliest point at

which this service should begin. Transition Assistance Program statistics reveal that the majority of servicemembers are within this three-month window when they first visit a transition office.

The Commission reported that during its visit with servicemembers at military installations in the Continental United States and around the world, servicemembers repeatedly voiced their desire to begin the transition process earlier than 90 days prior to separation—ideally one-year prior for regular separatees and two years prior for retirees. The Commission agreed that this approach gives servicemembers more adequate time to prepare. The Commission's Vice Chairman, G. Kim Wincup, former staff director of the House Armed Services Committee, an Assistant Secretary of the Army during the Persian Gulf War, was the Commission's chief advisor on transition matters. We note the Commission's observation in its report that: "additionally, it provides commanders flexibility since many servicemembers are deployed during the last six months of their active duty. With additional time, servicemembers could learn the fundamentals of transition and the job search process before deployment and relieve the pressure to compress transition and out processing into the last few weeks."

This provision in our bill would expand the availability of pre-separation counseling (and Transition Assistance Program assistance for servicemembers) as furnished by the Departments of Defense, Veterans Affairs and Labor to as early as nine months for separatees and 18 months for retirees, but in no event less than 90 days. TAP is so important because often it is the last thing servicemembers remember about their military service and it is what they share with the next generation.

Mr. Speaker, dramatic changes have occurred in both the methods for providing education and in the institutions offering courses over the past several years. As the Transition Commission pointed out, "postsecondary education is now available on the Internet, through broadcast media and videotape on satellite campuses, and through non-campus programs." Our bill would permit veterans to use VA educational assistance benefits for an independent study certificate program offered by an institution of higher learning. I thank the University of Phoenix, Embry-Riddle Aeronautical University, DeAnza Community College, Washington State University and George Washington University for bringing this issue to the Committee's attention.

I strongly urge my colleagues to support this legislation.

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INTERNATIONAL TRIBUNAL  
RULING ON RAPE

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, I was pleased to hear about the International Criminal Tribunal's conviction of the three Bosnian Serbs for rape, torture, and sexual enslavement of Muslim women during the Bosnian war. I submit into the RECORD the following Washington Post article that appeared on February 23, 2001, which details the outcome of

the verdict. Perhaps most significantly, the judges ruled that mass rape is a crime against humanity, the most serious category of international crimes after genocide.

This is a landmark moment in the struggle for women's rights and in addressing issues of violence against women. For the first time, in the international justice system, sex crimes against women are being specifically identified and punished. In the past, UN war crimes tribunals ignored mass rape and sexual enslavement and considered these crimes to be a natural occurrence in war. Crimes against women like forced prostitution and rape that took place during WWII were never even prosecuted in the international tribunals that followed the war.

Violence against women is unacceptable. We, in the United States, need to recognize the importance of this decision, take it to heart, and make ending violence against women a priority here at home and abroad.

I want to recognize Presiding Judge Florence Mumba for her excellent work in pushing this trial to a just conclusion. It is a milestone decision for women all over the world.

I applaud this decision and hope that we, in Congress, will follow this global legal model and use all of our means and resolve to bring justice and security to the women of our nation and the world.

[From the Washington Post, Feb. 23, 2001]

WATERSHED RULING ON RAPE

SERBS FOUND GUILTY OF 'CRIME AGAINST HUMANITY'

(By Peter Finn)

BERLIN, Feb. 22.—Three Bosnian Serbs were found guilty today by a U.N. war crimes tribunal of the rape, torture and enslavement of Muslim women during the Bosnian war. It was the first time an international court ruled that rape is a "crime against humanity."

The three men were sentenced to between 12 and 28 years in prison for sex crimes committed near the town of Foca, southeast of Sarajevo, in 1992 and 1993, at the height of Bosnia's ethnic conflict. Human rights groups have estimated that tens of thousands of women, mostly Moslems, were raped during the war.

The judges found the three men's crimes to be part of a pattern of violent sexual abuse and intimidation condoned by the wartime Bosnian Serb leadership. "What the evidence shows is that the rapes were used by members of the Bosnian Serb armed forces as an instrument of terror," said Presiding Judge Florence Mumba as she sentenced the men at the International Criminal Tribunal for the former Yugoslavia at the Hague.

Today's decision was also significant for breaking old patterns by which international courts considered rape during war to be some lesser offense, if an offense at all. The decision "opens a whole new category" of war crime, said Eugene R. Fidell, of the National Institute of Military Justice, a nonprofit organization in Washington.

During World War II, the Japanese and German armies systematically enslaved thousands of women to serve as prostitutes for their soldiers. Dutch authorities tried Japanese officers who enslaved Dutch nationals, but the international war crimes tribunals that the allies created after the war did not treat the women's enslavement as a war crime, or crime of any kind.

Likewise, international courts have generally not treated as war crimes rape and other sexual violence that soldiers in combat zones commit of their own volition, assuming the soldiers were prosecuted at all.

In today's decision, Dragoljub Kunarac, 40, was sentenced to 28 years on 11 counts, including rape, torture and enslavement as crimes against humanity. Radomir Kovac, 39, was sentenced to 20 years on four counts. And Zoran Vukovic, 45, was sentenced to 12 years after the court dismissed most of the charges against him but convicted him on four counts.

The crimes occurred as Bosnia, formerly a republic of Yugoslavia, was the scene of war between its three main ethnic groups, Serbs, Muslims and Croats.

After Foca, a largely Muslim town, was overrun by Bosnian Serb forces, its mosques were burned and its civilian population rounded up and imprisoned in separate camps for males and females.

