EXTENSIONS OF REMARKS

REMARKS AT THE NCWO RALLY IN AUGUSTA, GEORGIA ''EQUALITY AND PROGRESS' BY RAMONA WRIGHT, 3RD VICE CHAIR, NATIONAL CONGRESS OF BLACK WOMEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. MALONEY. Mr. Speaker, as you know, I have previously introduced legislation to end discrimination against women by private clubs that conduct significant business activities. On April 12, 2003, I attended the event sponsored by the National Council of Women's Organizations at the Masters Golf Tournament to protest the discrimination against women as members by Augusta National Golf Club in Augusta, Georgia. I would like to submit for the record the remarks of Ms. Ramona Wright, Third Vice Chair of the National Congress of Black Women, which she made on that day.

''EQUALITY AND PROGRESS''

Saturday April 12, 2003, Augusta, Georgia

[By Ramona Wright, Third Vice Chair, National Congress of Black Women]

Good afternoon.

My name is Ramona Wright, and I am here on behalf of the National Congress of Black Women. Though our Chairwoman, Dr. C. Delores Tucker, could not be present, she sends warm regards. The NCBW came to this rally to support our sisters of the NCWO and their efforts to open up the membership of the powerful Augusta National Golf Club to women golfers as members.

The NCWO is a strong supporter of the National Congress of Black Women's crusade to have Sojourner Truth added to the Women's Suffrage Statue in the Rotunda of the Capitol. It is for their support and because the NCBW strongly opposes discrimination against women on all levels that we are here today.

We are here today, we, members of the NCBW, NCWO, and allies who support equality, to denounce the sexist membership policy of the Augusta National Golf Club.

It cannot stand!

It is a new day and a new time, which is long over due. Wouldn't you agree?

In 1990, less than 15 years ago, the Augusta National Golf Club finally began admitting African American men. This means that before this time a young exceptional golfer (who happens to be male and a minority and who, in 1997, broke the Tournament's four-day scoring record that had stood for 32 years) won his fourth consecutive professional major in 2001 and, in 2002, became only the third player to win consecutive Masters titles, could not, I repeat, could not have entered in through the gates of the Augusta National Golf Club.

It is shameful in this day and age, The New Millennium, that sexism yet exists—that less than 15 years ago, minority golfers like Tiger Woods may not have been permitted to join the Augusta National Golf Club due to its discriminatory practices.

It is not OK for a sign to read No Girls Allowed, just as it was never OK for signs all across this country to read No Blacks Allowed!

This rally is bigger than women being permitted to join a boy's golf club. This rally is about equality and progress! equality and progress!

In 1735, the city of Augusta was named in the honor of Princess Augusta—a woman.

In the mid 1800s, Augusta had a population of almost 12,500, one of the 102 cities in the U.S. to have more than 10,000 residents. As the second largest city in Georgia during the 19th century, its investment of a million dollars in the manufacturing industry topped that of any other town or state in the U.S.

Moving on to the early 20th century, Augusta had begun developing one of the finest medical centers in the southeast region. And, of course, in the 1930s Augusta became home to the Masters, its world-renowned golf tournament. In the latter part of the past century, Augusta was on its way to transitioning into an urban industrial center.

Therefore, in a town that has progressed so significantly over the last 200 years, why, when we, as a nation and here in Augusta as a community should have learned from our sexist and discriminatory past, do we support a tradition of exclusion?

Today, in the 21st century, the Augusta National Golf Club has an opportunity to break its sexist and exclusionary tradition by permitting women to join. This action would be one of great courage and leadership, an example to the nation and abroad that Augusta's rich tradition of progress includes equality for all.

Stay encouraged and God bless!

HONORING CHIEF WARRANT OFFICER LAURENCE C. ADAMS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Chief Warrant Officer Laurence C. Adams, a well-respected leader in the Army National Guard who recently announced his retirement. In his 42 years of service, Laurence was a leading voice in the Army National Guard.

He joined the New York Army National Guard in 1961. After serving nearly 30 years in the National Guard, he spent more than seven years in the U.S. Army Reserve Control Group. The next three years Laurence served as an infantryman in the Regular Army. His last year of service was spent in the Vermont Army National Guard. Throughout his 42 years, Laurence served a variety of roles ranging from acting surgeon to platoon sergeant to fire marshall. His assignments are too many to name.

During his tenure, Laurence served in nine New York State Emergency Operations, which included the World Trade Center terrorist attack. Like his colleagues, he displayed the bravery we take for granted.

Laurence's honors and awards are many. They include the Army Service Ribbon, New York State Conspicuous Service Medal, the State's equivalent of the Legion of Merit, and Armed Forces Reserve Medal (Second award). These awards display how valuable and dedicated Laurence was to his units and country.

While serving his country, Laurence kept a busy private life. He helped Veterans get benefits and records and recruited many members for veterans' organizations. He also was a founding member of the Statue of Liberty Chapter of the United States Army Warrant Officers Association. Laurence was a member of many organizations including the American Legion, National Guard Association of the United States, and the New York State Military Heritage Institute.

I congratulate Laurence on his 42 years of service to our country and applaud his continued devotion to help others. His dedication to our country is a model for all. Thank you on behalf of the people of the Fourth Congressional District and others who benefited from your hard work and dedication.

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000 AND FOREIGN ASSISTANCE ACT OF 1961 AMENDMENTS

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 192, ''The Microenterprise for Self-Reliance Act of 2000,'' which would help the poorest people, in the most impoverished countries, achieve self-sufficiency and enjoy an improved quality of life through borrowing small loans in amounts as low as $100 million, to start up or expand small businesses.

Microenterprise loans are among the most effective foreign investments our Nation can make. This important legislation promotes opportunity and free enterprise for millions of poor families around the world. A typical recipient of a micro loan is a mother with two or more children who lives in a developing country and uses the money for a small capital investment. Womens' Enews recounts the success story of 33-year-old Maria Elba Contreras Lopez of Huatabampo, Mexico:

''Contreras Lopez invested her first loan of 1,000 pesos (less than $100) into a gas stove to make tortillas. Two years and another loan later, she has enlisted her husband's help and tripled the family's income.''

Stories like Maria's abound. Small infusions of cash around the world transform despair into hope, dejection into optimism and subsistence into prosperity. Families that regularly experienced infant mortality, untreated illnesses and malnutrition through no fault of their own can now glimpse a higher standard of living. As each family benefits, so does each community. The microenterprise program

opens the doors of the global economy to the poorest villages in the most remote locations where entrepreneurial creativity and hard work become bankable assets.

As the story of Contreras Lopez indicates, devoting greater resources to effective humanitarian programs like microenterprise yields hope and empowerment to the world's poorest people and demonstrates that the United States is committed to spreading the rewards that can proliferate in a free-enterprise system. I firmly support expanding the reach of the Microenterprise for Self-Reliance Act of 2000 as a proven method of improving the lives of families and communities across the world, and I am proud to support this important measure.

TRIBUTE TO DAVID M. STONE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. HARMAN. Mr. Speaker, I rise today to commend the achievements of the Federal Security Director at the Los Angeles International Airport, retired Rear Admiral David M. Stone.

During his tenure with the Transportation Security Administration, Admiral Stone has been instrumental in enhancing the security of the Los Angeles International Airport, the largest origin and destination airport in the world. In addition to working closely with my office, he has worked closely with the aviation and transportation industry, elected officials at every level of government, and, most important, with the talented pool of workers and applicants for employment at LAX.

Through Admiral Stone's efforts, Los Angeles is a safer place. Under his leadership, TSA was able to mobilize, train, and deploy the largest federalized screener force in the United States, two weeks before the national deadline. He also implemented the 100 percent checked baggage screening program at LAX, screening in excess of 150,000 bags per day. He did a superb job of demonstrating TSA's competence, which Secretary of Homeland Security Tom Ridge had the opportunity to see when he visited LAX on April 25, 2003.

I was proud that Admiral Stone served on my Service Academy Selection Committee. As a graduate of the United States Naval Academy, his evaluation of prospective cadets contributed to the selection of the most qualified candidates in the 36th District of California for nomination to our Nation's military academies.

Mr. Speaker, I will miss working with David Stone on enhancing security at LAX. I salute his accomplishments and wish him well.

IN RECOGNITION OF THE 22ND ANNUAL TURKISH-AMERICAN DAY PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the 22nd annual Turkish-American Day Parade. For over 20 years the parade has united people in its celebration of the many contributions Turkish Americans have made to the history and diversity of New York City, and our great country.

Since its conception, The Federation of Turkish American Associations, which hosts the parade, has successfully established a vital link between the Turkish and American communities. The Federation has evolved with the changing times and has expanded in size, membership and purpose.

The parade is a culmination of the month long Turkish Culture Festival. Americans of all heritages will be treated to lavish floats, men women and children dressed in regional attire, and a sea of American and Turkish flags. Miss World, Azra Akin, will also participate.

New York is a city inspired by every corner of the globe. We draw on and benefit from a myriad of cultures whose citizens have settled here lending their talents, ambition and drive. Turkish influence is evident throughout the city.

It is hard to walk a block in New York City without seeing a Turkish restaurant, a building whose design was influenced by Turkish architecture or a store awning that includes calligraphy, an art form first practiced in Turkey.

The Turkish-American Day Parade is also a chance to honor Turkish Americans who are leaders in their fields, having made contributions in business, the arts, entertainment, and public service not only for the Turkish community, but for all New Yorkers and Americans. Post parade festivities include various Turkish folk dancing troupes, traditional costumes, music, food and artists displaying diverse Turkish culture. In addition, Turkish American Veterans will participate.

In recognition of outstanding Turkish American contributions, I ask my colleagues to join me in honoring the 22nd annual Turkish American Day Parade.

HONORING CHIEF YEOMAN RICHARD MARK ZWEIFACH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. McCARTHY of New York. I rise in recognition of Senior Chief Yeoman Richard Mark Zweifach, a well-respected leader in the Navy who recently announced his retirement. In his 20 years of service Richard was a leading voice in the Navy.

He joined the Navy in the summer of 1983 and had basic training in Orlando. Upon leaving basic training Richard began his service in Mississippi until settling in New London, CT for almost 4 years. The Navy transferred him to San Diego in 1987 and remained there until 1993. In 1994, Richard went back East to Kings Bay, GA spending 2½ years on the USS *West Virginia*. After his service in Georgia, Richard returned to San Diego to serve with the Submarine Development Squadron. He has served in this capacity for more than 6 years.

While serving his country, Richard still found time to get married and raise a family. He is a devoted husband to his beautiful wife, Traci, and a dedicated father to his three wonderful children, Richard Jr., Ariel and Ashley.

Although he retires from the Navy, Richard still plans to keep his active community lifestyle. He is thinking about joining the local police force, which would allow him to continue to help others.

I congratulate Richard on his 20 years of service to our country and applaud his continued devotion to help others. His dedication to our country and his family is a model for all. Thank you on behalf of the people of the 4th Congressional District and others who benefited from your hard work and dedication.

COMMEMORATING THE 20TH ANNIVERSARY OF THE ORPHAN DRUG ACT AND THE NATIONAL ORGANIZATION FOR RARE DISORDERS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 147, Commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders. This resolution honors an exemplary organization that has vastly improved the lives of millions of Americans with rare diseases and their families.

The Orphan Drug Act of 1983 filled a void in our health care system—the fact that drug companies were unwilling or unable to invest in developing products to treat rare diseases. The incentives that the Orphan Drug Act put into place have made dramatic improvements in the availability of treatments for the 25 million Americans affected by rare diseases. In the decade before the Orphan Drug Act was signed into law, ten treatments for orphan disease were developed. In the last 20 years, more than 200 treatments for rare diseases have been approved by the FDA, and more than 900 more are in development.

The National Organization of Rare Disorders has represented a lifeline for millions of families since its inception in 2003. It has been instrumental in providing information about diseases and their treatments, and for connecting individuals impacted by rare disorders with advocacy organizations and with each other, allowing patients and families to gain invaluable support and advice from those suffering from the same conditions. It has connected patients with drug assistance programs, to help them to access life improving drugs that they otherwise could not afford.

I want to draw particular attention to the various disorders characterized as types of epilepsy. The Orphan Drug Act has been instrumental in the development of epilepsy treatments such as sodium valproate and a gel form of diazepam, or Valium. But, for epilepsy and thousands of other disorders, there is much more work to be done. New evidence of the damaging long-term effects of seizures represents an additional call to action to develop better treatments for the various epileptic disorders. Twenty-five percent of epilepsy patients have uncontrolled seizures, and even those for whom medicine or surgery are effective still suffer seizures and their damaging effects.

Mr. Speaker, I thank Congressman FOLEY and the entire Energy and Commerce Committee for introducing this important resolution and bringing it to the floor today. And I applaud the perseverance of NORD founder

Abbey Meyers and the other courageous individuals who advocated for the passage of the Orphan Drug Act and have given a brighter future to millions of American families over the last 20 years. For these reasons, I strongly encourage my colleagues to vote for H. Con. Res. 147.

TRIBUTE TO COUNCILMAN MIKE GIN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. HARMAN. Mr. Speaker, I rise today in honor of my friend, Mike Gin, who retires this week from the Redondo Beach City Council after 8 years of distinguished service.

In addition to his work on the council, Mike's service to his community covers a wide range of community groups including the Redondo Beach Historical Society, the Chinese Americans United for Self-Empowerment, and the Beach Cities Branch of the American Heart Association. He is also a member of the Redondo Beach Sister Cities Association, the Redondo Beach Jaycees, the Redondo Beach Chamber of Commerce and the Redondo Beach Rotary Club.

I consider Mike a ''lunch-pail politician,'' who prides himself on doing the little things—like parks and potholes—that help make the City of Redondo Beach one of the nicest places to live in California. He was famous for holding Saturday morning office hours with his constituents so he could spend time listening to their concerns.

But Mike's retirement from the City Council does not mean he is giving up on public service. In fact, this month Mike left his information services job to become Deputy to another good friend, Los Angeles County Supervisor Don Knabe. I am delighted that much of the area Mike will cover for Supervisor Knabe remains in my own Congressional district. My staff and I look forward to working with Mike in this new capacity.

Mr. Speaker, I will miss Mike's warm personality on the City Council but am glad he will continue to play an active role in our community.

IN RECOGNITION OF THE VILLAGE REFORM DEMOCRATIC CLUB ON THEIR 20TH ANNUAL DINNER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Village Reform Democratic Club on the occasion of their 20th annual dinner. For over 20 years, the Village Reform Democratic Club has led its neighborhood in addressing and resolving important political and community issues.

As is their custom the Village Reform Democratic Club will honor community leaders at their dinner. This year the honorees will be the Caring Community for 30 years of service to the elderly, as well as Saul Fishman and Barry Benepe, two men who in their own ways have helped shape the cultural and social fabric of New York City.

For more than 30 years, professionals and volunteers at the Caring Community have helped and empowered seniors within our community, offering a broad array of programs and services, including the home delivery of over 50,000 hot meals, assistance with shopping and home repairs and assistance to seniors who are crime victims.

Most importantly Caring Community operates four centers for older adults. These four centers, at Our Lady of Pompeii Church, Independence Plaza, The First Presbyterian Church and Center on the Square, are open Monday to Friday from 9 to 5. These centers offer a wide variety of programs for seniors as well as a place where seniors can enjoy a hot meal.

One center is located at Independence Plaza, a neighbor to the World Trade Center. The seniors in Independence Plaza were displaced from their homes for weeks or longer. Without the crucial assistance provided by the Caring Community, many of these seniors would have been unable to deal with the psychological impact of 9/11 and might never have returned to their homes.

In this time, when government is reducing spending on all services, and charitable giving, especially by corporations has been severely curtailed, along with the Village Reform Democratic Club I am proud to recognize all those who contribute their time and resources to the work of the Caring Center.

Saul Fishman is a pioneer in the fight for domestic partnership for gay and lesbian couples. Beginning in 1987, Saul served as spokesman for the Coalition for Lesbian and Gays Rights and later as the chair of the Family Diversity Coalition and as a member of the Mayor's Partner Task Force.

As an activist in the Civil Service Bar Association, the union representing attorneys employed by New York City, Saul persuaded the union to become the first to offer domestic partner benefits to its members. Saul later convinced the municipal unions to demand that the City of New York grant bereavement leave to any City employee who lost a domestic partner. In a dramatic confrontation with then Mayor Koch, Saul got the mayor to accept the provision.

Having secured significant protections for the domestic partners of New York City employees, Saul turned to the wider issue of domestic partnership law to protect all New Yorkers. After I agreed to sponsor the bill in the City Council, Saul lobbied other members to be cosponsors and supporters. Passage of that first domestic partnership bill was hailed as an unparalleled victory for the gay and lesbian community. It is a testament to Saul Fishman's unending energy and unwavering belief that all people should have equal protection under the law.

In 1976 Barry Benepe had the idea of bringing fresh produce directly to the people of New York City, and with that the Green Market was born. Starting with three sites and few local farmers, over the past 2½ decades the Green Market has expanded to 18 locations bringing over 150 farmers from 4 states.

Consumers appreciate the fresh alternatives offered by the Green Market, while many environmentalists commend the transportation and environmental benefits of locally grown foods. For this Barry was awarded a Special Citation by the New York Chapter of the American Institute of Architects. He also received a Municipal Art Society's Certificate of Merit as well as a National Recognition Award from the America the Beautiful Fund.

It is members like Saul Fishman and Barry Benepe that have made the Village Reform Democratic Club a force for social change in New York City.

In recognition of these outstanding contributions, I ask my colleagues to join me in honoring the Caring Community, Saul Fishman, Barry Benepe and Village Reform Democratic Club on the occasion of their 20th annual dinner.

HONORING TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. BEAUPREZ. Mr. Speaker, I rise today to congratulate Taiwan President Chen Shui-bian on his third anniversary in office. Three years ago, voters in Taiwan elected Mr. Chen Shui-bian, President of the Republic of China on Taiwan, which marks the first successful and peaceful transition of power in Taiwan's history. Now in the year 2003, President Chen continues to make strides towards ensuring a robust democracy by guaranteeing the Taiwanese people freedom of speech and fundamental human rights.

Many events have transpired in Taiwan since President Chen Shui-bian has taken office. Over the last three years, President Chen has sought a meaningful dialogue and maintained a positive interaction with China. Unfortunately China has ignored President Chen's gestures of goodwill and has continued to deploy missiles along the coastal provinces aimed at Taiwan. It is my hope the leadership in China will realize that peace and stability in the Taiwan Strait is in everyone's best interest.

Taiwan has also endured the outbreak of the alarming disease Severe Acute Respiratory Syndrome (SARS). I wish Taiwan's government and people every success in their endeavor to fight vigorously in order to control further spread of the SARS disease. As Secretary Powell said recently, SARS recognizes no international borders. Taiwan has made significant achievements in the field of healthcare and its medical experts have the potential to greatly contribute to the science of health. That said, Taiwan shouldn't be ruled out from the World Health Organization mainly due to political concern or obstruction.

We in the U.S. Congress appreciate Taiwan's friendship and support over the years. Since the terrorist attacks of September 11, 2001, Taiwan has offered assistance in helping the United States fight global terrorism. At the conclusion of Operation Iraqi Freedom, the Taiwan government issued a statement supporting the Coalition of the Willing's cause and pledging to offer humanitarian assistance to postwar Iraq, just as they graciously did in the case of Afghanistan. Taiwan's generosity is welcomed and I look forward to a strong relationship with Taiwan for many years to come.

Mr. Speaker, on the eve of President Chen's third anniversary in office, I join my

colleagues in wishing President Chen all the best.

TAIWAN PRESIDENT CELEBRATES THIRD ANNIVERSARY IN OFFICE

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. MEEKS of New York. Mr. Speaker, today, I am honored to pay tribute to Taiwanese President Chen Shui-bian on the occasion of his third anniversary in Office. During the last 3 years, he has maintained both economic and political growth for his country. The people of Taiwan enjoy one of the best standards in Asia and full political freedom.

President Chen has also strengthened Taiwan's relationship with the United States. We appreciate his support of our war against terrorism and his pledge of humanitarian assistance to post-war Iraq.

Mr. Speaker, the spread of SARS has threatened the entire region and permeated the west with sporadic infections. We hope that President Chen will be successful in controlling the spread of SARS in Taiwan and that Taiwan will not suffer the disastrous economical and medical set back such an epidemic would promote.

Once again, I congratulate President Chen on 3 years of service to the Taiwanese people and wish him well as he strives to develop the political and economic landscape of Taiwan.

AVE MARIA UNIVERSITY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I come to the floor to welcome the building of a new university and, in fact, a new town in the district I represent. Ave Maria University—Florida's newest university—will be an academic center of international scope founded on Catholic religious beliefs and committed to developing a Division I caliber athletics program. The university plans to grow to about 5,000 undergraduate and graduate students and will have a full curriculum of traditional liberal arts, sciences and engineering programs, as well as a comprehensive graduate program offering masters and doctoral degrees.

The campus will cover approximately 750 acres, including a world class golf course in eastern Collier County. The university, which has already begun construction on an interim campus, is seeded with approximately $200 million from Thomas S. Monaghan, Domino's Pizza Founder and former owner of the Detroit Tigers, who is also chairman of the Ave Maria Foundation in Ann Arbor, Michigan.

The town that will house Ave Maria University will be developed through a joint partnership between the university and the Barron Collier Companies. This town will produce endless economic benefit for surrounding communities and will serve as a great home for Florida's newest university.

Ave Maria University will bring academic excellence, athletic competition and strong Catholic principles to one of America's fastest growing communities. As America congratulates Florida on the creation of the nation's newest Catholic university, I welcome this wonderful addition to Southern Florida.

This university will provide endless opportunities for students seeking a first-rate education within a Catholic university setting. Additionally, Ave Maria University will bring growth to the surrounding areas and a great potential to recruit superior faculty and staff.

While Ave Maria University is one of my newest constituents, I speak on behalf of the 25th Congressional District, South Florida and the entire state in congratulating Ave Maria University and welcoming the university and its students to Collier County.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. SCHIFF. Mr. Speaker, since 1990, we have honored the lives and accomplishments of Asian Pacific Americans during the month of May. From the early 1800s to the 21st century, Asian and Pacific peoples have played a vital role in the development of the United States and have made lasting contributions in all elements of American society. Asian Pacific Americans have helped to define what it means to be an American, to work to advance the needs of all.

I am proud that the region I represent in Congress is such a diverse one and is home to many people of Asian Pacific heritage—Asian Pacific American communities such as Chinese, Filipino, Korean, Japanese, and Vietnamese Americans. In California's 29th District, cities like Alhambra, Altadena, Burbank, Pasadena, Glendale, Monterey Park, San Gabriel, South Pasadena and Temple City boast thriving, active Asian American communities. The City of Glendale, for example, boasts the nation's fourth largest Korean American population in the United States.

In fact, just last month, I was privileged to travel to South Korea to address the increasingly important political, social and economic issues that have emerged on the Korean peninsula. The Congressional delegation trip focused on security issues on the Korean Peninsula, the plight of North Korean refugees and the abysmal human rights conditions in the North—issues important to my constituents and all Americans.

But, in honoring Asian Pacific Americans this month, I also honor those individuals and organizations in my District whose accomplishments and contributions to our community have been immeasurable.

It is my honor to recognize Cause-Vision 21 and its esteemed founder, Charlie Woo. The organization is dedicated to advancing the political empowerment of the Chinese American and Asian American communities through voter education, community outreach and leadership development. Each year, they organize the Chinese American Student Internship Coalition (CASIC), a program that provides Chinese American college students with the opportunity to gain hands on experience with the political process and a deeper understanding of issues important to the Chinese American community.

Earlier this year, I named Dr. Annie Chin Siu of Alhambra as one of the Women of the Year in California's 29th District. Her continued efforts to help our youth, the development of commerce, the preservation of our historical legacy and her devotion to the improvement of public safety are remarkable. The recipient of numerous awards, including the Los Angeles Chinese Chamber of Commerce's Service Award and the Los Angeles Chinatown Public Safety Award, Dr. Liu is the consummate volunteer. She has been active in the Chinese American Museum, Chinese Historical Society of Los Angeles, and the Los Angeles Chinatown Public Safety Association, among many others.

Mr. Speaker, I am fortunate that my District is home to many of Southern California's most prominent and well-known Asian American leaders. California State Assemblymember Judy Chu, Monterey Park City Councilmembers Michael Eng and David Lau, and California Board of Equalization Member John Chiang have all displayed an unsurpassed dedication to their constituents.

These are just a few, specific examples of the impact people of Asian Pacific heritage have had in the communities of California's 29th District.

As a member of the Congressional Asian Pacific American Caucus, Congressional Caucus on Korea, the United States—Philippines Friendship Caucus, and Taiwan Caucus, I have had the opportunity to support legislative efforts important to constituents in my district.

As a nation, we must embrace the cultures that have worked to advance the needs of all Americans and have helped to define what it means to be American. I ask my colleagues to join me today and throughout this month to showcase and celebrate the contributions—both historical and present—of Asian Pacific Americans in our nation, our cities, and our communities.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, May 19, 2003, had I been present for rollcall vote Nos. 192, 193, and 194, I would have voted the following way: rollcall vote No. 192—''aye,'' rollcall vote No. 193—''aye,'' rollcall vote No. 194—''aye.''

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. GALLEGLY. Mr. Speaker, on May 19, 2003, I was unable to vote on H. Con. Res 166, Expressing the Sense of Congress in Support of Buckle Up America Week (rollcall vote 192), H.R. 1018, James L. Watson United States Court of International Trade Building (rollcall 193), and H. Con. Res. 147,

Commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders (rollcall vote 194). Had I been present, I would have voted ''yes'' on all three measures.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote No. 192. If present, I would have voted ''yea.''

IN HONOR OF MARC HAKEN AND THE 50TH ANNIVERSARY OF HILLTOP VILLAGE CO-OPERATIVE #4

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the 50th Anniversary of the Hilltop Village Co-operative #4 in Hollis, Queens, NY, and its President, Marc Haken for his strong leadership, dedication and commitment to the Hilltop Village community.

On Sunday, August 15, 1952, the New York Times recognized the opening of this grand cooperative with a front page article. Constructed under the National Housing Act of 1952, Hilltop Village Co-operative #4 was the fourth and final completed section of the 500-unit Hilltop Village, occupying 150 acres of Queens, NY. Hilltop Village Co-op #4 opened in December 1953 with 296 apartments and Joseph Desner as its first president.

Since its completion in 1953, Hilltop Village #4 has emerged as a leader in the local community. Among the major projects the group has spearheaded and accomplished are: the creation of the Hollis branch of the Queens Borough Public Library on 202nd Street and Hillside Avenue, the construction of a Post Office on 197th Street and Hillside Avenue, and the implementation of a new bus route, the Q76, which runs down Francis Lewis Boulevard to the subway terminal at Hillside Avenue and 179th Street. In addition, residents of Hilltop Village were instrumental in the establishment of the Holliswood Jewish Center.

Community involvement has been especially prominent under the dynamic leadership of Marc Haken, who has served as president of the co-op, and has been reelected every three years since 1978. Under Mr. Haken's direction the co-op became a member of civic and community organizations such as the 107th Precinct Council, the Queens Civic Congress, whose co-op committee is chaired by Mr. Haken, and the Friends of Cunningham Park.

The co-op also makes financial contributions to several local charitable organizations including the Queens Women's Center, the Hollis branch of the Queens Borough Public Library, the Jamaica Estates Volunteer Ambulance Corp., the Hatzolah Volunteer Ambulance Corp., the Youth Committee of Community Board #8 and to the 107th Precinct of the New York City Police Department. In addition, the co-op donates roof space for radio antennas to both the Jamaica Estates Volunteer Ambulance Corp and the New York City Police Department. It also provides landscaping services for the center divider of Francis Lewis Boulevard. In Marc Haken's 25 years as president of Hilltop Village Co-operatives, the co-op has expanded its prominent role as a leader in the local community.

I commend Mr. Haken and the Hilltop Villages' Board of Directors—Michael Rodi, Miriam Null, Bernice Ackerman, Adrienne Bayuk, Steven Kasavana and Miguel Ramos—for their continued dedication and commitment to community service. I ask my colleagues in the House of Representatives to please join me in wishing Marc Haken, the Board of Directors, and the shareholders of Hilltop Co-operatives many more years of success as they celebrate the 50th Anniversary of this wonderful residential community.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. SOLIS. Mr. Speaker, I rise today to honor May as Asian Pacific American Heritage Month and to pay tribute to the 120,000 individuals of Asian descent that live in my congressional district.

I am fortunate to represent an ethnically diverse district that has experienced first hand the economic and cultural contributions of the Asian Pacific American community.

Although less than 4 percent of the U.S. population is Asian, I am proud that 19 percent of my congressional district is of Asian descent.

Some cities in my congressional district, have a well-established Asian Pacific American community.

Montery Park, for example, is home to a Chinese and Chinese-American community.

Monetery Park is 60 percent Chinese and its City Council is majority Asian as well.

Other cities in my congressional district, like West Covina, have experienced an increase in its Asian population in more recent times.

From 1980 to the present, West Covina's Asian Pacific American population has grown from 4 percent to 23 percent.

In addition to this recent growth, the Japanese community in West Covina has long been an important part of the city.

On June 3, the East San Gabriel Valley Japanese Community Center, located in West Covina, will celebrate its 52nd Anniversary.

The East San Gabriel Valley Japanese Community Center provides important services like:

Japanese language classes from the kindergarten to the high school level;

Martial art and cultural classes like Japanese classical dance; and

A year round program for its Japanese American senior and retired citizens.

The East San Gabriel Valley Japanese Community Center has significantly contributed to the strength of West Covina and the greater San Gabriel Valley.

Asian Pacific Americans bring richness not only to our culture, but also to our economy and to our advancement as a nation.

Asian Pacific Americans have made vast contributions in the fields of medicine, technology, and agriculture that benefit all Americans.

Throughout times of heightened national security, Asian Pacific Americans have fought to protect democracy in every war since the Civil War.

For example, despite the disturbing racism towards Japanese Americans during World War II, Japanese Americans volunteered to serve in the armed forces as part of the 442nd Infantry Regimental Combat Team.

The 442nd Regimental Combat Team remains the most decorated unit in U.S. military history.

Not only did these Japanese servicemen show their loyalty to the United States, but they also earned more than 18,000 individual decorations in less than two years. These noble men deserve our recognition.

In closing, I would like to honor the memory of a truly remarkable woman, the late Congresswoman Patsy Mink.

In my 2 years working with Patsy, I quickly came to admire her sprit and determination.

Patsy was a true warrior, a champion for the causes of equality, civil rights and environmental justice—causes important to the Asian Pacific American community and all communities.

As the first Asian-American woman in Congress, Patsy Mink was a hero to many.

Patsy may not be with us in body any longer, but her spirit continues to thrive as we celebrate May as Asian Pacific American Heritage Month.

HONORING BERNICE BECK OF KILLEEN, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. EDWARDS. Mr. Speaker, last week, Central Texas, the City of Killeen and Ft. Hood lost a friend with the passing of Bernice ''Bernie'' Beck. Some people will be known for their accomplishments in life. Others will be known for their strength of character. My friend; Killeen's friend; Ft. Hood's friend, Bernice Beck, will be known for both.

Some will be remembered for service to country in time of war. Others will be remembered for service to community in time of peace. Bernice Beck will be remembered for both.

I will miss Bernie Beck, because he was a dear friend, but his lasting legacies cannot be missed, not even by those who never knew him—Stillhouse Hollow Lake, Ft. Hood's III Corps Headquarters, the Soldier Development Center, the Soldier Service Center and Army family housing improvement program—these are but a few of the important projects that bear the imprint of Bernie Beck's commitment to the community and soldiers he loved.

I'll never forget the first time I met Bernie Beck. It was 1990, and I was campaigning for Congress. I asked for his support. In his typical quiet but firm determination, he said I would have it, under one condition. He wanted to know that I would work to get on the Armed Services Committee because of Ft. Hood. I

did. He gave it. I won and a wonderful friendship was started. Somehow, Bernie Beck always seemed to know how to get things done, whether it was business or politics.

In the 13 years I knew Bernie, never once did he come to me to ask for something selfish. It was always something for Ft. Hood, for soldiers and their families, and for his beloved Killeen.

When I was still trying to learn where the bathrooms were in Congress, Bernie Beck and his fellow patron of Ft. Hood, Tommy Joe Mills, introduced me to the powers to be in Congress and the nooks and crannies of the Pentagon. You see, unknown to many, those two would come to D.C. every year and wine and dine key staffers, Members of Congress and Army officials at their own expense . . . well, usually at Bernie's expense. Tommy Joe's gregariousness and Bernie's quiet determination—what a combination. What Bob Hope and Bing Crosby were to entertainment, Beck and Mills were to Ft. Hood. They were an unforgettable partnership that surely only the Good Lord could have brought together . . . and we are all the better for it.

Whether it was General B.B. Bell in Europe last month or the Chief of the Staff of the Army, Rick Shinseki last week, when I met with Army leaders anywhere, they asked about Bernie Beck. They admired him, because he always cared about the Army family.

Some people get things done by shouting. That was not Bernie Beck. Some people inspire by their eloquent orations. That was not Bernie. But, when Bernice Beck spoke, often quietly, people listened and things got done. That was the measure of respect he earned from all of us blessed to know him.

I'll never forget the last time I saw Bernie Beck. It was in Killeen at our community event honoring Ft. Hood soldiers about to be deployed to Iraq. How appropriate for this World War II combat veteran who spent 4 years in Europe fighting Hitler's forces . . . 58 years later sitting quietly in the crowd, never ever forgetting those who serve our nation.

Bernie Beck understood that one day he would be saved by grace, not by good works, but he also knew that helping others was a way to carry out the great commandment to ''love thy neighbor as thyself.''

Now, that day has come and Bernie Beck is blessed to be in that special place that God surely saves for those of faith who walked humbly, while making life's path better for those who follow.

May God bless his spirit, just as He blessed us by bringing Bernie Beck into this world and into our lives.

TRIBUTE TO LAKESIDE HIGH SCHOOL

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. MAJETTE. Mr. Speaker, On April 26, 2003, more than 1,200 students from across the United States visited Washington, DC to compete in the national finals of the We the People: The Citizen and the Constitutional program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from Lakeside High School, a DeKalb County school in my district, represented the state of Georgia in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The 3-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels ''significantly outperformed comparison students on every topic of the tests taken.'' Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted:

> [T]eachers feel excited and renewed. . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States.

The class from Lakeside High School recently participated in the national competition in Washington, DC. It was inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a Nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I commend these young ''constitutional experts'' for reaching the We the People national finals: Teacher—Richard Barbe; Students—Jordan Bailey-Hoover, William Bretherton, Stuart Cardwell, Morgan Clemons, Matt Connors, Ann Elise Cutrer, Ross Elliott, Susan Fang, Katherine Fountain, Zack Goodman, Heather Greenfield, Shabbnam Jeddi, Erika Larson, Jonathan Lesesene, Jerel Lewis, Matt Lipkin, Cara Lynch, Courtni Mills, Munira Mohamed, Vishal Patel, Clarence Quarterman, Ryan Rice, Caitlin Roberson, Kyle Smithers, Callan Steinmann, Karen Usselman, Karl Weidenmann, Jackie Williams, and Ethan Wu.

THE TELECOM INDUSTRY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. GONZALEZ. Mr. Speaker, the news for the Telecom industry is still not good. While there are certainly signs of recovery, there is also significant weakness in the industry.

The Wall Street Journal reported on Monday, April 28, that capital spending by the six major telecom operators was down an average of 19 percent in the first quarter, compared to the same quarter last year. This is 19 percent lower than already low capital spending.

One reason for the lack of spending is regulatory uncertainty. The Federal Communications Commission ruled in February that some of its regulations on broadband should be eliminated. The only problem is that the FCC still has not issued its rules, so companies cannot make their capital spending plans.

Cuts in capital spending mean fewer jobs for those workers who make telecommunications equipment, and those who install it. It means less broadband availability for underserved areas. It means less competition in broadband services. The FCC needs to work to reverse these trends, and should start by issuing the order it agreed on more than 3 months ago.

TRIBUTE TO PRESIDENT CHEN SHUI-BIAN OF TAIWAN

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. WU. Mr. Speaker, I rise today to congratulate Taiwan President Chen Shui-bian on his third anniversary in office. Under his leadership, Taiwan is now a prosperous democracy respecting human rights and civil liberties. In addition, Taiwan and the United States enjoy a strong trade relationship. We are Taiwan's number one trading partner and Taiwan is our eighth.

With the recent outbreak of SARS, we see the absolute necessity of all countries sharing medical information. Viruses and germs know no boundaries. International cooperation and collaboration are vital in preventing the further spread of SARS. I therefore hope that Taiwan will soon gain observer status in the World Health Assembly this May. Taiwan's 23 million people deserve full access to all available information about diseases and cures.

I appreciate Taiwan's efforts in seeking a dialogue with China and maintaining peace and stability in the Taiwan Strait. I hope that China will demonstrate its good will by engaging in peaceful talks with the people of Taiwan about the island's future political status.

I hope that the longstanding friendship between our two democracies continues to blossom and strengthen in the years ahead. Congratulations to the people of Taiwan and President Chen.

TRIBUTE TO PEGGY FOUKE WORTZ ATHENA OF THE INLAND VALLEYS AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Peggy Fouke Wortz is one of these individuals. On Wednesday, May 21, 2003 Peggy will be awarded the ATHENA of the Inland Valleys at a lunch in her honor.

Peggy learned from a very early age the value of community service and volunteerism. She was born in Michigan and is the granddaughter of Mr. R.E. Olds, the inventor and founder of Oldsmobile cars. Throughout her childhood, her grandparents and parents demonstrated the same openhearted generosity that she would embrace in her adult life.

In 1940, Peggy married Mr. Philip B. Fouke and six years later they moved to Riverside, California where they raised three children. After the death of Mr. Fouke, Peggy married Mr. James M. Wortz in 1975 and dedicated herself to her family and community. Her involvement in the community includes service on various boards and committees as well as personal financial donations.

A few of the organizations that Peggy has been active in include: Charter Member, California Baptist University; Board of Governors, California Community Foundation; Past President, The Junior League; Founder/President The Living Desert Reserve; Board of Directors, The Mission Inn Foundation; President, Riverside Community Film; Board of Directors, Riverside Community Hospital Foundation; Founder and Board of Trustees, UCR Foundation; Founder, The Volunteer Center; Board Member, Riverside YMCA; and Founder, The Frank Millen Club.

Peggy's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. Peggy has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the ATHENA of the Inland Valleys Award.

THE NEED FOR UNITED STATES BANKRUPTCY COURT PROCEEDINGS TO OCCUR ON A DAILY BASIS IN BAKERSFIELD, CALIFORNIA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. THOMAS. Mr. Speaker, I rise today to introduce legislation that would authorize the creation of an additional bankruptcy court for the United States District Court for the Eastern District of California. The legislation would also express that it is the sense of Congress that bankruptcy proceedings should be conducted in Bakersfield in Kern County, California on a daily basis.

Very simply, I am introducing this legislation because my constituents have informed me that neither they, nor justice, is well-served by the status quo, under which Bakersfield is designated as a location where court is conducted once a month, with other matters disposed of through the use of video/teleconferencing.

According to constituent attorneys familiar with both the creditor and petitioner perspectives, one particularly significant problem is the distance that parties must travel in order to personally appear in the Fresno Division of the United States Bankruptcy Court for the Eastern District of California. Kern County encompasses a vast area, and those persons involved in contested proceedings who wish to be heard in Fresno must travel 110 miles from Bakersfield. Moreover, 429,310 of Kern County's 676,367 residents live in outlying communities and areas, and must travel much further to be heard in Fresno.

For example, those persons living in the communities of Boron, Frazier Park, or Rosamond with business before the Bankruptcy Court have to travel 172, 143, and 160 miles respectively to appear in Fresno. If those persons could appear in Bakersfield, they would only have to travel less than half as far—80, 37, and 57 miles respectively—and would be relieved of some of the hardships and costs inherent in traveling such distances. This travel is especially difficult for those parties who are sick, elderly, or have small children.

While a video/teleconferencing system is in place, I am told the system works well only approximately 70 percent of the time and that on occasion the video goes out, leaving only teleconferencing. My constituent attorneys firmly believe that appearances through the use of the video/teleconferencing system, not only decrease the decorum of the proceedings, but also decrease the parties' ability to effectively communicate, resulting in proceedings that are less efficient and fair than proceedings conducted in person before a live court and witnesses. In addition, Kern County attorneys inform me that because practitioners cannot file documents in Bakersfield, Kern County parties incur increased costs in the form of overnight or courier charges and face de facto shortened deadlines. Finally, the status quo also results in the almost automatic conduct of short proceedings via video/teleconferencing as well as the conduct of proceedings through a mixture of live and video/teleconferencing appearances, a practice which Kern County practitioners advise me places the parties they represent at a distinct disadvantage.

A strong case exists for the daily conduct of bankruptcy proceedings in Bakersfield when one considers the number of filings submitted by Kern County parties and general demographic data. In 2002, Kern County parties made 4,168 total bankruptcy filings, and through March 31, 2003, have made 1,042 total filings. During those time periods, total filings in the entire four-county Modesto Division were 5,045 and 1,324 respectively. Moreover, Kern County's 4,168 total filings in 2002 were greater than the 3,696 total filings in Fresno County and constituted over one-third of the 11,912 total filings in the entire eight-county Fresno Division. Finally, nationwide there are approximately 700,000 people per bankruptcy court, and Kern County, one of the fastest growing areas in the nation, has a population in excess of 676,000. By comparison, Stanislaus County, where the Modesto Division is located, has a population of 468,566.

I trust that my colleagues and the appropriate United States Judicial Conference officials will recognize the need to have bankruptcy proceedings conducted in Bakersfield on a daily basis and will work with me to ensure that our legal system is structured in a manner that allows for the effective and fair administration of our bankruptcy laws.

CELEBRATING THE 100TH BIRTHDAY OF MARY LOUISE AKERS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, it is with great pleasure that I honor a very great lady today upon reaching her 100th birthday. Mary Louis Akers, a resident of Santa Fe, New Mexico, is commemorating, with a host of family and friends, a century of life upon this earth. I salute and applaud her on this remarkable event.

Mrs. Akers was born on May 20, 1903, in Sherman, Texas, to Margaret Crumley Melton and James Henderson Melton. Growing up during the first part of the 20th century was quite different than it is today. Mary Louise Melton's father delivered mail on horseback, and the family traveled by horse and buggy most everywhere they went, not owning a car until Mary Louise was a teenager. The train was used for long trips. The family always had an ''icebox,'' the forerunner of the refrigerator, and ice was delivered to their home every few days. Laundry was always done by hand.

Entertainment was very different when Mary Louise was young. Her primary entertainment was reading. The family did not own a radio until Mary Louise was a teenager, and the first ''silent'' movie she saw was a series that only ran on Saturday afternoons. Many years later, in the 1950's and after she was married, a television was purchased.

Mary Louise suffered infantile paralysis, now known as polio, when she was nine months old. The disease paralyzed her left side. Remarkably, however, she recovered from the disease and, fortunately, was left with little residual, and unnoticed, effects.

Mary Louise attended Kidd Key College in Sherman, where she studied voice. Her first

job was as a teacher in Rockfort, Texas, eighteen miles from Sherman, where she taught the first four grades. It was during those years that she met her future husband, Homer Akers, who was training to be a Presbyterian minister. They married on June 19, 1930, at the First Baptist Church in Sherman, and their first home was the Presbyterian manse in Natalia, Texas.

Homer and Mary Louise Akers spent the next 47 joyous years together until his death in 1977. During their marriage, Rev. Akers served as a minister in seven Texas communities, each about four years each, and in Portales, New Mexico, from 1947 until 1968, a location that will always be considered home. A daughter, Margaret Louise, was born in 1931, but only lived a few days past her third birthday. A second daughter, Kathryn Ann, was born in 1936, and Mary Louise currently lives with her in Santa Fe.

In her 100 years upon this earth, Mary Louise Akers is known and deeply loved and admired by hundreds, if not thousands, of those whose lives she has touched during her extraordinary 100-year journey. She loved serving as the primary greeter in all the churches her husband served and was the voice most heard when hymns were sung. She has always been a famous ''jokester,'' constantly teasing her family and friends with her delightful, bubbly personality and infectious laughter. Having a perfect memory, Mary Louise can readily recall wonderful, enduring and entertaining stories about all those whom she has known.

Mary Louise Akers has abundantly enjoyed her 100 years. She has always been extremely active and enjoys attending community events and traveling with her daughter. A few of her passions are having tea parties with family and friends, attending an Aker family reunion every July, receiving cards and letters and writing many herself, going to the beauty shop every Friday, and eating lots of strawberry jam every morning and drinking a Coke every afternoon, which she considers her ''tickets'' to a long life. Her very favorite ''supper'' food is a chocolate sundae with ''lots'' of syrup!

Mary Louis Akers is a very grand lady, and the world has been, and continues to be, a better place because of her presence in it. Driving a car up until her 80's, Mary Louise's CB ''handle'' was ''Sunshine Mary'', I can think of no more accurate way to describe this delightful lady. I invite all my colleagues in the U.S. House of Representative to join me in wishing Mary Louise Akers a very happy and healthy 100th birthday, may she enjoy many more to come!

TRIBUTE TO MAJOR GENERAL LEROY BARNIDGE, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Major General Leroy Barnidge, Jr. General Barnidge, who currently serves as Director of the Air Force Office of Legislative Liaison, will retire after 32 years of honorable active duty Air Force service. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Barnidge personified the Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of General Barnidge's many accomplishments, and to commend his superb service he provided the Air Force, the Congress and our Nation.

General Barnidge was commissioned through the ROTC program in 1971. His career has spanned a variety of operations and maintenance assignments, including major command and Joint Staff billets. He is experienced in aircrew operations, flight line maintenance and combat support activities. The General has also performed major command staff and executive support functions, as well as duties as a force planner and division chief in the Joint Staff. He has commanded a combat crew training squadron, a logistics group, an operations group, a B–1B bomb wing and the B–2 wing at Whiteman Air Force Base, MO. General Barnidge also completed the Program for Senior Officials in National Security at the John F. Kennedy School of Government, Harvard University, and Seminar XXI, Foreign Political and International Relations, at the Massachusetts Institute of Technology. He received special recognition in 1999 as the winner of the Air Combat Command Moller Trophy, recognizing him as the best Wing Commander among 28 other commanders. General Barnidge has amassed over 2,900 hours in the T–37, T–38, OV–10, B–52G, B–1B, and B–2 aircraft.

Throughout his distinguished career, General Barnidge exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions.

In his years of working with the Congress, General Barnidge provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism, and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities and his unflinching advocacy of the programs essential to the Air Force and to our nation. I am greatly appreciative of General Barnidge's 32–year service to his nation and offer my sincere wishes for a happy and prosperous retirement. On behalf of the Congress and the country, I thank General Barnidge, his wife Sandy, and his entire family for the commitment and sacrifices that they have made throughout his honorable military career. These family sacrifices demonstrate their commitment to our nation and their contributions do not go unnoticed. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Barnidge for a job well done. He is a credit to both the Air Force and the United States. We wish our friend God-speed in his retirement.

REGULATORY CERTAINTY IN TELECOM MARKETPLACE IS A MUST

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. ISSA. Mr. Speaker, today, I rise to talk about at an FCC decision that will have dire consequences for the telecommunications industry.

In February, I submitted an op-ed to Roll Call for their annual Telecommunications and Technology issue prior to the FCC vote on the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers. In the article, I reserved hope that the FCC would render a decision that could provide regulatory certainty to a sector that is in desperate need of stability. If not, I stated that Congress should step in and remedy this issue.

The FCC did not provide regulatory certainty when they voted, and three months later, they have yet to publish their decision. This decision, whatever it looks like in final form, will lead to litigation, assuring this issue will not be resolved for many years . . . unless Congress acts swiftly. Without regulatory certainty, the telecom industry, CLECs and ILECs alike, will continue to experience employee layoffs, cuts in capital expenditures, and little investment and growth.

The FCC had an opportunity to ensure regulatory certainty in the telecom marketplace, but failed. Congress must provide this much needed certainty, and it must do it soon.

USPS STAMP ADVISORY COMMITTEE SHOULD ISSUE A STAMP TO RAISE AWARENESS ABOUT PLIGHT OF MISSING AND EXPLOITED CHILDREN

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. BOEHLERT. Mr. Speaker, I rise today, along with Representative NICK LAMPSON, Chairman of the Congressional Missing and Exploited Children's Caucus, to announce the introduction of a resolution expressing the sense of the House of Representatives that the United States Postal Service (USPS) Stamp Advisory Committee should issue a stamp to raise awareness about the plight of missing and exploited children. It is only fitting that such an action should occur today, on National Missing Children's day.

My local community was shocked one afternoon in August 1993 when 12-year-old Sara Anne Wood was abducted near her home in Sauquoit, NY. Far too many parents have had to suffer with the agony of not knowing if their child was safe—we need to be more vigilant in protecting our nation's children.

The idea for this stamp should be credited to the Missing Children's Stamp Committee, a grass roots organization of concerned citizens from my district whose goal is to convince the USPS Stamp Advisory Committee to issue a commemorative stamp to raise awareness about the plight of all missing and exploited children nationwide.

The Missing Children's Stamp Committee was formed in January 1996 by Chairman John L. Brezinski, a Herkimer County Legislator, and is a subcommittee of the National Center for Missing & Exploited Children (Mohawk Valley Branch). In its first year of existence, the Committee received over 35,000 letters of support for their efforts from across the globe, but has run into many hurdles along the way. In the past, the USPS Stamp Advisory Committee has refused to approve such a stamp. Forty-five other sponsors of this legislation and I are calling on the USPS Stamp Advisory Committee to act and issue a stamp to address this critical issue.

According to the National Center for Missing and Exploited Children, 800,000 children are reported missing each year—that's almost 200 each day. According to a recent Zogby International poll of 1,401 adults, more than two-in-three Americans say the USPS Stamp Advisory Committee should issue a stamp raising awareness about the plight of missing and exploited children. The people have spoken and we must respond.

Mr. Speaker, I urge my colleagues to join me and the forty five other original cosponsors and show their support for this resolution, the need to raise awareness, and the need to protect our children.

ON THE OCCASION OF THE RETIREMENT OF COLONEL JOHN R. PRIDDY, USMC

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. ISTOOK. Mr. Speaker, I would like to pay tribute to Colonel John R. Priddy who is about to retire and return to private life after more than 28 years of selfless service to our great Nation as a United States Marine. Colonel Priddy graduated from the University of Central Oklahoma, and after completing Marine Corps Officer Candidate School was commissioned a Second Lieutenant.

He has served with numerous operational commands including the Third Marine Division; Second Battalion, Tenth Marines; the First Marine Expeditionary Brigade; and First Battalion (Reinforced), 12th Marines. He has served as a commanding officer three times; first aboard the USS *Midway* (CV–41) where he served as Commanding Officer of the Marine Detachment; next as the Commanding Officer of First Battalion (Reinforced), 12th Marines; and finally as Commanding Officer of the Marine Corps Combined Arms Training Center at Camp Fuji, Japan. Colonel Priddy is also a veteran of Operations Desert Shield and Desert Storm.

He has also served with support units at Marine Corps Development and Education Command, Quantico, Virginia; Naval Amphibious School, Little Creek, Virginia; Headquarters, United States Marine Corps; and in the Office of the Secretary of Defense. He is a graduate of the Marine Corps Amphibious Warfare School, the U.S. Army Command and General Staff College, and the U.S. Army School of Advanced Military Studies.

Colonel Priddy has served as the Commandant of the Marine Corps Fellow to the Center for Strategic and International Studies, and as the Chief of Staff of the Marine Corps Quadrennial Defense Review 2001 Group. In August 2001 he assumed duties as Executive Assistant to the Deputy Commandant for Programs and Resources, his last active duty position.

Throughout his career as a United States Marine, Colonel Priddy demonstrated uncompromising character, discerning wisdom, and a sincere, profound sense of duty to his country, his Corps, and especially to his Marines and their families. On behalf of my colleagues on both sides of the aisle, I would like to recognize Colonel Priddy's accomplishments and his devoted service to the Nation. Congratulations to him and his wife Diana, on the completion of a long and distinguished career.

IN RECOGNITION OF DR. LAWRENCE S. SYKOFF, ED.D.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. PALLONE. Mr. Speaker, I proudly pause to recognize an exemplary individual, Dr. Lawrence S. Sykoff. Next month will mark Dr. Sykoff's 10th anniversary as head master of the Ranney School in Tinton Falls, New Jersey. Throughout his lifetime, Dr. Sykoff has demonstrated an aweinspiring commitment to learning and education, and it is for that reason that I ask my colleagues to rise up with me in honoring him.

Dr. Sykoff's love of education was apparent early on. He first qualified for the New York State teaching certification while studying as an undergraduate. After graduating from the Bernard Baruch School of Business Administration in New York, Dr. Sykoff took a job as an accountant but was drawn away from that field by an overwhelming desire to educate. Feeling the call to teach, Dr. Sykoff enrolled at the University of San Diego and earned a Master of Education degree in little over a year. He was later awarded a doctorate from the same university. By that time Dr. Sykoff was nationally known in academic circles for his studies of Middle School education and curriculum development.

In 1993, The Ranney School was in need of a new Head of School to lead it into the twenty-first century. That is when Dr. Sykoff arrived with a vision for Ranney's future that included growth, excellence, prosperity and technological superiority. Since his arrival ten years ago, Dr. Sykoff has been successful at achieving every one of those goals. Under his guidance, Dr. Sykoff transformed the Ranney School into a state of the art learning center that can accommodate nearly 750 students. With modern computer technology, including a distance learning auditorium, and the most up-to-date laboratories and classroom facilities, the Ranney School is better suited to prepare students for a prosperous future both personally and professionally.

In addition to being the Headmaster at the Ranney School, Dr. Sykoff has been an active member of several educational professional organizations including the Council for the Advancement and Support of Education, the National Association of Independent Schools, and the New Jersey Association of Independent Schools. He recently served as Treasurer of NJAIS and continues to serve on its Board of Trustees and Finance Committee. Dr. Sykoff is also past President of the New Jersey Patriot Conference for independent school sports. In addition, he is a member of the Board of the Monmouth County, New Jersey Chapter of the American Cancer Society and a past member of the Board of the Monmouth County Family and Children's Service.

Mr. Speaker, there can be no doubt that Dr. Sykoff has been a consistent advocate of educating our country's youth. I congratulate this remarkable individual for his lasting commitment to learning and ask that my colleagues rise up in recognition of the distinguished Dr. Lawrence S. Sykoff.

THE FCC AND THE TRIENNIAL REVIEW

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. PENCE. Mr. Speaker, it's been almost three months since the Federal Communications Commission (FCC) voted to approve the Triennial Review decision and still no written order has been issued by the Commission.

Mr. Speaker, the Triennial Review offered the FCC the unique opportunity to boost the Nation's economy and not only save jobs—but create jobs as well. The Commission, however, responded to the challenge by issuing a ruling that is contradictory—largely deregulating broadband on one hand while, on the other, continuing the enormous regulatory burden of requiring large local phone companies to lease their lines at below cost rates to competitors. While I applaud the Commission's deregulatory view on broadband, the lack of common sense in requiring one company to literally subsidize its competitors is beyond comprehension.

In conclusion, the FCC has succeeded in creating uncertainty in the marketplace, and uncertainty on Wall Street typically converts to financial disaster. The order that is now being written at the FCC will consist of several hundred pages of regulatory detail. I urge the Commission and its staff to finish its work on the Triennial Review order as quickly as possible so we can begin the tedious legal process of examining these details. Let us not forget that the jobs of thousands of hard-working men and women, and the renewed health of our Nation's economy, are at stake and deserve more than to be held captive by the red tape of the Federal bureaucracy.

HONORING THE 28TH ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 28th Annual Capital Pride Festival, a celebration of and for the National Capital Area's Lesbian, Gay, Bisexual and Transgendered communities, their families, and their friends.

Since its beginning in 1975, the Capital Pride Festival has grown from a small block

party to a seven-day series of events. This year, the Pride Parade will be held June 7–8, 2003 and will culminate into a street fair on Pennsylvania Avenue, attended by people of all backgrounds from the District and the region. I have marched in the Pride parades since coming to Congress, and I have seen the parade grow bigger and better. In 2002, I marched with over 120 contingents in the parade. More than 200,000 people attended the street fair in the shadow of the Capitol; and hundreds of vendors and organizers had stalls, booths, and pavilions. The street fair featured over five hours of local entertainers and national headline performers.

The citizens of the District of Columbia and I feel a special affinity to any American who does not share all the rights and privileges enjoyed by most citizens of the United States. I note that it has been eight years since the Majority changed a historic rule and the District of Columbia lost the first vote we ever won on the floor of the House of Representatives, in the Committee of the Whole, the least we were entitled to. I remind this body that our city of 600,000 residents is the only jurisdiction in the United States subject to ''Taxation Without Representation.''

My Lesbian, Gay, Bisexual, and Transgendered constituents feel this denial more acutely than most. Every April 15th they bear all the responsibilities of our democracy yet are denied complete access to its power to redress the injustices that befall Lesbian, Gay, Bisexual, and Transgendered Americans. Today many are serving their country in Iraq and in the military throughout the world, as District residents have in every United States' war without a vote on war and peace, or any other issue.

Similarly, Congress has not yet protected sexual orientation from discrimination in our country. Despite increasing reports of violence and physical abuse against Lesbian, Gay, Bisexual, and Transgendered Americans, Congress has not enacted protections against hate crimes. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crimes Prevention Act. Congress must pass the Permanent Partners Immigration Act. Congress must pass the No Taxation Without Representation Act.

In June, we will rejoice in the accomplishments of the Lesbian, Gay, Bisexual, and Transgendered community. We also will remember those who live on only in our hearts and prayers. As we ''Celebrate Pride'' and reflect, we must continue the fight for full democracy for the District of Columbia and full civil rights for the Lesbian, Gay, Bisexual, and Transgendered people in the United States of America.

Mr. Speaker, I ask the House to join me in saluting the 28th Annual Capital Pride Festival; its organizer: Whitman-Walker Clinic, and the sponsors and volunteers whose dedicated and creative energy make the Capital Pride Festival possible.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. GRAVES. On Monday, May 19, 2003, I was unavoidably delayed and thus missed rollcall votes 192, 193, and 194. Had I been present, I would have voted ''nay'' on rollcall 192, H. Con. Res. 166; ''yea'' on rollcall 193, H.R. 1018; and ''yea'' on rollcall 194, H. Con. Res. 147.

RECOGNIZING OPERATION APPRECIATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Operation Appreciation, a community event sponsored by news talk radio, KMJ580, which will be honoring individual citizens along with a special recognition to the men and women from the Lemoore Naval Air Station who served in Operation Iraqi Freedom. Operation Appreciation took place on Saturday, May 17, at the California Army National Guard in Fresno, CA. The funds raised will benefit the Veterans Administration.

The individuals being honored provided invaluable service by volunteering their time on-air to keep the citizens of the Central Valley of California informed and up-to-date on the interests and actions of the war. Those recognized were: Col. John Summerville (retired)—Marines, Military Strategist, Victor Davis Hansen, Professor Bruce Thornton from California State University, Fresno, and Brig. General Ed Munger (retired)—Army.

Mr. Speaker, it is my pleasure to recognize and applaud Operation Appreciation and the individuals who were honored. I urge my colleagues to join me in extending our appreciation and best wishes to our military, veterans, the honorees, and KMJ580 radio.

MECKLENBURG DECLARATION OF INDEPENDENCE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. MYRICK. Mr. Speaker, two hundred and twenty-eight years ago on this date, May 20, 1775, the Scotch-Irish residents of Mecklenburg County, North Carolina declared themselves no longer subject to British rule. The day after the battle of Lexington, the Committee of Mecklenburg County, North Carolina, which was led by the Polk and Alexander families, drafted a document we refer to today as The Mecklenburg Declaration of Independence. In short, this document declared that the citizens of Mecklenburg County had dissolved all ties with Great Britain, and declared itself free and its people independent. One of my staff members, Andy Polk, is a direct descendant of the Polk and Alexander families.

As a member of Congress who represents much of Mecklenburg County, North Carolina, I must say that I am very proud to represent an area that is so rich in history and so dedicated to freedom. Ever since May 20, 1775, the citizens of Mecklenburg County have been a freedom loving people who have laid down their lives so that others might experience the greatness of being a free people, who have the right to govern themselves as they see fit. Many of these men who signed the Mecklenburg Declaration went on to fight and die in the American Revolution to secure the liberties and freedoms we have today.

I am happy to note that in honor of this date the great state of North Carolina has placed May 20, 1775 on its flag and on its seal to honor the men who signed the Mecklenburg Declaration. And to further honor them I ask that their names be placed in the Congressional Record. Such men should not ever be forgotten, lest we forget the freedom we hold so dear.

Signers of the Mecklenburg Declaration of Independence: General Thomas Polk, Robert Irwin, William Graham, Hezekiah Alexander, John Flennegin, John Queary, Matthew McClure, David Reese, Ephraim Brevard, Adam Alexander, Abraham Alexander, John Phifer, John Foard, Ezra Alexander, Waightstill Avery, John Davidson, Hezekiah J. Balch, James Harris, Richard Barry, Charles Alexander, Benjamin Patton, Richard Harris, Neil Morrison, William Kennon, Henry Downs, Zaccheus Wilson, and John McKnitt Alexander.

SPEAKING OUT FOR FAIRNESS IN TELECOMMUNICATIONS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express my concerns about the ongoing delay in the release of telecommunications competition rules. It has been three months since the Federal Communications Commission issued their ruling on the regulation of broadband technology, and we are still waiting for the rules of competition determined by that ruling to be released.

This delay leaves local phone companies and internet service providers without the information they need to make good business decisions. Without knowing the rules under which they must operate, they cannot make determinations about how and where to invest in research and development of new services and new technologies. However, the ultimate losers in this situation are American families and businesses who want and need reliable broadband service.

The telecommunications industry is the backbone of our nation's economy. Not only are hundreds of thousands of America's workers employed in telecommunications, but the services that these companies provide are vital to every business in the United States. Without the ability to quickly and accurately move data, commerce is threatened, and our position in the global marketplace is weakened.

I urge the FCC to act immediately to release the rules for competition. Without these rules, the telecommunications industry cannot move forward with development of the broadband infrastructure that will keep our economy and our nation on the path to recovery and growth.

REGARDING THE THIRD ANNIVERSARY OF THE ELECTION OF TAIWAN'S PRESIDENT CHEN SHUI-BIAN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. LANGEVIN. Mr. Speaker, three years ago, Mr. Chen Shui-bian was democratically elected president of the Republic of China on Taiwan. His election showed the world that democracy was alive and well and could easily thrive in a Chinese society like Taiwan.

During the last three years, President Chen has continued his democratization program for Taiwan, which today has free elections at every level, a totally free press and a strong record on human rights. Taiwan continues to set an excellent example for other nations to follow.

Moreover, President Chen has on many occasions stressed that Taiwan and China must work together to discuss issues of mutual interest. President Chen has asked the Chinese mainland authorities to respect human rights and to accept the political reality that the two sides of the Strait are ruled separately by equal political entities. Any progress toward improved cross-strait relations must ensure protection of the interests of the 23 million people living in the Republic of China on Taiwan.

As a first step toward resumption of cross-strait dialogue, China should remove its military forces along Taiwan's coast. China has deployed 350 short-range missiles aimed at Taiwan and is adding 50 missiles a year. Instead of threatening with military might, I hope the two sides will work to resolve disputes and differences peacefully.

As the people of Taiwan prepare to celebrate their president's third anniversary in office, I also stress my support for the granting to Taiwan of observer status at the World Health Assembly this May. As the outbreak of SARS threatens Asia and the world, Taiwan must be included in all World Health Organization activities. Secretary of State Colin Powell recently said, ''infectious disease knows no borders and requires an effective and coordinated response at local, national and international levels.'' It is now time for Taiwan to be included in the global campaign for the protection of public health.

I hope my colleagues will join me in supporting these important goals. Thank you, Mr. Speaker.

IN HONOR OF TINA BURGESS-COAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. PELOSI. Mr. Speaker, it is with great personal sadness that I rise to pay tribute to Tina Burgess-Coan, who died peacefully on May 12, 2003. Beloved wife of the late Judge George ''Papito George'' Coan and devoted mother of William and Robert Burgess, she was a friend to so many and we were blessed to have her with us. Thank you, William and Robert, for sharing your wonderful mother with us.

Tina Burgess-Coan, affectionately known as ''Mama Tina,'' was born in Colombia, South America. In Colombia, she studied with the Carmelite Sisters and acquired the spiritual foundation for a life of charity and giving. Her relationship with the Carmelite Sisters continued to grow and guide her life of social and political activism.

On her way to San Francisco she spent time in Hollywood where she perfected her glamorous style, but we are so fortunate that she chose our city of San Francisco to be her home.

Mama Tina came into my life during my first term in Congress. Through the years, she continued to extend her loving support and generosity to my family and friends. She was actively involved throughout the San Francisco community, serving numerous neighborhood groups and individuals. Always there when she was needed, she gave abundantly of her time, her wisdom, and her delicious home-cooked meals.

Words cannot express my appreciation for Mama Tina's many years of love, generosity, and friendship to my family and the San Francisco community. Wherever she went, she made everyone feel a part of a large, caring family. She was one of a kind.

We will miss Mama Tina terribly but are grateful for every day we had with her.

JUSTIN CAGE—INDIANA MR. BASKETBALL

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to commend Justin Cage, Indiana Mr. Basketball 2003, from Indianapolis, IN.

A senior at Pike High School, Justin Cage has already had a phenomenal basketball career as a team member of the Pike Red Devils Boys Basketball team. Not only has he been named Indiana Mr. Basketball 2003, he also led his team to win the Indiana State Boys Basketball Championship (Class 4A). The Pike Red Devils finished the season with a perfect record of 29–0.

As a four year starter for Pike High School, Justin also contributed to winning the state title in 2001 and finished runner up for 2002.

Justin finished the season averaging 13.4 points and a team high of 7.0 rebounds.

He will continue his basketball career at Xavier University in Cincinnati, OH, where Justin plans to major in Business Administration.

I ask the House of Representatives to join me in saluting this extraordinary young man in his myriad achievements.

A TRIBUTE TO MINNIE IVERSON WOOD, STILL TEACHING MUSIC ON HER 95TH BIRTHDAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to join the people of Loma Linda, California, in singing the praises of Minnie Iverson Wood, who has been teaching music and directing choirs for more than 75 years—and plans to continue teaching students after her 95th birthday on May 26th.

This remarkable teacher and musician got her start in music at Pine Tree Academy in her native Maine, and continued her education in voice and foreign languages at Columbia Union College in Takoma Park, Maryland and Catholic University of America. She took lessons in voice, choir conducting and piano in the United States, Europe and the Far East.

With her husband, Dr. Wilton Wood, Mrs. Wood went to China, where she taught at Far Eastern Academy in Shanghai and Hong Kong. She has taught music and conducted choirs at the Baltic Union Seminary in Riga, Latvia; the Malayan Seminary in Singapore; and the Philippine Union College. Back in the United States, she taught at Columbia Union College for 10 years and at Andrews University in Michigan for 16 years.

Mrs. Wood has conducted choirs around the world, and organized major musical events such as Handel's Messiah and Brahms' Requiem. She personally sang for President Truman, and her choirs performed for Presidents Eisenhower and Nixon. Her choral groups also sang a yearly memorial service at the Tomb of the Unknown Soldier in Arlington, Virginia.

Many of Mrs. Wood's musical groups have performed live on radio programs, including an a cappella choral group from Columbia Union College that gave weekly Sunday performances. She also organized the choir music for the Seventh-Day Adventist Church General Conference Session in Cleveland in 1958.

In addition to her long career as a music teacher, Mrs. Wood was a grade school teacher for 11 years. Her use of phonics helped her first grade class to be able to read at least one grade level above average by the end of each school year. The method was so successful she was asked to train other teachers in its use.

Mr. Speaker, as she reaches her 95th year, Minnie Iverson Woods continues to teach and mentor several dozen private students, and to be active on the Sabbath School Music Committee. Her students from 75 years of teaching will gather this week in a special Vespers concert to honor this wonderful teacher. Please join me in thanking her for a lifetime of making a joyful noise, and wishing her well in the years to come.

THIRD ANNIVERSARY FOR PRESIDENT CHEN SHUI-BIAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. TOWNS. Mr. Speaker, The Republic of China on Taiwan will be celebrating their President's third anniversary in office this May. I join Taiwan's friends in extending my congratulations to Taiwan President Chen Shui-bian.

During the last 3 years, Taiwan's president has strengthened relations with the United States. Taiwan has given us full support in our war against global terrorism and our war with Iraq and offered humanitarian assistance to post-war Iraq. Taiwan is our friend and we appreciate Taiwan's friendship.

We hope Taiwan will have an early resumption of talks with the Chinese mainland. Peace and stability in the Taiwan Strait is in everyone's best interest.

Also, we hope that Taiwan will be successful in stopping the spread of SARS and that Taiwan will receive observer status with the World Health Organization.

Congratulations, President Chen.

CONGRATULATING DOROTHY KELLY GAY AS SHE CELEBRATES 25 YEARS OF AMERICAN CITIZENSHIP

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to honor Mayor Dorothy Kelly Gay, a friend and colleague who is celebrating 25 years of American citizenship. Hers is a story of the American Dream achieved. Dorothy Kelly Gay, born in Ireland, immigrated to the United States in 1968 to pursue a career in nursing. Today she serves as Mayor of my hometown Somerville, Massachusetts.

Like so many others who left their homeland for the shores of this great Nation, Mayor Kelly Gay has never forgotten why America is a land of opportunity. Her accomplishments are a reflection of her commitment to making life's struggles a bit easier for others. As a professional nurse she fought vigorously on behalf of her patients for better healthcare services and received awards from the Massachusetts Nurses Association. This passion for helping others expanded to elective office when Mayor Kelly Gay served on the Somerville School Committee from 1986–1993. She served as an elected member of the Governor's Council from 1992–1998 and was a candidate for Lieutenant Governor in 1998. In 1999 she made history when she was elected Somerville's first female Mayor.

Mr. Speaker, Mayor Kelly Gay has received numerous awards and achieved much during her years of public service. However, I think her personal story speaks volumes. During her 25 years of citizenship Mayor Kelly Gay has given back to this country in dedication what she received in opportunity. She is an asset to the City of Somerville and the residents she serves. I congratulate Mayor Dorothy Kelly Gay as she celebrates 25 years of American citizenship.

TO HONOR THE ASSOCIATION OF PERUVIAN INSTITUTIONS IN THE UNITED STATES OF AMERICA AND CANADA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. PASTOR. Mr. Speaker, it gives me great pleasure to rise today to welcome the XIX Annual Convention of the Association of Peruvian Institutions of America and Canada, AIPEUC, to our Nation's Capital May 21 to 25, 2003. I particularly want to extend warm hospitality to a special participant at this convention, Peruvian Assistant Secretary of State Manuel Rodriguez, and to delegates from all eight chapters representing AIPEUC.

The AIPEUC, a nonprofit entity for technical assistance and support, is made up of 300 associated institutions that group Peruvian men and women from all occupations living in the United States and Canada. Its purpose is to strengthen the traditional ties of friendship and cooperation that unite Peru with the United States of America and Canada in the sectors of education, health, business, arts, and sports.

The AIPEUC is recognized for many important achievements including: Promoting the ''Nationality Law'' by which Peruvians residing in another country may keep dual nationality; supporting the victims of the 1996 Nazca Earthquake; constructing an education center in Nazca for 250 children; building a health center in San Juan de la Virgen in Tumbes for pediatric, dental, and general medicine; supporting surgical procedures for harelip for 50 children in Catacaos, Piura; and building a center for 80 adolescent mothers in Huancyo.

The AIPEUC represents an important sector of the American community and I am sure my colleagues are happy to join me in recognizing this commendable organization on the occasion of their XIX Annual Convention.

TRIBUTE TO THE HONORABLE LARRY COMBEST

SPEECH OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. HENSARLING. Mr. Speaker, today we recognize the distinguished career of my colleague, friend, and fellow Texan, Congressman Larry Combest.

Mr. Speaker, LARRY COMBEST has faithfully represented constituents of the 19th Congressional District of Texas for the last 18 years, truly representing the very best of West Texas from the Panhandle to the Permian Basin.

As a legislator, LARRY COMBEST has dedicated his entire career to helping farmers and ranchers, educators and small business owners live the American Dream.

As the former Chairman and current member of the House Agriculture Committee, LARRY COMBEST has put his background as a fourth generation West Texas farmer to work to improve agriculture in the United States and better the lives of farmers and ranchers everywhere.