Sixteen rape victims and other witnesses testified at the eight-month trial that Serb paramilitary forces entered the women's detention centers and selected women and girls as young as 12 for nightly gang rapes and sexual torture. Many of the women were left with permanent gynecological and psychological damage.

In an impassioned and scathing judgment today, Mumba said, "Muslim women and girls, mothers and daughters together [were] were robbed of the last vestiges of human dignity."

"Women and girls [were] treated like chattels, pieces of property at the arbitrary disposal of the Serb occupation forces."

Lawyers for the convicted men had argued that the women were willing sexual partners.

As Kunarac stood before the three-judge panel, Mumba said, "You abused and ravaged Muslim women because of their ethnicity, and from among their number, you picked whomsoever you fancied on a given occasion." Kunarac briefly bowed his head as his sentence of 28 years was read.

"I remember he was very forceful. He wanted to hurt me," one witness testified about Kunarac during the trial. "But he could never hurt me as much as my soul was hurting me."

Sentencing Kovac, the court said that it was particularly appalled at his treatment of a 12-year-old-girl, who was identified only as A.B. None of the 16 victims who testified, or other victims, was identified, so as to shield them from further trauma.

A.B., the court said, was "a helpless little child for whom you showed absolutely no compassion whatsoever, but whom you abused sexually in the same way as the other girls. You finally sold her like an object in the knowledge that this would almost certainly mean further sexual assaults by other men."

The court noted that eight years later, A.B. has never been heard from.

Sentencing Vukovic to 12 years, the judges found that he raped a 15-year-old girl after threatening her mother with death if she did not tell him where her daughter was hiding. Mumba recalled case after case, summarizing the catalog of horror before she issued the prison terms.

In one instance, she noted, Kunarac "personally raped Witness FWS-183 and aided and abetted her rape by the two other soldiers by encouraging the other men while they were raping her. You further mocked the victim by telling the other soldiers to wait for their turn while you were raping her, by laughing at her while she was raped by the other soldiers, and finally by saying that she would carry Serb babies and that she would not know the father."

Noting that the three soldiers were not the masterminds of the war—Bosnia Serb leaders have been indicted but remain fugitives—the court said that "lawless opportunists should expect no mercy [from the court], no matter how low their position in the chain of command may be."

Foca now lies in the Serb zone of Bosnia and was renamed Srebrenica after the war. There are few Muslims in the town today.

Dirk Ryneveld, the lead prosecutor in the case, welcomed the verdicts and commended "the bravery of the victims who came forward to tell their stories."

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001: CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SENSENBRENNER. Mr. Speaker, on Thursday, March 1, 2001, the House is scheduled to consider H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001." On February 15, 2001, the Committee on the Judiciary ordered reported favorably the bill H.R. 333 and the report thereon was filed on February 26, 2001. The Congressional Budget Office ("CBO") cost estimate, however, was not available for filing on February 26. Therefore, I hereby submit the CBO cost estimate for printing in the CONGRESSIONAL RECORD.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, February 27, 2001.

Hon. F. JAMES SENSENBRENNER, JR.  
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs), Erin Whitaker (for the revenue impact), Shelley Finlayson (for the state and local impact), and Paige Piper/Bach (for the private-sector impact).

Sincerely,  
BARRY B. ANDERSEN  
*(for Dan L. Crippen, Director).*

Enclosure

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE  
H.R. 333—*Bankruptcy Abuse Prevention and Consumer Protection Act of 2001*

Summary: CBO estimates that implementing H.R. 333 would increase discretionary costs primarily to the U.S. Trustees by \$256 million over the 2002-2006 period. At the same time, the bill would slightly increase the fees charged for filing a bankruptcy case, and would change how some of these fees are currently recorded in the budget. We estimate that implementing the bill would increase the amount of bankruptcy fees that are treated as an offset to appropriations by \$279 million over the five-year period, resulting in a net decrease in discretionary spending of \$23 million over this period.

In addition, CBO estimates that enacting this bill would decrease governmental receipts (revenues) by \$260 million over the 2002-2006 period because bankruptcy fees that are currently recorded as revenues would be reclassified as offsetting collections and offsetting receipts. Finally, enactment of H.R. 333 would result in filling additional judge-ships, and we estimate that their mandatory pay and benefits would cost \$18 million over the next five years. Because the bill would

affect direct spending and governmental receipts, pay-as-you-go procedures would apply. Assuming appropriation of the necessary amounts to implement the bill, CBO estimates that its enactment would reduce budget surpluses by \$255 million over the 2001–2006 period.

H.R. 333 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates the costs would be insignificant and would not exceed the threshold established in that act (\$55 million in 2000, adjusted annually for inflation). Overall, CBO expects that enacting this bill would benefit state and local governments by enhancing their ability to collect outstanding obligations in bankruptcy cases.

H.R. 333 would impose private-sector mandates, as defined by UMRA, on bankruptcy attorneys, creditors, bankruptcy petition preparers, debt-relief agencies, and credit and charge-card companies. CBO estimates that the direct costs of these mandates would exceed the annual threshold established by UMRA (\$109 million in 2000, adjusted annually for inflation).

Major provisions: In addition to establishing means-testing for determining eligibility for chapter 7 bankruptcy relief, H.R. 333 would:

Require the Executive Office for the United States Trustees (U.S. Trustees) to establish a test program to educate debtors on financial management;

Authorize 23 new temporary judgeships and extend five existing judgeships in 21 federal districts;

Permit courts to waive chapter 7 filing fees and other fees for debtors who could not pay such fees in installments;

Require that at least one of every 250 bankruptcy cases under chapter 13 or chapter 7 be audited by an independent certified public accountant;

Require the Administrative Office of the United States Courts (AOUSC) to receive and maintain tax returns for certain chapter 7 and chapter 13 debtors;

Require the AOUSC and the U.S. Trustees to collect and publish certain statistics on bankruptcy cases; and

Increase chapter 7 and chapter 13 bankruptcy filing fees and change the budgetary treatment of such fees.