Since he was first elected in 1984, LARRY COMBEST has been a common sense conservative leader in Congress, fighting for fiscally responsible government, less regulation and lower taxes on American families.

Mr. Speaker, as proof of his outstanding service to his constituents, voters in his district have re-elected LARRY COMBEST by ever increasing margins each year. You know you're doing something right when the people that know you best return you to Congress with more than 90 percent of their vote.

On behalf of my colleagues and my fellow Texans, we salute LARRY COMBEST for his service and his leadership and we thank him from the bottom of our hearts for all that he has done for Texas and for America.

We wish him and his wife Sharon the very best.

TRIBUTE TO MORGAN CHU

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Morgan Chu, who is being recognized by the American Jewish Committee at its 24th Annual Learned Hand Award Dinner on May 21, 2003. This award is named in memory of Judge Learned Hand, one of America's great jurists and humanitarians, and is being given to Morgan Chu for his ''outstanding leadership in the legal profession'' and his ''strong voice of understanding and good will.''

Morgan earned an AB (1971), MA (1972), and PhD (1973) from UCLA, an MSL (1974) from Yale University and a JD (1976) from Harvard Law School, magna cum laude. He then clerked for Judge Charles Merrill of the U.S. Court of Appeal for the Ninth Circuit. In 1977, he began his career with the well known law firm of Irell & Manella, developing a reputation as one of the nation's top experts in intellectual property, becoming a partner and serving on the Irell & Manella executive committee for the past 18 years.

In his first year at the firm, Morgan distinguished himself by serving as the lead counsel for Matel, Inc. in a patent infringement trial. With his victory in the complex case, he became known as an enterprising young trial attorney who knew how to handle the complex legal issues associated with technology. Since then, he has won many other landmark cases, including the first trial involving a patent of computer software. The jury invalidated a patent in favor of his client.

The National Law Journal describes Morgan as a ''litigator of complex intellectual property, antitrust and first amendment cases . . . an innovator.'' The 2001 survey of company directors, law school deans, and lawyers by Corporate Board Member named him ''The Best Intellectual Property Lawyer in the Nation.''

Throughout his career Morgan has been recognized for his extraordinary talent, skill and success in the field of law. In 1983, he was dubbed a ''new superstar,'' and since then he has continually been listed among the ten top trial lawyers, and the most influential lawyers in Los Angeles and the nation. He was named as one of the ''Top Players in High-Tech Intellectual Property,'' and in 1991, the California Law Business Journal chose him as a member of their Dream Team.

Morgan was an Adjunct Professor of Law at UCLA and served as a judge pro tem. He has served on the Board of Directors of Public Counsel for many years and is currently a member of its Executive Committee. As part of his pro bono work, Morgan won the reversal of a first-degree murder conviction for an inmate on death row whose sentence and conviction had already been upheld by the Supreme Court. He is a remarkable man who has used his enormous talents to help his community.

Morgan and his wife, Helen, reside in Los Angeles. Known for his penchant for bow ties, he says he wears them because, ''it is easier to lean down and smell the flowers along the

way.'' Despite all his accomplishments he is a down-to-earth guy, whose company is downright enjoyable.

It is our great pleasure and honor to ask our colleagues to join us in paying tribute to our good friend, Morgan Chu, the worthy recipient of 2003's Learned Hand Award.

HONORING THE 62ND ANNIVERSARY OF THE BATTLE OF CRETE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mrs. MALONEY. Mr. Speaker, I rise today to mark the 62nd anniversary of the Battle of Crete by introducing this House Resolution which recognizes and appreciates the historical significance of the people of Crete during World War II.

This is a historic event with direct significance to the allies' victory of World War II. On May 20, 1941, thousands of German paratroopers and gliders began landing on Crete.

Both the allies and Nazis wanted Crete because of its strategic location. At that time the British controlled the island.

It was a very strong point on the lifeline to India and protected both Palestine and Egypt.

The Nazi invasion force included the elite German paratroopers and glider troops. Hitler felt this was to be an easy victory, yet he is quoted to have said shortly after the invasion, ''France fell in 8 days. Why is Crete free?''

The invasion of Crete took 11 days. It resulted in more than 6,000 German troopers listed as killed, wounded or missing in action. The losses to the elite 7th parachute division were felt so hard by the German Military it signified the end of large-scale airborne operations.

This valiant fight by the Cretan people began in the first hour of the Nazi airborne invasion. In contrast of the European underground movements that took a year or more after being invaded to activate.

Young boys, old men and women displayed breathtaking bravery in defending their Crete. German soldiers never got used to Cretan women fighting them. They would tear the dress from the shoulder of suspected women to find bruises from the recoil of the rifle. The penalty was death.

The Times (London) July 28, 1941 report that ''five hundred Cretan women have been deported to Germany for taking part in the defense of their native island.''

Another surprise for the German soldiers who invaded Crete was the heroic resistance of the clergy. A priest leading his parishioners into battle was not what the Germans anticipated.

At Paleochora, Father Stylianos Frantzeskis, hearing of the German airborne invasion, rushed to his church, sounded the bell, took his rifle and marched his volunteers toward Maleme to write history.

This struggle became an example for all Europe to follow in defying German occupation and aggression.

The price paid by the Cretans for their valiant resistance to Nazi forces was high. Thousands of civilians died from random executions, starvation, and imprisonment. Entire communities were burned and destroyed by the Germans as a reprisal for the Cretan resistance movement. Yet this resistance lasted for four years.

The battle of Crete was to change the final outcome of World War II. The Battle of Crete significantly contributed in delaying Hitler's plan to invade Russia.

The invasion was delayed from April to June of 1941. The 2-month delay in the invasion made Hitler's forces face the Russian winter.

The Russian snow storms and the sub zero temperatures eventually stalled the Nazi invasion before they could take Moscow or Leningrad. This was the beginning of the downfall of the Nazi reign of terror.

This significant battle and the heroic drive of the Cretan people must always be remembered and honored.

Democracy came from Greece and the Cretan heroes exemplified the courage it takes to preserve it.

Today, the courage and fortitude of the Cretan people is seen in the members of the United Cretan Associations of New York which is located in Astoria, Queens.

I congratulate the newly elected officials and look forward to working with them.

I request my colleagues to join me in honoring the Cretans in the United States, Greece, and the diaspora.

H. RES.—

Whereas 2003 marks the 62nd anniversary of the heroic Battle of Crete, which took place on the Greek island of Crete during World War II between Nazi German forces and the people of Crete assisted by the Allied armies;

Whereas the people of Crete fought tenaciously during the Battle of Crete, delaying for two months the Nazi German invasion of Russia;

Whereas this delay forced Nazi German forces to invade Russia in the face of the brutal Russian winter, changing the final outcome of World War II and leading to the defeat of fascism;

Whereas many historians agree that the Battle of Crete was one of the most significant battles of World War II;

Whereas the Battle of Crete contributed to saving the free world from Nazi German occupation, thus preserving democracy, freedom, and human dignity;

Whereas the Cretan Resistance Movement was organized to fight the Nazi German occupation of the island of Crete;

Whereas for 4 years, the Cretan Resistance Movement inflicted heavy casualties up Nazi German forces, including kidnaping a heavily-guarded Nazi German General, setting an example for all of the people of Europe to follow;

Whereas the people of Crete suffered savage reprisals for their heroic resistance when the Nazi German invaders randomly executed thousands of civilians and burned and destroyed entire communities;

Whereas many participants in the Battle of Crete and the Cretan Resistance Movement later emigrated to the United States and became American citizens; and

Whereas many of these citizens became members of the PanCretan Association of America, an organization comprised of Greek Americans with ancestry from the island of Crete and committed to preserving and promoting the rich culture and proud history of Crete: Now, therefore, be it

Resolved, That the House of Representatives—

(1) observes the memory of the fallen heroes of the Battle of Crete;

(2) honors the living men and women of Crete who, during World War II, fought an oppressive invader to preserve the ideals of freedom, democracy, and the pursuit of happiness; and

(3) commends the PanCretan Association of America or preserving and promoting the history of Crete and its people.

INTRODUCTION OF THE RURAL HEALTHCARE ACCESS IMPROVEMENT ACT OF 2003

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. SANDLIN. Mr. Speaker, I rise today to introduce the Rural Healthcare Access Improvement Act of 2003.

Our rural Medicare providers need help. For too long they have suffered the consequences of inadequate Medicare reimbursements that hurt physicians, hurt hospitals and most of all hurt patients. My constituents in East Texas have shared their concerns with me and I know full-well that we don't finally start acting to change this, our Nation's healthcare delivery system and our Nation's fellow citizens will suffer irreparably.

Last week Senator GRASSLEY bravely stood up during the Tax bill debate and offered an amendment that would help our rural providers. It passed in an overwhelming bi-partisan vote of 86–12 in the United States Senate. I applaud his efforts and the support from his colleagues in making the unique needs of our rural communities a priority.

We should not waste any more time in the House of Representatives in meeting the needs of our rural providers. Today, I offer the Rural Healthcare Access Improvement Act of 2003. This bill, similar in scope to Senator GRASSLEY's amendment offers real opportunities to assist our rural health care providers. As my colleagues know, the Center for Medicare and Medicaid Services uses a reimbursement formula that favors urban areas over rural areas. This formula is deeply flawed though and fails to allow our providers to even break even on many of their expenses. My legislation will directly assist our hospitals by equalizing Disproportionate Share Hospital (DSH) Payments, by equalizing urban and rural ''standardized payment'' levels, by assisting Critical Access Hospitals, and by establishing a floor on the geographic adjustments of payments for doctors' services. It will also improve reimbursement for home health services, ground ambulance services and hospital outpatient procedures.

We can not wait any longer. Our rural communities are desperately in need of help and we must answer their call.

MERCURY IN MEDICINE REPORT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. BURTON of Indiana. Mr. Speaker, I submit the following report prepared by the staff of the Subcommittee on Human Rights and Wellness, Committee on Government Reform. This report is the result of a three-year investigation initiated in the Committee on Government Reform.

MERCURY IN MEDICINE—TAKING UNNECESSARY RISKS

I. EXECUTIVE SUMMARY

Vaccines are the only medicines that American citizens are mandated to receive as a condition for school and day care attendance, and in some instances, employment. Additionally, families who receive federal assistance are also required to show proof that their children have been fully immunized. While the mandate for which vaccines must be administered is a state mandate, it is the Federal Government, through the Centers for Disease Control and Prevention (CDC) and its Advisory Committee for Immunization Practices that make the Universal Immunization Recommendations to which the majority of states defer when determining mandates. Since the early to mid–1990s, Congress has been concerned about the danger posed by mercury in medical applications, and in 1997, directed the Food and Drug Administration (FDA) to evaluate the human exposure to mercury through foods and drugs.

In 1999, following up on the FDA evaluation and pursuant to its authority, the House Committee on Government Reform initiated an investigation into the dangers of exposure to mercury through vaccination. The investigation later expanded to examine the potential danger posed through exposure to mercury in dental amalgams. This full committee investigation complemented and built upon the investigations initiated by two of its subcommittees. In January 2003, the investigation continued in the newly formed Subcommittee on Human Rights and Wellness.

A primary concern that arose early in the investigation of vaccine safety was the exposure of infants and young children to mercury, a known toxin, through mandatory childhood immunizations. This concern had been raised as a possible underlying factor in the dramatic rise in rates of late-onset or ''acquired'' autism. The symptoms of autism are markedly similar to those of mercury poisoning.

Significant concern has been raised about the continued use of mercury in medical applications decades after the recognition that mercury can be harmful, especially to our most vulnerable population—our children. This report will address one form of mercury in medical applications, Thimerosal, as a preservative in vaccines.

In July 2000, it was estimated that 8,000 children a day were being exposed to mercury in excess of Federal guidelines through their mandatory vaccines.

One leading researcher made the following statement to the Committee in July 2000:

''There's no question that mercury does not belong in vaccines.

''There are other compounds that could be used as preservatives. And everything we know about childhood susceptibility, neurotoxicity of mercury at the fetus and at the infant level, points out that we should not have these fetuses and infants exposed to mercury. There's no need of it in the vaccines.''

The Food and Drug Administration's (FDA) mission is to ''promote and protect the public health by helping safe and effective products reach the market in a timely way, and monitoring products for continued safety after they are in use.'' However, the FDA uses a subjective barometer in determining when a product that has known risks can remain on the market. According to the agency, ''at the heart of all FDA's product evaluation decisions is a judgment about whether a new product's benefits to users will outweigh its risks. No regulated product is totally risk-free, so these judgments are important. FDA will allow a product to present more of a risk when its potential benefit is great—especially for products used to treat serious, life-threatening conditions.''

This argument—that the known risks of infectious diseases outweigh a potential risk of neurological damage from exposure to thimerosal in vaccines, is one that has continuously been presented to the Committee by government officials. FDA officials have stressed that any possible risk from thimerosal was theoretical: that no proof of harm existed. Upon a thorough review of the scientific literature and internal documents from government and industry, the Committee did in fact find evidence that thimerosal posed a risk. The possible risk for harm from either low dose chronic or one time high level (bolus dose) exposure to thimerosal is not ''theoretical,'' but very real and documented in the medical literature.

Congress has long been concerned about the human exposure to mercury through medical applications. As a result of these concerns, in 1997, Congress instructed the FDA to evaluate the human exposure to mercury through drugs and foods. Through this Congressionally mandated evaluation, the FDA realized that the amount of ethylmercury infants were exposed to in the first six months of life through their mandatory vaccinations exceeded the Environmental Protection Agency's (EPA) limit for a closely associated compound methylmercury. The FDA and other Federal agencies determined that in the absence of a specific standard for ethylmercury, the limits for ingested methylmercury should be used for injected ethylmercury. The Institute of Medicine, in 2000, evaluated the EPA's methylmercury standard and determined that based upon scientific data that it, rather than the FDA's, was the scientifically validated safe exposure standard.

Rather than acting aggressively to remove thimerosal from children's vaccines, the FDA and other agencies within the Department of Health and Human Services (HHS) adopted an incremental approach that allowed children to continue to be exposed to ethylmercury from vaccines for more than two additional years. In fact, in 2001, the Centers for Disease Control and Prevention (CDC) refused even to express a preference for thimerosal-free vaccines, despite the fact that thimerosal had been removed from almost every childhood vaccine produced for use in the United States.

On three occasions in the last 15 years, changes have been made to vaccine policies to reduce the risk of serious adverse effects. First, a transition from oral polio vaccine to injected polio was accomplished in the United States to reduce the transmission of vaccine-induced polio. Second, an acellular pertussis vaccine was developed and a transition from DTP to DTaP was accomplished to reduce the risk of pertussis—induced seizures in children. And third, when the Rotashield vaccine for rotavirus was linked to a serious bowel condition (intersucception), it was removed from the U.S. market. Ethylmercury has been largely removed from every major childhood vaccine manufactured for use in the United States, except the influenza vaccine, which continues to contain trace amounts.

This success, however, does not change the fact that millions of American children were exposed to levels of mercury through vaccines that exceeded comparable federal guidelines. Many parents, and a growing number of scientists, believe that this mercury exposure may have contributed to the explosive growth in autism spectrum disorders, and neurological and behavioral disorders that this country has experienced. The scientific evidence in this area is considered by some to still be inconclusive, in large part due to the lack of serious, effective inquiry by our health agencies. The federal government has an obligation to vigorously pursue the necessary research to determine the extent of the impact of these heightened exposures to ethylmercury on our population.

A second concern that arose during the investigation was the continued use of mercury in dental amalgams. Mercury has been used as a component in dental fillings since the Civil War era. The American Dental Association and its member dentists have taken a position that the mercury in fillings, which are considered toxic until placed in the tooth, and is considered toxic when removed from the mouth, is completely safe while in the human mouth. This position seems counter even to the ADA-funded research that shows the daily release of small amounts of mercury vapors in the human mouth where dental amalgams are present, as well as minute chipping and swallowing of the mercury fillings over time.

Babies and young children are exposed to this additional mercury. As developing fetuses, babies are exposed to mercury through the placenta. If pregnant women have mercury amalgams, they are unknowingly excreting low levels of mercury on a daily basis to their fetuses. Additionally, children who receive dental services through Medicaid are also potentially exposed to mercury. When these children need dental fillings, because of the low cost, only mercury amalgams are available for use. This concern remains under investigation by the Subcommittee on Human Rights and Wellness.

II. FINDINGS AND RECOMMENDATIONS

A. Findings

Through this investigation of pediatric vaccine safety, the following findings are made:

1. Mercury is hazardous to humans. Its use in medicinal products is undesirable, unnecessary and should be minimized or eliminated entirely.

2. For decades, ethylmercury was used extensively in medical products ranging from vaccines to topical ointments as preservative and an anti-bacteriological agent.

3. Manufacturers of vaccines and thimerosal, (an ethylmercury compound used in vaccines), have never conducted adequate testing on the safety of thimerosal. The FDA has never required manufacturers to conduct adequate safety testing on thimerosal and ethylmercury compounds.

4. Studies and papers documenting the hyperallergenicity and toxicity of thimerosal (ethylmercury) have existed for decades.

5. Autism in the United States has grown at epidemic proportions during the last decade. By some estimates the number of autistic children in the United States is growing between 10 and 17 percent per year. The medical community has been unable to determine the underlying cause(s) of this explosive growth.

6. At the same time that the incidence of autism was growing, the number of childhood vaccines containing thimerosal was growing, increasing the amount of ethylmercury to which infants were exposed threefold.

7. A growing number of scientists and researchers believe that a relationship between the increase in neurodevelopmental disorders of autism, attention deficit hyperactive disorder, and speech or language delay, and the increased use of thimerosal in

vaccines is plausible and deserves more scrutiny. In 2001, the Institute of Medicine determined that such a relationship is biologically plausible, but that not enough evidence exists to support or reject this hypothesis.

8. The FDA acted too slowly to remove ethylmercury from over-the-counter products like topical ointments and skin creams. Although an advisory committee determined that ethylmercury was unsafe in these products in 1980, a rule requiring its removal was not finalized until 1998.

9. The FDA and the CDC failed in their duty to be vigilant as new vaccines containing thimerosal were approved and added to the immunization schedule. When the Hepatitis B and Haemophilus Influenzae Type b vaccines were added to the recommended schedule of childhood immunizations, the cumulative amount of ethylmercury to which children were exposed nearly tripled.

10. The amount of ethylmercury to which children were exposed through vaccines prior to the 1999 announcement exceeded two safety thresholds established by the Federal government for a closely related substance—methylmercury. While the Federal Government has established no safety threshold for ethylmercury, experts agree that the methylmercury guidelines are a good substitute. Federal health officials have conceded that the amount of thimerosal in vaccines exceeded the EPA threshold of 0.1 micrograms per kilogram of bodyweight. In fact, the amount of mercury in one dose of DTaP or Hepatitis B vaccines (25 micrograms each) exceeded this threshold many times over. Federal health officials have not conceded that this amount of thimerosal in vaccines exceeded the FDA's more relaxed threshold of 0.4 micrograms per kilogram of body weight. In most cases, however, it clearly did.

11. The actions taken by the HHS to remove thimerosal from vaccines in 1999 were not sufficiently aggressive. As a result, thimerosal remained in some vaccines for an additional two years.

12. The CDC's failure to state a preference for thimerosal-free vaccines in 2000 and again in 2001 was an abdication of their responsibility. As a result, many children received vaccines containing thimerosal when thimerosal-free alternatives were available.

13. The Influenza vaccine appears to be the sole remaining vaccine given to children in the United States on a regular basis that contains thimerosal. Two formulations recommended for children six months of age or older continue to contain trace amounts of thimerosal. Thimerosal should be removed from these vaccines. No amount of mercury is appropriate in any childhood vaccine.

14. The CDC in general and the National Immunization Program in particular are conflicted in their duties to monitor the safety of vaccines, while also charged with the responsibility of purchasing vaccines for resale as well as promoting increased immunization rates.

15. There is inadequate research regarding ethylmercury neurotoxicity and nephrotoxicity.

16. There is inadequate research regarding the relationship between autism and the use of mercury-containing vaccines.

17. To date, studies conducted or funded by the CDC that purportedly dispute any correlation between autism and vaccine injury have been of poor design, under-powered, and fatally flawed. The CDC's rush to support and promote such research is reflective of a philosophical conflict in looking fairly at emerging theories and clinical data related to adverse reactions from vaccinations.

B. Recommendations

1. Access by independent researchers to the Vaccine Safety Datalink database is needed for independent replication and validation of CDC studies regarding exposure of infants to mercury-containing vaccines and autism. The current process to allow access remains inadequate.

2. A more integrated approach to mercury research is needed. There are different routes that mercury takes into the body, and there are different rates of absorption. Mercury bioaccumulates; the Agency for Toxic Substances and Disease Registry (ATSDR) clearly states: ''This substance may harm you.'' Studies should be conducted that pool the results of independent research that has been done thus far, and a comprehensive approach should be developed to rid humans, animals, and the environment of this dangerous toxin.

3. Greater collaboration and cooperation between federal agencies responsible for safeguarding public health in regard to heavy metals is needed.

4. The President should announce a White House conference on autism to assemble the best scientific minds from across the country and mobilize a national effort to uncover the causes of the autism epidemic.

5. Congress needs to pass legislation to include in the National Vaccine Injury Compensation Program (NVICP) provisions to allow families who believe that their children's autism is vaccine-induced the opportunity to be included in the program. Two provisions are key: First, extending the statute of limitations as recommended by the Advisory Commission on Childhood Vaccines from 3 to 6 years. Second, establishing a one to two-year window for families, whose children were injured after 1988 but who do not fit within the statute of limitations, to have the opportunity to file under the NVICP.

6. Congress should enact legislation that prohibits federal funds from being used to provide products or pharmaceuticals that contain mercury, methylmercury, or ethylmercury unless no reasonable alternative is available.

7. Congress should direct the National Institutes of Health to give priority to research projects studying causal relationships between exposure to mercury, methylmercury, and ethylmercury to autism spectrum disorders, attention deficit disorders, Gulf War Syndrome, and Alzheimer's Disease.

III. THIMEROSAL HAS BEEN USED IN VACCINES AND OTHER MEDICAL PRODUCTS FOR DECADES

A. A brief description of mercury

Mercury is a silver-colored metal, which unlike any other metal, is a liquid at room temperature. It flows so easily and rapidly that it is sometimes called quicksilver. The chemical symbol for Mercury is Hg.

Mercury has many properties that have made it popular for a number of commercial uses. For example, mercury expands and contracts evenly when heated or cooled. It also remains liquid over a wide range of temperatures and does not stick to glass. These properties have prompted its use in thermometers. Mercury conducts electricity and is used in some electric switches and relays to make them operate silently and efficiently. Industrial chemical manufacturers use mercury in electrolysis cells to charge substances with electricity. Mercury vapor, used in fluorescent lamps, gives off light when electricity passes through it. Before its health effects were well understood, mercury compounds were widely used in such common products as house paints and paper.

Various alloys (mixtures of metals) containing mercury have many uses. Mercury alloys are called amalgams. These would include silver amalgam, a mixture of silver and mercury that dentists use to fill cavities in teeth.

Mercury comes in many different forms—organic, inorganic, elemental, and metallic. As a result of its many practical uses, mercury became widespread in the environment. However, it is now widely recognized that overexposure to all forms of mercury can harm the central nervous system (brain) and the renal system (kidneys). This has led to regulatory actions to reduce the exposure of humans to mercury on many fronts. According to the Agency for Toxic Substances and Disease Registry (ATSDR): ''The nervous system is very sensitive to all forms of mercury.''

B. Thimerosal, which contains ethylmercury, has been used in medicines since the 1930's

In addition to its many commercial applications, mercury has been used in a number of medical applications. One such product that came into frequent use during the twentieth century was thimerosal. Thimerosal is an organic compound made up of equal parts of thiosalicylic acid and ethylmercury. It is 49.6 percent ethylmercury by weight.

Thimerosal was developed by Dr. Morris Kharasch (1895–1957; Ukraine/USA), a chemist and Eli Lilly fellow first at the University of Maryland (1922–1927) and then at the University of Chicago. He filed for a patent on June 27, 1929, for what he described as an alkyl mercuric sulfur compound (thimerosal), which he felt had potential as an antiseptic and antibacterial product. Dr. Kharasch was considered a pioneer in his field, contributing to the development of plastics and the creation of synthetic rubber. He also went on to found the Journal of Organic Chemistry.

In October 1929, Eli Lilly and Company registered thimerosal under the trade name Merthiolate. Merthiolate was used to kill bacteria and prevent contamination in antiseptic ointments, creams, jellies, and sprays used by consumers and in hospitals. Thimerosal was also used in nasal sprays, eye drops, contact lens solutions, immunoglobulins, and most importantly here—vaccines.

Thimerosal was patented the same year that Alexander Fleming discovered penicillin. But because it took more than a decade for penicillin to be fully developed, and large-scale production to begin, thimerosal was widely used in the interim. To the medical profession, who were without antibiotics during the 1930's and 1940's, thimerosal (marketed as Merthiolate) and other antiseptic products were gladly received.

Dr. H. Vasken Aposhian, Professor of Molecular and Cellular Biology and Pharmacology, University of Arizona discussed thimerosal's history during Congressional testimony:

''In the early thirties, in fact the 1940's and up until the mid–1950's, mercurials were used in medicine . . . The medical community . . . had nothing better to use. They had nothing better to use as a preservative at that time than thimerosal. And I would venture the opinion that it has just been going on because no one has objected to it. And there's no need for it any longer. And I don't know any medical community or scientific community that would agree to the need for having thimerosal in any vaccine.''

Thimerosal became the most widely used preservative in vaccines and other medical products. Its use in antiseptic products to prevent infections was common. By the time that the FDA conducted its review of mercury in 1999, more than 50 licensed vaccines contained thimerosal.

While thimerosal became widely used, there were repeated references in the scientific literature to the lack of substantial understanding of its safety. In numerous

publications, researchers suggested that caution be taken in human exposure. For example, a paper published in 1934 noted, ''little is known about the mercuric compounds when inoculated into humans. It is therefore preferable to use the minimum amount of this preservative.''

Eli Lilly ceased its production of vaccines in 1974. Shortly after the FDA advisory committee determined that thimerosal in over-the-counter products was no longer ''generally recognized as safe,'' Eli Lilly and other companies chose to cease production of products such as merthiolate and mercurichrome. By the mid–1980's, Eli Lilly was completely out of the business of manufacturing or selling thimerosal-containing products. However, thimerosal continued to be used in vaccines. In the 1990's, thimerosal was manufactured by numerous companies, including Sigma-Aldrich, Inc.; EM Industries, Inc. (now EMD Chemicals Inc., the North American extension of Merck KGaA); Dow Chemical Company; Spectrum Laboratory Products, Inc. (formerly Spectrum Quality Products, Inc.); and GDL International, Inc.

C. Mercury is a known neurotoxin, but methylmercury has been more carefully studied than ethylmercury

After more than a century of research, it has become widely accepted in the scientific and medical communities that mercury is a neurotoxin. While debate continues over what levels of exposure to mercury are safe, it is unquestioned today that overexposure to mercury in any form can cause neurological and renal damage. There is also a growing consensus around the theory that some individuals are more susceptible to harm from mercury than others, confounding efforts to adopt a population-level threshold for safe levels of mercury in the environment. A research paper published in 2002 summarized the scientific consensus very succinctly: ''Mercury and its compounds are cumulative toxins and in small quantities are hazardous to human health.''

Because of its many commercial applications and its widespread presence in the environment, methylmercury received the lion's share of the attention in the scientific community during the twentieth century. A concise history of the early development of scientific knowledge about methylmercury is found in Dr. Thomas Clarkson's, ''The Three Modern Faces of Mercury'':

''The first methylmercury compounds were synthesized in a chemical laboratory in London in the 1860s. Two of the laboratory technicians died of methylmercury poisoning. This so shocked the chemical community that methylmercury compounds were given a wide berth for the rest of the century . . . early in the twentieth century the potent anti-fungal properties . . . were discovered, leading to applications to seed grains, especially for cereal crops . . . Despite the widespread use, few cases of poisoning were reported for the first half of the twentieth century. However, in the late 1950s and 1960s serious outbreaks of alkyl mercury poisoning (methylmercury) erupted in several developing countries . . . Also in the late 1950s, evidence emerged of environmental damage from treated grain. It was observed in Sweden that predatory birds were developing neurological disorders . . . analysis . . . indicated a sharp rise in mercury levels.''

Public health concerns about methylmercury in the edible tissue of fish suddenly erupted in 1969 when fish from Lake St. Clair bordering Michigan were found to have high levels. This and other findings . . . have maintained public health concerns over this form of mercury.''

As a result of these emerging concerns, public health officials worldwide began researching methylmercury. Today, the scientific literature is replete with evidence on toxic effects of methylmercury. In 2000, the National Academy of Sciences published Toxicological Effects of Methylmercury, which concluded:

Methylmercury is highly toxic.

The data indicate that the adverse effects of methylmercury exposure can be expressed in multiple organ systems throughout the lifespan.

The research in humans on the neurodevelopmental effects of methylmercury is extensive.

Damage to renal tubules and nephron has been observed following human exposure to inorganic and organic forms of mercury. Symptoms of renal damage have been seen only at mercury exposures that also caused neurological effects.

The cardiovascular system appears to be a target for methylmercury toxicity in the same dose range as neurodevelopmental effects—at very low mercury exposures.

Studies in humans on the carcinogenic effects of methylmercury are inconclusive.

Methylmercury may increase human susceptibility to infectious disease and autoimmune disorders by damaging the immune system.

Methylmercury may adversely affect the reproductive system.

The medical literature is replete with references to the dangers to methylmercury:

''The major toxic effects of methylmercury are on the central nervous system. Its toxic action on the developing brain differs in both mechanism and outcome from its action on the mature organ . . . the action of methylmercury on adults is characterized by a latent period between exposure and onset of symptoms. The period can be several weeks or even months, depending on the dose and exposure period . . . paresthesia, numbness or a 'pins and needles' sensation is the first symptom to appear at the lowest dose. This may progress to cerebella ataxia, dysarrthia, constriction of the visual fields, and loss of hearing. . . . Cardiovascular disease . . . accelerated progression of carotid arteriosclerosis.''

The research is explicit that fetal brains are more sensitive than the adult brains to the adverse effects of methylmercury, which include:

Severe brain damage

Delayed achievement of developmental milestones

Neurological abnormalities such as brisk tendon reflexes

Widespread damage to all areas of the fetal brain, as opposed to focal lesions seen in adult tissue

Microcephaly

Purkinje [neuron] cells failed to migrate to the cerebellum

Inhibition of both cell division and migration, affecting the most basic process in brain development

Additionally, elevation in both systolic and diastolic blood pressure in seven year olds correlated with prenatal exposure to methylmercury . . . indicative of later cardiovascular problems.

Despite the fact that ethylmercury has been widely used in common medical treatments, ranging from vaccines to nasal sprays to ointments, comparatively little research has been done on its health effects. The few studies that have been done tend to indicate that ethylmercury is just as toxic as methylmercury.

The FDA never required the pharmaceutical industry to conduct extensive safety studies on thimerosal or ethylmercury. It appears that our Federal regulatory framework (the FDA and its predecessor organizations) failed to require manufacturers to prove thimerosal was safe. They failed to require industry to conduct adequate testing to determine how thimerosal is metabolized. The FDA failed to require that industry conduct studies to determine the maximum safe exposure level of thimerosal. These basic issues should have been proven prior to the introduction of thimerosal into the marketplace, but more than 70 years after its introduction, these issues have still not been adequately addressed. The introduction of thimerosal appears to have been based on a single uncontrolled and poorly reported human study in the 1920s, possibly in combination with animal and laboratory studies. However, this sole human study was not a true safety study and produced a faulty foundation on which to build a robust vaccine program in which young children would be forced to be repeatedly injected with multiple doses of ethylmercury.

During the pre-antibiotic 1920's, meningitis was a killer. Out of sheer desperation, the treating physician at a hospital dealing with dozens of patients facing a sure death from meningitis, tested thimerosal on about two-dozen patients. He injected the thimerosal intravenously, without apparent side effects. However, the treatment was not successful and all of the patients died. The leading industry scientists of that era involved in thimerosal research published a paper that made a brief reference to this study: ''Merthiolate was injected intravenously into 22 persons . . . these large doses did not produce any anaphylactoid or shock symptoms.'' In the paper, the authors acknowledge that Dr. K.C. Smithburn, the clinician who treated the meningitis patients, was not convinced of its efficacy: ''beneficial effects of the drug were not definitely proven.'' Drs. Powell and Jamieson also noted in 1930 that a ''wide range of toxicity and injury tests should be done.'' There is no evidence that Drs. Powell and Jamieson took their own advice and conducted studies to address these concerns.

As a result, in 1999, 70 years after the product was first licensed, neither the FDA nor the industry had followed through on determining a safe exposure level to thimerosal or ethylmercury. Thus, when facing a policy decision on thimerosal and vaccines, the FDA had to work from an ''assumption'' that the toxicity of ingested methylmercury was the same as injected ethylmercury.

One study that compared the toxicology of ethyl and methylmercury was published in 1985 in the Archives of Toxicology, written by researchers from the Toxicology Unit of the Medical Research Council of England. The researchers exposed rats to ethyl and methylmercury to ''compare total and inorganic mercury concentrations in selected tissues, including the brain, after the daily administration of methyl or ethylmercury and to relate these findings to damage in the brain and kidneys.'' This study found that both ethyl and methylmercury caused damage to the brains and the kidneys. It also found that male and female rats were affected differently:

''It has been well documented that one of the first toxic effects of methylmercury in rats is depressed weight gain or even weight loss . . . based on this criteria, ethylmercury proved to be more toxic than methylmercury . . . in both sexes . . . the concentration of total mercury (the sum of organic and inorganic mercury) and organic mercury was consistently higher in the blood of ethylmercury-treated rats . . . both alkymercurials damaged the dorsal root ganglia and 9.6 mg Hg/kg/day ethylmercury caused more damage than 8.0 mg Hg/kg/day methylmercury. Ethylmercury was more renotoxic than methylmercury . . . tubular dilation was frequently present . . . in kidneys . . . both damage and mercury deposits

were more widely spread in ethylmercury-treated rats.''

While there is frequent reference to the paucity of science in understanding the harm that ethylmercury can do, there is more understanding in the scientific community than government officials have shared with the Committee. The following dialogue between Congressman Dave Weldon (R–FL) and Dr. David Baskin during the Committee's December 10, 2002 hearing sheds a great deal of light onto the true nature of ethyl versus methylmercury.

Dr. Weldon: ''I have a couple of questions for Dr. Baskin about ethylmercury versus methylmercury. I have had some people say that data on methylmercury is fairly good, but we don't have good data on ethylmercury. I take it from your testimony there is actually quite a bit of data on ethylmercury and it's as toxic as methylmercury.''

Dr. Baskin: ''There is more data, more and more data on ethylmercury. The cells that I showed you dying in cell culture are dying from ethylmercury. Those are human frontal brain cells. You know, there has been a debate about . . . ethyl versus methyl. But from a chemical point of view, most chemical compounds that are ethyl penetrate into cells better than methyl. Cells have a membrane on them, and the membrane is made of lipids, fats. And ethyl as a chemical compound pierces fat and penetrates fat much better than methyl. And so, you know, when I began to work with some of the Ph.D.s in my laboratory and discuss this everyone said, 'oh gosh, you know, we've got to adjust for ethyl because it's going to be worse; the levels are going to be much higher in the cells.' So . . . I think at best they're equal, but it's probably highly likely that they are worse. And some of the results that we are seeing in cell culture would support that.''

Dr. Baskin explained that according to scientific research in humans and animals, brain tissue absorbs five times more mercury than other tissues in the body.

Dr. Weldon: ''Now, you said several times in your testimony that uptake in the brain is probably much higher than in other tissues. What do you base that statement on?''

Dr. Baskin: ''Well, the literature on methylmercury is much better than ethyl on this issue. And if you look at the studies, the brain is 2 percent of the body weight but took 10 percent of the exposure. So that's a five-fold preferential uptake.''

The testimony of Dr. Baskin builds upon earlier testimony that the Committee received from recognized experts in chemistry, toxicology and pharmacology. It includes the following statement from Dr. H. Vasken Aposhian, Professor of Molecular and Cellular Biology, and Pharmacology at the University of Arizona, who provided the Committee the following information about the evidence on mercury toxicity at the July 18, 2000 hearing:

''The mercury amalgams in your mouth, the so-called silver fillings, contain 48 to 50 percent of elemental mercury. These fillings continuously emit mercury vapor, which will go to the brain and is converted to mercuric mercury . . . Certain fish contain methylmercury; again, very rapidly taken up from the GI tract, transported quickly to the brain, and converted very slowly to mercuric mercury . . . thimerosal, which again will be taken up by the brain and quickly converted to mercuric mercury—all three forms are neurotoxic.