Other provisions would make various changes affecting the bankruptcy provisions for municipalities and the treatment of tax liabilities in bankruptcy cases.

Estimated cost to the Federal Government: As shown in the following table, CBO estimates that implementing H.R. 333 would result in a net decrease in discretionary spending of \$23 million over the 2002–2006 period, subject to appropriation actions. In addition, we estimate that mandatory spending for the salaries and benefits of bankruptcy judges would increase by less than \$500,000 in 2001 and by \$18 million over the 2002–2006 period. Enacting the bill's provisions for adjusting filing fees would reduce revenues by \$260 million over the next five years. That change in revenues would be more than offset, however, by increased collections to be credited against discretionary spending if future appropriation actions are consistent with the bill. (The estimated net decrease in discretionary spending of \$23 million reflects an increase in

	By fiscal year, in millions of dollars					
	2001	2002	2003	2004	2005	2006
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Means-Testing (Section 102)						
Estimated Authorization Level	0	11	10	10	10	9
Estimated Outlays	0	9	10	10	10	9
GAO, SBA, and U.S. Trustees Studies (Sections 103, 230, and 443)						
Estimated Authorization Level	0	1	1	0	0	0
Estimated Outlays	0	1	1	0	0	0
Debtor Financial Management Training (Section 105)						
Estimated Authorization Level	0	3	1	0	0	0
Estimated Outlays	0	2	1	1	0	0
Credit Counseling Certification (Section 106)						
Estimated Authorization Level	0	4	3	3	4	4
Estimated Outlays	0	3	3	3	4	4
Maintenance of Tax Returns (Section 315)						
Estimated Authorization Level	0	1	2	2	2	2
Estimated Outlays	0	1	2	2	2	2
Changes in Bankruptcy Filing Fees (Sections 325 and 418)						
Estimated Authorization Level	0	-51	-59	-59	-55	-55
Estimated Outlays	0	-51	-59	-59	-55	-55
U.S. Trustee Site Visits (Section 439)						
Estimated Authorization Level	0	3	2	2	2	3
Estimated Outlays	0	2	2	2	2	3
Compiling and Publishing Data (Sections 601–602)						
Estimated Authorization Level	0	0	8	8	7	7
Estimated Outlays	0	0	8	8	7	7
Audit Procedures (Section 603)						
Estimated Authorization Level	0	0	14	17	18	19
Estimated Outlays	0	0	14	17	18	19
Additional Judgeships—Support Costs (Section 1224)						
Estimated Authorization Level	1	7	13	14	15	14
Estimated Outlays	1	7	13	14	15	14
FTC Toll-Free Hotline (Section 1301)						
Estimated Authorization Level	0	2	1	1	1	1
Estimated Outlays	0	2	1	1	1	1
Total Discretionary Changes						
Estimated Budget Authority	1	-19	-5	-2	4	4
Estimated Outlays	1	-24	-5	-2	4	4
CHANGES IN DIRECT SPENDING						
Additional Judgeships (Section 1224)						
Estimated Budget Authority	1	2	4	4	4	4
Estimated Outlays	1	2	4	4	4	4
CHANGES IN REVENUES						
Changes in Revenue from Filing Fees						
Estimated Revenues	0	-45	-53	-54	-54	-54

<sup>1</sup> Less than \$500,000.  
 Note: GAO = General Accounting Office.  
 SBA = Small Business Administration.  
 FTC = Federal Trade Commission.

Basis of Estimate: For purposes of this estimate, CBO assumes that H.R. 333 will be enacted during the third quarter of fiscal year 2001 and that the amounts necessary to implement the bill will be appropriated for each fiscal year.

*Spending subject to appropriation*

Most of the estimated increases in discretionary spending would be required to fund the additional workload that would be imposed on the U.S. Trustees. These increases would be more than offset by changes in bankruptcy filing fees that would be recorded as offsetting collections under the bill. CBO estimates that implementing H.R.

333 would result in a net reduction in discretionary costs of \$23 million over the 2002–2006 period.

Means-Testing (Section 102). This section would establish a system of means-testing for determining a debtor's eligibility for relief under chapter 7. Under the means test, if the amount of debtor income remaining after certain expenses and other specified amounts are deducted from the debtor's current monthly income exceeds the threshold specified in section 102, then the debtor would be presumed ineligible for chapter 7 relief. A debtor who could not demonstrate "extraordinary circumstances," which would cause the expected disposable income to fall below

the threshold, could file under other chapters of the bankruptcy code.

Although the private trustees would be responsible for conducting the initial review of a debtor's income and expenses and filing the majority of motions for dismissal or conversion, CBO expects that the workload of the U.S. Trustees would increase under the means-testing provision. The U.S. Trustees would provide increased oversight of the work performed by the private trustees, file

additional motions for dismissal or conversion, and take part in additional litigation that is expected to occur as the courts and debtors debate allowable expenses and other related issues. Although CBO cannot predict the amount of such litigation, we expect that, during the first few years following enactment of the bill, the amount of litigation could be significant, as parties test the new law's standards. In subsequent years, litigation could begin to subside as precedents are established. Based on information from the U.S. Trustees, CBO estimates that the U.S. Trustees would require 115 additional attorneys, paralegals, and analysts to address the increased workload. As a result, CBO estimates that implementing this provision would cost \$48 million over the next five years.

General Accounting Office (GAO), Small Business Administration (SBA), and U.S. Trustees Studies (Sections 103, 230, and 443). Section 103 would require the U.S. Trustees to conduct a study regarding the use of Internal Revenue Service expense standards for determining a debtor's current monthly expenses and the impact of these standards on debtors and bankruptcy courts. Section 230 would require GAO to conduct a study regarding the feasibility of requiring trustees to provide the Office of Child Support Enforcement information about outstanding child support obligations of debtors. Section 443 would require the Administrator of SBA, in consultation with the Attorney General, the U.S. Trustees, and the AOUSC, to conduct a study on small business bankruptcy issues. Based on information from U.S. Trustees, GAO, SBA, CBO estimates that completing the necessary studies would cost up to \$1 million in 2002, and less than \$500,000 in 2003.

Debtor Financial Management Test Training Program (Section 105). This section would require the U.S. Trustees to establish a test training program to educate debtors on financial management. The test training program would be authorized for six judicial districts over an 18-month period. Based on information from the U.S. Trustees, CBO estimates that about 90,000 debtors would participate if such a program were administered by the U.S. Trustees in fiscal years 2002 and 2003. At a projected cost of about \$40 per debtor, CBO estimates that this provision would cost \$4 million over the 2002-2004 period.

Credit Counseling Certification (Section 106). This section would require the U.S. Trustees to certify, on an annual basis, that certain credit counseling services could provide adequate services to potential debtors. Based on information from the U.S. Trustees, CBO estimates that the U.S. Trustees would require additional attorneys and analysts to handle the greater workload associated with certification. CBO estimates that enacting this provision would cost \$17 million over the next five years.

Maintenance of Tax Returns (Section 315). This section would authorize the AOUSC to receive and retain debtors' tax returns for the year prior to the commencement of the bankruptcy for chapter 7 and chapter 13 filings. Such collection and storage of tax returns would commence only at the request of a creditor. Based on information from the AOUSC, CBO expects that creditors will request tax information in about 25 percent of such cases. CBO estimates that implementing H.R. 333 would cost \$9 million over the next five years to store and provide access to over two million tax returns.

Changes in Bankruptcy Filing Fees (Sections 325 and 418). Section 325 would increase chapter 7 and chapter 13 bankruptcy filing fees and change the distribution of such fees. In addition, the bill would allow the U.S.

Trustee System Fund to collect 75 percent of chapter 11 filing fees. Under current law, the filing fee for chapter 7 and chapter 13 is \$155 and is divided between the U.S. Trustee System Fund, the AOUSC, the private trustee assigned to the case, and the remainder is recorded as a governmental receipt (i.e., revenue). Under H.R. 333, the filing fee for a chapter 7 case would be \$160, and income from this fee would be recorded in two different places in the budget. Of the \$160, \$65 would be recorded as an offsetting collection to the appropriation for the U.S. Trustee System Fund, and \$50 would be recorded as an offsetting receipt and spent without further appropriation by the AOUSC. The remainder of this fee would be spent by the private trustees assigned to each case. The bill would reduce the filing fee for a chapter 13 case to \$150 and change how the fee is recorded in the budget. The U.S. Trustee System Fund would receive \$105 and the AOUSC would receive \$45 per case. Under H.R. 333, no portion of chapter 7, chapter 11, or chapter 13 filing fees would be recorded as governmental receipts.

Section 418 would permit a bankruptcy court or district court to waive the chapter 7 filing fee and other fees for a debtor who is unable to pay such fees in installments. Based on information from the AOUSC, CBO expects that in fiscal year 2002 chapter 7 filing fees would be waived for about 3.5 percent of all chapter 7 filers and that the percentage waived would gradually increase to about 10 percent by fiscal year 2005.

Considering the expected reduction in the use of chapter 7 because of means-testing and the provision that would allow fee waivers, CBO estimates that implementing the new fee structure and changes in fee classifications would result in an increase in offsetting collections totaling \$279 million over the 2002-2006 period.

U.S. Trustee Site Visits in Chapter 11 Cases (Section 439). This section would expand the responsibilities of the U.S. Trustees in small business bankruptcy cases to include site visits to inspect the debtor's premises, review records, and verify that the debtor has filed tax returns. Based on information from the U.S. Trustees, CBO estimates that implementing section 439 would require about 20 additional analysts to conduct over 2,300 site visits each year. CBO estimates that implementing this provision would cost about \$11 million over the next five years for the salaries, benefits, and travel expenses associated with these additional personnel.

Compilation and Publication of Bankruptcy Data and Statistics (Sections 601-602). H.R. 333 would require the AOUSC to collect data on chapter 7, chapter 11, and chapter 13 cases and the U.S. Trustees to make such information available to the public. CBO estimates that it would cost about \$30 million over the 2002-2006 period to meet these requirements. Of the total estimated cost, about \$26 million would be required for additional legal clerks, analysts, and data base support. The remainder would be incurred by the U.S. Trustees for compiling data and providing Internet access to records pertaining to bankruptcy cases.

Audit Procedures (Section 603). Beginning 18 months after enactment, H.R. 333 would require that at least one out of every 250 bankruptcy cases under chapter 7, chapter 11, and chapter 13, plus other selected cases under those chapters, be audited by an independent certified public accountant. Based on information from the U.S. Trustees, CBO estimates that about 1.6 million cases would be subject to audits in fiscal year 2003, increasing to about 1.9 million in fiscal year 2006. CBO assumes that about 0.8 percent of those cases would be audited and that each audit would cost about \$1,000 (in 2001 dol-

lars). CBO also expects that the U.S. Trustees would need about 10 additional analysts and attorneys to support the follow-up work associated with the audits. We estimate that implementing this provision would cost \$68 million over the 2003-2006 period.