''By neurotoxic, we mean it will damage nerves and it will damage brain tissues.

''Let me just say as a final statement that there is no need to have thimerosal in a vaccine.''

In making a presentation to the Institute of Medicine's Immunization Safety Review Committee, in July 2001, the former Director of the Environmental Toxicology Program at the National Institutes of Health, Dr. George Lucier, proffered the following conclusions:

Ethylmercury is a neurotoxin.

Infants may be more susceptible than adults.

Ethylmercury should be considered equipotent to methylmercury as a developmental neurotoxin. This conclusion is clearly public health protective.

Ethylmercury exposure from vaccines (added to dietary exposures to methylmercury) probably caused neurotoxic responses (likely subtle) in some children.

While the debate over whether ethyl or methylmercury is more toxic will probably not be resolved in the near future, a consensus appears to be emerging that exposure to these different types of mercury cannot be considered in isolation. Rather, witnesses before the Committee stressed that in determining safe levels of mercury exposure, the cumulative level of exposure to all types of mercury must be considered. Dr. Jeffrey Bradstreet made the following observation at the July 19, 2002 hearing:

''More concerning to me in the Institute's treatment of mercury problems, was the almost complete absence of regard for compounding effect of thimerosal on pre-existing mercury levels. The NHANES Study from the CDC had already established that perhaps one in ten children is born to mothers with elevated mercury burden.''

D. Because of its toxicity, mercury has become heavily regulated.

As the dangers of mercury have become better understood, the United States and other governments around the world have taken actions to reduce the release of mercury into the environment. In 1972, the federal government halted the use of mercury compounds for many industrial uses, such the paint used on the hulls of ships and compounds used to prevent the growth of fungi in lumber, because the mercury had leached into the environment and found its way into the human food chain.

In 1972, while certain agencies within the federal government recognized that mercury was a cumulative poison that damaged brain cells, the FDA's vaccine division seems to have ignored the issue until 1999.

1. The EPA is Regulating the Release of Mercury Into the Environment

The Environmental Protection Agency (EPA) under the Clean Air Act regulates airborne emissions of mercury. In December 2000, the EPA announced that it would issue new regulations on the emissions of mercury from coal and oil-fired power plants. That action was taken because, ''mercury has been identified as the toxic of greatest concern among all the air toxics emitted from power plants.''

More recently, President Bush announced on February 14, 2002, that mercury emissions from power plants would be reduced 69% under his Clear Skies Initiative. Under this plan, mercury emissions would be reduced from the current level of 48 tons nationally to 15 tons by 2018. The EPA also regulates mercury emissions from municipal waste combustors, medical waste incinerators, and hazardous waste incinerators.

The EPA works both domestically and internationally to reduce mercury exposures in the environment. The ''Canada-United States Strategy for the Virtual Elimination of Persistent Toxic Substances in the Great Lakes Basin'' is an example of these activities.

2. Different Limits to Exposure to Mercury Have Been Established by Different Agencies

In the course of regulating mercury, different government agencies have established different minimum risk levels for daily exposure to mercury. Exposure to less than the minimum risk level is believed to be safe, while exposure that exceeds that level is believed to increase the chances of injury. All of the levels apply specifically to ingested methylmercury.

The EPA established the most conservative level: 0.1 micrograms of mercury per kilogram of body weight per day. Under this standard, an 11–pound baby (roughly 5 kilograms) could be exposed to up to 0.5 micrograms of mercury per day and be considered safe. This exposure standard is a marked contrast to the 25 micrograms of mercury that was contained in several childhood vaccines until very recently.

The most lenient federal minimum risk level for mercury is the FDA's, which sets its limit at 0.4 micrograms per kilogram of body weight per day. (The United Nations' World Health Organization sets a slightly higher limit of 0.47 micrograms per kilogram of bodyweight per day.) Falling in between is the U.S. Agency for Toxic Substances and Disease Registry (ATSDR) at 0.3 micrograms.

In 2000, the National Academy of Sciences issued a report titled, Toxicological Effects of Methylmercury, validating the EPA's lower limit as a ''scientifically appropriate level that adequately protects the public.''

Methylmercury guidelines

Agency	Guideline value for maximum daily consumption (µg/kg/day) (micrograms per kilogram of body-weight per day)	Guideline 'type'
EPA	0.1	Reference dose (RfD).
ATSDR	0.3	Minimal risk level.
FDA	0.4	Tolerable daily intake.
WHO	0.47	Provisional daily tolerable intake (converted from a weekly tolerable intake).

The Committee repeatedly heard from government officials that merely exceeding the guideline was not cause for concern. One Merck official, in teaching a Grand Rounds session to staff in November of 1999, postulated that the minimum risk level would need to be multiplied by ten to reach a level at which harm would be expected through exposure. Dr. Roberta McKee of Merck wrote:

''A number of environmental and public health agencies have set a Minimum Risk Level (MRL) for toxic substances. An MRL for ingestion is conceptually equivalent to the Reference Dose of the US Environmental Protection Agency, the Acceptable Daily Intake of the US FDA, and the Tolerable Daily Intake of the WHO. Any exposure to the substance below the MRL is assured to be safe, while exposure to ten times the MRL is assumed to place one at risk of overdose. Exposure at or near the MRL is assumed to be safe but should trigger deliberate and careful review.''

Based on Dr. McKee's explanation, many babies were exposed to levels of mercury that ''placed one at risk of overdose,'' and were exposed to amounts well over ten times the EPA's scientifically validated reference dose. For example, at a recent Committee hearing, Chairman Dan Burton (R–IN) discussed his own family's experience with vaccine injuries:

''My grandson received vaccines for nine different diseases in one day. He may have been exposed to 62.5 micrograms of mercury in one day through his vaccines. According to his weight, the maximum safe level of mercury he should have been exposed to in one day is 1.5 micrograms, so that is 41 times the amount at which harm can be caused.''

According to the analysis of Dr. McKee, based on the methylmercury ingestion guidelines, the Chairman's grandson would have

exceeded the ''ten times the MRL'' and therefore was placed ''at risk of overdose.'' In fact, with a 62.5 microgram exposure alone, the EPA, ATSDR, and FDA levels would have been exceeded by 10 times. Because the FDA chose not to recall thimerosal-containing vaccines in 1999, in addition to all of those already injured, 8,000 children a day continued to be placed ''at risk for overdose'' for at least an additional two years.

It should also be noted that none of the Federal guidelines on mercury exposure have been included specific provisions for safe exposure limits for infants and children. It is widely accepted that infants and young children would be five times more sensitive to the toxic effect of mercury or other neurotoxins than adults. ''Exposures early in life are reasonably of greater health concern . . . because of greater brain organ susceptibility.''

The FDA has conceded in recent years that many children received doses of ethylmercury through their vaccinations that exceeded the EPA's minimal risk level for methylmercury. However, it is also clear that many infants received doses of ethylmercury that exceeded the FDA's higher threshold.

3. Warnings Have Been Issued About Mercury in Seafood

The FDA's actions regarding the risk of medical exposures to mercury have differed greatly from their actions regarding food exposures to mercury. The agency has a long history of issuing warnings to the public to monitor their fish consumption due to concerns about mercury exposure. During the 1990's, the FDA repeatedly issued warnings advising pregnant women and young children to avoid certain fish, or to limit their consumption of these fish because of their mercury content. In September of 1994, the FDA issued an advisory entitled, ''Mercury in Fish: Cause for Concern?'' in which they stated:

''Swordfish and Shark taste great—especially grilled or broiled. But reports which state that these and other large predatory fish may contain methylmercury levels in excess of the Food and Drug Administration's 1 part per million (ppm) limit has dampened some fish lover's appetites. . .'there is no doubt that when humans are exposed to high levels of methylmercury that poisoning and problems in the nervous system can occur' . . . the types of symptoms reflect the degree of exposure . . .

''During prenatal life, humans are susceptible to the toxic effects of high methylmercury exposure because of the sensitivity of the developing nervous system . . . Methylmercury easily crosses the placenta, and the mercury concentration rises to 30 percent higher in fetal red blood cells than in those of the mother . . . none of the studies of methylmercury poisoning victims have clearly shown the level at which newborns can tolerate exposure . . . Pregnant women and women of child bearing age, who may become pregnant, however, are advised by FDA experts to limit their consumption of shark and swordfish to no more than once a month.''

Similarly, a March 2001 FDA advisory states:

''Some fish contain high levels of a form of mercury called methylmercury that can harm an unborn child's developing nervous system if eaten regularly. By being informed about methylmercury and knowing the kinds of fish that are safe to eat, you can prevent any harm to your unborn child and still enjoy the health benefits of eating seafood.. . . While it is true that the primary danger from methylmercury in fish is to the developing nervous system of the unborn child, it is prudent for nursing mothers and young children not to eat these fish as well.''

In addition to the public advisories, the FDA, in January of 2001, established an aggressive ''Education Plan on Methyl Mercury.'' In January 2001, Associate FDA Commissioner Melinda Plaiser, responding to Congressman William J. Coyne (D–PA) regarding the National Academy of Sciences' report on Methylmercury, wrote:

''[L]et me reiterate, the FDA's commitment to protecting the public's health and the environment regarding mercury.''

Furthermore, in their training materials for employees, the FDA reflects a slightly different emphasis on mercury's toxicity than what they presented to the Committee:

''People are exposed every day to a tremendous number of substances in our environment. These substances include major and trace elements that may or may not be essential for sustaining life . . . Other elements are not known to be essential but are constantly found in living tissues . . . Of these elements that have no known nutritional value, some have been found to be toxic at concentrations well below those of other nonessential elements. Lead, cadmium, and mercury are examples of elements that are toxic when present at relatively low levels.''

Other HHS entities have taken very strong mercury reduction positions. For example, the National Institutes of Health's (NIH) Division of Safety has initiated a program to make the NIH mercury-free. According to the Division's own website:

''Elemental (metallic) mercury and its compounds are toxic and exposure to excessive levels can permanently damage or fatally injure the brain and kidneys. Elemental mercury can also be absorbed through the skin and cause allergic reactions. Ingestion of inorganic mercury compounds can cause severe renal and gastrointestinal toxicity. Organic compounds of mercury such as methylmercury are considered the most toxic forms of the element. Exposures to very small amounts of these compounds can result in devastating neurological damage and death.

''For fetuses, infants, and children, the primary health effects of mercury are on neurological development. Even low levels of mercury exposure, such as result from a mother's consumption of methylmercury in dietary sources, can adversely affect the brain and nervous system. Impacts on memory, attention, language and other skills have been found in children exposed to moderate levels in the womb.

''The Campaign for a Mercury Free at the NIH seeks to eliminate, as far as possible, the use of mercury in NIH facilities; to encourage the use of safer alternatives in biomedical research; to increase general awareness of mercury hazards; and to prevent mercury pollution.''

This NIH program has initiated a ''Hatters Pledge'' program to recruit scientists to reduce the use of mercury at the NIH and to educate children on the dangers of mercury.

The NIH Hatters Pledge:

I will:

Improve my awareness of mercury hazards and how to reduce them.

Replace mercury thermometers and other mercury-containing items with non- or low-mercury alternatives if suitable alternatives are available.

Dispose of mercury wastes following NIH procedures.

Report spills of mercury.

On the NIH campus, call the Fire Department (911) who are the NIH hazardous material (HAZMAT) emergency responder.

Off campus, call the local fire department or facility's hazardous material (HAZMAT) emergency responder.

Have areas that might have been contaminated by mercury surveyed and decontaminated, if necessary.

4. Over the Course of Two Decades, the FDA Slowly Removed Ethylmercury From Many Medicinal Products

In 1980, the FDA began a lengthy regulatory process to remove ethylmercury products from over-the counter products like topical ointments, diaper rash creams, and contraceptives. Topical ointments are products used on the skin either for the treatment or prevention of skin infections or inflammatory processes. They are typically divided into four categories, first-aid products to be applied to small superficial wounds to prevent infection; skin wound protectant to provide a protective barrier to small wounds; antibiotic or antifungal creams to prevent or treat overt skin infection; and anti-inflammatory agents used to reduce inflammation and inhibit pruritis.

In 1980, the FDA asked their Over-the-Counter (OTC) Review Panel to conduct a massive review of OTC products. The panel opted to divide the task into categories, one of which was a review of OTC products containing ethylmercury.

As a result of the panel's work, in 1982, the FDA issued a proposed rule to ban thimerosal from OTC topical ointments. In addition to raising questions about the general effectiveness of thimerosal for preventing infections, the FDA found that thimerosal was too toxic for OTC use. Among the findings that they published were the following:

At the cellular level, thimerosal has been found to be more toxic for human epithelial cells in vitro than mercuric chloride, mercuric nitrate, and merbromim (mercurichrome).

It was found to be 35.3 times more toxic for embryonic chick heart tissue than for staphylococcus aureus.

Delayed hypersensitivity in 50 percent of the guinea pigs tested, indicating that thimerosal is highly allergic and that it is reasonable to expect humans to be equally allergic.

The FDA concluded that while it has been suggested that hypersensitivity may be due to the thiosalicylate portion of the molecule and not the ethylmercury, this was not confirmed.

They noted a Swedish study which found in healthy subjects the following levels of hypersensitivity to thimerosal: 10% of school children; 16% of military recruits; 18% of twins, and 26% of medical students.

In 1982, the FDA advisory panel concluded that thimerosal was not generally recognized as safe: ''The Panel concludes that thimerosal is not safe for OTC topical use because of its potential for cell damage if applied to broken skin and its allergy potential. It is not effective as a topical antimicrobial because its bacteriostatic action can be reversed.''

Despite this strong finding, the FDA's proposed ban on the OTC use of thimerosal was not finalized until 1998, 18 years later. At the time of the OTC review, the industry chose not to challenge the findings of the Panel regarding the toxicity of thimerosal in OTC products. It is unclear why the FDA chose to do nothing for 18 years after a ''not generally recognized as safe'' finding.

Although the FDA went through that 18–year regulatory process to remove thimerosal from topical ointments, apparently no one at the FDA was prompted to review the use of thimerosal in vaccines. Action to remove thimerosal from vaccines did not begin until 1999, in response to the Congressionally mandated review. This will be discussed in more detail later in this report.

At the time of the 1999 FDA review on thimerosal, it was learned that over 50 vaccines

contained thimerosal. On July 9, 1999, the American Academy of Pediatrics joined the U.S. Public Health Service in issuing a joint statement recommending the removal of all thimerosal from vaccines. On its website, the FDA provides the following rationale for its policy on thimerosal:

''Over the past several years, because of an increasing awareness of the theoretical potential for neurotoxicity of even low levels of organomercurials, and because of the increased number of thimerosal-containing vaccines that have been added to the infant immunization schedule, concerns about the use of thimerosal in vaccines and other products have been raised. Indeed, because of these concerns, the Food and Drug Administration has worked with, and continues to work with, vaccine manufacturers to reduce or eliminate thimerosal from vaccines.''

In 1999, the FDA was criticized by some for not taking more forceful action to remove thimerosal from vaccinations; as a result of the FDA decision to seek a gradual removal, many children continued to receive injections of the DTaP, Hib, and Hepatitis B vaccine that contained mercury well into 2001. Mercury-containing vaccines manufactured in the United States, up to today, continue to be administered to infants and small children in the United States and abroad.

E. Thimerosal is still used in some medical products

While the FDA has taken steps over the last 20 years to remove ethylmercury from topical ointments and most pediatric vaccines, a number of medical products continue to contain this preservative.

Some nasal and ophthalmic products containing thimerosal remain on the market.

About 75 percent of the flu vaccines, recently recommended to be given to children as young as six months, contain at least trace amounts of thimerosal.

Many adult vaccines contain thimerosal.

Vaccines containing thimerosal continue to be manufactured in the United States and delivered through the World Health Organization (WHO) to Third World Countries. The WHO has continued to require the use of multi-dose vials and to use preservatives, including thimerosal, to address storage and transportation issues.

Of additional concern to the Committee, but not discussed in detail within this report, is the continued use of thimerosal in adult vaccines. There is a growing emphasis on adult immunizations, including getting boosters to childhood immunizations. Additionally, all new military recruits, active duty, and reserve forces that are deploying overseas are routinely given a large number of vaccines, many containing ethylmercury. These vaccines are often given consecutively and all in the same day.

U.S. MILITARY VACCINE SCHEDULE

Vaccine	No. Doses	Initial entry	Troops in US	Deployed	Region or other	Thimerosal content
Anthrax	6 + annual	N/A	N/A	6 + annual	6 + annual	0
DtaP	N/A	N/A	N/A			0 (or 0.5 mcg/dose)
Hib	N/A	N/A	N/A		(People without spleens)	0
Hep A	3 + boosters	N/A	3 + boosters	3 + boosters	3 + boosters	0
Hep B	3	3	3	3 (Korea)	3 (Korea), Health Care Workers, STDs.	0 (or 0.5 mcg/dose)
Influenza A&B	1 Annual	1	1 annual	1 Annual	1 Annual (Health workers)	25 mcg/dose or 24.5, mcg/dose or 1, mcg/dose or .98 mcg/dose
Jap Enceph	3 + biannual boosters	N/A	N/A	3 + biannual boosters	3 + biannual boosters (Travel Rural Asia).	35 mcg per 1 mL dose or 17.5 mcg/0.5 mL dose
MMR (Live)	1	1	N/A	Seldom needed	NA (Health workers)	0
Meningococcal MGC	1 every 3 years	1	N/A	Within 3 years	Travel to mid-Africa, Arabia	25 mcg/dose
Pneumococcal 17; PCBV–7	N/A	N/A	N/A	N/A	N/A	0
Pneumococcal 123; PPV–23	1	1 (Pendleton)	N/A	N/A	(No spleen, other chronic diseases).	0 or 25 mcg/dose
Polio Inactivated IPV	1 booster dose	1	N/A		(Travel Africa Asia)	0
Rabies	Pre:(3 doses + booster)	N/A	N/A		(Veterinary bites)	0
Smallpox (Live)	1 every 10 years	N/A	1	1	1	0
Td; TT (25 mcg)	1 every 10 years	1	1 every 10 years	1 every 10 years	1 every 10 years	8 mcg/dose or 25 mcg/dose.
Typhoid Injectable	1 every 2 years	N/A	1 every 2 days	Every 2 years	Every 2 years (travel)	0
Varicella (Live)	2 doses if needed	Screen, 2 doses	N/A	N/A	N/A	0
Yellow Fever (Live)	1 every 10 years	(N, MC) 1	1 every 10 years	1 every 10 years	1 every 10 years (travel Africa, Pacific, South Am).	0
Possible Total Thimerosal Exposure.				110.5 mcg per shot day	135.5 mcg per shot day	

(EPA Safety Limit: 0.1 mcg/kg of body weight per day)

The Committee calculated the bolus dose exposure of adult males and females below:

Adult weight with exposure rates according to EPA Safety Limit

100 pound: 0.1 mcg/45.359 kg of body weight per day = 4.54

120 pound: 0.1 mcg/54.431 kg of body weight per day = 5.44

150 pound: 0.1 mcg/68.039 kg of body weight per day = 6.8

180 pound: 0.1 mcg/81.647 kg of body weight per day = 8.16

It is clear from this chart that with a maximum safe limit of 8.16 micrograms in a day, individuals receiving either 110.5 micrograms or 135.5 micrograms in one day may be at risk for injury from mercury exposure. Even in keeping with the safety margin of 10 times the safety limit, purported by Dr. Roberta McKee of Merck, individuals at each of these weights would be exposed to levels of mercury that would be expected to put them at risk for adverse reactions.

The Committee received documentation from one Air Force pilot who suffered from serious symptoms of Gulf War Syndrome. After failing to have his medical issues resolved through the military or the Veterans Administration (VA) medical system, Captain Frank Schmuck, a pilot, became so ill that he was no longer able to fly. He sought medical treatment outside the military medical system and was tested for heavy metals, and was found to have toxic levels of mercury in his system. After chelation therapy, he returned to good health and has resumed flying. Gulf War Syndrome victims are not routinely tested for heavy metal toxicity or treated with chelation therapy by the military or the VA. Given the lack of progress in finding other successes with recovery from this condition, this is an issue that both the Department of Defense (DOD) and the VA should be aggressively evaluating on behalf of Gulf War veterans.

IV. THERE ARE GROWING QUESTIONS ABOUT WHETHER MERCURY IN CHILDHOOD VACCINES IS RELATED TO AUTISM SPECTRUM DISORDERS

A. Autism Is Growing at Epidemic Proportions

1. Introduction

Autism was once considered a rare disease that affected an estimated 1 in 10,000 individuals in the United States. The Committee held its first hearing on the dramatic rise in autism in April of 2000. At the time, Federal agencies were estimating that autism affected 1 in 500 children in the United States. By 2002, the National Institutes of Health had adjusted that rate to 1 in 250 children in the United States. The Autism Society of America estimates that the number of autistic children is growing by 10 to 17 percent each year.

In that first hearing, Chairman Burton reported that according to U.S. Department of Education statistics, requests for services for school-age children with autism spectrum disorders had risen dramatically in every state.

Mr. Burton: ''California has reported a 273 percent increase in children with autism since 1988 . . . Florida has reported a 571 percent increase in autism. Maryland has reported a 513 percent increase between 1993 and 1998 . . . In 1999, there were 2,462 children ages 3 to 21 in Indiana diagnosed with autism. That is one-fourth of 1 percent of all the school children in Indiana, or 1 out of every 400 . . . This increase is not just better counting. If we want to find a cure, we must first look to the cause.''

In July 2000, Dr. Stephanie Cave shared her observations about the rapid growth of autism and the pressures it is placing on families and medical professionals:

''I am in family practice in Baton Rouge, LA. I want to express my deep appreciation to you and to the members of the committee for allowing me to testify. I am presently treating over 300 autistic children, with an additional 150 waiting to get in.

''We are treating children from all over the United States and getting calls from many places around the globe. This is truly an epidemic. If you have any idea that it is not, I invite you to sit in my office for 2 hours.''

2. Studies Are Documenting the Incredible Growth of Autism

In the 1990's, the CDC conducted two prevalence studies that confirmed dramatic spikes in autism cases. One was conducted in Brick Township, New Jersey, the other in Atlanta, Georgia.

In late 1997, after noticing an apparently larger than expected number of children with autism in their community, a citizen's group in Brick Township, New Jersey, contacted the New Jersey Department of Health and Senior Services (DHSS). Because of the complexity of the disorder and the concerns that environmental factors might play a role, the New Jersey DHSS, U.S. Senator Robert Torricelli, and U.S. Representative Christopher Smith contacted the CDC and the ATSDR for assistance. In response, the CDC

conducted an extensive prevalence investigation.

The rate of autism among children in Brick Township was 4 per 1,000 (1 in 250) children aged 3 through 10 years. The prevalence of the more broadly defined autism spectrum disorder was 6.7 per 1,000 (1 in 150) children. It is important to note that even though the families of Brick Township requested that the CDC include an evaluation of a possible link between autism and their children's immunization, the CDC chose not to do so. Their evaluation of the cause of the cluster of autism in Brick Township was inconclusive.

The CDC's Atlanta study confirmed the dramatic results of the Brick Township study. The CDC found that 1,987 of the 289,456 children aged 3 to 10 years in metropolitan Atlanta in 1996 were autistic (1 in 146). These numbers were 10 times higher than studies conducted in the 1980s and early 1990s.

Last November, a study on autism in California determined that the number of autistic individuals in that state has nearly tripled. Equally important, the study stated that the increase was real, and could not be explained by changes in diagnostic criteria or better diagnoses. The study, funded by the state legislature and conducted by the University of California at Davis, determined that the number of autistic people in that state grew by 273% between 1987 and 1998.

The main author of the study, Dr. Robert Byrd, said, ''It is astounding to see a threefold increase in autism with no explanation . . . there's a number of things that need to be answered. We need to rethink the causes of autism.''

The 2002 report confirmed a 210 percent increase in the number of new children professionally diagnosed with the most severe cases of autism entering the developmental services system between 2001 and 2002. The system added 3,577 new cases in 2002.

It is important to note that the figures reported in California do not include persons with Pervasive Developmental Disorder (PDD), PDD-Not Otherwise Specified (PDD-NOS), Asperger's Syndrome, or any of the other milder autism spectrum disorders. The California data reflect only those children who have received a professional diagnosis of level one, DSM IV autism—the most severe form of autism.

3. The Causes of the Autism Epidemic Are Not Known

The underlying causes of the explosion in autism remains a mystery. While the medical community has made many advances over the years in developing treatments and better diagnostic tools, little progress has been made in understanding why some children become autistic.

Mr. Waxman: ''Autism is a particularly frustrating disease. We still do not understand what causes it and we still do not have a cure. All we know for sure is that its impact on families can be devastating. During the hearings held in this committee, we have heard parents tell tragic stories of children who appear to be developing normally and then all of a sudden retreat into themselves, stop communicating, and develop autistic behavior. Other parents have testified that their children never start to develop language skills, and instead early on manifest symptoms of autism. I can only imagine how frustrating and difficult this must be for families. And I appreciate how urgently we need to understand what causes autism, how to treat it, and if possible, how to prevent it.''

A summary of the developing theories on the causes of autism, as described in ''Autism & Vaccines: A New Look At An Old Story'' by Barbara Loe Fisher is paraphrased below:

In 1943, when child psychiatrist Leo Kanner first described 11 cases of a new mental illness in children he said was distinguished by self-absorbed detachment from other people and repetitive and bizarre behavior, he used the word ''autistic'' (from the Greek word auto, meaning ''self.'') Pointing out similarities with some behaviors exhibited by adult schizophrenics, Kanner and other psychiatrists assumed autistic children were exhibiting early-onset adult-type psychoses. Kanner's young patients came from well-educated middle and upper class families in Baltimore with mothers and fathers who were doctors, lawyers and professors. In 1954, Kanner said, ''We have not encountered any one autistic child who came of unintelligent parents.'' This concentration of autistic children in educated and professionally successful families led Kanner to develop the ''refrigerator Mom'' theory as the cause of autism, theorizing that the warm maternal instincts of educated working mothers was absent or diminished. Influenced by Kanner, pediatricians for decades were persuaded to blame mothers of autistic children for being cold and emotionally rejecting, causing the children in turn to coldly reject contact with other people.

By 1954, Kanner began modifying his ''Blame the Mother'' position in light of evidence that brothers and sisters of autistic children were often well-adjusted, high functioning children. These findings suggested that the development of autism was also a result of genetic or ''constitutional inadequacies'' as well as bad parenting. In 1971, Kanner admitted that Mothers were not to blame. However, psychoanalyst Bruno Bettleheim continued purporting the ''rejecting parent'' theme. Bettleheim, a holocaust death-camp survivor, insisted that the autistic child was behaving in abnormal ways in retaliation against a rejecting mother who had traumatized the child by failing to provide enough love or attention.

However, a California psychologist and father of an autistic child, Bernard Rimland, Ph.D., in 1964 disproved Dr. Bettleheim's theories through the publication of his landmark book Infantile Autism: The Syndrome and Its Implications for a Neural Theory of Behavior. In this book, Dr. Rimland methodically dismantled the psychoanalytic theory of autism and argued for a biological, specifically a neurological, basis for autistic behavior. Dr. Rimland documented the similarities between brain injured children and autistic children, liberating parents from the destructive guilt associated with having an autistic child and pointing autism research in the direction of investigating the biological mechanisms underlying the brain and immune dysfunction symptoms and their possible causes.

In 1965, Dr. Rimland established the Autism Society of America (ASA). In 1967 he established the Autism Research Institute (ARI) and began distributing a questionnaire to parents of autistic children. Some 36 years later, his databank includes information on more than 30,000 cases of autism from around the world. In analyzing the data for age of onset of autism, he discovered that before the early 1980's, most of the parents reported their children first showed signs of abnormal behavior from birth or in the first year of life. But after the mid-1980's, there was a reversal of this pattern. The numbers of parents reporting that their children developed normally in the first year and a half of life and then suddenly became autistic doubled. Today, Rimland says that the onset-at-18-months children outnumber the onset-at-birth children by 2 to 1.

Today, no one can pinpoint the exact cause or causes of autism. Nor is there any conclusive explanation for the rapid growth in cases of late-onset autism. Most experts believe that some combination of genetic and environmental factors must be at work. A leading and prominent theory is that the growing amount of mercury in childhood vaccines may have triggered an autistic response in children who are genetically predisposed to being vulnerable to mercury damage.

B. The alarming growth in autism coincided with an increase in the number of childhood vaccines containing thimerosal on the recommended schedule

Through most of the twentieth century, individuals were required to receive very few vaccines. However, with the licensing of the Hepatitis B (Hep B) vaccine and the Haemophilus Influenzae Type b (Hib) vaccine starting in the mid-to-late 1980's, and their subsequent recommendation for universal use in 1991, the amount of mercury to which infants were exposed rose dramatically. It was during this period of increased exposure to thimerosal and its ethylmercury component that the growing wave of late-onset autism became apparent. This confluence of events led many to suspect a correlation between the two and call for more research into the relationship between ethylmercury in vaccines and autism spectrum disorders.

A number of vaccines never contained thimerosal. These classes of vaccines are generally live-virus vaccines. The ethylmercury in thimerosal would kill the living virus, making it unsuitable for such vaccines. These shots include the Measles-Mumps-Rubella (MMR) vaccine, the oral polio vaccines (which are no longer recommended for use in the United States), and the chicken pox (varicella zoster) vaccines.

Prior to the approval of the recombinant Hepatitis B vaccine in 1986, the only vaccine containing thimerosal routinely given to infants was the DTP vaccine. DTP contained 25 micrograms of ethylmercury and was given 3 times in the first six months of life (75 micrograms of ethylmercury) and a total of four times in two years (100 micrograms of ethylmercury).

The polysaccaride Haemophulus Influenzae B (Hib) vaccine was first licensed in 1985. It had 25 micrograms of ethylmercury and was given 3 times in the first six months of life (75 micrograms of ethylmercury) and a total of four times in the first two years of life.

The approval of the Hep B vaccine in 1986 added another thimerosal-containing shot to the recommended schedule. This vaccine contained 12.5 micrograms of ethylmercury and was given within hours of birth and a total of 3 times in the first six months of life (37.5 micrograms of ethylmercury).

After 1986, some children went from getting 25 micrograms in one day or 75 micrograms in the first six months of life to getting 62.5 micrograms of ethylmercury in a day or 187.5 micrograms in the first six months of life. This would be in addition to any fetal exposure to mercury from the mother. In 1991, the CDC recommended that both Hib and Hep B be added to the universal recommendations for childhood immunization.

As was noted previously, the effects of ethylmercury have not been studied as carefully as methylmercury, and the Federal Government has not established safety thresholds for ethylmercury exposure. Because of the obvious similarities between the two, however, when the FDA reviewed the amount of injected ethylmercury in vaccines in 1999, they compared it to the Federal limits for (ingested) methylmercury exposure. They were compelled to admit at that point that the cumulative amount of ethylmercury in vaccines exceeded the EPA's threshold for exposure to methylmercury. This led the

FDA to recommend the removal of thimerosal from most pediatric vaccines in 1999, more than a decade after the Hepatitis B vaccine was added to the schedule.

In point of fact, the potential problem was worse than the FDA suggested. Not only did the cumulative amount of ethylmercury on the routine schedule exceed the EPA's limit, the amount of ethylmercury in each individual shot of DTP (or DTaP) and Hepatitis B exceeded the limit. Young children were getting three boosters of each shot. The EPA's threshold is 0.1 micrograms of methylmercury for each kilogram of body weight. This does not mean that injury would definitely occur above this level because a significant safety margin is built in. However, the chances of injury increase as the exposure rises above this level. For an 11–pound baby (five kilograms), the threshold would be roughly 0.5 micrograms. For a 22–pound baby (ten kilograms), the threshold would be 1 microgram. The DTP (and DTaP) vaccine contained 25 micrograms of thimerosal per dose, as does the Hepatitis B vaccine. The Hib vaccine contained 12.5 micrograms per dose. In addition, it is clear that for many, many children, the amount of thimerosal they received in vaccines in the 1990's also exceeded the FDA's higher threshold of 0.4 micrograms per kilogram of body weight.

Of particular concern to many parents are those instances in which children received several vaccines in one visit to their pediatrician. This practice has become commonplace with the new vaccine schedules recommending 26 doses of vaccines before school attendance.

Chairman Burton spoke about one such incident at a recent hearing: ''The FDA recently acknowledged that in the first 6 months of life children get more mercury than is considered safe by the EPA. The truth is that sometimes kids go to their doctor's office and get four or five vaccines at the same time. My grandson received vaccines for nine different diseases in 1 day. He may have been exposed to 62.5 micrograms of mercury in 1 day through his vaccines. According to his weight, the maximum safe level of mercury he should have been exposed to in 1 day is 1.5 micrograms, so that is 41 times the amount at which harm can be caused.

When testifying before the Committee, Mrs. Lynn Redwood made the following observation regarding her son's bolus exposure to mercury through vaccinations: ''According to the EPA criteria, his allowable dose was only 0.5 micrograms based on his weight. He had received 125 times his allowable exposure on that day. The large injected bolus exposures continued at two months, four months, 12 months, and 18 months to a total mercury exposure of 237.5 micrograms. I also discovered that the injections that I received during my pregnancy, the first and third trimesters, and hours after the delivery of my son to prevent RH blood incompatibility disease also contained mercury.''

Concern that autism may be linked to vaccines is not a new debate. Twelve years ago, the Institute of Medicine was asked to evaluate the science on a possible connection. The Institute of Medicine published Adverse Effects of Pertussis and Rubella Vaccines and confirmed that pertussis and rubella vaccines can cause brain and immune system damage. At the time, an increasing number of parents reported that their previously normal children were regressing into autism after DTP or MMR vaccination. However, the IOM physician committee charged with analyzing the medical literature for evidence of cause and effect, rejected the reported link between pertussis vaccine and autism, because 'no data were identified [in the medical literature] that address the question of a relation between vaccination with DTP or its pertussis component and autism.'

Dr. Stephanie Cave, who provided testimony to the Committee, is a doctor in Baton Rouge, Louisiana whose medical practice is focused on treating children with the symptoms of autism. She concurs with other experts from whom the Committee received testimony that there appears to be a correlation between increased use of vaccines containing thimerosal and a rise in autism:

''I believe that the introduction of the hepatitis B vaccine in 1991 has sparked this recent epidemic because of thimerosal. When added to the mercury imparted through the DTP and HIB, the exposure to mercury exceeds EPA safe limits for the metal if you consider a bolus dose on a single day.

''The EPA limits are usually related to ingested mercury, which is partially cleared by the liver. Injecting boluses of ethylmercury presents an entirely different, another scenario. The 2–month dose of mercury is at least 30 times higher than the recommended daily maximum exposure set by the EPA. During the 1990's, infants received 12.5 micrograms of mercury at birth, followed by 12.5 micrograms at 1 month, 62.5 micrograms at 2 months, 50 micrograms at 4 months, 50 micrograms at 6 months, 50 micrograms at 15 to 18 months; a total of 237.5 micrograms for a child who at best weighs 10 kilograms. This far exceeds the safety limits if you consider bolus dosing. Safety limits would be more like 1 to 1.5 micrograms.

''The bile production is minimal in infancy, making it more difficult for metals to be cleared from the body. When added to a vaccine, the metals are even more dangerous because the vaccines trigger immune reactions that increase the permeability of the GI tract and the blood/brain barrier.

''The injection of mercury appears to affect only certain children, but I fear that we've underestimated the devastation by concentrating only on the autistic children. We're measuring elevated levels of mercury in other children with milder difficulties like learning disabilities, ADHD, Asperger's Syndrome and many others. We do not have any idea what the scope of this problem is at this point. And there are no safety standards for infants getting bolus doses of ethylmercury.''

V. VALID CONCERNS ABOUT MERCURY IN VACCINES WERE IGNORED BY FEDERAL POLICYMAKERS AND VACCINE MANUFACTURERS FOR DECADES

As early as 1931, scientists were noting adverse reactions to thimerosal. In fact, Dr. Kharasch filed a new patent application because he reformulated the product to ''stabilize merthiolate due to its tendency to acquire 'certain burning qualities'.''