Additional Judgeships—Support Costs (Section 1224). This provision would extend five temporary bankruptcy judgeships and authorize 23 new temporary bankruptcy judgeships for 21 federal judicial districts. Based on information from the AOUSC, CBO assumes that about half of the 23 new positions would be filled by the beginning of fiscal year 2002 and the rest would be filled by the start of fiscal year 2003. Also, we anticipate that all five temporary judgeships would be filled by fiscal year 2003. We expect that discretionary expenditures for support costs associated with each judgeship would average about \$460,000 annually (in 2001 dollars). CBO estimates that the administrative support of additional bankruptcy judges would require an appropriation of less than \$500,000 in fiscal year 2001 and \$63 million over the 2002-2006 period. (Salaries and benefits for the judges are classified as mandatory spending, and those costs are described below.)

Federal Trade Commission Toll-Free Hotline (Section 1301). This section would require the Federal Trade Commission (FTC) to operate a toll-free number for consumers to calculate how long it would take to pay off a credit card debt if they were to make only the minimum monthly payments. Based on information from the FTC about the demand for the agency's other credit-related hotline, CBO expects that the FTC would receive about 20,000 calls each month. CBO estimates that the equipment and personnel necessary to serve this volume of inquiries would cost \$2 million in 2002 and \$6 million over the 2002-2006 period, subject to the appropriation of the necessary amounts.

#### *Direct spending and revenues*

Additional Judgeships (Section 1224). CBO estimates that enacting the means-testing provision (section 102) would impose some additional workload on the courts. Section 128 would authorize 23 new temporary bankruptcy judgeships and extend five existing temporary judgeships. Based on information from the AOUSC and other bankruptcy experts, CBO expects that the increase in the number of bankruptcy judges would be sufficient to meet the increased workload. Assuming that the salary and benefits of a bankruptcy judge would average about \$155,000 a year (in 2001 dollars), CBO estimates that the mandatory costs associated with the salaries and benefits of these additional judgeships would be less than \$500,000 in fiscal year 2001 and about \$18 million over the 2002-2006 period.

Changes in Bankruptcy Filing Fees (Sections 102, 325, and 418). Section 325 would change the classification of where bankruptcy filing fees are recorded in the budget. Under current law, filing fees are divided between the U.S. Trustee System Fund, the AOUSC, the private trustee assigned to the case, and the remainder is recorded as governmental receipts (i.e., revenues). The percentage of the fees allocated to these different parts of the budget varies by chapter. Under the fee structure specified in the bill, the portions of chapter 7, chapter 11, and chapter 13 filing fees that are now recorded as governmental receipts would be recorded as offsetting collections or offsetting receipts. Therefore, CBO estimates that enacting H.R. 333 would reduce governmental receipts by \$260 million over the 2002-2006 period. (The change in offsetting receipts would be matched by additional spending, resulting in no net change in direct spending.)

Tax Provisions (Title VII). Title VII of H.R. 333 would alter several provisions related to tax claims. It would alter the treatment of certain tax liens, disallow the discharge of taxes resulting from fraudulent tax returns under chapter 13 or chapter 11 of the bankruptcy code, require periodic cash payments of priority tax claims, and specify the rate of interest on tax claims. Title VII also would change the status of assessment periods for tax claims and would alter various

administrative requirements. Based on information from the Internal Revenue Service and the Joint Committee on Taxation, CBO estimates that these provisions would increase revenues, but that any increase would be negligible.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The means-testing, waiver of fees, and

changes in filing fees provisions would affect receipts, and the additional judgments would increase direct spending; hence, pay-as-you-go procedures would apply. The net changes in outlays and governmental receipts are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays .....	0	2	4	4	4	4	4	4	2	2	2
Changes in receipts .....	0	-45	-53	-54	-54	-54	-54	-54	-54	-54	-54

Estimated impact on state, local, and tribal governments: H.R. 333 contains intergovernmental mandates as defined in UMRA, but such costs would not be significant and would not exceed the threshold established in that act (\$55 million in 2000, adjusted annually for inflation). Overall, CBO expects that enacting this bill would benefit state and local governments by enhancing their ability to collect outstanding obligations in bankruptcy cases.

*Mandates*

Section 227 of the bill would preempt state laws governing contracts between a debt relief agency and a debtor, but only to the extent that those state laws are inconsistent with the federal requirements set forth in this bill. Such preemptions are mandates as defined in UMRA. Because the preemption would not require states to change their laws, CBO estimates the costs to states of complying with this mandate would not be significant.

Section 719 would require state and local income tax procedures to conform to the Internal Revenue Code with regard to dividing tax liabilities and responsibilities between the estate and the debtor, the tax consequences of partnerships and transfers of property, and the taxable period of the debtor. CBO estimates that this provision would increase costs for the administration of state and local tax laws, but would not require state and local tax rates to conform to the federal rates. Such administrative costs would not be significant and would likely be offset by increased collections.

Section 1310 would prohibit state courts from recognizing or enforcing certain foreign judgments. Based on the small number of potential cases and the small likelihood that those cases would be heard in state courts, CBO estimates that there would be no significant costs associated with complying with this mandate.

*Other impacts*

The changes to bankruptcy law in the bill would affect state and local governments primarily as creditors and holders of tax or child support claims against debtors. In addition, it would change some of the state statutes that govern which of a debtor's assets are protected from creditors in a bankruptcy proceeding.