In 1932, in a paper published by Lilly researchers who found Merthiolate to be a skin-disinfecting agent, it was noted that another researcher has seen adverse reactions. ''Reimann has reported that some individuals display a sensitiveness to thio [thimerosal] compounds, which is characterized by reddening of the treated area and the appearance of small papules and vesicles.''

In 1935, in a letter from the Director of Biological Services, of the Pittman-Moore Company to Dr. Jamieson of Eli Lilly, ''we have obtained marked local reaction in about 50 percent of the dogs injected with serum containing dilutions of Merthiolate varying from 1 in 40,000 to 1 in 5,000 . . . no connection between the lot of serum and the reaction. In other words, Merthiolate is unsatisfactory as a preservative for serum intended for use on dogs . . . I might say that we have tested Merthiolate on humans and find that it gives a more marked local reaction than does phenol and tricresol.''

In 1942, an Army doctor in Baltimore, Maryland published a journal paper in which he raised concerns about thimerosal: ''Some investigators claim that if a patient's skin is sensitive to one of the mercurials he may be sensitive to any compound containing mercury. We have investigated 5 patients with dermatitis due to Merthiolate and found that four were sensitive to Merthiolate and not to any other organic or inorganic mercury compounds with which they were tested . . . Sulzberger found that in performing routine patch tests with 10 percent ammoniated mercury ointment and 10 percent salicylic acid ointment he obtained relatively few positive reactions; but if the two ointments were combined so that the concentration was five percent of each, then 50 percent of all patients tested gave positive reactions.'' Dr. Elliss further explained in his paper, ''Dr. J. H. Mitchell in a lecture before the American Academy of Dermatology in New York in December 1941, stated that he had observed a number of cases of severe dermatitis following the treatment of dermatophytosis with preparations of Merthiolate.''

In 1943, Dr. Elliss published a case report in the Archives of Opthalmology, which states:

''The positive results of patch tests demonstrated that the two patients were sensitive to tincture of merthiolate were also sensitive to 1:5000 merthiolate ophthalmic ointment and that merthiolate is capable of causing an inflammation of the mucous membrane in patients who are sensitive to the drug. In view of these facts it is recommended: 1. That Merthiolate ophthalmic ointment should not be used in or about the eye unless it has been previously demonstrated by patch tests that the patient is not sensitive to the ointment. 2. That the package should be labeled to warn the consumer that such tests should be made previous to the use of merthiolate ophthalmic ointment in or about the eye. Since a patient may become sensitized to Merthiolate while using the ophthalmic ointment, it may be advisable to withdraw this product from the market before a case of permanent ocular damage occurs, in spite of the fact that no cases of ocular injury due to merthiolate have been reported.''

Taken from an October 1978, letter from William R. Gibson to Dr. Alan Baskett, of the Commonwealth Laboratories in Victoria Australia regarding a concern that thimerosal in the Australian pertussis vaccine was linked to intersucception in mice:

''I discussed the possible effect of ethylmercury with Bordetella pertussis to supplement B-adrenergic blockade. Again, it was not believed that this blockade should predispose toward intessusception, although it was recognized that increased motility resulted and that this could be causative. As with other chemicals of its generation, data relating to its safety and pharmacological effects in animal models are sparse.''

In August of 1998, an FDA internal ''Point Paper'' was prepared for the Maternal Immunization Working Group. This document, prepared almost a full year before the Public Health Service—American Academy of Pediatrics joint statement made the following recommendation:

''For investigational vaccines indicated for maternal immunization, the use of single dose vials should be required to avoid the need of preservative in multi-dose vials . . . Of concern here is the potential neurotoxic effect of mercury especially when considering cumulative doses of this component in early infancy . . .''

On September 8, 1998, the Safety Working Party of the European Agency for the Evaluation of Medicinal Products issued its working paper, ''Assessment of the Toxicity of Thimerosal in Relation to Its Use in Medicinal Products.'' The Working Party concluded:

''There is ample evidence from the literature that thiomersal (thimerosal) may cause sensitization and subsequent allergic reactions . . . the use of thimerosal is vaccines given to infants in accordance with various national vaccine programs may in certain cases result in approximately two times higher intake of ethylmercury during the first year of life than what can be considered reasonably safe. Given the great uncertainty of the estimations of safe levels in young children, it is suggested to restrict the use of thimerosal in vaccines.''

In June of 2000, the CDC convened a closed meeting to discuss research evidence that showed a connection between thimerosal in vaccines and neurological injury. Dr. Thomas Verstraeten, a CDC employee who has since left the agency to work in Belgium for a vaccine manufacturer, utilized the Vaccine Safety Datalink to evaluate any possible connection between thimerosal-preserved vaccines and neurological or renal impairment. He found, ''a statistically significant positive correlation between the cumulative exposure at 2 months and unspecified developmental delay; the cumulative exposure at 3 months and tics; the cumulative exposure at 6 months and attention deficit disorder . . . 1, 3 and 6 months and language and speech delay . . . 1, 3, and 6 months of age and neurodevelopmental delays in general.''

He concludes:

''This analysis suggests that in our study population, the risks of tics, ADD, language and speech delays, and developmental delays in general may be increased by exposures to mercury from thimerosal-containing vaccines during the first six months of life.''

This issue will be discussed in more detail in another section of this report.

The Committee and the public have been frustrated by the Department of Health and Human Services reluctance to accept that all forms of mercury are toxic and that children have likely been harmed from the FDA's negligence in assuring the safety of thimerosal and in not monitoring the increased exposure to mercury through vaccines.

During the July of 2000 hearing on mercury, Congresswoman Helen Chenoweth-Hage (R–ID) eloquently expressed the views of many.

Mrs. Chenoweth-Hage:

''. . . I have a staffer who is in the Navy Reserve right now, but he used to be active with the airborne divisions, and he was in for a test in one of the medical military hospitals, and upon taking his temperature, they broke a thermometer, and mercury splattered across his glasses and some got in his eye. Well, the first thing they did was cutoff his clothes. The second thing was call in OSHA to clean up the mercury. And then they worked on him to make sure his eyes were irrigated, and you guys, you witnesses, absolutely amaze me. I wonder where the disconnect is, for Pete's sake.

''You listened to the testimony just as I did, and you are willing to, with a straight face, tell us that you are eventually going to phase this out after we know that a small baby's body is slammed with 62 times the amount of mercury that it is supposed to have, and OSHA reacts like they did in the case of this accident of this naval man. It doesn't make sense. No wonder people are losing faith in their government. And to have one of the witnesses tell us it is because mothers eat too much fish? Come on. We expect you to get real. We heard devastating testimony in this hearing today, and we heard it last April. And this is the kind of response we get from our government agencies?

I am sorry. When I was a little girl, my daddy talked to me about something about a duck test. I would ask each one of you to read this very excellent work by Sallie Bernard and Albert Enayati, who testified here today. My daddy used to say if it walks like a duck and talks like a duck and sounds like a duck, for Pete's sake it is a duck.

''I recommend that you read this, side-by-side, page after page of analysis of the symptoms of people who are affected with mercury poisoning compared to autism, this is the duck test, and you folks are trying to tell us that you can't take this off the market when 8,000 children are going to be injected tomorrow; 80 children may be coming down, beginning tomorrow, with autism? What if there was an E. coli scare? What if there was a problem with an automobile? The recall would be like that.

''We are asking you to do more than analyze it. We are asking you to tell this body and the American people that it is more inconclusive. It passes the duck test, and we need you to respond. We need that to come off the market now because you think that this is—do you think that we are elevating the case today? Just wait until it gets in the courts. This case could dwarf the tobacco case. And we would expect you to do something now before that circus starts taking place. Denial is not proper right now.

''You know, I still go back to the fact—I still want to talk about the duck test. Mr. Egan, [FDA] I will address this to you. You know, it was shown in the last panel that autistic symptoms emerge after vaccination. It was shown that vaccines contain toxic doses of mercury. It was shown that autism and mercury poisoning, the physiological comparison is striking. There is altered neurotransmitter activity, abnormal brain neuronal organization, immune system disturbance, EEG abnormalities. It goes on and on and on, the comparisons. That is why I say, I back up what the Chairman and the ranking member are all asking you, that we cannot wait until 2001 to have this pulled off.

''You know, if a jury were to look at this, the circumstantial evidence would be overwhelming. Let's do something before we see it in the courts.''

In 2003, thimerosal remains in some vaccines.

A. Many parents of autistic children believe that adverse reactions to vaccines are responsible for their children's condition

Based on their personal experiences, many parents believe that the autistic condition of their children is related to an adverse reaction to a childhood vaccine, or a series of vaccinations. This is particularly true of parents of children who have developed ''late onset autism,'' in which symptoms do not begin to emerge until the child is between one and two years old. This time period coincides with a number of vaccinations on the childhood schedule. While this belief is not universal, many parents hold it passionately.

Dr. Jeffrey Bradstreet, when testifying before the Committee in 2001, made the following statement:

''At a recent autism conference in Chicago, and prior to either my own presentation or that of Dr. Wakefield, I asked the audience of 500 parents if they felt their child regressed following a vaccine. In that obviously non-scientific survey, approximately 90 percent the parents raised their hands to affirm vaccines were what they suspected had caused their child's symptoms. When I asked for how many had reported the event under the VAERS system, fewer than 15 said they had. Then I asked if their pediatrician had offered to report this, they just laughed. I have now conducted this simple survey with over 5000 parents at conferences around the world with similar findings. Yes, media attention creates bias. But despite the informal nature of this survey, it does tell us something about this debate we are currently engaged in: (1) parents of children with autism suspect vaccines damaged their child, (2) parents are not reporting this using VAERS forms, (3) pediatricians are not reporting to VAERS either, (4) and despite efforts by policymakers at CDC, FDA, AAP, IOM and elsewhere to reassure parents of the safety of vaccines, they remain unconvinced.''

The Committee has heard moving testimony from parents in support of this belief, as well as from parent-advocates. Shelley Reynolds is a mother of two from Baton Rouge, Louisiana. When she testified before the Committee in April of 2000, her autistic son, Liam, was four years old. Her testimony left no doubt as to her views:

''Liam was a normally developing baby until June 27, 1997, when he received his MMR and Hib vaccines. He did everything he was supposed to do. He cooed, rolled over, crept, crawled, pulled up and walked on time. He said 'Mama,' he said 'Daddy,' he said 'Love you.' He learned how to sing 'Itsy Bitsy Spider.' He played finger games with us. He loved to interact, and he especially loved to show off for his grandparents.''

* * * * *

''But when he was 17 months old, shortly after he had received the shots, he started exhibiting some different behaviors. He was constantly taking off his shoes; he screamed if we dressed or undressed him; he would stare for hours in front of the television and would not move if you blocked the view. He could not tolerate playing in the sandbox anymore. He did not want to sing any of his favorite songs; he would cover his ears and scream 'No.'''

* * * * *

''In Liam's case, we have no doubt that he developed his autism as a direct result of an adverse vaccine reaction.''

* * * * *

''Many in the medical community continue to dismiss this as mere happenstance because autism often coincides with the time of vaccination, and state that there is no scientific evidence to back this up. My question to you is: How long does it take for a coincidence to surface time and time and time again, case after case after case, before it can become a viable hypothesis, especially when the solution to solving the problem seems so apparent?''

At the same hearing, the Committee heard testimony from Jeana Smith of Denham Springs, Louisiana. At the time, she was the mother of five-year-old twins, one of whom was autistic. Her testimony made equally clear her conviction that her son's autism was related to a series of vaccinations given on the same day:

''Jacob met every developmental milestone that first year, right along with Jesse. They were two little peas in a pod and went everywhere together. At only 16 months of age, Jacob and Jesse received their first MMR vaccine. On this same day, they also received their fourth DTP, their fourth Hib, and their third hepatitis B. The following 24 hours, both twins slept most of the time, with over 100-degree temperatures, in spite of receiving the recommended Tylenol dosage every 6 hours. Immediately following that, Jacob began exhibiting strange behaviors. He was no longer excited or responsive when Daddy would come home from work. He began to become preoccupied with certain toys. He would spend long periods of time studying the way their wheels would spin or whether or not they were lined up just right. Any attempt to interrupt or distract him was met with great resistance and an eventual fit.

During this time, Jesse continued to progress, starting to talk and interact with all the children around him.''

* * * * *

''At times, Jacob was so withdrawn that we could absolutely not reach him.''

* * * * *

''For us, there is no denying that in Jacob's case of autism, the answer does not lie in genetics, but in a catalyst. The thousands of hours of research that we have spent searching and retracing his regression continue to point to the fact that the road of Jacob's autism began when his immune system was damaged by the hepatitis B vaccine he received when he was ill. The final blow was the adverse reaction to the host of vaccines he received 16 months later. We are certain that for Jacob, the catalyst was his vaccine.''

Testifying two years later, on April 18, 2002, Autism Society of America President Lee Grossman testified about the strongly held views of many of the Society's members:

''A substantial number of families within our autism community believe some forms of autism may be caused by some use of vaccines. While we do not know this to be specifically proved at this time, we should not ignore the body of evidence that calls into question the source of many children with autism. If causation is found, those injured must be provided recourse and compensation.''

* * * * *

''I think the stories that I have heard that many of our members tell, that many of these people in the audience will tell you, is that they believe that there is evidence that there is a direct linkage, a direct causation of vaccines causing their child's autism. I think it is imperative for us, the advocates in the room, for ASA, and for Congress, for the lay public, to stand together to get this question answered, answered immediately.''

B. Many parents of autistic children have filed petitions for compensation or lawsuits against vaccine manufacturers

Not surprisingly, suspicions that there may be a causal relationship between some vaccines and autism have spawned a significant amount of litigation.

As of October 2002, more than 875 families had filed petitions for compensation under the Federal Vaccine Injury Compensation Program (VICP), alleging that a vaccine or a series of vaccines caused their child's autism. It has been estimated that as many as 3,000 to 5,000 such petitions may be filed in the near future.

Congress established the VICP in 1987 to provide compensation to families of individuals who suffer vaccine injuries. The Federal government maintains a trust fund out of which awards are paid and which is funded by an excise tax on vaccines. Petitions for compensation are adjudicated before a team of special masters, with the Justice Department representing the Federal government.

With the knowledge that the growing number of petitions seeking compensation for autism spectrum disorders poses a difficult challenge for the VICP, the Chief Special Master laid out a special two-part procedure for resolving these claims. First, a general causation inquiry known as the ''Omnibus Autism Proceeding'' will be conducted to determine generally if vaccines can cause autism disorders, and if so, under what circumstances. The two-year schedule for completing this omnibus proceeding includes a discovery period for establishing an evidentiary record, testimony of expert witnesses, an evidentiary hearing, and a ruling on general causation issues by July of 2004. In the second part of the two-part procedure, the Special Master's determination in the omnibus proceeding will be applied to individual cases.

Thus far, there are two primary contentions underlying all of the autism cases filed in the VICP. The first is that the MMR vaccine has caused autism in some children. The second alleges that the mercury contained in several other vaccines caused neurological damage, resulting in autism spectrum disorders. These contentions are summarized in the Master Autism Petition For Vaccine Compensation filed by the families:

''As a direct result of one or more vaccinations covered under the National Vaccine Injury Compensation Program, the vaccine in question has developed a neurodevelopmental disorder, consisting of an 'Autism Spectrum Disorder' or a similar disorder. This disorder was caused by a measles-mumps-rubella (MMR) vaccination; by the 'thimerosal' ingredient in certain Diptheria-Tetanus-Pertussis (DTP), Diphtheria-Tetanus-acellular Pertussis (DTaP), Hepatitis B, and Hemophilus Influenza Type B (HIB) vaccinations; or by some combination of the two [vaccine administrations].''

In addition to petitions filed under the VICP, many parents have filed lawsuits against vaccine manufacturers and manufacturers of thimerosal. The first such lawsuit was filed in Texas in May of 2001 on behalf of five-year-old Joseph Alexander Counter (Counter v. American Home Products). According to his parents and attorneys, he was diagnosed with autism and then was found to have high levels of mercury exposure. Later that year, a group of law firms calling themselves the ''Mercury Vaccine Alliance'' filed class action lawsuits in nine different states.

While dozens of lawsuits have been filed, they generally fall into three different categories:

1. Actions claiming that thimerosal is an adulterant or a contaminant in a vaccine;

2. Actions seeking compensation for loss of consortium (love and companionship) on behalf of parents of autistic children; and

3. Class actions seeking compensation for autistic children and medical monitoring for broad populations of children who were exposed to mercury in vaccines.

Under the National Childhood Vaccine Injury Act, which created the Vaccine Injury Compensation Program, victims of vaccine injuries are not allowed to file lawsuits against vaccine manufacturers unless they have first sought compensation through the VICP. However, one exception allows lawsuits for vaccine injuries allegedly caused by an ''adulterant'' or a ''contaminant'' intentionally added to the vaccine. In twin decisions in May of 2002, a Federal judge ruled that thimerosal could not be considered an adulterant or a contaminant, and claims filed on that basis were dismissed. However, in those same decisions, the court ruled that parents of vaccine-injured children are entitled to seek damages in court for loss of consortium without going through the VICP.

As these cases work their way through the courts, procedural rulings in different jurisdictions will have a great influence on whether potentially thousands of families seek compensation through the courts or through the VICP.

VI. A GROWING NUMBER OF SCIENTISTS AND DOCTORS BELIEVE THAT A RELATIONSHIP BETWEEN THIMEROSAL IN VACCINES AND AUTISM SPECTRUM DISORDERS IS PLAUSIBLE

A. Introduction

A growing number of respected scientists and researchers are convinced that there is a relationship between the use of thimerosal in childhood vaccines and the growing incidence of autism. A number of these scientists have testified before the Committee. At the same time, senior officials from Federal health care agencies and other public health experts continue to insist that there is no evidence of such a relationship.

Two things appear to be clear in this debate. First, concerns about the use of thimerosal in vaccines existed in public health agencies for more than two decades before action was taken to remove them from vaccines. The lethargic response to these legitimate concerns will be discussed in the following section of this report. Second, much more research needs to be done before any conclusive determinations can be made about vaccines and autism spectrum disorders. Developing more and better research data will be critically important to resolving the legal disputes over compensation for children with autism, and restoring the confidence of the American public in vaccines.

This section will review the current state of the scientific debate over vaccines and autism.

B. Institute of Medicine reports call for more research

In 2001, the Institute of Medicine (IOM) released two reports after reviewing the evidence they received related to possible connections between vaccines and autism. The IOM was created by the National Academy of Sciences in 1970 to conduct independent analyses of public policy matters related to health care. The first report dealt with the MMR vaccine. The second dealt with vaccines containing thimerosal. The common thread linking both reports was the conclusion that much more research needed to be done before firm conclusions could be drawn.

In April of 2001, the IOM issued its report on the MMR vaccine, entitled, ''Immunization Safety Review—Measles-Mumps-Rubella Vaccine and Autism.'' After reviewing the available scientific studies, the IOM determined that: ''The evidence favors rejection of a causal relationship at the population level between MMR vaccine and autism spectrum disorders.''

The IOM stated that the epidemiological evidence available at the time showed no association at a population level between the MMR vaccine and autism. However, the authors cautioned that if the vaccine triggered autistic disorders among a small number of children who were predisposed to an adverse reaction, the population studies that had been done to-date would be too imprecise to detect them:

''It is important to recognize the inherent methodological limitations of such studies in establishing causality. Studies may not have sufficient precision to detect very rare occurrences on a population level. A poor understanding of the risk factors and failure to use a standard case definition may also hamper the ability of epidemiological studies to detect rare adverse events.''

The IOM recommended further research to determine if exposure to the MMR vaccine is a risk factor for autism disorders in a small number of children. They also called for targeted studies to follow up on a groundbreaking series of case studies by Dr. Andrew Wakefield of Great Britain, who determined that 12 British children who suffered from autism spectrum disorders and chronic bowel inflammation also had vaccine-strain measles virus in their tissues. Although the parents of eight of the twelve children traced the onset of autistic symptoms to the time period when the MMR vaccination was given, the IOM stated that the study was of limited utility because of its small sample size.''

Six months later, the IOM issued its second report, entitled, ''Immunization Safety Review—Thimerosal-Containing Vaccines

and Neurodevelopmental Disorders.'' They found insufficient evidence to accept or reject a connection between thimerosal in vaccines and autism. They did, however, state that such a connection is ''biologically plausible,'' and recommended much more research on the issue.

The report summarized:

''The committee concludes that although the hypothesis that exposure to thimerosal-containing vaccines could be associated with neurodevelopmental disorders is not established and rests on indirect and incomplete information, primarily from analogies with methylmercury and levels of maximum mercury exposure from vaccines given in children, the hypothesis is biologically plausible.''

* * * * *

''The committee concludes that the evidence is inadequate to accept or reject a causal relationship between exposure to thimerosal from vaccines and the neurodevelopmental disorders of autism, ADHD, and speech or language delay.''

The IOM noted that it had reviewed the results of one unpublished epidemiological study that detected a ''statistically significant but weak association'' between exposure to thimerosal-containing vaccines and several types of developmental disorders, including attention deficit disorder, speech and language delay, tics, and general neurodevelopmental delays. Phase I of the study, which was performed with data from the CDC's Vaccine Safety Datalink, (VSD) uncovered the aforementioned associations.

Phase II of the study, which provided enough data to analyze only speech delays and attention deficit disorder, did not detect an association between those disorders and thimerosal, as had Phase I. After being briefed on both phases of the study, the IOM's Immunization Safety Review Committee agreed that they were inconclusive. The ''VSD Study'' is discussed at greater length in Section VII.

The IOM also noted with some discomfort that thimerosal had not been removed from all vaccines and medicines given to children and pregnant women. The report specifically cited the influenza vaccine, the diphtheria-tetanus toxoid vaccine, and some nasal sprays. They urged that, ''full consideration be given by appropriate professional societies and government agencies to removing thimerosal from vaccines administered to infants, children or pregnant women in the United States.'' It was also recommended that any remaining stocks of childhood vaccines containing mercury be removed from doctor's offices and replaced with mercury-free alternatives.

Finally, the report recommended that numerous types of research be conducted to help the scientific community better determine if there is a causal relationship between thimerosal and autism or other disorders. The IOM called for:

Case-control studies examining the potential link between neurodevelopmental disorders and thimerosal-containing vaccines;

Further analysis of cohorts of children who did not receive thimerosal-containing doses of vaccines during clinical trials;

Epidemiological studies comparing the prevalence of neurological disorders in children, who received vaccines before thimerosal was removed, to children who received vaccines after it was removed;

An increased effort to identify the primary sources and levels of prenatal and postnatal exposure to thimerosal;

Clinical research on how children metabolize and excrete metals;

Theoretical modeling of ethylmercury exposures, including the incremental burden of thimerosal on background mercury exposures from other sources;

Research in appropriate animal models on neurodevelopmental effects of ethylmercury;

Rigorous scientific investigations of chelation as a treatment for neurodevelopmental disorders; and

Research to identify a safe, effective and inexpensive alternative to thimerosal for countries that decide they want to follow the example of Europe and the United States and terminate its use in vaccines.

C. A growing number of researchers believe that there may be a relationship between vaccines and autism spectrum disorders

A growing number of researchers and medical professionals believe that there may be a link between the mercury preservative used in vaccines and autism spectrum disorders and other neurodevelopmental disorders. Few, if any, would make such a statement categorically until more research is done. However, judging by testimony received by the Committee, many researchers believe that this hypothesis is plausible based on work they have done to-date. They believe that this is a promising field of research that may yield breakthroughs on the question of the underlying causes of the growing incidence of autism and other neurodevelopmental disorders.

On April 25, 2001, the Committee heard testimony from Dr. Boyd E. Haley, who is the Chairman of the Chemistry Department at the University of Kentucky. Dr. Haley has spent many years studying the effects of mercury on the human body. Dr. Haley summarized his views in this way:

''I cannot say, nor would I say, that vaccinations cause autism. However, if the data holds up that I have been seeing with the relationship, I think it is an awfully good suspect, at least one of the co-factors that might aid in the onset of this disease. So I would really recommend and encourage you to put some pressure on the National Institutes of Health (NIH) to look at the contribution of different forms of mercury we put in our medicines and in our dentistry to see what effect they have on the neurological health of Americans.''

In his testimony, Dr. Haley described his laboratory research on thimerosal:

''I was requested to do an evaluation of the potential toxicity of vaccines containing thimerosal as a ''preservative'' versus those vaccines not containing thimerosal. The results were very dramatic as shown in the accompanying Table attached to this document. In our preliminary studies, vaccines containing thimerosal as a preservative consistently demonstrated in-vitro toxicity that was dramatically greater than the non-thimerosal or low-thimerosal containing vaccines.''

* * * * *

''Our results are very consistent with the reported toxicity of thimerosal-containing vaccines versus non-thimerosal containing vaccines as observed in cell culture studies reported in 1986. The chemical rationale for the neurotoxicity of thimerosal is that this compound would release ethyl-mercury as one of its breakdown products. Ethyl-mercury is a well-known neurotoxin. Further, combining thimerosal with millimolar levels of aluminum cation plus significant levels of formaldehyde, also found in these vaccines, would make the vaccine mixture of even greater risk as a neurotoxic mixture.''

Dr. Haley went on to state that infants are more susceptible to damage from mercury, because the defense mechanisms in their bodies are less well developed:

''Infants, with their immature physiology and metabolism, would not be expected to handle mercury as efficiently as mature adults.''

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''Using this vaccine mixture on infants, who do not have fully developed bilary (liver) and renal (kidney) systems, could dramatically increase the toxic effects, especially if they are spuriously ill. The toxic effects of exposure to thimerosal in infants cannot be reasonably compared to those observed in adults made toxic by exposure to similar ethyl-mercury containing compounds. Mercury is primarily removed through the bilary system and aluminum is removed by the renal system. Inability to rid the body of these toxicants would greatly increase the damage they are capable of doing in infants.''

Dr. Haley's concerns about the inability of infants to fend off the adverse effects of mercury were echoed by Dr. David Baskin. Dr. Baskin is a neurosurgeon and a professor of neurosurgery and anesthesiology at Baylor College of Medicine. He has been involved in extensive research on the central nervous system and serves on scientific advisory boards of the National Institutes of Health. Testifying before the Committee in December of 2002, Dr. Baskin said:

''We clearly know infants' brains are more sensitive. We know the blood-brain barrier, the barrier to drugs between the blood and the brain, is virtually gone in infants.''

Virtually all researchers who have testified before the committee have hypothesized that some children must have a genetic predisposition that makes them more vulnerable to neurological damage from mercury. An exchange between Congressman Burton and Dr. Baskin at the December 10, 2002, hearing reflected this emerging consensus:

Mr. Burton: ''Do you personally believe from your studies that the mercury is a contributing factor to the cases of autism we have in this country?

Dr. Baskin: ''Yes.''

Mr. Burton: ''Do you think it's a large contributing factor, or do you have any percentages? I mean, I know this is a tough question and everything, but you have done a lot of research.''

Dr. Baskin: ''I think it's hard to look at a percentage. I think that, as NIH is focusing on, there is probably an environment-gene interaction. In other words, a lot of children get the injection and don't become autistic, and so there must be something specific or different about the way a certain subgroup of children are able to handle toxins. . . . I don't think we yet know the answer to that.''

In his testimony the previous year, Dr. Haley of the University of Kentucky described one possible genetic risk factor. He stated that there is a protein in the brain called APO–E that removes dangerous waste materials from the brain. He added that some individuals are born with a variety of this protein that is very efficient at removing mercury, and some individuals are born with a variety of this protein that is very inefficient at removing mercury:

''If you look at the chemistry of the APO–E proteins, this can be reflected in the fact that it is a housekeeping protein that clears the brain of waste materials. If you have APO–E2, you can carry out two atoms of mercury for every atom of APO–E that goes out. If you have APO–E4, you can carry out none.

''He [Dr. Mike Godfrey of New Zealand] took this and looked at autistic children. When he did the screen of autistic children, there was a huge preponderance of them that had APO–E4, indicating that there is a genetic risk factor, which deserves further study. And it does imply that the inability

to detoxify the cerebral spinal fluid may be at least part of the neurological aspect of this disease.''

Dr. Baskin described research he is conducting which demonstrates what the effects of mercury are when it is not removed from brain tissue:

''Let me turn to some studies that we're doing at Baylor College of Medicine. We have the opportunity to actually grow human frontal cortex cells in cell culture. So these are cells from the front part of the brain that grow in culture. We incubate these cells with thimerosal at various doses, and we use a number of very sophisticated techniques to detect cell death and cell damage.''

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''Here are some pictures from our cell culture experience, and you can see the arrows pointing to those little knobs sticking off the cell. These are the cells committing the suicide program and breaking themselves into tiny little pieces with a very low dose of mercury.''

''Here is a slide where you see a lot of blue cells. This is a blue dye that normal cells don't take up. In order for something to turn blue, the cell has to have holes punched in their membranes. And guess what: At an extraordinarily low dose of thimerosal, most of the cells are blue. It means that this stuff grabs a hold of the membrane and punches holes into it, so that the dye can penetrate, not only into the cytoplasm but into the very center of the cell, the nucleus, where all the DNA exists.''

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''Don't forget, we did this in adult brain cells. Remember that infant brain cells are much more sensitive, so there's a real cause for concern.''

Dr. Baskin testified that other researchers in his field are finding similar results:

''At the recent International Meeting for Autism Research at the Society for Neuroscience, a number of investigators around the world are finding similar things. At Columbia University, there's now a model in mice who were injected with low doses of thimerosal very similar to what's given in human vaccines. These mice develop neurological deficits that look like autism, and when you take their brains out and you analyze them, they have the same type of brain damage.''

D. Public health officials continue to defend the use of thimerosal in vaccines

Public health officials continue to resist the idea that thimerosal may have contributed to the growth in autism spectrum disorders. In public statements as recently as December of 2002, Federal officials have continued to defend the use of thimerosal, despite the fact that:

They asked vaccine manufacturers to remove thimerosal from childhood vaccines more than three years ago;

In the 1990's, they acknowledged that many children received a cumulative amount of ethylmercury in vaccines that exceeded the EPA's safe limits for methylmercury;

One Federally sponsored study showed an association between thimerosal in vaccines and some developmental disorders.

On April 18, 2002, the Committee heard testimony from Melinda Wharton, Director of the Epidemiology and Surveillance Division of the CDC's National Immunization Program. Her response to a question about mercury in vaccines hinted at the skeptical attitude that prevails at the CDC and the FDA:

''As far as the thimerosal issue is concerned, the evidence is too incomplete and fragmentary to make any decisions about causation. Of course, many substances are known to be dangerous when administered in high concentrations, but the additives that are included in vaccines are present in trace amounts, and even when multiple vaccines are given, these are still very small amounts of products. It is not established even that thimerosal is associated with any harm as a vaccine additive.

''That said, we have committed a large amount of staff time and funding to try to further elaborate these issues and have designed a whole series of studies that have been described in our written testimony that we believe will help address these issues.''

She further stated:

''There are not data to—there are no established harms associated with this. I know this is a subject of great concern, and a number of studies are underway, but we do not have data that support known hazards associated with thimerosal contained in vaccines at this point.''

Later in 2002, Dr. Karen Midthun, Director of the FDA's Office of Vaccines Research and Review, expressed almost identical views:

''Our review showed no evidence of harm caused by thimerosal used as a preservative in vaccines except for local hypersensitivity reactions.''

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''To date, the existing data do not demonstrate a causal relationship between vaccines and autism. Nonetheless, I want to assure this committee, the public, and especially parents, that the FDA continues to take these issues seriously.''

In her testimony, Dr. Midthun attempted to downplay the extent to which the exposure to ethylmercury from vaccines in the 1990s exceeded the EPA's threshold for methylmercury exposure:

''During the first 6 months of life, cumulative exposure to mercury could have exceeded the more conservative limits of the EPA in some cases, depending on the specific vaccine formulations used and the weight of the infant.''

There is no question that the cumulative amount of ethylmercury on the recommended schedule of childhood vaccinations exceeded the EPA's threshold for methylmercury. In fact, there is little doubt that the amount of ethylmercury in individual vaccines exceeded the threshold. The EPA's threshold is 0.1 micrograms per kilogram of body weight. For an eleven-pound baby, the EPA's safe threshold would be 0.5 micrograms. Although thimerosal has been removed from these vaccines today in the United States, in the 1990's, Aventis Pasteur's DTaP vaccine contained 25 micrograms of thimerosal. GlaxoSmithKline's Hepatitis B vaccine contained 12.5 micrograms of thimerosal. Wyeth Lederle's Hib vaccine contained 25 micrograms of thimerosal.

Dr. Midthun's carefully couched statement suggested that there were many instances in which U.S. infants were exposed to cumulative levels of ethylmercury from their vaccines that were significantly lower than the EPA threshold for methylmercury. In the 1990's, at least, this does not appear to have been the case. It is clear that the DTaP, Hepatitis B and Hib vaccines exceeded the EPA's threshold individually for almost all infants, without even considering cumulative amounts. In fact, as will be discussed in the next section of this report, the amount of ethylmercury in these vaccines also exceeded the FDA's higher threshold of 0.4 micrograms per kilogram for most babies.

One vaccine policymaker, who was at least partially swayed by the Faroe Islands studies and other evidence, was Dr. Neal Halsey, Director of the Institute of Vaccine Safety at Johns Hopkins University. Dr. Halsey was an influential member of Federal advisory committees that oversaw the expansion of the Federally recommended schedule of childhood vaccines in the 1990s. By all accounts, Dr. Halsey was instrumental in the decision to seek the removal of Thimerosal from childhood vaccines in 1999.

In contrast to Dr. Midthun's statements, Dr. Halsey told the New York Times that he was astonished when he reviewed an FDA analysis of how much mercury was in vaccines being given to children:

''My first reaction was simply disbelief, which was the reaction of almost everybody involved in vaccines. In most vaccine containers, thimerosal is listed as a mercury derivative, a hundredth of a percent. And what I believed, and what everybody else believed, was that it was truly a trace, a biologically-insignificant amount. My honest belief is that if the labels had had the mercury content in micrograms, this would have been uncovered years ago. But the fact is, no one did the calculation.''

''My first concern was that it would harm the credibility of the immunization program. But gradually it came home to me that maybe there was some real risk to the children.''

In a statement released by Johns Hopkins University after the publication of the profile in the New York Times, Dr. Halsey clarified that he still does not believe that there is a connection between thimerosal and autism:

''Neal Halsey, MD, . . . does not and has not supported the belief that thimerosal or vaccines themselves cause autism in children, saying scientific evidence does not suggest any causal association between any vaccine and autism.''

However, Dr. Halsey's statement made it equally clear that he believes that there may be an association between exposures to low levels of mercury and other neurological impairments. His statement referred specifically to the Faroe Islands studies and the calculation that the cumulative amount of thimerosal in childhood vaccines exceeded the EPA's limits for methylmercury:

''In 1999, Dr. Halsey became concerned that the use of thimerosal as a preservative in many vaccines led to some children being exposed to more ethylmercury than was recommended, based on guidelines from the Environmental Protection Agency for exposure to methylmercury, a related product. Recent studies have determined that children who as fetuses were exposed to low to moderate amounts of methylmercury through fish consumed by their mothers were at an increased risk for having mild neurological learning deficiencies. The findings from the studies did not show an association between methylmercury exposure and autism.''

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''As a precaution and in an effort to make vaccines as safe as possible, Dr. Halsey worked with the American Academy of Pediatrics and the Public Health Service in 1999 to urge reductions in exposure to mercury, in all its forms, for infants and children, and to discontinue using thimerosal as a preservative whenever possible.''

E. Research on the effects of thimerosal has been too limited to draw conclusions

To date, very little epidemiological or clinical research has been done on the neurological effects of thimerosal, and particularly its ethyl-mercury component. As the IOM noted in its report on thimerosal, ''the data regarding toxicity of low doses of thimerosal and ethylmercury are very limited,'' and most of the conclusions that have been drawn about ethylmercury are based on analogies to methylmercury, which has been more widely studied. The few studies that have been performed on ethylmercury have been of limited value, for several reasons.

Perhaps Dr. Thomas Verstraeten conducted the broadest review of a possible relationship between thimerosal and neurological disorders in 2000. This study reviewed several years of medical records from the Vaccine Safety Datalink maintained by the CDC. As noted earlier, Phase I of this study purported to find a statistically significant association between exposure to thimerosal and some neurological disorders. However, this study has never been published. Moreover, because the data used in the study comes from the Vaccine Safety Datalink, and because the medical records in this database are jealously guarded by the CDC, the data used in this study has never been made public. It is discussed at greater length in the next section of this report.

In November of 2002, a study on thimerosal conducted at the University of Rochester was published in The Lancet, Great Britain's premiere medical journal. The authors studied 40 children who were given vaccines containing thimerosal, and 21 children who were given vaccines without thimerosal. Samples of blood, stools and urine were obtained from 3 to 28 days after vaccination to determine how much mercury remained in the blood and how much was expelled in the urine and in stools.

The authors found low levels of mercury in the blood of infants exposed to thimerosal, and high levels of mercury in their stools, indicating to them that ethylmercury has a shorter half life then methylmercury, and that most of the mercury was excreted through the gastro-intestinal tract. According to the authors:

''We have shown that very low concentrations of blood mercury can be detected in infants aged 2–6 months who have been given vaccines containing thiomersal [sic]. However, no children had a concentration of blood mercury exceeding 29 . . . parts per billion, which is the concentration thought to be safe in cord blood.''

The authors went on to conclude:

''Overall, the results of this study show that amounts of mercury in the blood of infants receiving vaccines formulated with thiomersal [sic] are well below concentrations potentially associated with toxic effects. Coupled with 60 years of experience with administration of thiomersal-containing vaccines, we conclude that the thiomersal in routine vaccines poses very little risk to full-term infants, but that thiomersal-containing vaccines should not be administered at birth to very low birth weight, premature infants.''

Skeptics of a vaccine-autism connection hailed this study. However, its value is limited by a number of criticisms that have been raised since its publication. Some of the most commonly cited shortcomings were discussed in testimony at the Committee's December 10, 2002, hearing by Baylor University's Dr. Baskin.

1. The sample size was very small:

Only 40 children who received thimerosal were studied. If a small number of children were genetically predisposed to injury by mercury, the chances of a sample of 40 children detecting such a trend would be very low. In his testimony, Dr. Baskin stated:

''The sample size, as you said, Dr. Weldon, was small. Autism occurs in one in 150 kids. So if a child had some different tendency in their blood to absorb more mercury or have it remain in the blood longer or be more sensitive in their brain, if they only checked 40 kids, they may well not have found even one kid with a predisposition to autism.''

2. The sample was not random:

In his testimony, Dr. Baskin commented on the importance of a random sample size:

''The sample wasn't random. They didn't take kids from different portions of the population in different areas. If there's some metabolic difference based on race or sex or where you live or other things, they wouldn't have found it.''

3. Blood samples were drawn too late to detect peak levels of mercury:

In an effort to determine how long it takes ethylmercury to be expelled from an infant's body, and what the expected half-life of injected ethylmercury is, the authors drew blood from their subjects at varying times between three and 28 days after shots were administered. However, as Dr. Baskin notes, peak levels of mercury in the blood are expected to appear within 24 hours:

''We know the stool levels were high, but if you look at when they actually measured the blood levels, they said it was somewhere between 3 and 27 days later. The peak mercury levels after injection occur within hours or at least within the first 24 hours. So if they were drawing blood later than that, and much later than that, of course the levels weren't going to be high. But the mercury doesn't jump from the injection to the stool; it goes through the blood. At some point it was high because it was high in the stool.''

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''You can't do a pharmacokinetic study if you don't have the peak level. They clearly didn't have the peak level because they have high stool mercury, and they have low blood mercury—it doesn't make sense.''

4. The study did not measure the effects of mercury on infants, only the levels of mercury:

While the University of Rochester study measured the levels of mercury in infants' bodies at various times beyond peak levels, it did not attempt to determine the effects of the mercury on their bodies. This limitation was clearly brought out in an exchange between Congressman Burton and Dr. Christopher Portier, Director of the Environmental Toxicology Program at the National Institute of Environmental Health Sciences:

Mr. Burton: ''Does the study recently published in The Lancet identify the effects of mercury on infants who are vaccinated with thimerosal?''

Dr. Portier: ''No.''

Given the small sample size, the failure to measure mercury at peak levels, and the study's inability to measure the effects of the ethylmercury present in the bodies of the subjects, it is difficult to understand how the authors can come to the broad conclusion that, ''the thimerosal in routine vaccines poses very little risk to full-term infants.'' If anything, the limitations of this study point out the need for much more research to be done. As Dr. Baskin pointed out:

''They described this as a descriptive study, and that's exactly what it was. It provides some interesting information, it's a start, but the interpretation is inaccurate.''

VII. EVIDENCE OF ETHYL MERCURY'S TOXICITY WAS NEGLECTED BY MANUFACTURERS AND FEDERAL REGULATORS FOR YEARS

A. Introduction

Evidence of ethylmercury's toxicity was available to Federal regulators and the private sector almost from the product's inception. For far too long, both neglected this evidence. Despite evidence dating to the 1930s that ethylmercury in medicines was potentially hazardous, little was done to remove it from a number of products until the 1980's. Even then, regulatory actions to remove thimerosal and other mercury compounds from medical products proceeded at a glacial pace. The decision to remove thimerosal from topical ointments was not finalized until 1998. The removal of thimerosal from several childhood vaccines in the United States wasn't accomplished until after the turn of the century. Today, the vaccine for influenza given to infants still contains trace amounts of ethylmercury.

For decades, ethylmercury was used as a preservative or anti-bacterial agent in a range of products, including antiseptic ointments for treating cuts, nasal sprays, eye solutions, diaper rash treatments, contraceptive products, and perhaps most importantly, vaccines. Several years after an FDA advisory committee found that thimerosal wasn't safe for use in topical ointments, new childhood vaccines containing thimerosal were being approved and added to the recommended schedule. It appears that nobody analyzed the potential impact of the increased cumulative amount of mercury to which young children were being exposed. In fact, if Congress had not enacted legislation in 1997 requiring the FDA to study the amounts of mercury being used in FDA-approved products, it is questionable that the FDA would have analyzed mercury in vaccines at all.

It is no wonder that, in its report on thimerosal, the Institute of Medicine commented:

''The presence of mercury in some vaccines can raise doubts about the entire system of ensuring vaccine safety, and late recognition of the potential risk of thimerosal in vaccines may contribute to a perception among some that careful attention to vaccine components has been lacking.''

It is clear that the guiding principal for FDA policymakers has been to avoid shaking the public's confidence in the safety of vaccines. For this reason, many FDA officials have stubbornly denied that thimerosal may cause adverse reactions. Ironically, the FDA's unwillingness to address this issue more forcefully, and remove thimerosal from vaccines earlier, may have done more long-term damage to the public's trust in vaccines than confronting the problem head-on. Given the serious concerns about the safety of thimerosal, the FDA should have acted years earlier to remove this preservative from vaccines and other medicines.

B. Thimerosal manufacturers accumulated evidence of the toxicity of thimerosal

Eli Lilly and Company of Indianapolis licensed thimerosal in 1930. It was marketed under the brand name ''Merthiolate.'' It was used extensively both in topical ointments to prevent infections and as a preservative in a variety of medicines. However, it now appears that very little research on the safety or effectiveness of thimerosal was ever done.

Eli Lilly was not the only manufacturer of thimerosal or other ethylmercury products. In fact, they phased out their production of thimerosal in 1974. However, Eli Lilly initially patented this product and had a longer history with it than any other company. Therefore, it is appropriate to review Lilly's track record in ensuring the safety and reliability of this product.

A review of internal Eli Lilly documents dating back 70 years suggests that the only study of thimerosal involving human subjects was done prior to 1930. For the next seven decades, Lilly spokespeople would refer to that original study as evidence of thimerosal's safety. However, it is now clear that this uncontrolled study was woefully inadequate.

As previously discussed in this study, an intravenous solution containing thimerosal was tried as an experimental treatment for 22 men who were seriously ill with Meningitis. While the treatment was found to be ineffective, the doctor who conducted the study concluded that the solution caused no harmful side effects. It is clear today that such a limited number of subjects, all suffering from the same serious illness, would

hardly qualify as a sufficiently sized random sample, and a study such as this one would be of very little value by today's standards. In fact, an internal Eli Lilly memo from 1972 candidly notes the study's shortcomings:

''Considering the type of patient involved, one might question these observations (the appearance of no deleterious action) as providing adequate indication of any harmful effects of high doses of Merthiolate in humans, in particular, more long term effects.''

In 1973, the FDA requested additional data on Merthiolate from Eli Lilly. Lilly's Director of Regulatory Affairs, E.A. Burrows, responded with a ringing defense of Lilly's product on February 14, 1973:

''Due to the length of time this product has been on the market, its efficacy and safety have been proven by over forty years of use throughout the world. Because of this long period of use, it would be difficult to get recognized researchers to conduct new studies for safety or efficacy. They believe that over forty years of wide usage has proven efficacy and safety beyond that which could be done in special studies.''

Despite Mr. Burrow's contention, numerous internal Lilly documents recognized the lack of data on thimerosal and suggested the need for more research:

An April 24, 1930, intra-office memo stated:

''. . . in view of our experience with the merthiolate solution, we have to know pretty definitely what to expect from merthiolate ointment and jelly before they are put on the market . . . Can we expect to have the stronger ointment and jelly used without complaint which attended the use of the solution in the same strengths? . . . Our experience with the solution ought to serve as a warning and certainly in the face of that warning we ought not to advocate the use of the stronger products without some pretty definite evidence that we will not repeat our solution experience.''

A September 1934, paper from Lilly's files states:

''[L]ittle is known about the effect of mercuric compounds when inoculated into humans. It is therefore preferable to use the minimum amount of this preservative necessary to maintain the sterility of the product.''

An April 1969, memo regarding the possible use of thimerosal in contact lens solution states:

''When Merthiolate breaks down, are the degradation products toxic or irritating? Our files yield no test information on the irritancy of degraded merthiolate.''

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''Would we recommend the use of merthiolate solution to store and sterilize contact lenses? In the absence of appropriate data, a positive recommendation could not be made, this use does not seem unreasonable and probably would not be hazardous.''

A December 1972, memo states:

''A review of some data being generated by the current concern for mercury in the environment suggests it would be advisable to obtain data on the metabolic deposition of Merthiolate.'' . . .

An August 1973, memo entitled, ''Merthiolate Toxicity,'' acknowledged:

''The effects of long-term, intravenous use in man is not known, no long-term toxicity tests have been performed.''

Perhaps more disturbing is that Lilly's files contained numerous papers and reports documenting the toxicity and hypersensitivity of Merthiolate. Although these papers and case reports strongly suggested the need for much more research, there apparently was little follow-up.

A July 1935, letter from the Pittman-Moore Company indicated that Merthiolate was not appropriate for use in dogs:

''We have obtained marked local reaction in about 50% of the dogs injected with serum containing dilutions of Merthiolate, varying in 1 in 40,000 to 1 in 5,000, and we have demonstrated conclusively that there is no connection between the lot of serum and the reaction. In other words, Merthiolate is unsatisfactory as a preservative for serum intended for use on dogs. Occasional dogs do not show the local reaction, but in some instances, the reaction is extremely severe. I might say that we have tested Merthiolate on humans and find that it gives a more marked local reaction than does phenol or tricresol.''

A 1947 paper published by an Army physician in Baltimore reported that Merthiolate was causing contact dermatitis in his patients. He concluded:

''No eruptions or reactions have been observed or reported to Merthiolate internally, but it may be dangerous to inject a serum containing Merthiolate into a patient sensitive to Merthiolate.''

A 1948 paper from an Arizona doctor reported the case of a woman who suffered repeated multiple reactions to Merthiolate applied to her skin prior to surgery. She reportedly suffered chills and fevers and had small vesicles and erythema in the area of her Merthiolate application. After her recovery, the patient indicated that the ulcer for which she was being surgically treated appeared after repeated application of a tincture of Merthiolate. She continued applying the Merthiolate until her skin became too raw and painful to continue use, and then sought medical care.

A 1950 New York Academy of Sciences article entitled, ''Mercurials as Antiseptics,'' found that Merthiolate ''is toxic when injected parenterally and therefore cannot be used in chemotherapy.''

A 1973 article, entitled, ''Dangers of Skin Burns from Thimerosal,'' reported the case of a woman who received severe burns resulting from a chemical interaction between thimerosal and aluminum. The article suggested that thimerosal and aluminum should not be used together. Later in 1973, Lilly's legal department recommended new labeling language for thimerosal products: ''Do not use when aluminum may come in contact with treated skin.'' Unfortunately, thimerosal and aluminum were used together in the DTP and DTaP vaccines for years.

C. The FDA was painfully slow to require the removal of mercury from over-the-counter (OTC) products.

In 1974, the FDA undertook a comprehensive review of the safety and effectiveness of over-the-counter medicines. As one facet of this review, a panel of experts was assembled to review the safety and efficacy of over-the-counter drugs containing mercury. The Advisory Review Panel on OTC Miscellaneous External Drug Products began this review in 1975. In 1980, the panel delivered its report to the FDA. It reviewed 18 products containing mercury, and found them all either unsafe or ineffective for their stated purpose of killing bacteria to prevent infections.

In terms of effectiveness, the panel stated that, ''mercury compounds as a class are of dubious value for anti-microbial use.'' They stated that, ''mercury inhibits the growth of bacteria, but does not act swiftly to kill them.'' In fact, the panel cited a 1935 study of the effectiveness of thimerosal in killing staphylococcus bacteria on chick heart tissue. The study determined that thimerosal was 35 times more toxic to the heart tissue it was meant to protect than the bacteria it was meant to kill.

In terms of safety, the panel cited a number of studies demonstrating the highly allergenic nature of thimerosal and related organic mercury products. For instance, they cited a Swedish study that showed that 10 percent of school children, 16 percent of military recruits, 18 percent of twins, and 26 percent of medical students had hypersensitivity to thimerosal. They stated that while organic mercury compounds like thimerosal were initially developed to decrease the toxicity of the mercury ion, thimerosal was actually found to be more toxic than bichloride of mercury for certain human cells.

By way of summary, they stated the following:

''The Panel concludes that thimerosal is not safe for OTC topical use because of its potential for cell damage if applied to broken skin, and its allergy potential. It is not effective as a topical antimicrobial because its bacteriostatic action can be reversed.''

Despite the fact that the expert committee found thimerosal and other ethyl-mercury compounds unsafe and ineffective for over-the-counter products, the FDA would not formally require the removal of mercury from these products for another 18 years. The submission of the committee's report in 1980 set in motion a tortuous bureaucratic process that would not result in the banning of mercury from over-the-counter products until 1998. The agency published Advanced Notice of Proposed Rules or Notice of Proposed Rules regarding these products in 1980, 1982, 1990, 1991, 1994 and 1995.

What makes the glacial pace of these proceedings all the more mystifying is that there appears to have been no opposition to this action throughout the process. No individuals sought to appear before the advisory committee in defense of mercury-containing products, and when the FDA sought public comment along the way on proposed rules to ban certain mercury-based products, it received none. At the time of the FDA's final action, there were 20 over-the-counter products containing mercury being marketed by eight different manufacturers. Their silence on this point is telling.

D. The FDA's actions to remove mercury from over-the-counter products should have prompted a review of mercury in vaccines.

It is difficult to understand why it took the FDA 18 years to remove mercury from over-the-counter products. It is equally difficult to understand why the expert panel's 1980 findings on thimerosal's safety in topical ointments did not prompt the FDA to further and immediately review the use of thimerosal in vaccines. Surely there must have been concern that if it was not safe to apply ethylmercury to the surface of an individual's skin, it might not be safe to inject ethylmercury deep into an infant's tissue. The Director of the FDA's National Center expressed such a concern at a 1999 meeting for Toxicological Research, Dr. Bernard Schwetz, who went on to serve as the Acting Director of the FDA for nearly a year:

''One thing I haven't heard discussed, the fact that we know that ethylmercury is a skin sensitizer when it's put on the skin, and now we're injecting this IM (intramuscularly) at a time when the immune system is just developing, the functionality of the immune system is just being set at this age. So now we're injecting a sensitizer several times. During that period of time, what's the impact of a sensitizer—of something that is known to be a skin sensitizer, what is the effect on the functional development of the immune system when you give a chemical of that kind repeatedly IM?''

Different branches of the FDA regulate over-the-counter products and vaccines. OTCs are regulated by the Center for Drug Evaluation and Research (CDER). Vaccines are regulated by the Center for Biologics

Evaluation and Research (CBER). This, however, is little justification for the lack of coordination. The FDA's determination that mercury was unsafe and should be removed from over-the-counter medications was published in the Federal Register no fewer than five times prior to the FDA's belated review of mercury in vaccines.

What finally prompted the FDA to review mercury in vaccines was not its own regulatory process, but rather an act of Congress. In 1997, Congress passed and the President signed into law, the Food and Drug Administration Modernization Act (FDAMA). Among other things, this law required the FDA to compile a list of foods and drugs that contained intentionally-introduced mercury, study its effects on the human body, and restrict its use if found to be harmful.

E. Federal regulators moved too slowly to remove thimerosal from vaccines

Once the FDA did initiate its review of mercury in vaccines, it kicked off a vigorous debate among Federal regulators over the dangers of using thimerosal in childhood vaccines. This debate, which at times pitted one health-care bureaucracy against another, spanned nearly three years. Given the fact that almost twenty years had passed since an expert panel had determined that thimerosal was unsafe in topical ointments, it is surprising that there was any further debate at all.

There was tremendous reluctance on the part of some officials to admit that a mistake had been made in allowing ethylmercury to be used in vaccines. There was great uncertainty in others caused by the lack of data specifically on ethylmercury. However, the institutional resistance to change was counter-balanced by the growing realization that there was more ethylmercury in childhood vaccines than previously thought, and that nobody had thought to calculate the cumulative amounts. The essence of the debate was captured in a 1999 e-mail from a former FDA official weighing the pros and cons of taking action. He opined that hastening the removal of thimerosal from vaccines would:

''. . . raise questions about FDA being 'asleep at the switch' for decades by allowing a potentially hazardous compound to remain in many childhood vaccines, and not forcing manufacturers to exclude it from new products. It will also raise questions about various advisory bodies regarding aggressive recommendations for use. (We must keep in mind that the dose of ethylmercury was not generated by 'rocket science'. Conversion of the percentage thimerosal to actual micrograms of mercury involves ninth grade algebra. What took the FDA so long to do the calculations? Why didn't CDC and the advisory bodies do these calculations when they rapidly expanded the childhood immunization schedule?)''

It is clear that each time an important decision had to be made, the factions that were skeptical of thimerosal's dangers and favored a ''go-slow'' approach, were able to water down the actions. In 1999, when the Federal government could have ordered thimerosal removed from vaccines by a specific date, or stated a preference for thimerosal-free vaccines, a statement was instead issued asking for a commitment from vaccine manufacturers to eliminate or reduce mercury in vaccines as expeditiously as possible. As a result, almost two years passed before the three major thimerosal-containing vaccines—DTaP, Hib and Hepatitis B—were being manufactured in thimerosal-free formulations. In 2001, when the CDC and its influential advisory committee could have stated a preference for thimerosal-free vaccines, they chose not to do so. As a result, thimerosal-containing vaccines that remained in stock in doctors' offices continued to be used. In point of fact, we have no proof that in 2003, some children in the United States are not still receiving thimerosal-preserved vaccines that have lingered in medical offices or clinics.

The CDC's decision not to endorse thimerosal-free vaccines in 2001 is particularly troubling. With the exception of the influenza vaccine, all major childhood vaccines were being manufactured without thimerosal at that time, so there was little threat of shortages. Their failure to state a preference was an abdication of their responsibility.

The task of analyzing the amount of mercury in vaccines and its ramifications was assigned to Dr. Leslie Ball, a pediatrician employed at the FDA and her husband and colleague Dr. Robert Ball, a medical officer at FDA's CBER. Despite the general lack of scientific research on the toxicity of ethylmercury, their review of the available literature led to two working conclusions:

1. The recommended guidelines for exposure to methylmercury were a good starting point for reviewing exposure to ethylmercury; and
2. The amount of ethylmercury in children's vaccines exceeded the EPA's guidelines for exposure to methylmercury.

An exchange of e-mails in October of 1998 makes clear that Dr. Leslie Ball was already leaning toward the removal of thimerosal from vaccines. It also makes clear that there was internal resistance to such an action. Dr. Marion Gruber of the Office of Vaccine Research and Review forwarded an internal FDA memo to Dr. Ball, which concluded that:

''. . . no scientific database to take regulatory actions and to recommend to take thimerosal either out of vaccines or to leave it in. In fact, somebody should perform the adequate studies to come to a conclusion on the toxicity of thimerosal or its metabolized forms.''

Dr. Ball's response on October 15, 1998, to Dr. Hasting's conclusion was sharp:

''I disagree about the conclusion regarding no basis for removal of thimerosal. On a strictly scientific basis, yes, there are no data that have looked at the specific issue of thimerosal in vaccines. However, there are factors/data that would argue for the removal of thimerosal, including data on methylmercury exposure in infants and the knowledge that thimerosal is not an essential component to vaccines. In addition, the European community is moving to ban thimerosal.''

In a 2002 interview with Committee staff, Dr. Ball confirmed that it was her opinion that, if there was any question, the safest course of action should be taken, and thimerosal should be removed.

An important part of the FDA's review was a comparison of the amount of ethylmercury in vaccines to the recommended safe levels for exposure to methylmercury established by the EPA and the FDA. In 1999, a consultant to the FDA, Dr. Barry Rumack, developed a pharmacokinetic model to analyze the amount of mercury to which infants were being exposed. The FDA produced to the Committee two charts developed from that model dated June 28, 1999. Both charts demonstrate what has now become widely acknowledged, that most children in the 1990s received doses of ethylmercury in their vaccines that exceeded the EPA's limits for exposure to methylmercury (0.1 micrograms per kilogram) for at least the first six months of their lives. Even more significantly, the charts also indicate that most children received doses of ethylmercury that exceeded the FDA's less-restrictive limits (0.4 micrograms per kilogram) for at least the first two months of their lives.

Federal officials have never publicly acknowledged this second fact. In public statements and Congressional testimony, they have acknowledged only that the EPA's lower limit was exceeded, even though simple math makes clear that most infants also breached the FDA's higher limit of 0.4 micrograms per kilogram.

Dr. Neal Halsey, Director of the Institute of Vaccine Safety at Johns Hopkins University, acknowledged this important fact, however. As previously mentioned, Dr. Halsey became convinced that thimerosal should be removed from vaccines. On June 22, 1999, Dr. Ball presented the results of her research to the Medical Policy Coordinating Committee of the FDA's Center for Biologics Evaluation and Review (CBER). Dr. Halsey attended that meeting. The next day, on June 23, 1999, Dr. Halsey wrote a letter to the members of the American Academy of Pediatricians' Committee on Infectious Diseases, which he chaired. He stated:

''In the past few days, I have become aware that the amount of thimerosal in most hepatitis B, DTaP and Hib vaccines that we administer to infants results in a total dose of mercury that exceeds the maximum exposure recommended by the EPA, the FDA, CDC and WHO . . .''

Dr. Halsey's admission that more than just the EPA's more conservative guideline was exceeded is a significant departure from the public statements of most Federal officials. Dr. Halsey acknowledges that the guidelines of the EPA, the CDC, the FDA and the World Health Organization were all exceeded.

Another noteworthy fact is that the charts produced by Dr. Rumack, and the FDA's analysis in general, failed to take into consideration the background levels of mercury to which children are exposed from other sources. Dr. Ball pointed out this weakness in her June 1999 e-mail:

''These calculations do not account for other sources of Hg [mercury] in the environment. Even infants can have additional exposures, e.g., breast milk.''

One document written by Dr. Ball estimated that exposure to mercury from sources other than vaccines could total roughly 80 to 100 micrograms per year. Background levels were included in all calculations prepared by the European Medical Evaluation Agency, which was at the time reviewing thimerosal in vaccines in Europe. If background levels of mercury had been incorporated into the FDA's and CDC's calculations, the results would have been even more pronounced, possibly even leading to more aggressive measures to remove thimerosal. It is unfortunate that this simple, and scientifically expected step was not taken.

The issue of what to do with thimerosal in vaccines came to a head in the summer of 1999. In June and July, a series of meetings were held involving the FDA, the CDC, the Public Health Service, the American Association of Pediatricians, and other agencies. Documents reviewed by the Committee indicate that the Public Health Service opposed a public effort to remove thimerosal from vaccines. One FDA document stated that the Public Health Service was concerned that stating a preference for thimerosal-free vaccines could ''result in unwarranted loss of confidence in immunization programs in the US and internationally, shortages of childhood vaccines might ensue, and other potential far-reaching ramifications are envisioned.''

In a July 2, 1999, e-mail, Dr. Ruth Etzel of the Department of Agriculture also noted the Public Health Service's resistance:

''We must follow the three basic rules: (1) act quickly to inform pediatricians that the products have more mercury than we realized; (2) be open with consumers about why

we didn't catch this earlier; (3) show contrition. As you know, the Public Health Service informed us yesterday that they were planning to conduct business as usual, and would probably indicate no preference for either product. While the Public Health Service may think that their 'product' is immunizations, I think their 'product' is their recommendations. If the public loses faith in the PHS recommendations, then the immunization battle will falter. To keep faith, we must be open and honest now and move forward quickly to replace these products.''

Adding to the pressure on the Federal government to act was the fact that steps were being taken in Europe to remove thimerosal from vaccines. On April 19, 1999, the European Agency for Medicinal Evaluation (EMEA) met in London. The EMEA is responsible for establishing guidelines for the use of drugs and biologics in the European Union. The FDA's Dr. Norman Baylor attended this meeting. Following this meeting, on June 29, 1999, the EMEA issued a document encouraging the removal of thimerosal from childhood vaccines:

''Vaccines: The fact that the target population for vaccines in primary immunization schedules is a healthy one, and in view of the demonstrated risks of thiomersal (sic) and other mercurial containing preservatives, precautionary measures (as outlined below) could be considered.

''For vaccination in infants and toddlers, the use of vaccines without thimerosal [emphasis added] and other mercurial preservatives should be encouraged.''

By early July, a compromise on a course of action was reached in the U.S. between the competing factions. A joint statement was released by the American Academy of Pediatrics and the U.S. Public Health Service. The statement included the following points:

Acknowledged that some children may have been exposed to levels of mercury that exceed one Federal guideline on methylmercury during the first six months of life;

Asserted that there is no evidence of any harm caused by thimerosal in vaccines;

Called on vaccine manufacturers to make a clear commitment to reduce as expeditiously as possible, the mercury content of their vaccines;

Urged doctors and parents to immunize all children, even if thimerosal-free vaccines are not available; and

Encouraged doctors and parents to postpone the Hepatitis B vaccine (which contained thimerosal at the time, and was generally given immediately after birth) until the child is two to six months old, unless the mother tested positive for Hepatitis B.

Given the information that the Federal agencies had at the time, the plan of action laid out in the joint statement was inadequate. They could have, but did not, acknowledge that the amount of thimerosal in vaccines exceeded every Federal guideline for exposure to methylmercury for the majority of infants. They could have, but did not, require vaccine manufacturers to remove thimerosal from vaccines by a specific date. They could have, but did not, urge pediatricians to choose thimerosal-free vaccines when both thimerosal-containing and thimerosal-free vaccines were available.

As a result of the limited steps taken in 1999, vaccines containing thimerosal remained on the market for nearly two years. GlaxoSmithKline's Hepatitis B vaccine did not become thimerosal-free until March of 2000, and Aventis Pasteur's DTaP vaccine did not become thimerosal-free until March 2001. In addition, thimerosal-containing vaccines on the shelves in doctor's offices around the country continued to be used in spite of the fact that thimerosal-free versions were available.

The fact that more forceful action to remove thimerosal from the vaccine marketplace was not taken in 1999 is disappointing. Just as disappointing, and even more difficult to understand, is the fact that the CDC, on two separate occasions, refused to publicly state a preference for thimerosal-free vaccines.

In June of 2000, the CDC's Advisory Committee on Immunization Practice met in Atlanta. Among other things, the Advisory Committee was called upon to recommend whether the CDC should issue a public statement of preference for thimerosal-free vaccines. At the time, the industry was in the midst of its transition to thimerosal-free childhood vaccines, and several vaccines containing thimerosal were still on the market. Of particular concern was the DTaP vaccine. In June of 2000, three of the four DTaP manufacturers (Aventis Pasteur, North American Vaccine and Wyeth) were still producing DTaP with thimerosal. Only SmithKline Beecham produced a thimerosal-free DTaP. In addition, because manufacturers of the Hib and Hepatitis B vaccines had just recently converted to formulas that were thimerosal-free or contained trace amounts of thimerosal, older versions of these vaccines containing thimerosal were still in inventories and being used around the country.

A statement of preference by the CDC would have been a clear signal to pediatricians not to use vaccines containing thimerosal, when thimerosal-free versions were available. This action would have substantially reduced the exposure to ethylmercury for many infants. Despite this knowledge, the advisory committee voted unanimously not to state a preference.

CDC officials guided the Advisory Committee toward this conclusion. For example, while three different options were presented to the Advisory Committee members, a detailed policy statement to be issued to the public had been prepared for only one of these options—a statement of no preference. In describing the three options, Dr. Roger Bernier of the CDC clearly indicated the CDC's desire not to state a preference for thimerosal-free vaccines. He said:

''We believe that such a policy would be consistent with the evidence that we have at this time. The policy seems to be working . . .''

* * * * *

''As I said, the policy seems to be working. So this indicates that on this particular factor, this policy is moving us in an upward direction towards—it's a positive thing.''

In rejecting a statement of preference for thimerosal-free vaccines, the Advisory Committee considered a number of factors. These included a desire to avoid confusion, and a concern that immunization rates might fall, allowing for an outbreak of diseases such as Pertussis or Hepatitis B. However, one of the factors that were also considered was the financial health of the vaccine industry. In describing the pros and cons of each option, Dr. Bernier returned several times to financial issues:

''We think that having this type of a more staged transition reduces the potential for financial losses of existing inventories, and is somewhat akin to what was done in the transition from oral polio to inactivated polio . . .''

* * * * *

''It could entail financial losses of inventory if current vaccine inventory is wasted. It could harm one or more manufacturers and may then decrease the number of suppliers.''

* * * * *

''The evidence justifying this kind of abrupt policy change does not appear to exist, and it could entail financial losses for all existing stocks of vaccines that contain thimerosal.''

The financial health of the industry should never have been a factor in this decision. The financial health of vaccine manufacturers certainly should never have been more important to the Federal health officials than the health and well being and the nation's children. The CDC has a responsibility to protect the health of the American public. If there were any doubts about the neurological effects of ethylmercury in vaccines on children—and there were substantial doubts—the prevailing consideration should have been how best to protect children from potential harm. However, it appears that protecting the industry's profits took precedent over protecting children from mercury damage.

In opting not to state a preference for thimerosal-free vaccines, the Advisory Committee shrugged off two sensible proposals that were presented during the meeting. A representative of SmithKline Beecham (now GlaxoSmithKline) stated that her company could supply sufficient amounts of thimerosal-free DTaP vaccine to ensure that the youngest infants receiving the initial doses of DTaP could receive thimerosal-free doses:

''I think it's important that you know that, although we cannot supply the entire U.S. market right now for all five doses immediately, we would be able to supply the vast majority of the U.S. market for the primary series, that is with targeting of the first three doses.''

Given the repeated concerns expressed about the effects of mercury on the developing central nervous system in very young babies, ensuring thimerosal-free doses for the first three boosters of DTaP would seem to merit serious consideration. However, this suggestion was passed over without any comment.

Later in the discussion, Dr. Neal Halsey made another suggestion that would limit the exposure of infants to ethylmercury. He suggested that the Advisory Committee adopt a policy that no child should receive more than one thimerosal-containing vaccine per day:

''Roger, you said that after July, the maximum exposure will be 75 micrograms. My understanding from the information presented from the manufacturers is that there really still is some Hib out there in the market that is being used, but does contain thimerosal as a preservative. There also is hepatitis B out there that does contain it. So there's no guarantee the maximum exposure would be 75 micrograms. What I proposed last October was that they put a limit of one thimerosal-containing vaccine as a preservative per visit, which would then guarantee what you're looking for. And I think that that's the right policy because that allows for the continued use, though very limited. It eliminates the maximum exposure, but you do have the problem of what's in the pipeline.''

Again, it appears that this seemingly sensible proposal received no serious consideration.

One year later, in June of 2001, the Advisory Committee again rejected the idea of expressing a preference for thimerosal-free vaccines, despite the fact that all manufacturers of Hib, Hepatitis B and DTaP had shifted to thimerosal-free products at that point. The CDC's decision not to express a preference for thimerosal-free vaccines, and the Advisory Committee's concurrence in this policy, was an abdication of their responsibility. As a result of their inaction, children continued to receive vaccinations containing ethylmercury at a time when there were serious doubts about its safety.

What makes the CDC's decision even more vexing is that just prior to the Advisory Committee meeting in 2000, a study conducted by the CDC suggested that there was at least a weak correlation between exposure to thimerosal and several types of neurological disorders.

The study, initiated in 1999, reviewed the medical records of 110,000 children in the CDC's Vaccine Safety Datalink (VSD). The VSD is a massive database that tracks the medical records of hundreds of thousands of patients belonging to seven major health maintenance organizations. Phase I of the study was designed to screen data for potential associations between thimerosal-containing vaccines and selected neurological disorders. Phase II was designed to test the hypotheses generated in the first phase.

Phase I produced a statistically-significant association between exposure to thimerosal during the first three months of life, and tics, attention deficit disorder, language and speech delays, and general neurodevelopmental delays. The study did not find a correlation between thimerosal and autism because the sample size of children diagnosed with autism was in all probability not large enough.

The findings of Dr. Verstraeten, the primary author of the study, set off a fierce debate within the Federal health agencies when they were released in June of 2000. Enough concern was generated that a conference of medical experts was assembled at the Simpsonwood Retreat Center near Atlanta. At this conference, Dr. Verstraeten explained that the study underreported the numbers of children with developmental disorders, including autism. This occurred because the youngest subjects in the study were not yet at an age at which such disorders were likely to be diagnosed. He commented:

''But one thing that is for sure, there is certainly an under-ascertainment of all of these [disorders] because some of the children are just not old enough to be diagnosed. So the crude incidence rates are probably much lower than what you would expect because the cohort is still very young.''

Dr. Colleen Boyle of the CDC raised this issue a few months earlier. She states in an April 25, 2000, e-mail to Dr. Frank DeStefano, one of the study's co-authors:

''For me, the big issue is the missed cases—and how this relates to exposure. Clearly there is a gross underreporting—1.4% of the kids dignosed with a speech and language problem versus 4–5% reported in National surveys; less than 1% with ADHD versus 3–10% reported previously, etc.''

Had the study been extended until these children were older, a stronger correlation between thimerosal and neurological disorders might have been detected, as more children were diagnosed. However, this was not done. Ultimately, the majority of the Simpsonwood panel determined that the VSD study was not conclusive. Phase II of the VSD study failed to confirm the findings of Phase I, largely because of the small sample size employed (16,000, as opposed to 110,000 in Phase I). The Institute of Medicine determined that, ''the small sample size limited the power of the study to detect a small effect, if it exists. The committee concludes that the Phase I and II VSD analyses are inconclusive with respect to causality.''

Although the panel assembled at the Simpsonwood Retreat Center had many unanswered questions about the VSD study, some members found the evidence compelling. Dr. David Johnson, Public Health Officer for the state of Michigan and a member of the Advisory Committee on Immunization Practices stated:

''This association leads me to favor a recommendation that infants up to two years old not be immunized with Thimerosal- containing vaccines if suitable alternative preparations are available . . . I do not believe that the diagnoses justifies compensation in the Vaccine Compensation Program at this point. I deal with causality, it seems pretty clear to me that the data are not sufficient one way or the other. My gut feeling? It worries me enough. Forgive this personal comment, but I got called out at eight o'clock for an emergency call and my daughter-in-law delivered a son by C-Section. Our first male in the line of the next generation, and I do not want that grandson to get a Thimerosal-containing vaccine until we know better what is going on. It will probably take a long time. In the meantime, and I know that there are probably implications for this internationally, but in the meantime I think I want that grandson to only be given Thimerosal-free vaccines.''

One participant in the Simpsonwood panel later stated that, while there was general agreement that the VSD study did not prove a causal relationship between thimerosal and neurological disorders, it did indicate the need for much more research:

''So what were the responses of the consultants? With regard to the first question, a need for further investigation. Overall the group expressed unanimous feeling that the findings supported a statistically significant, although weak, association, but that the implications—for obvious reasons—are profound. Therefore, the consultants were unanimous in their opinion that further investigation should be pursued with a degree of urgency and, parenthetically, not only for public health policy in this country, but for public health policy around the world.''