A 1996 survey of the 50 states conducted by the Federation of Tax Administrators and the States' Association of Bankruptcy Attorneys, the most recent data available, indicated that more than 360,000 taxpayers in bankruptcy owed claims totaling about \$4 billion. Of these claims, states reported collecting only about \$234 million. Total bankruptcy filings have increased since 1996. While CBO cannot predict how much more money might be collected, it is likely that states and local governments would collect a greater share of future claims than they would under current law.

Exemptions. Although bankruptcy is regulated according to federal statute, states are allowed to provide debtors with certain exemptions for property, insurance, and other items that are different from those allowed

under the federal bankruptcy code. (Exempt property remains in possession of the debtor and is not available to pay off creditors.) In some states debtors can choose the federal or state exemption; other states require a debtor to use only the state exemptions. The bill would reduce the value of a debtor's homestead exemption under certain circumstances and create a new exemption for certain retirement funds and education savings plans. This bill also would place a ceiling of \$100,000 on the exemptions for the value of certain property acquired in the two years prior to a bankruptcy filing under certain circumstances.

These exemption standards would apply regardless of the state policy on exemptions. The new homestead exemption and property-value limitation could make more money available to creditors in some cases, while the exemptions on retirement and education savings generally would make less money available.

Domestic Support Obligations. The bill would significantly enhance a state's ability to collect domestic support obligations, including child support. Domestic support obligations owed to state or local governments would be given priority over all other claims, except those same obligations owed to individuals. The bill would make these debts nondischargeable (not able to be written-off at the end of bankruptcy). The bill also would require that filers under chapter 11 and 13 cases pay domestic support obligations owed to government agencies or individuals in order to receive a discharge of outstanding debts. In addition, under this bill, the automatic stay that is triggered by filing bankruptcy would not apply to domestic support obligations owed by debtors or withheld from regular income, as it currently does. The bill also would require bankruptcy trustees to notify individuals with domestic support claims of their right to use the services of a state child support enforcement agency, and notify the agency that it has done so. The last known address of the debtor would be a part of the notification.

Tax Payment Plans. The bill would require that payment plans for tax liabilities be limited to five years and that payment amounts be regular and not less favorable than payments for other obligations. Under current law, taxing authorities sometimes face payment plans that include a series of small payments over time followed by a large balloon payment near the end of the planned payment stream. At that point, the debtors often fail to complete their payments. This provision would require that taxes be paid at a rate proportionate to those of other debts, but does not specifically prohibit balloon provisions. It also would establish interest rates to be applied to outstanding tax liabilities. Under current law, any interest charges on outstanding tax liabilities are determined at the discretion of the bankruptcy judge.

However, this status is granted only if a tax is assessed within a specific period of time from the date of the bankruptcy filing. If that filing is subsequently dismissed and a

new filing is made, the tax claim may lose its priority status. The bill would make adjustments to this provision, allowing more time to pass in some circumstances, thus increasing the likelihood that state or local tax claims would maintain their priority status.

Taxes and Administrative Expenses. Under current law, certain expenses and the priority of claims reduce the funds that would otherwise be available to pay tax liens on property. The bill would increase the priority of those liens in certain circumstances against certain expenses and claims, thereby making it more likely that funds would remain available to cover tax obligations. Governmental units would not be required to file a request for certain administrative expenses as a condition of being allowed such an expense. The bill also would allow state and local governments to claim administrative expenses for costs incurred by closing a health care business.

Fuel Tax Claims. Under current law, all states owed fuel tax under the International Fuel Tax Agreement have to file separate claims against debtors under the bankruptcy code. The bill would allow a state designated under the agreement to file a single claim on behalf of all states owed the fuel taxes. This would simplify the filing process.

Tax Return Filing. A number of provisions in the bill would require debtors to have filed tax returns, and in some cases to be current in their tax payments, before a bankruptcy case may continue. These provisions would help states identify potential claims in bankruptcy cases where they may be owed delinquent taxes.

Priority of Payments. In some circumstances under current law, debtors have borrowed money or incurred some new obligation that is dischargeable (able to be written-off at the end of bankruptcy) to pay for an obligation that would not be dischargeable. This bill would give the new debt the same priority as the underlying debt. If the underlying debt had a priority higher than that of state or local tax liabilities, state and local governments could lose access to some funds. However, it is possible that the underlying debt could be for a tax claim, in which case the taxing authority would face no loss. Because it is unclear what types of nondischargeable debts are covered by new debt and the degree to which this new provision would discourage such activity, CBO can estimate neither the direction nor the magnitude of the provision's impact on states and localities.

Single Asset Cases. One provision of the bill would allow expedited bankruptcy proceedings in certain single asset cases (usually involving a large office building). State and local governments could benefit to the extent that real property is returned to productive tax rolls earlier as a result of this provision.

Municipal Bankruptcy. The bill would clarify regulations governing municipal bankruptcy actions and allow municipalities that have filed for bankruptcy to liquidate certain financial contracts.

*Estimated impact on the private sector**Mandates*

H.R. 333 would impose new private-sector mandates on bankruptcy attorneys, creditors, bankruptcy petition preparers, debt-relief agencies, and credit and charge-card companies. Consumer bankruptcy attorneys would be required to make reasonable inquiries to confirm that the information in documents they submit to the court or to the bankruptcy trustee is well grounded in fact. Creditors would be required to make disclosures in their agreements with debtors and provide certain notices to courts and debtors. Bankruptcy petition preparers and debt-relief agencies would also be required to provide certain notices to debtors. Credit and charge-card companies would be required to disclose specified information in monthly billing statements, new account introductory rate offers, and internet-based solicitations. CBO estimates that the direct costs of these mandates would exceed the annual threshold established by UMRA (\$109 million in 2000, adjusted annually for inflation).