Documents reviewed by the Committee indicate that Dr. Verstraeten was not pleased with the response to his study. During the Simpsonwood conference, he stated:

''When I saw this, and I went back through the literature, I was actually stunned by what I saw—because I thought it was plausible.''

A month later, he sent an e-mail to Dr. Phillippe Grandjean, the author of several groundbreaking studies on the toxicity of mercury. Dr. Verstraeten wrote:

''I know that much of this is very hypothetical and, personally, I would rather not drag the Faroe and Seychelles studies into this entire thimerosal debate, as I think they are as comparable as apples and pears at the best. Unfortunately I have witnessed how many experts, looking at this thimerosal issue, do not seem bothered to compare apples to pears and insist if nothing is happening in these studies, then nothing should be feared of thimerosal. I do not wish to be the advocate of the anti-vaccine lobby and sound as if I am convinced that thimerosal is or was harmful; but at least I feel we should use sound scientific argumentation, and not let our standards be dictated by our desire to disprove an unpleasant theory.''

It appears that many who participated in the thimerosal debates allowed their standards to be dictated by their desire to disprove an unpleasant theory. The decision by the CDC not to state a preference for mercury-free vaccines is especially difficult to understand, given the deep-seated concerns many policy-makers had about the potential impact of ethylmercury on the fragile central nervous systems of developing babies. FDA officials spoke passionately about this problem at a meeting of the National Vaccine Advisory Committee in the summer of 1999. Dr. Katherine Zoon stated:

''We need to understand more about thimerosal because in the past two days, I think we have recognized that there really is a paucity of data, And I think some of the points made about looking at the developing nervous system, looking at the developing immune systems, and the effects of these agents on that at critical times of development, hasn't been—hasn't been done—and I think that knowledge is very important.''

At the same meeting, Dr. Bernard Schwetz, the Director of the FDA's toxicology center, stated:

''. . . the sensitivity of the fetus versus the neonate is very important, and for some of you who have forgotten about the sensitive windows during fetal development, the nervous system develops post-natally. So it isn't unreasonable to expect that there would be particular windows of sensitivity. So it isn't the matter of averaging the dose over the whole neonatal period—it's what's the week or what's the day or what's the series of hours that represent a particular event in the development of the nervous system when this whole thing might be dangerous. There may be weeks surrounding that when there isn't a major problem. We don't have that information.''

VIII. FOCUSED, INTENSIVE RESEARCH EFFORT IS BADLY NEEDED

One of the most consistent refrains heard by the Committee throughout its three-year investigation is that not enough research has been done. The Committee has heard testimony from parents, scientists and government officials that much more research is needed, and that well-designed unbiased research that addresses the specific issues of vaccine-injury must be conducted. Areas in which research is urgently needed include:

The causes of autism.

Treatments for those suffering from autism spectrum disorders.

Possible relationships between vaccine ingredients like thimerosal and autism.

The neurotoxicity of ethylmercury.

The neurotoxicity of dental amalgams containing mercury.

Immune system and gastrointestinal system dysfunction after vaccination.

In 2001, the Institute of Medicine called for much more research into possible relationships between vaccines and autism spectrum disorder. In its report on an alleged relationship between the MMR vaccine and autism, the IOM noted that it ''does not exclude the possibility that MMR vaccines could contribute to ASD'' and recommended ''this issue receive continued attention.'' The IOM made the following research recommendations:

Use accepted and consistent case definitions and assessment protocols for ASD (autism spectrum disorder) in order to enhance the precision and comparability of results from surveillance, epidemiological, biological investigations.

Explore whether exposure to MMR vaccine is a risk factor for ASD in a small number of children.

Develop targeted investigations of whether or not measles vaccine-strain virus is present in the intestines of some children with ASD.

Encourage all who submit reports to VAERS of any diagnosis of ASD thought to be related to MMR vaccine to provide as much detail and as much documentation as possible.

Case Reports in VAERS or elsewhere of ''rechallenge'' should be identified, documented, and followed up. (In the context of MMR vaccine and ASD, rechallenge refers to children who appeared to have experienced some form of neurological regression after a first dose of MMR or other measles-containing vaccine and who appeared to have experienced another regression following a second dose of MMR or other measles-containing vaccine.)

Study the possible effects of different MMR immunization exposures.

Conduct further clinical and epidemiological studies of sufficient rigor to identify risk factors and biological markers of ASD in order to better understand genetic or environmental causes.

In its report on thimerosal-containing vaccines and autism, the IOM stated that there was not enough evidence to reach any conclusions about a possible relationship between thimerosal and autism spectrum disorders. The IOM called for the following types of research:

Case-control studies examining the potential link between neurodevelopmental disorders and thimerosal-containing vaccines;

Further analysis of cohorts of children who did not receive thimerosal-containing doses of vaccines during clinical trials;

Epidemiological studies comparing the prevalence of neurological disorders in children who received vaccines before thimerosal was removed to children who received vaccines after it was removed;

An increased effort to identify the primary sources and levels of prenatal and postnatal exposure to thimerosal;

Clinical research on how children metabolize and excrete metals;

Theoretical modeling of ethylmercury exposures, including the incremental burden of thimerosal on background mercury exposures from other sources;

Research in appropriate animal models on neurodevelopmental effects of ethylmercury;

Rigorous scientific investigations of chelation as a treatment for neurodevelopmental disorders; and

Research to identify a safe, effective and inexpensive alternative to thimerosal for countries that decide they want to follow the example of Europe and the United States and discontinue its use.

One concern that has been raised many times is that responsibility for research into autism and related issues at the NIH has been fragmented. Responsibility is divided among the National Institute of Mental Health, the National Institute of Neurological Diseases and Stroke, the National Institute of Child Health and Human Development, and the National Institute of Environmental Health Sciences. Greater overall coordination is needed. The NIH needs to develop a strategic plan on autism research to bring together the diverse activities, develop a strategy and timeline, and focus research on the most pressing research needs.

Another concern is the lack of a sufficient investment into research on autism and its causes. Autism is growing at epidemic proportions and nobody knows why. The rates of autism doubled during the Committee's investigation, yet funding for research on autism lags badly behind funding for other serious diseases. The NIH, with a budget of $27 Billion dollars last year, invested just $56 Million towards autism research. Much of that research has been focused on looking for genetic causes of autism, which is important, but does not address the possible connection to vaccine injury. To put the spending on autism in perspective, the Committee compared it to the spending on two other serious epidemics—HIV/AIDS and diabetes. At the same time that the NIH was spending $56 Million on autism research, they spent $688 Million on diabetes research and over $2.2 Billion on HIV/AIDS research.

The Centers for Disease Control and Prevention has also been negligent in addressing the research needs regarding vaccine injury and a connection to the autism epidemic. In FY 2002, the CDC invested $11.3 Million on autism, while spending $62 Million on diabetes, and $932 Million on HIV/AIDS. With spending for autism 80 times less than that for AIDS, it is obvious that CDC is not addressing the autism epidemic with enough rigor. Instead, at the time of the Committee's April 2002 hearing, the CDC actually planned to cut autism research spending to $10.2 Million.

Of additional concern has been the CDC's bias against theories regarding vaccine-induced autism. Rather than aggressively work to replicate clinical findings with laboratory data that showed a relationship between vaccines and autism, (the Wakefield autism entercolitis studies), the CDC funded researchers who also worked for vaccine manufacturers to conduct population-based epidemiological studies to look at the possible correlation between vaccine injury and a subset of the population that might be injured. The CDC to date has relied too heavily on epidemiological findings. While epidemiological studies are important, they are not a substitute for focused, clinical research.

Chairman Burton expressed some of these concerns at the June of 2002 hearing:

''Officials at HHS have aggressively denied any possible connection between vaccines and autism. They have waged an information campaign endorsing one conclusion on an issue where the science is still out. This has significantly undermined public confidence in the career public service professionals who are charged with balancing the dual roles of assuring the safety of vaccines and increasing immunization rates. Increasingly, parents come to us with concerns that integrity and an honest public health response to a crisis have been left by the wayside in lieu of protecting the public health agenda to fully immunize children. Parents are increasingly concerned that the Department may be inherently conflicted in its multiple roles of promoting immunization, regulating manufacturers, looking for adverse events, managing the vaccine injury compensation program, and developing new vaccines. Families share my concern that vaccine manufacturers have too much influence as well. How will HHS restore the public's trust?''

It is clear that inadequate scientific evidence exists to understand fully the likely damage done to a generation of children who were repeatedly exposed to significant levels of mercury through their mandatory childhood immunizations. While the use of safe and effective vaccines for dangerous infectious diseases is very important, the lack of quality data addressing the risk of adverse reactions to vaccines and their components undermined public support for this important public health tool.

IX. CONCLUSIONS

It is obvious from all accounts that there is a crisis in the United States regarding the dramatic rise in autism rates and the resulting strain placed on families, the education system, and State Medicaid and disability programs. A further crisis will ensue in the next two decades when we see an explosion in the need for adult services and long-term housing.

In a further attempt to raise the level of awareness of the autism epidemic, in November of 2002, Chairman Burton called upon the President to announce a White House Conference on autism to ''galvanize a national effort to determine why autism has reached epidemic proportions in this country.'' Chairman Burton suggested this would be a valuable opportunity to ''bring together the best minds from across the country to chart a course of scientific research to uncover the underlying causes of this epidemic. . . Mr. President, you are in a unique position to provide the leadership that is necessary to organize a national effort to resolve these problems.'' In January of 2003, the response from Bradley A. Blakeman, Deputy Assistant to the President and Director of Appointments and Scheduling was, ''I do not foresee an opportunity to add this event to the calendar.'' It is unfortunate that the request of the Chairman, and the hundreds of families who personally appealed to the White House for this Conference did not appear to have been brought to the personal attention of the President, who has stated that ''no child shall be left behind.''

Vaccines are the only medicines that American citizens are mandated to receive as a condition for school and day care attendance, and in some instances for employment. Additionally, families who receive Federal assistance are required to show proof that their children have been fully immunized. While the mandate for which vaccines must be administered is a State mandate, it is the Federal Government, through the Centers for Disease Control and Prevention (CDC) and its Advisory Committee for Immunization Practices that make the Universal Immunization Recommendations to which the States refer for determining mandates. Federal programs and funding to State programs provide immunizations free-of-charge to many children. In July of 2000, it was estimated that 8,000 children a day were being exposed to mercury in excess of Federal guidelines through their mandatory vaccines. Given the importance of vaccination in our overall public health strategy, it is imperative that the Department of Health and Human Services adequately addresses the concerns of families of whose children have possible vaccine-induced autism. The continued response from agency officials that ''there is no proof of harm'' is a disingenuous response. The lack of conclusive proof does not mean that there is no connection between thimerosal and vaccine-induced autism. What the lack of conclusive proof indicates is that the agency has failed in its duties to assure that adequate safety studies were conducted prior to marketing. Furthermore, in the last two decades, after determining that thimerosal was no longer ''generally recognized as safe'' for topical ointments, the agency did not extend their evaluation to other applications of thimerosal, in particular as a vaccine preservative.

One leading researcher made the following statement to the Committee in July of 2000: ''There's no question that mercury does not belong in vaccines.

''There are other compounds that could be used as preservatives. And everything we know about childhood susceptibility, neurotoxicity of mercury at the fetus and at the infant level, points out that we should not have these fetuses and infants exposed to mercury. There's no need of it in the vaccines.''

The Food and Drug Administration's (FDA) mission is to ''promote and protect the public health by helping safe and effective products reach the market in a timely way, and monitoring products for continued safety after they are in use.'' However, the FDA uses a subjective barometer in determining when a product that has known risks can remain on the market. According to the agency, ''at the heart of all FDA's product evaluation decisions is a judgment about whether a new product's benefits to users will outweigh its risks. No regulated product is totally risk-free, so these judgments are important. FDA will allow a product to present more of a risk when its potential benefit is great—especially for products used to treat serious, life-threatening conditions.''

This argument—that the known risks of infectious diseases outweigh a potential risk of neurological damage from exposure to thimerosal in vaccines—is one that has continuously been presented to the Committee by government officials. FDA officials have stressed that any possible risk from thimerosal was theoretical, that no proof of harm

existed. However, the Committee, upon a thorough review of the scientific literature and internal documents from government and industry, did find evidence that thimerosal did pose a risk.

Thimerosal used as a preservative in vaccines in likely related to the autism epidemic. This epidemic in all probability may have been prevented or curtailed had the FDA not been asleep at the switch regarding the lack of safety data regarding injected thimerosal and the sharp rise of infant exposure to this known neurotoxin. Our public health agencies' failure to act is indicative of institutional malfeasance for self-protection and misplaced protectionism of the pharmaceutical industry.

NATIONAL WAR PERMANENT TRIBUTE HISTORICAL DATABASE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing legislation titled the ''National War Permanent Tribute Historical Database Act,'' that will help the Department of Interior and the Department of Veterans' Affairs keep track of the many important war memorials on public lands throughout our country. It would also provide a report to Congress to determine if there should be a permanent fund within the Treasury for the upkeep of these memorials.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. We have erected memorials to honor these soldiers, sailors, and aviators and their valiant deeds. Unfortunately many of these memorials don't receive the care they deserve and have fallen into disrepair. These memorials may not be as large as those on the National Mall or Arlington National Cemetery but they are just as important and should be taken care of.

In 2000, Congress agreed to a resolution expressing the need for cataloging and maintaining public memorials. The National War Permanent Tribute Historical Database Act would follow through with this sense of Congress and take a first step by cataloging our public war memorials.

Mr. Speaker, as we honor America's men and women in uniform this Memorial Day, many of us will be thinking these soldiers who have recently been fighting in Iraq and Afghanistan. But the other conflicts America's service men and women have fought in should not be forgotten. These memorials remind people what their local men and women did to protect our country. By cataloging and reporting to Congress on the condition of all of our war memorials on public lands and by considering how to maintain them we make sure that our veterans are not forgotten. Passage of this bill would be a step toward renewing our commitment to honor our nation's veterans.

INTRODUCTION OF THE MEDICARE OUT-OF-POCKET SPENDING LIMIT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Out-of-Pocket Spending Limit Act of 2003. This legislation protects Medicare beneficiaries from potentially ruinous medical bills by ensuring they will never have to pay more than $2,000 out-of-pocket for Medicare services. It does so without limiting seniors' choice of physician and without forcing seniors to leave Medicare and join a private plan. In short, it is real Medicare reform, the kind of reform that seniors and people with disabilities want and need.

President Bush and many of my Republican colleagues portray Medicare as a disastrous program that is broken, bankrupt, and dumb. They think private insurers—the same ones who refused to cover seniors back in 1965 when Medicare was created—can do a better job than Medicare has done for the last 38 years.

More than 40 million seniors and individuals with disabilities know that President Bush and Congressional Republicans are wrong. They know that Medicare is a vitally important program that successfully protects some of the most vulnerable among us. They want us to strengthen Medicare, not undermine it. That is why I am introducing the Medicare Out-of-Pocket Spending Limit Act.

The bill I am introducing today provides an essential Medicare improvement for all Medicare beneficiaries. Today Medicare covers about 52% of seniors' health costs, leaving many to pay significant medical bills out of their own pockets. Medicare beneficiaries with chronic conditions or catastrophic illnesses face the greatest risk of potentially unlimited health costs. Most Medicare beneficiaries have incomes below $20,000 per year and cannot afford to spend a large share of their income on health care.

The Medicare Out-of-Pocket Spending Limit Act will offer seniors the security of knowing that they will never have to pay more than $2,000 out-of-pocket on Medicare services per year. Current and future Medicare beneficiaries will have the option of enrolling in this new, voluntary benefit at an affordable premium. Beneficiaries with incomes below 175 percent of the federal poverty level would pay reduced or zero premiums.

The benefits provided by the Medicare Out-of-Pocket Spending Limit Act are long overdue. In testimony before the Ways and Means Health Subcommittee this month, the Chairman of the Medicare Payment Advisory Commission identified the lack of a spending limit as a ''serious limitation of the Medicare benefit package.'' In January 2003, the National Academy of Social Insurance's Study Panel on Medicare and Chronic Care in the 21st Century recommended that Congress ''limit cost-sharing requirements by adding an annual cap on out-of-pocket expenditures for covered services.'' The Medicare Out-of-Pocket Spending Limit Act follows through on these expert recommendations.

Importantly, the Medicare Out-of-Pocket Spending Limit Act provides these improvements in traditional Medicare. Unlike the President's and the Congressional Republicans' plan to ''reform'' Medicare by ending it as a defined benefit for all beneficiaries, my bill will guarantee that elderly and disabled Americans will never be forced to give up traditional Medicare in order to get crucial benefits. Beneficiaries will be free to choose between the traditional Medicare program and private plans. But it will be a real choice, not coerced through the lure of more generous coverage. Seniors should never have to choose between the doctors they know and trust and the coverage they need.

This legislation is supported by beneficiary advocacy groups including: Families USA, the Center for Medicare Advocacy, the Alliance for Retired Americans, and the Medicare Rights Center. I urge my colleagues to join us in support of strengthening Medicare for all seniors and disabled Americans by cosponsoring the Medicare Out-of-Pocket Spending Limit Act.

Below is a more detailed summary of the legislation:

MEDICARE OUT-OF-POCKET SPENDING LIMIT ACT OF 2003—SUMMARY

This bill would improve Medicare for all beneficiaries by adding a new voluntary benefit to the traditional Medicare program. Seniors and disabled Americans electing this coverage would be protected from extraordinary out-of-pocket costs when they need medical care. The additional benefit—created under a new Medicare Part D—would have the following features:

Out-of-pocket limit. Beneficiaries enrolled in the new benefit would never pay more than $2,000 out-of-pocket per year for services covered under the traditional Medicare program. The out-of-pocket spending limit would be adjusted each year by the growth in average per capita spending under this new benefit.

Eligibility and enrollment. Beneficiaries entitled to Medicare Part A and enrolled in Part B would be eligible for the new benefit. Current Medicare beneficiaries would have a one-time six-month open enrollment period to elect this coverage. Otherwise, normal Medicare enrollment rules would apply.

Premiums. Premiums for the new benefit would be calculated in the same manner as Medicare Part B premiums (25 percent of estimated program costs), with a late enrollment penalty for beneficiaries who choose not to enroll during the open enrollment period.

Low-income beneficiaries. Beneficiaries with incomes up to 150 percent of poverty would be eligible for the new benefit with no additional premiums. Beneficiaries with incomes between 150 percent and 175 percent of poverty would be eligible for the new benefit with a sliding scale premium. No assets test would be used in determining eligibility for these additional low-income protections. These low-income benefits would be administered by the States but 100 percent federally funded.

Medicare+Choice. All Medicare+Choice plans would have to provide the out of-pocket spending limit benefit. Plans would be

paid a geographic- and risk-adjusted rate, based on projected national per capita costs of the out-of-pocket spending limit benefit in traditional Medicare.

CELEBRATING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR AND SUPPORTING AN INTERNATIONAL GEOPHYSICAL YEAR–2 IN 2007–08

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I introduce legislation calling for a worldwide program of activities to commemorate the 50th anniversary of the most successful global scientific endeavor in human history—the International Geophysical Year of 1957–58. I am pleased that my colleague Representative EHLERS—the Chairman of the Environment, Technology, and Standards Subcommittee of the Science Committee—is joining me as an original cosponsor of this legislation.

Indeed, it is hard to imagine not commemorating the historic global undertaking that was the International Geophysical Year, popularly known and remembered as the IGY. Yet such may occur unless steps proposed in this resolution for an ''IGY–2'' in 2007–2008 are not taken soon.

The 60 nations and 60,000 scientists who participated in the IGY left an ongoing legacy that is beyond measure. Satellite communications, modern weather forecasting, modern natural disaster prediction and management, from volcanic eruptions to El Nino—they are all legacies of IGY scientific activities that girdled the globe and breached the space frontier.

The space age itself is a child of the IGY. The program of events included the launching of the first artificial satellites, Sputnik and Vanguard. The IGY also produced the path-breaking decision to set aside an entire continent—Antarctica—for cooperative study. This IGY program alone—which was permanently institutionalized by the Antarctica Treaty—made the year a scientific triumph. Six of my colleagues on the Science Committee recently returned from Antarctica and have testified to the ongoing organizational effectiveness and scientific payoff of this remarkable IGY legacy.

In a still broader context, the IGY marked the coming of age of international science. Globally coordinated activities that save millions of lives today—such as the campaigns to contain and find cures for SARS and AIDS—owe their inspiration and working model to the unprecedented number of scientists from throughout the world who banded together to implement the IGY. Scientific findings from thousands of locations, ranging from world research centers to remote field stations, were collected and organized by this global team. The result was an unprecedented range of discoveries for human benefit. The great British geophysicist Sydney Chapman, who helped conceive the IGY, called it ''the greatest example of world-wide scientific cooperation in the history of our race.''

My resolution calls for an ''IGY–2'' that would be even more extensive in its global reach and more comprehensive in its research and applications. After all, science never stands still. Its frontiers are continually expanding. The biological sciences, genetics, computer sciences, and the neurosciences, among others, have made tremendous advances worldwide during the half century since the IGY. At the same time, new integrative linkages are being established among mathematics, physics, the geosciences, the life sciences, the social sciences, and the humanities as well.

As a consequence, there is a coming together in the study of our planet and its diverse inhabitants whose potential scope and significance is only beginning to be perceived even among those directly involved. In addition to promoting research, IGY–2 would provide a stage for showcasing these new developments and a forum for presentation and discussion of their continually unfolding cultural as well as scientific significance.

Indeed, one of IGY–2's most important contributions would be to enhance public awareness of global activities that provide hope and example in an era when conflict and strife occupy the foreground of public policy and public attention. George Kistiakowsky, science adviser to President Dwight Eisenhower under whose presidency the IGY occurred, said at the time: ''Science is today one of the few common languages of mankind; it can provide a basis for understanding and communication of ideas between people that is independent of political boundaries and ideologies [and] that can contribute in a major way to the reduction of tension between nations.''

Those words spoken more than 40 years ago resonate with special significance today when the web of global ties among scientists is so much more extensive yet still largely unrecognized. We are catching a glimpse of its saving potential in the inspiring worldwide response of scientists and public health professionals to the SARS outbreak—a response inconceivable without the collaborative lines of communication established during the past half century. At a minimum, the work of these unsung heroes deserves greater recognition than it has received—and IGY–2 would do that.

Finally, Mr. Speaker, it is entirely fitting that the United States take the lead in launching an IGY–2 and that Congress provide the impetus. The IGY of 1957–58 was conceived in 1950 only a few miles from here, in Silver Spring, MD, at a dinner hosted by Professor James Van Allen and attended by scientist-friends from Europe, including Sydney Chapman. They discussed the International Polar Years that had been held at 50 year intervals—first in 1882, then in 1932. The next one was scheduled for 1982. Over a barbecue in Van Allen's backyard, these visionary scientists came up with the idea of accelerating the schedule to a 25–year interval, which would occur in 1957, and expanding its coverage to the entire globe, so as to take full advantage of rapid advances in research and instrumentation. They took their idea to governments and scientific organizations and they made it happen. Fittingly, James Van Allen won the Nobel Prize for discovery during the IGY of the radiation belts that bear his name.

Subsequently, in 1985, Congress passed a resolution calling for a year of globally coordinated space activity in 1992, to mark the simultaneously occurring 35th anniversary of the IGY and 500th anniversary of Columbus' voyage of discovery. The bipartisan resolution for this International Space Year, or ISY, was introduced by Senator Spark Matsunaga and endorsed by President Reagan. At the President's direction, the United States led a worldwide planning effort that culminated with the implementation of an ISY in 1992 that made major contributions to international scientific cooperation, notably in the field of global environmental monitoring.

So we have both scientific and Congressional precedent for the United States to take the lead internationally in calling for an IGY–2. I urge my colleagues to join me in promoting this initiative in support of modern science and the inspiration to our troubled planet that its global outlook can provide. I have no doubt that the contributions to humanity of an IGY–2 will be remembered with gratitude both in the near future and for generations to come.

HEALTHY FORESTS RESTORATION ACT OF 2003

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. STARK. Mr. Speaker, I rise in opposition to the House Republicans' so-called Healthy Forests Restoration Act.

This bill is more about restoring healthy profits for the timber industry, than protecting healthy forests for the American people. Given the devastating impact this bill will have on pristine public lands, a better title would be Leave No Tree Behind. That is exactly what will happen as logging companies are given a backdoor into our national forests and wilderness areas.

Of course, Republicans argue that this bill is about protecting rural communities from dangerous wildfires. Yet, there is nothing in their bill providing any help to small towns or homeowners for fire prevention. The Republicans only increase subsidies to timber companies to log forests well outside the so-called wildland-urban interface—even in wilderness and roadless areas—and not where fires pose the greatest threat.

You won't find many forestry experts who would tell you that timber companies are able to turn a profit harvesting diseased and insect prone trees. So Republicans have devised it so that the Forest Service will pay timber companies for their service by allowing them to cut down stands of healthy trees. There is nothing in this bill that prevents the harvested trees from being ancient old growth or redwoods for that matter.

The Republicans claim their bill is proenvironment. Yet, their bill cuts out the heart of the landmark National Environmental Protection Act. It exempts the Forest Service from doing a thorough analysis of alternatives to proposed logging projects. It even creates a new Federal program to assist private landowners in getting around the Endangered Species Act that protects fish and wildlife.

Now if after all of this, you thought you had recourse in the matter, think again. This Republican bill severely restricts the right of any citizen to appeal Forest Service decisions and even undermines the power of judges to overrule the agency's determinations. In fact, this

bill prohibits the Federal courts from halting any logging project until 45 days after it's begun.

In light of this dangerous assault on our environment and our democratic process, I urge my colleagues to vote down this bill and support the Democratic alternative. It protects our forests and wilderness areas from harmful logging. It upholds landmark environmental protections and the right of the American people, not just the timber industry, to have a say in the future of our public lands. And it puts money toward real and effective fire prevention around rural communities where it's needed most.

I urge my colleagues to stand up for our forests and vote ''no'' on the Republicans' sham Leave No Tree Behind bill.

INTRODUCTION OF ENVIRONMENTAL JUSTICE ACT OF 2002

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Environmental Justice Act of 2002. I am proud that my colleague Congresswoman HILDA SOLIS is once again joining me as an original cosponsor of this bill.

Representative SOLIS and I first introduced this bill last year, too late for consideration in the 107th Congress. Its reintroduction today reflects our continued concern about the way federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—without full appreciation that human beings, who deserve to be treated with respect and dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

Our bill would help do just that. The bill essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to ''institutionalize'' the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this bill would do.

It would do this by statutorily requiring all federal agencies to: Make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees: The Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, state agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell, what this bill would do is require federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells federal agencies, ''In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future.''

For the information of our colleagues, here is a short analysis of the bill:

ENVIRONMENTAL JUSTICE ACT

Summary: This bill would essentially codify a Clinton Administration Executive Order which directed a number of federal agencies and offices to consider the environmental impact of decisions on minority and low-income populations.

Background: On February 11, 1994, President Clinton issued Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.'' The President also issued a corresponding Memorandum to all federal departments and agencies further explaining the order and how the agencies should implement it to address environmental justice issues. The Order and Memorandum called for the creation of an interagency working group to provide guidance on identifying disproportionate impacts on the health and environment of minority and low-income populations, develop strategies to address such disproportionate impacts, and provide a report on that strategy. Since the order was promulgated, the affected agencies have developed reports and strategies.

Need for the Bill: Although federal agencies and offices have been complying with the Executive Order, disproportionate impacts related to human health and the environment still exist for many minority and low-income communities. These impacts must be addressed over the long term. In addition, due to the lack of resources and political clout of many of these impacted communities, vigilance is required to make sure that disproportionate impacts are reduced and do not continue. As the effort to date has been primarily administrative based on the presidential order and memorandum, these strategies need to be incorporated into the routine functioning of federal agencies and offices through federal law.

The bill—

Requires federal agencies and offices to: include addressing environmental justice concerns into their respective missions; conduct programs so as not to create disproportionate impact on minority and low-income populations; include an examination of the effects of such action on the health and environment of minority and low-income populations for actions that require environmental analyses under the National Environmental Policy Act; create an environmental justice strategy to address disproportionate impacts of its policies and actions, and conduct and collect research on the disproportionate impacts from federal facilities.

Creates an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues.

Creates a Federal Environmental Justice Advisory Committee composed of members of community-based groups, business, academic, state agencies and environmental organizations which will provide input and advice to the Interagency Working Group.

HATTIE MCDANIEL STAMP RESOLUTION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce a resolution urging the Citizen's Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor Hattie McDaniel. I urge my colleagues to support this resolution.

Ms. McDaniel was the first African American to receive an Academy Award in 1939 for Best Supporting Actress for her performance as Mammy in ''Gone With The Wind.''

Hattie McDaniel was born June 10, 1895 in Wichita, Kansas. Hattie McDaniel was a pioneer in the entertainment industry and helped open doors for other black entertainers. She was the first black performer to star in her own radio program, ''Beulah,'' which later became a television series. Ms. McDaniel had other significant roles including playing Queenie in ''Show Boat,'' Aunt Tempy in ''Song of the South,'' and appearing in ''The Little Colonel'' with Shirley Temple.

Hattie McDaniel died of breast cancer on October 2, 1952. She was the first African American to be buried in Los Angeles's Rosedale Memorial Park Cemetery.

Mr. Speaker, I am pleased that the Citizen Stamp Advisory Commission is currently considering a proposal to issue a Hattie McDaniel stamp, which is an outstanding tribute to an accomplished actress and American.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. UDALL of Colorado. Mr. Speaker, because of a family emergency I was unable to be present on Monday for three recorded votes.

Had I been present, I would have voted as follows: Rollcall No. 192, H. Con. Res. 166—Expressing the sense of Congress in support of Buckle Up America Week, I would have voted ''yes''; rollcall No. 193, H.R. 1018—To designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building,'' I would have voted ''yes''; rollcall No. 194, H. Con. Res. 147—Commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders, I would have voted ''yes.''

TRIBUTE TO MRS. EVELYN BILLINGSLEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. DUNCAN. Mr. Speaker, Mrs. Evelyn Billingsley was the head custodian at Blue Grass Elementary School in Knoxville, Tennessee. On May 19, 2003, she arrived at her final day of work in a white, stretch limousine.

A red carpet led the way into the halls of the school Mrs. Billingsley had swept, mopped and waxed for more than two decades. A crowd of adoring fans lined the carpet and sang, ''When you leave, we'll be so blue. Miss Evelyn, we love you.'' After 23 years of service, Mrs. Billingsley has retired.

Affectionately called Miss Evelyn by her Blue Grass Elementary family, this hard-working lady is described by students and teachers alike as the glue that held the school together. I am told it was rare not to find Miss Evelyn in the school, even on weekends or snowdays.

Evelyn Billingsley never became rich or famous from the work she did, but she has touched the lives of countless people, and she will not only be remembered fondly at Blue Grass Elementary School, but she will be deeply missed. I have no doubt she has offered the children there lessons in life and love as she roamed the halls and cleaned the classrooms.

Knoxville, Tennessee, is a better place because of her, and I believe this Nation is, as well.

I would like to call to the attention of my colleagues and other readers of the RECORD the article which ran on May 20, 2003, in the Knoxville News-Sentinel concerning this outstanding American.

HONORING JOHN FERDINANDI, JR.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John Ferdinandi Jr., posthumously awarded the 2002 Tranny ''Citizen of the Year'' award. His wife, Sally Ferdinandi, will accept the award on behalf of her late husband at the California Transportation Foundation's 14th Annual Tranny Award Ceremony on May 21, 2003 in Sacramento, California.

Throughout Mr. Ferdinandi's life, he was an active and positive force in the community. He was the founder of Fresno Area Residents for Rail Consolidation (FARRC), and was a vital member of the committee responsible for drafting the Expenditure Plan for the extension of Measure C, Fresno County's half-cent sales tax for transportation improvements. John was also Chairman of the Mayor's Task Force on the Rail Committee, as well as a member of the Council of Fresno County Governments Committee.

Mr. Ferdinandi was nominated for the Tranny award by the Fresno County Council of Governments at the recommendation of its Board of Directors. The Board sought to recognize him for his tireless advocacy work for transportation improvements in the Fresno area. Although John passed away on January 26th of this year, his contributions to Fresno County and the surrounding communities will remain. He was greatly admired and respected by all who came to know him. We are truly grateful for everything he has accomplished.

Mr. Speaker, I urge my colleagues to join me in recognizing John Ferdinandi, Jr. for his significant and steadfast efforts for the betterment of the greater Fresno community.

A TRIBUTE TO DAVID ''DAVE'' LEMAY

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to express my gratitude for the exceptional services which Scripps Ranch High School Principal David LeMay has performed for the students of San Diego City Schools and for our great nation. Dave's leadership, his promotion of excellence, his positive involvement in student activities, and his deep commitment to educational excellence and sound educational practices make him a truly admirable American and one deserving of recognition by this body. It is for his outstanding dedication and his thirty-three years of service to the students of San Diego that I wish to congratulate and thank Principal Dave LeMay.

Dave's leadership history did not begin with an administrative position in the San Diego City Schools or even in the classroom. It began with his service as a United States Army officer in 1966. Dave served our country in the Vietnam War; and was awarded the Bronze Star in recognition of his courage, bravery, and valor.

Following military service, Dave completed his education at San Diego State University; and, in 1970, he began teaching history at O'Farrell Junior High in San Diego. Dave's instructional expertise was soon recognized, and he was selected as a district demonstration teacher for comprehensive and gifted certificated staff. After eight years of classroom teaching, Dave became an Administrative Intern at Midway Continuation High School. A short six months later, he was appointed Vice Principal of Garfield Independent Learning Center. In 1978, he became Vice Principal of Wagenheim Junior High School, a position he held for the next two years prior to becoming Vice Principal at Samuel Gompers Secondary School in 1980. At Gompers Dave was instrumental in instituting an Advanced Placement tutorial program for underrepresented students.

Dave's administrative rise continued in 1984, when he was appointed Vice Principal of Point Loma High School. He held that position until the fall of 1986 when he became Principal of Montgomery Junior High School. Three years later he was appointed Principal of Crawford High School, a position he held for seven years. At Crawford Dave was instrumental in restructuring second language education to include a Newcomer Center which served immigrant children. Dave also won School Board approval for a School-to-Work bungalow building project. The first bungalow was completed in 1992. Since that time, eight additional bungalows have been built by students enrolled in construction technology.

Since 1996 Dave has been the principal of Scripps Ranch High School. Under his stewardship, the school has been honored by the United States Department of Education as a National Blue Ribbon High School of Excellence. Additionally, Dave has been instrumental to the success of my Technology Fair for high school students. Each year more than two-thousand students from high schools throughout my Congressional District attend the event at Scripps Ranch High School. The purpose of the ''Tech Fair'' is to encourage students to study math and science and to go college. The program has been so successful that it has been modeled by the San Diego Science Alliance and by other Congressional Representatives' Offices.

Truly, Dave is a consummate administrator. He has a warm, easy manner with people. He is a great listener. He is quietly effective at making positive changes. He demands the best by modeling the best. Dave is hard-working, task-oriented, organized and efficient. It is hard to conceive of a principal who is more knowledgeable of or more involved in a school than Dave LeMay. In addition to his pursuit of educational excellence, Dave is fervent in promoting other aspects of student life such as drama, the arts, music, and athletics. He seldom misses a school event.

Principal David LeMay is the longest-serving high school administrator at San Diego City Schools. Dave's remarkable contributions to the students of San Diego speak to his intellect, his professional drive, and his relentless pursuit of excellence. After thirty-three years, Dave will retire on June 30, 2003. I urge my colleagues to join me in wishing him the very best success as he starts a new chapter in his life, and I hope that he will always be blessed with fair winds and following seas.

A SPECIAL TRIBUTE TO THE AMERICAN FOREST & PAPER ASSOCIATION FOR ITS COMMITMENT TO INCREASED PAPER RECOVERY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. GILLMOR. Mr. Speaker, I would like to commend the members of the American Forest & Paper Association (AF&PA) for committing to meet an increased paper recovery goal by the year 2012. This effort illustrates the paper industry's understanding of our natural resources and its desire to safeguard the environment by decreasing the amount of paper that is sent to our nation's landfills.