Section 102 of the bill would make bankruptcy attorneys liable for misleading statements and inaccuracies in schedules and documents submitted to the court or to the trustee. To avoid sanctions and potential civil penalties, attorneys would need to verify the information given to them by their clients regarding the list of creditors, assets and liabilities, and income and expenditures. Completing a reasonable investigation of debtors' financial affairs and, for chapter 7 cases, computing debtor eligibility, would require attorneys to expend additional effort. Information from the American Bar Association indicates that this requirement would increase attorney costs by \$150 to \$500 per case. Based on the 1.59 million projected filings under chapter 7 (liquidation) and chapter 13 (rehabilitation), CBO estimates that the direct cost of complying with this mandate would be between \$240 million and \$790 million in fiscal year 2002. With a rise in projected filings over the next three years, annual direct costs would reach a peak in fiscal year 2004 at between \$280 million and \$950 million and remain in that range through fiscal year 2006. The additional costs for attorneys would most likely be passed on to debtors.

The bill would require certain notices to be disclosed as part of the bankruptcy process. Section 203 of the bill would require a creditor with an unsecured consumer debt seeking a reaffirmation agreement with a debtor to provide certain disclosures. The agreement reaffirms the debt discharged in bankruptcy between a holder of a claim and the debtor.

These disclosures must be made clearly and conspicuously in writing and include certain advisories and explanations. The required disclosures could be incorporated into existing standard reaffirmation agreements. Section 221 would require bankruptcy petition preparers who are not attorneys to give the debtor written notice explaining that the preparer may not provide legal advice. Section 228 would require a debt-relief agency providing bankruptcy assistance to an assisted person to give certain written notices to the person and to execute a written contract. Such agencies also would be required to supply certain advisories and explanations regarding the bankruptcy process. Most attorneys and debt-relief counselors currently provide similar information. Based on information from bankruptcy practitioners, CBO estimates that the direct costs of complying with these mandates would fall well below the annual threshold established by UMRA.

H.R. 333 also requires credit lenders to provide additional disclosures to consumers. Credit and charge-card companies would be required to include certain disclosures in billing statements with respect to various open-end credit plans regarding the disadvantages of making only the minimum payment. Other disclosures would be required to be included in application and solicitation materials involving introductory rate offers, internet-based credit card solicitations, and for late payment deadlines and penalties. Based on information from credit lenders, CBO estimates that the direct costs of these disclosure requirements would fall below the annual threshold.

*Other impacts*

H.R. 333 also contains many provisions that would benefit creditors. Most significant for creditors are provisions that would shift debtors from chapter 7 to chapter 13 and provisions that would expand the types of debts that would be nondischargeable. By expanding the types of debts that are nondischargeable, some creditors would continue to receive payments on debts that would be discharged under current law. Means-testing in the bankruptcy system would result in more individuals being required to seek relief under chapter 13 rather than chapter 7. Because chapter 13 requires debtors to develop a plan to repay creditors over a specified period, the total pool of funds available for distribution for creditors would likely increase. As long as the likelihood of repayment by debtors and the pool of funds increases by an amount greater than the cost to creditors of administering the new bankruptcy code, creditors would be made better off under the bill.

Under UMRA, duties arising from participation in voluntary federal programs are not mandates. The bankruptcy process is largely voluntary for debtors, and debtor-initiated bankruptcies are equivalent to participation in a voluntary federal program. Consequently, new duties imposed by the bill on individuals who file as debtors do not meet the definition of private-sector mandates, and additional cost for debtors would not be counted as direct costs for purposes of UMRA.

Estimate prepared by: Federal Costs: Lanette J. Walker and Ken Johnson; Revenues: Erin Whitaker; Impact on State, Local, and Tribal Governments: Shelley Finlayson; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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THE DECEPTIVE STORM OF GREED  
AND PETTINESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. OWENS. Mr. Speaker, In his inaugural address President Bush left us with one profound image: the specter of an "Angel in the Whirlwind" guiding the fate of our nation. Democracy in America has survived and expanded despite the numerous whirlwinds and storms. At several critical periods our ship of state could have been blown off course and been wrecked on the rocks: from the challenges of Aaron Burr and Jefferson Davis, to the grabbing greed which spawned the de-

pression and the racist totalitarian threat of Hitler's Nazism. Always, in the past, the churning American political process has produced the leadership capable of conquering crises. But now we are confronted with a new kind of subtle and invisible emergency. We are confronting an enemy that has no guns. Internal smugness, arrogance, and the lack of empathy and compassion are attacking the moral spinal cord of the nation. In a previous inaugural address President Clinton correctly identified America as the "indispensable nation." Will the "Angel in the Whirlwind" guide us to new leaders who will know how to use our great wealth and power to fulfill this mission? At critical and pivotal points in our past, that great "Angel in the Whirlwind" has delivered saviors: Thomas Jefferson with his bold ideas and actions; Abraham Lincoln, frontier toughness with compassion far beyond any of his peers; Franklin Roosevelt with the vision and decisiveness that ended depression hardships and defeated Hitler. Now prosperity has brought the United States to a different kind of pivotal point in history. The question is, shall a nation with the unprecedented means to enhance survival and the resources to facilitate a less difficult pursuit of happiness for all of its people; shall such a nation at this critical moment choke on its own pettiness and greed thus rendering itself morally disabled forever. We pray for deliverance by the "Angel in the Whirlwind."

## ANGEL IN THE WHIRLWIND

Angel in the whirlwind,  
Tell us where you've been;  
Come steer us through the storm,  
Halt all this public sin.  
Angel in the whirlwind  
Blow forth great truths;  
All men are born equal,  
Some men die great;  
Profiles in courage  
Never come too late.  
Lincoln in the whirlwind  
Blew powerful justice down;  
Emancipation proclamation,  
Magnificent sensation,  
Plain ordinary people  
Transformed to noble creations.  
Sailors in the whirlwind  
Forsake all ease,  
Typhoons still lurk near,  
Patriots must not fear.  
Angel in the whirlwind,  
Jefferson at your side,  
Ships ashore at Normandy,  
In every boat you ride,  
Protect our future fate,  
Martin King's posterity  
Is waiting at the gate.  
Angel in the whirlwind  
Wrestle with the terror:  
Tornado twisted greed;  
Volcanoes belching  
Ashes of indifference;  
Human kind's highest hope  
Strangling on a golden rope;  
Merciful empire  
That might've been,  
Critically infected now  
By the virus of public sin;  
Giant graves reserved for midget men.  
Angel in the whirlwind  
Stay to save the brave and free,  
Bring back judicial integrity,  
Point us toward eternity,  
Come steer us through new storms,  
Angel in the whirlwind.

PERSONAL EXPLANATION

**HON. ROGER F. WICKER**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. WICKER. Mr. Speaker, on Rollcall No. 16 Tuesday, February 27, I was detained due to being with the official delegation honoring the 10th anniversary of the liberation of Kuwait. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. PALLONE. Mr. Speaker, on Rollcall No. 16, H. Con. Res. 39, Tuesday February 27, 2001, had I been present, I would have voted "yea."

PRASAD CHILDREN'S HEALTH PROGRAM

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 28, 2001*

Mr. GILMAN. Mr. Speaker, February has been Children's Health Month. Today, on the last day of the month, it is an appropriate time to reflect on how important the health of our young people is to the future of our Nation. A strong, vibrant citizenry is the very keystone to our future. Today, in the wealthiest economy in the history of the world, there is no excuse to put the health of our boys and girls on the back burner.

I have been made familiar with a program which performs such exemplarily health service that it is an appropriate model for health programs throughout the United States.

The PRASAD Children's Dental Health Program (CDHP) voluntarily serves all the young people in Sullivan County, New York. It provides health education, fluoride with parental consent, and restorative care through a mobile clinic that travels to every school district in Sullivan County.

The outstanding volunteers of PRASAD Children's Dental Health Program go into the schools to educate the children, provide free

toothbrushes, and help fight the scourge of tooth decay and gum disease.

The program is targeted to children who qualify for the free lunch program, have Medicaid or Child Health Plus for their insurance, or who have no dental insurance. The health education and fluoride prevention aspects of the program are available to all children, regardless of parental income.

PRASAD CDHP has been in existence for five years and is supported wholly with private donations.

Mr. Speaker, tooth and gum disease is the number one chronic health problem of children in our nation. It is five times more common than asthma, and seven times more common than hay fever. It is estimated that 18 million school hours are lost each year by children due to dental problems.

I am greatly impressed by the outstanding service performed by the PRASAD Children's Dental Health Program. Dyan Campbell who is the national Program Director, is seeking the wherewithal to expand the program nationwide. I believe that Ms. Campbell and her program are deserving of our support and our kudos.

Mr. Speaker, I invite all of our colleagues to join with me in saluting this truly outstanding program—a role model for our nation's children's dental health.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 1, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MARCH 2

9:30 a.m.  
Governmental Affairs  
Investigations Subcommittee  
To continue hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.  
SD-342

10 a.m.  
Budget  
To continue hearings to examine the President's proposed budget request for fiscal year 2002.  
SD-608

## MARCH 6

9:30 a.m.  
Governmental Affairs  
Investigations Subcommittee  
To resume hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.  
SD-342

10 a.m.  
Commerce, Science, and Transportation  
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee  
To hold hearings to examine the effectiveness of gun locks.  
SR-253

## MARCH 7

9:30 a.m.  
Health, Education, Labor, and Pensions  
To hold hearings to examine proposed legislation entitled Better Education For Students and Teachers Act.  
SD-430

Commerce, Science, and Transportation  
To hold hearings to examine voting technology reform.  
SR-253

2 p.m.  
Armed Services  
To hold a closed briefing on current military operations.  
SH-219

## MARCH 8

9:30 a.m.  
Veterans' Affairs  
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.  
345 Cannon Building

10:30 a.m.  
Foreign Relations  
To hold hearings to examine foreign policy issues and the President's proposed budget request for fiscal year 2002 for the Department of State.  
SD-419

## MARCH 13

9:30 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold oversight hearings to examine the National Nuclear Security Administration, Department of Energy.  
SD-124

## MARCH 14

9:30 a.m.  
Appropriations  
Defense Subcommittee  
To hold closed hearings on defense intelligence matters.  
S-407, Capitol

10 a.m.  
Veterans' Affairs  
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.  
345 Cannon Building

## MARCH 15

9:30 a.m.  
Energy and Natural Resources  
To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.  
SH-216

## MARCH 22

10 a.m.  
Veterans' Affairs  
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.  
345 Cannon Building

## MARCH 27

10:30 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold oversight hearings on issues relating to Yucca Mountain.  
SD-124

## APRIL 3

10 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold oversight hearings to examine issues surrounding nuclear power.  
SD-124

## APRIL 24

10 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.  
SD-124

## APRIL 26

2 p.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.  
SD-124

## MAY 1

10 a.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.  
SD-124

## MAY 3

2 p.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.  
SD-124