In 2000, 232 million tons of solid waste was produced in the United States, taxing our landfills, peoples' pocketbooks, and our environment. In order to sustain economic growth and simultaneously promote environmental protection, some hard choices needed to be made—and were. Since 1987, paper recovery has increased 97 percent. This dramatic increase can be traced to an industry set goal on paper recovery, as well as the investment of more than $15 billion in new equipment. With the help of action-oriented communities across the country, AF&PA and its member companies have more than exceeded the U.S. Environmental Protection Agency's target of 35 percent recycling by 2005 as part of its ''Resource Conservation Challenge.''

Achieving higher levels than were they are now will not be easy, but it is important since every bit counts. That is why I am pleased that AF&PA is reaching out to form partnerships with the Environmental Protection Agency, various cities and office building managers across the country to help increase public awareness about the benefits of recovering paper for recycling. I hope that this public-private partnership will raise awareness and encourage larger, future voluntary recycling efforts in paper recovery.

Although I acknowledge progress has been made in paper recycling, more can and should be done. As demand for recovered fiber continues to grow for both domestic and export markets, additional recovered fiber supply will be needed—of note, more than 38 percent of the industry's raw material comes from recovered fiber. We should ensure that all citizens continue to play a meaningful role in safeguarding the environment, encouraging fiber and sustaining economic growth, and preserving our natural resources through recycling used paper.

Environmental progress requires that the private sector and government work together to get things done and these efforts provide an opportunity for more Americans to recycle in their homes, offices and schools. To the end that good progress has been made, I applaud AF&PA, but am reminded that success is a continual forward journey. Recovering more fiber for recycling at U.S. paper mills through recycling challenges, model programs and community partnerships helps ensure that the paper industry will continue to be a strong participant in the American economy, a responsible steward of the environment and a leader in efforts to utilize all available resources in the production of recycled content products. For that we should all be thankful.

TRIBUTE TO THE 33RD PRESIDENT OF THE UNITED STATES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to bring to your attention an article that was written by Jeff Joiner and appeared in the May 2003 addition of Rural Missouri magazine. The article, ''Where's Harry'', gives a brief history of President Harry S. Truman's life from his birth in Lamar, MO, until his death in Independence, MO. It also explains the various places you can learn about the history of President Truman, most notably the Truman Library in Independence, MO.

Mr. Speaker, I wish to share this article with the rest of the chamber.''

WHERE'S HARRY?

A TOUR OF WESTERN MISSOURI OFFERS A GLIMPSE AT HARRY TRUMAN'S LIFE AND THE RURAL BACKGROUND THAT SHAPED ONE OF THE 20TH CENTURY'S MOST IMPORTANT LEADERS

(By Jeff Joiner)

The voice of Harry S Truman welcomes a group of children as they step into the Oval Office. Of course the office is a reproduction and Truman's voice recorded but the kids, on a tour of the Truman Presidential Museum and Library in Independence, instantly recognize the most famous office in the world. Truman's Oval Office, decorated as it was when he occupied it from 1945 until 1953, contains one artifact the kids find most interesting, a television with a tiny screen set in a large wooden cabinet. A tour guide tells the group Truman was the first president to have a TV in the Oval Office.

A visit to the Truman Library in Independence is a reminder of some of the most volatile history of the 20th century. As president, Truman witnessed the end of World War II and the beginning of the rebuilding of Europe and Japan. But he also faced the expansion of communism, which led to confrontation in Berlin and the bloody Korean War, and devised a policy to contain communism known as the Truman Doctrine. Often loudly criticized for unpopular decisions, like firing Gen. Douglas MacArthur, Truman dealt with his heavy responsibilities straight on, without flinching or laying blame.

Many historians credit Truman's plainspoken manner and upfront ''The Buck Stops Here'' frankness to his rural upbringing. Born in Lamar and raised on the family farm near Grandview, Truman came from humble beginnings. And once his presidency was finished, he and wife, Bess, returned to their home at 219 North Delaware in Independence where they lived only a few blocks from where Truman's political career began in the Jackson County Courthouse 30 years earlier.

A real understanding of Truman and how he faced the problems of post-World War II America can't be appreciated without looking at where the man came from. Fortunately for travelers Truman's home state offers many places to see and touch the history that shaped the president.

A BIRTHPLACE IN LAMAR

Truman was born May 8, 1884 in a small, white frame house in Lamar where he and his parents lived for 11 months before moving to Harrisonville and later Grandview to the north. On the day his first child was born, John Truman planted an Austrian pine tree and today, 119 years later, that tree still lives in the front yard of the house, which has been the Harry S Truman Birthplace State Historic Site since 1959. The house, managed by the Missouri Department of Natural Resources, recreates a typical midwestern American home at the dawn of the 20th century.

Truman was the first person to sign the guest book on the day the historic site was dedicated and typical of his down-to-earth style, he wrote, ''Harry Truman, Independence, Mo., retired farmer.''

A LIFE BEGUN ON A FARM

The Truman family eventually moved to a 600–acre farm near Grandview in 1887 where they lived for three years before moving to Independence. Harry Truman often worked on the farm as a youngster and was responsible for the operation after his father's death in 1914 until he joined the military three years later. An Army captain, Truman led an artillery battery during World War I.

What today is called the Truman Farm Home is part of the Harry S Truman National Historic Site administered by the National Park Service, which includes the Truman Home 30 miles away in Independence. A shopping complex called Truman Corners now surrounds what's left of the family farm, which includes 5 acres of land and the farmhouse, which is not open to the public. The farm is located near the intersection of Highway 71 and Blue Ridge Boulevard.

THE SUMMER WHITE HOUSE IN INDEPENDENCE

The centerpiece of the Truman National Historic Site is the home that Harry and Bess occupied as a young married couple in 1919. Though he lived for many years in Washington, D.C., first as a United States senator, vice president and then 33rd president of the United States, Truman always considered the house in Independence home. Even during his presidency it was known as the Summer White House.

Following the inauguration of Dwight Eisenhower as president in 1954, Harry and Bess returned to Independence where he was occupied with the planning and construction of his presidential library. Until late in life, Truman was known for taking long walks around Independence, a fact commemorated by the city on its street signs in the Truman Historic District which feature a silhouette of the former president, cane in hand, walking.

Truman lived in the house on Delaware until just before his death on Dec. 26, 1972 at the age of 88. Bess continued to live in their home for another decade and died there. In her will she left the home to the United States and it was dedicated as a national historic site in 1983.

The Truman Home, located on the corner of Truman Road and Delaware Street, is open for tours by National Park Service rangers. Tickets can be purchased at the site visitor's center on Main Street in downtown Independence.

A LIBRARY WORTHY OF A PRESIDENT

The crown jewel of Truman's Missouri is the presidential library which documents in letters and historic papers his legacy as the first president to step into the dark waters of the Cold War, a period that continued until the collapse of the communist government of the United States' chief adversary, the Soviet Union, in 1991.

The library details in a series of exhibits Truman's political rise and his presidency including his whistle stop train campaign and upset re-election in 1948. It also documents the dark, early history of the Cold War. A painful reminder of that era is the Purple Heart medal and angry letter sent to Truman by the father of a U.S. soldier killed in Korea. The medal and letter were found in Truman's desk in his office after his death.

Other Truman historic spots include the Jackson County Courthouse in Independence which maintains the office and courtroom of Presiding County Court Judge Truman and the Elms Hotel in nearby Excelsor Springs where the president holed up during election night in November 1948 when he, and most of the nation's press, expected Thomas Dewey to defeat him.

By visiting any number of spots in Missouri frequented by the ''Man from Independence,'' people can appreciate how a simple, rural beginning shaped world history.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. SWEENEY. Mr. Speaker, I rise today, as a co-chair of the Correctional Officers Caucus, to honor the men and women working in our correctional facilities. On a daily basis, correctional personnel perform a wide range of jobs, from the routine to the extraordinary. Their work often goes unnoticed, but the efforts of correctional officers and employees were never more apparent than on September 11, 2001.

Following the horrific terrorist attacks, the New York Correction Department immediately sent personnel to assist in rescue operations. Department staff controlled traffic congestion enabling emergency vehicles to reach Ground Zero and assisted firefighters by delivering fuel to needy fire trucks. They built a small ''tent city'' equipped with heat, electricity, telephone and fax lines to provide additional support services for the temporary morgue at Bellevue Hospital. The Department also conducted security clearances and issued thousands of photo ID cards to secure access to Ground Zero and other restricted areas.

Mr. Speaker, in the aftermath of the terrorist attacks, correctional officers and employees were deployed 24 hours a day, seven days a week, to assist in various rescue and recovery efforts.

We have introduced H. Con. Res. 180 to recognize National Correctional Officers and Employees Week, in gratitude for the courage and professionalism of the New York City Correction Department in the face of tragedy, as well as the daily work of all correctional officers and employees who perform their jobs with dedication and resolve.

Mr. Speaker, it is a privilege to honor our Nation's correctional officers and employees. I urge my colleagues to recognize these men and women by supporting this important resolution.

TESTIMONY OF BOB MURRAY ON THE KYOTO PROTOCOL

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. POMBO. Mr. Speaker, on May 13, 2003 the House Committee on Resources held a field hearing in St. Clairsville, OH on the proposed Kyoto Protocol's impact on coal dependent communities in Ohio.

Congressman BOB NEY, who lives in St. Clairsville, did a marvelous job locating excellent witnesses representing organized labor, industry and local government. Among them was Mr. Robert E. ''Bob'' Murray, who a very prominent leader within America's coal mining industry. I encourage my colleagues to read this testimony that puts a human face on how the Kyoto Protocol will impact working men and women in the Ohio Valley and throughout the United States.

STATEMENT OF MR. ROBERT E. MURRAY BEFORE THE COMMITTEE ON RESOURCES OF THE HOUSE OF REPRESENTATIVES FIELD HEARING ON THE ''KYOTO GLOBAL WARMING TREATY'S IMPACT ON OHIO'S COAL DEPENDENT COMMUNITIES,'' ST. CLAIRSVILLE, OHIO, MAY 13, 2003

Chairman Pombo and Congressman Ney, my name is Robert E. Murray, and I am President and Chief Executive Officer of Murray Energy Corporation (''Murray Energy''), which employs about 2,500 persons in the most economically depressed areas of the United States. Our Subsidiaries, American Energy Corporation, Maple Creek Mining, Inc., and The Ohio Valley Coal Company, employ about 1,400 persons in the tri-State Ohio River Valley area, and nearly 1,000 people here in Belmont County.

Studies at the Pennsylvania State University have shown that up to eleven (11) secondary jobs are created for each coal industry position that we provide, thus making our Companies responsible for almost 17,000 jobs in this tri-State area, and nearly 12,000 positions in Eastern Ohio.

But, this is not where our tremendous beneficial impact on this region stops. Our mining employees typically earn twice the average household wage in Ohio and two-and-one-half times the median wage for this area. American Energy Corporation's Century Mine here in Belmont County is the largest single economic development in Ohio in recent years, representing an over $300 million investment in our area.

The subject of the ''Kyoto Global Warming Treaty'' is a human issue, not an environmental matter, to me, Chairman Pombo and Congressman Ney. You see, I know the names of many of the people whose jobs, standards of living, and lives would be destroyed in this area if the United Nations' ''Kyoto Global Warming Treaty'' were ever adopted by the United States.

This region is desperate for good paying and well-benefited jobs. Our people just want to earn a reasonable living with honor and dignity. Our young people want to stay in the area and have good employment. Many times grown men and women have broken down and cried in my office when I told them that we had a job for them. They know that, with the high pay and excellent benefits provided by coal mining, they can build the lives of their dreams, be with their families, and retire with dignity.

But, this region came close to being economically devastated, as the Administration of Bill Clinton and Albert Gore signed the United Nations' Kyoto Protocol on so-called global warming and for years urged its passage by the United States Senate. Wisely, the Senate would not ratify their draconian treaty. Passage of the United Nations Kyoto Protocol would have eventually eliminated the U. S. coal industry and the 17,000 primary and secondary jobs for which my Companies are responsible in this tri-State area. Indeed, the Clinton/Gore Administration had a motto that they were going to ''dial out coal.''

Fortunately, President George W. Bush condemned the United Nations' Kyoto Protocol soon after he took office and announced that our Country would no longer be a part of this flawed agreement. On March 13, 2001, President Bush said:

''As you know, I oppose the Kyoto Protocol because it exempts eighty (80) percent of the world, including major population centers, such as China and India, from compliance, and would cause serious harm to the U.S. economy.''

President Bush has chosen an entirely different way to address the climate issue, one based on research, technology, and voluntary action. This path will encourage economic growth, not stifle it. It will allow greater use of our Nation's most abundant and lowest cost energy source, coal, rather than devastate the industry and this area.

The President has received much pressure from radical environmentalists and no-growth advocates in the U.S., as well as the international community, to reverse his decision. But, even the most ardent of supporters of the Protocol, the members of the European Community, who are using this issue to gain economic advantages over the U.S. for their products in the global marketplace, are having difficulty achieving the mandatory carbon dioxide emissions reductions that they set for themselves. And, it is important to point out that the Kyoto Treaty has yet to go into force.

Very importantly, there is no scientific consensus that so-called global warming is even occurring. Moreover, there is no scientific evidence that human activities are responsible.

As an engineer, I have followed the so-called global warming matter for more than two decades. The best analysis that I have read is that prepared by Professor Bjorn Lomborg, an academic who is a former Greenpeace member and devoted environmentalist. Dr. Lomborg has compared the projected changes in the world's temperatures for the next one hundred years—both with the Kyoto Treaty and without. Dr. Lomborg has concluded that:

If we observe the Kyoto Treaty by enforcing all of its provisions, by the year 2100 (when our new granddaughter will be 97 years old), the temperature is expected to increase by 1.92 degrees Celsius.

Without implementation of the Kyoto Treaty, the temperature will reach that level by 2094 (when our granddaughter will be 91 years old), six (6) years sooner than with the Protocol.

In 2010, compliance with the Kyoto Treaty will cost $350 billion per year, increasing to nearly one trillion dollars annually by 2050. To put this into perspective, Professor Lomborg calculates that, for $200 billion per year, every human being on Earth could have clean drinking water and sanitation, saving two million lives each year.

Mandatory restrictions on carbon dioxide emissions, whether imposed by the United Nations' Kyoto Protocol or by restrictions such as those currently being proffered by some Senators, would have a devastating effect on the communities in this tri-State area. The Kyoto Treaty would require a reduction of greenhouse emissions to seven percent (7%) below 1990 levels by 2008, notwithstanding that there is no scientific evidence that proves that such reductions are beneficial or necessary. Our Nation would have to reduce emissions by close to forty percent (40%) from current levels in just five (5) years to meet the draconian Kyoto Treaty goals. We applaud President Bush for recognizing the Kyoto Treaty for what it is, a political agreement pushed by the Clinton/Gore Administration with no regard for America's economy or citizens, and particularly those in this area.

Regarding the economic devastation of the ill-conceived Kyoto Treaty, the most recent

study by the Heartland Institute showed that if emissions had to be reduced to 1990 levels—and that is not as low as the Kyoto Treaty would have required—the Ohio state government would lose a minimum of $1.2 billion in revenue annually, and consumers and businesses in our State would pay $3.2 billion and $32 billion, respectively, more for federal and state programs to reduce carbon dioxide emissions.

Furthermore, based on the Heartland Institute study, each household in Ohio would pay over $8,000 per year for just the reduction to 1990 levels, and reaching the Kyoto Treaty targets would cost every Ohio household $14,000 annually. Clearly, these numbers prove the folly of even thinking about agreeing to mandatory carbon dioxide controls in any form.

As for coal, there would be very little production of this fuel in the United States under a Kyoto type regime. The Energy Information Administration of the U. S. Department of Energy, analyzed the affects of a Kyoto Treaty on the energy markets and determined that it would cause a sixty-seven (67%) reduction in National coal production levels by 2010, and a 90% drop by 2020.

In short, by 2020 there would be no coal industry in Ohio, from which eighty-seven percent (87%) of the State's electricity is generated. Furthermore, coal fired electricity costs about one-third (⅓) that from natural gas fired generation, and is even more economical than this over nuclear generated electricity.

A better way to address the climate issue is by the plan outlined by President Bush in February, 2002, which, as I have stated before, is based on science, research, technology, efficiency, and voluntary actions. Such an approach will determine whether carbon dioxide emission reductions are beneficial or necessary, or not. If carbon dioxide reductions are proven to be necessary, we will be on our way. If they are not, we will still be moving well down the road to the more efficient use of coal with new technologies.

There currently are several initiatives in Washington that will directly keep coal in the energy mix. On the Congressional front, the U.S. House of Representatives has just passed H.R. 6, the Energy Policy Act of 2003. This legislation includes two important provisions that we need to get advanced clean coal technologies into existing coal fired electricity generating plants and to build new ones. H.R. 6 also includes authorization for basic coal research and for the President's $2 billion Clean Coal Power Initiative, which will demonstrate advanced clean coal technologies.

The aforementioned two provisions are also included in the Senate Bill, S. 14, that is now being debated on the Senate floor. But, S. 14 includes a third important element that was left out of the House passed legislation. The Senate Bill will include very important production and investment tax credits for a limited number of plants to encourage rapid use of new advanced clean coal technologies. It is important, Mr. Chairman and Congressman Ney, that you support the inclusion of these tax provisions in the final bill that goes to the President's desk.

Another important initiative that the Administration has announced is the FutureGen Program, which is a $1 billion, ten (10) year, demonstration project to create the World's first coal-based, zero emissions, electricity and hydrogen power plant. The plant will capture carbon dioxide emissions and will be coupled with carbon sequestration so that it is literally a zero emissions plant. Over the long term, coal can be the major source for hydrogen energy for our Country.

Mr. Chairman, not only is the coal industry opposed to mandatory reductions of carbon dioxide emissions, we are also opposed to programs that would require mandatory reporting on emissions, as well as schemes that would lead to carbon dioxide emissions trading. The voluntary approach that the industry is supporting will be the best way to preserve Ohio and tri-State area jobs and hold down electric rates for our households and our factories that must compete in the global marketplace.

The coal industry in the United States, at this time, is being economically devastated. Practically all of the major eastern U.S. coal producers are unprofitable or are currently in bankruptcy. This is largely the result of the depressed economy, huge amount of construction of new natural gas fired electricity generating units during the Clinton/Gore years, and importation of cheap coal from South America. This is the worst possible time for some in Congress to be advocating any mandatory requirements regarding carbon dioxide emission measuring, reductions, or trading.

Mr. Chairman and Congressman Ney, we commend you for holding this field hearing on the devastating effects that any attempt to put restrictions on carbon dioxide emissions would have on the people and communities in this tri-State area of the Ohio River Valley. As I stated previously, the Kyoto Treaty and proposed carbon dioxide emission reductions is a human issue with me, rather than environmental, as I know the names of many of the individuals in this area whose jobs, lives, and quality of life would be destroyed under the Kyoto Treaty or any other program for mandatory reductions in carbon dioxide emissions.

WAR IS ALWAYS SHOCK AND AWE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. OWENS. Mr. Speaker, Secretary Rumsfeld's announcement a few months ago that the war in Iraq would be won by the application of ''shock and awe'' was not the revelation of a new and innovative weapon. Shock and awe has always been the dominant feature of war. Indeed war itself is inevitably traumatic; when there is death and killing there is automatic and excruciating shock and awe. Part of the power of the early witch doctors was derived from the grotesque mask they wore. Roman armor was designed not merely to protect soldiers but also to frighten the enemy. Viking ships had monstrous images carved on their masts to terrify their victims before attacking. Hitler's Luftwaffe planes from the air with bombs slaughtered the Polish cavalry charging forward on their obsolete white horses. The Russians employed a monster tank that made even the cold blooded Nazis cringe with fear. And, of course, nuclear war is the ultimate shock and awe. When we announce shock and awe as a great accomplishment there is a danger that we will grossly mislead our youth. There is nothing glorious and splendid about shock and awe. War is at best a necessary evil. The war against Iraq is an unnecessary evil. The following Rap poem seeks to expose the horror of Shock and Awe:

SHOCK AND AWE

See the devil's claw—
Thunder lightning death!
American Satan certified,
Fiery werewolf's paw,
Welcome the witch's law.
Shock and Awe!
God gave Lucifer
The outrage sign—
No more floods,
Generals in charge this time.
Military hi-tech games
Smoke and flames
Tomahawks never error
Now the screech of terror!
O say can you hear
Like hysterical chickens
Enemy families scrambling
With their foreign fear.
Target with the drone
Then melt the ancient stone;
Ignore the pope
Burn infant hope.
Apologize for the human stew:
Brains fried
Glands crisp dried
Ears toasted
Thighs roasted
Blood and skin
For savage sausage;
Barbecue ageing sages
Too old to flee,
Dracula's banquet served free.
America stands by what it said—
Every Iraqui orphan will be fed;
Salute the red white and blue—
Liberation will surely come true.
With Shock and Awe
We decree new orders—
We reserve the right
To draw new borders.
Bagdad is burning,
For Damascus
We are yearning,
On the table Tehran too,
Salute almighty red white and blue.
Color the sky red
Pray for the collateral dead,
Ingest civilization raw,
Taste unpolluted steaming
Shock and Awe!
Entice priests away from popes,
Humiliate polyglot UN dopes;
Shove Paris onto the track,
Watch Moscow at our back;
Ambitious Shiites should cross no border;
Shock and Awe
Is the new world order!
See the devil's claw
Fiery werewolf's paw
Welcome the witch's law.
Shock and Awe!
Shock and Awe!

HEALTHY FORESTS RESTORATION ACT OF 2003

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Ms. ESHOO. Mr. Speaker, this bill isn't about wildfire prevention. Fire prevention is being used as an excuse for allowing massive commercial logging in our national forests.

Although its proponents say otherwise, the bill allows more than just ''thinning'' of small trees and brush that are at risk of burning. It allows logging of the largest, most fire-resistant trees which are found in areas of the forest that are the least likely to burn.

Timber companies want special access to these commercial-grade trees and the isolated sections of forest where they flourish. Under the pretext of ''fire prevention,'' this bill rewards the industry with that access.

When this proposal was unveiled by the White House last summer, James Connaughton, the Chairman of President Bush's Council on Environmental Quality, gave the only frank description of the plan to come from the Administration. He said:

''[T]he best place to get commercial grade timber is in the context of these thinning projects. So why not go there? And that's really what this [initiative] is about.''

So the ''thinning'' is simply a Trojan horse to allow massive commercial logging in our forests.

If we're serious about stopping the destructive fires that destroy homes and threaten lives, we need to focus on the borders between forests and populated areas. Clearcutting in isolated areas of our forests, as the bill allows, will not protect lives or property. The slash created by clearcutting undermines forest health and increases the risk of damaging wildfires.

The Miller Substitute focuses on where the greatest threat exists . . . the border between forests and population centers. At the same time, it preserves our ecologically valuable old growth forests. If wildfire prevention is the goal, then the Miller Substitute is the best way to get there. We need to defeat this bill and adopt the Miller substitute.

CONGRATULATING NICOLE BORDALLO NELSON ON HER GRADUATION FROM THE UNIVERSITY OF SAN FRANCISCO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Ms. Nicole Bordallo Nelson for completing her undergraduate degree in Psychology from the University of San Francisco, for which commencement ceremonies will take place on May 24, 2003.

The Psychology Department at the University of San Francisco is a rigorous and highly regarded program. I am proud of Nicole for her tremendous achievement and for her hard work in order to earn this prestigious degree. However, it is her compassion for other people that is most commendable. Besides her many long hours of study and her hard work as a research assistant with the University of San Francisco Psychology Department, Nicole spent much of her free time volunteering for Bay Area homeless rescue missions. It is no surprise that she has excelled at the college level, and I have no doubt that she will continue to serve the community as she pursues a career in the Psychology.

Before college, Nicole attended the Academy of Our Lady of Guam, a Catholic school for young women on Guam, and later graduated from St. Paul's School. In addition to her coursework and hours of community service, she excelled as an athlete in soccer and basketball.

Today I join Nicole's parents, Deborah Josephine Bordallo and James Earl Nelson in congratulating Nicole on her accomplishment. They were always supportive and responsible parents to Nicole, their only daughter, and they have every reason to be proud of her achievement. But most of all, I want to thank Nicole for making me one very proud grandmother. I know that her grandfather, the late Governor Ricky Bordallo, must be smiling down on her today. God bless you, Nicole, we love you.

COERCED STERIZATION INVESTIGATED IN SLOVAKIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SMITH of New Jersey. Mr. Speaker, on May 8, the Senate gave its consent to protocols providing for the accession of seven new members to the North Atlantic Treaty Organization. I have supported Slovakia's admission to NATO and am heartened that the post–1998 democratic and human rights progress in Slovakia made the Senate vote possible.

Slovak leaders continue to demonstrate in many concrete ways their commitment to the oftcited but not always visible ''shared values'' that are central to the trans-Atlantic community. I was moved to read that several Slovak leaders, including Speaker of the Parliament, Pavol Hrusovsky, with whom I met last year, Laszlo Nagy, Chairman of the Parliament's human rights committee, and the Foreign Ministry have spoken out so clearly and strongly on behalf of the Cuban dissidents victimized by Castro's recent sweeping crackdown on human rights activists.

At the same time, I have continuing concerns about the Slovak Government's ongoing investigation into allegations that Romani women were sterilized without proper informed consent.

Mr. Speaker, I know these allegations are of concern to many members of the Helsinki Commission, one of whom recently sponsored a Capitol Hill briefing concerning the sterilizations. I also discussed the issue with Slovak Ambassador Martin Butora and Deputy Minister Ivan Korcok in March. Eight Helsinki Commissioners joined me in writing to Prime Minister Dzurinda to express our concern, and U.S. Assistant Secretary for Human Rights, Democracy, and Labor, Lome Craner, commented on this abhorrent practice at his hearing on the State Department's annual human rights report.

I was encouraged by the Prime Minister's substantive and sympathetic response, and I commend his commitment to improve respect for the human rights of Slovakia's Romani minority.

At the same time, I am deeply troubled by one particular aspect of the government's response to the reports documenting that sterilizations occurred without proper informed consent.

Shortly after the release in January of a lengthy report on sterilization of Romani women, a spokesperson for the ministry responsible for human rights was quoted in The New York Times as saying: ''If we confirm this information, we will expand our charges to the report's authors, that they knew about a crime for a year and did not report it to a prosecutor. And if we prove it is not true, they will be charged with spreading false information and damaging the good name of Slovakia.''

In other words, if the government's investigation does not find evidence of coerced sterilization, they intend to make those who dared make the allegation pay a price. And if the government's investigation does confirm the allegation, they will still make those who made the allegation pay a price. I believe this is what is meant by the old expression, ''Damned if you do, and damned if you don't.'' This is really an outrageous threat, and it's hard to believe that an official responsible for human rights would have made it.

Mr. Speaker, I had hoped that this was an unfortunate misstatement and not really reflective of the Slovak Government's policies. I had hoped that the fact that almost every newspaper article, from Los Angeles to Moscow, about coerced sterilization in Slovakia has mentioned this threat would lead the Slovak Government to issue some kind of clarification or retraction. Unfortunately, not only has there been no such clarification or retraction, but the threat has now been repeated—not once, but at least twice.

First, in mid-March, the Ministry of Health issued a report based on its own investigation into the allegations. (A separate government investigation continues.) Naming a particular Slovak human rights advocate by name, the ministry complained that she had refused to cooperate with police investigators and this could be considered covering up a crime. Essentially the same point was made by Slovakia's Ambassador to the OSCE in early April, ironically during a meeting on Romani human rights issues.

Mr. Speaker, these threats raise serious doubts about the breadth and depth of the Slovak Government's commitment to get at the truth in this disturbing matter. Can the Slovak Government really expect women who may have been sterilized without consent to come forward and cooperate with an investigation with a threat like this hanging over them? A few brave souls may, but I believe these threats have had a substantial chilling effect on the investigative process.

In fact, it is not unusual for those whose rights have been violated to confide their stories only upon condition of anonymity. And while I realize there has been a very serious effort in Slovakia to improve the professionalism of the police and to address past police abuses against Roma, I certainly can't blame Romani women if they are unwilling to pour their hearts out to their local constables. Simply put, the police have not yet earned that trust.

I hope the Slovak Government will set the record straight on this and remove any doubt that the days when human rights activists could be sent to jail for their reports is over. Doing so is critical for the credibility of the government's ongoing investigation.

RECOGNITION OF ARDELL KIMMEL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Ardell Kimmel of Jefferson County, Illinois. Ardell was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Ardell received this honor for his lifelong service to others. He served his country in

World War II as a United States Navy Gunnery Mate. After the war he earned a degree in agriculture. Throughout his life he has shared with high school and college students his knowledge of agriculture. He has been involved with the 4-H Club, Southern Illinois Agri-Business Club, King City Dinner Club, and American Legion Post 141. Ardell is actively involved at Central Christian Church where he serves in numerous ways. He and his wife, Wilma, have also raised two daughters and one son.

I want to congratulate and thank Ardell for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

CONGRATULATIONS TO KENNARD CLASSICAL JUNIOR ACADEMY FOR RECEIVING A ''GOLD STAR'' AWARD

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. CLAY. Mr. Speaker, I rise to honor excellence personified by Kennard Classical Junior Academy, in the St. Louis Public Schools District.

In April the school was named one of 15 elementary schools in the State of Missouri to receive the ''Gold Star'' award for academic excellence. I proudly enter their name into the CONGRESSIONAL RECORD as part of a national celebration of their achievement.

The feat by staff and students at Kennard Classical Junior Academy is top flight, considering that some 35 highly competitive public schools competed for the awards, for the 2002–2003 academic year.

Chosen by a panel of school administrators and other educators from across the state, all applications were evaluated and winners were selected during the month of April. The 15 schools were formally honored May 7 at a forum in Jefferson City, MO, the State Capital.

To be eligible for the award, schools had to meet academic performance criteria established by the U.S. Department of Education for the ''No Child Left Behind—Blue Ribbon Schools'' program.

Established in 1991, the Gold Star Schools program is sponsored by the Missouri Department of Elementary and Secondary Education, with financial support from State Farm Insurance Companies, Inc.

In the program, elementary and secondary schools are recognized in alternating years.

Mr. Speaker, there is something extra special about Kennard Classical Junior Academy. While the school sits in South St. Louis, in the neighboring 3rd Congressional District, I readily share my joy in this achievement because my daughter, Carol, is a student at Kennard and shares in her school's success as well.

Mr. Speaker, I submit to you that success in education can be achieved at all levels, and sometimes where it is least expected.

As we celebrate 15 Gold Star schools in the state of Missouri, with three in my district alone, I also hope and plan for the day that the majority of schools in the state achieve ''Gold Star'' status.

At that time we can happily raise the academic bar again, for the next generation of students. If the students of today are a barometer, then the students of the future will most assuredly defy the odds against them and take their place in the modern world as well-educated leaders and decision-makers solving future problems.

As leaders in government, it is our responsibility to provide them the tools, the gifted teachers and the inspiration to achieve against great odds for even greater successes.

RECOGNITION OF REV. LEROY DUDE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Rev. Leroy Dude of Jefferson County, IL. Leroy was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Leroy received this honor for his lifelong service to others. For 45 years Reverend Dude served as pastor of West Salem Trinity United Methodist Church. He performed many baptisms, weddings, and funerals; as well as mowing the lawns of others, helping to paint barn roofs, and planting trees. Leroy also has served as trustee and clerk of Shiloh Township. He and his late wife raised five children.

I want to congratulate and thank Leroy for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

CONGRATULATIONS TO PIERRE LACLEDE ELEMENTARY SCHOOL FOR RECEIVING A ''GOLD STAR'' AWARD

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. CLAY. Mr. Speaker, I rise to honor excellence personified by a public school in my district—Pierre Laclede Elementary School, in the St. Louis Public Schools District.

In April the school was named one of 15 elementary schools in the State of Missouri to receive the ''Gold Star'' award for academic excellence. I proudly enter their name into the CONGRESSIONAL RECORD as part of a national celebration of their achievement.

The feat by staff and students at Pierre Laclede Elementary School was one of three schools in my district so honored. Some 35 public schools competed for the awards, for the 2002–2003 academic year.

Chosen by a panel of school administrators and other educators from across the State, all applications were evaluated and winners were selected during the month of April. The 15 schools were formally honored May 7 at a forum in Jefferson City, MO, the State capital.

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IN HONOR OF THE DEDICATION OF THE SHIRLEY GRALLA GIRLS' ELEMENTARY SCHOOL AT BE'ER HAGOLAH INSTITUTES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Shirley Gralla, a life-long supporter of Jewish education around the world, on the dedication of the Shirley Gralla Girls' Elementary School at Be'er Hagolah Institutes in Brooklyn, NY.

As a child in the early 1920s, Shirley Gralla came to America from Eastern Europe in search of the ''American Dream.'' As an adult, she has dedicated her life to making that dream a reality for thousands of Jewish immigrant children. With her husband Milton, Shirley helped transform Be'er Hagolah Institutes into the largest school in the United States designed to attract and educate Jewish children from the former Soviet Union. The Center, which was established in 1979, educates nearly one thousand students from kindergarten through grade 12, and has a policy of turning no child away for financial reasons. In fact, most of the student body receives a full or partial scholarship.

Shirley and Milton have endowed and named schools in Odessa, Ukraine; Kiev, Ukraine; Moscow, Russia, and Jerusalem, Israel. She has initiated a family sponsored endowment of a floor at the Albert Einstein College of Medicine in New York City, for the study of brain disorders. More recently, Shirley helped to create the Brandeis University ''Genesis'' Program, which invites Jewish teens from around the United States to participate in an enriching Judaic and academic experience at the university's campus in Waltham, Massachusetts. For these and other achievements, Shirley Gralla has been named a Fellow at Brandeis University and a Doctor of Humane Letters by Yeshiva University.

When the need for new facilities at the Be'er Hagolah Institutes became obvious ten years ago, Shirley and Milton rose to the challenge.

Together with Joseph Gruss and the Reichmann family of Toronto, they worked to fund the construction of magnificent new accommodations for the children. On May 28, 2003 Shirley Gralla's commitment to the school will be recognized when the girls' elementary school will be dedicated in her name.

I commend Shirley Gralla for her continued dedication to the field of education and her commitment to improving the lives of Jewish immigrant children. I ask my colleagues in the House of Representatives to please join me in congratulating Shirley Gralla on the dedication of the Shirley Gralla Girls' Elementary School at Be'er Hagolah Institutes.

COMMEMORATING THE 25TH ANNIVERSARY OF LOWELL NATIONAL HISTORICAL PARK

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to commemorate the silver anniversary of the Lowell National Historical Park.

Twenty-five years ago, President Jimmy Carter signed into law former Congressman Paul Tsongas' legislation to establish the Lowell Park. At the time, Lowell was a struggling community with an uncertain future. Nevertheless, Tsongas knew that as the cradle of America's Industrial Revolution, Lowell was a dynamo waiting to be harnessed.

Today, the Lowell Park receives nearly three-quarters of a million visitors a year and its revitalized and reused mills are home to high technology companies, a state university, and housing for all income levels.

The Lowell Park has told the story of our Nation's industrial history using world class museum exhibits and innovative programs and events such as canal boat tours; a recreated weave room and interactive exhibits at the Boott Cotton Mills Museum; the Mill Girls and Immigrants exhibit; the annual Lowell Folk Festival, the largest free folk festival in the nation, now in its 17th year; and numerous other heritage-based special events.

Furthermore, as a pioneer in the National Park System (NPS), Lowell has been a model for telling America's industrial history across the Nation, in such places as Dayton, OH, where stories are being told about the history of aviation; in the Upper Peninsula of Michigan about copper mining; in the Monongehela Valley of Pennsylvania about the steel industry; and in Scranton, PA, about railroading.

At the local level, the Lowell Park's contribution to the area's economic development has been immeasurable, and nationally, it is a treasure of America's rich industrial heritage.

The Lowell Park staff has been highly innovative, winning state and national recognition and awards. Here are just a few examples of their achievements:

Partnering with the University of Massachusetts Graduate School of Education, the Lowell Park boasts one of the most successful educational programs in the Park Service, with over 65,000 participating school children per year. The National Parks Foundation and the NPS have awarded their Partnership Award to this innovative heritage education program.

Working closely with the city, the park has guided the rehabilitation of nearly 350 historic buildings in the park's Preservation District, improving the downtown and adjacent neighborhoods. These efforts have been repeatedly recognized, most recently with a National Honor Award from the National Trust for Historic Preservation and a statewide award for ''Visionary Leadership in Community Preservation.''

Most of the five and a half miles of canals—a National Engineering Landmark—are now accessible to the public via walkways and interpretive signage. The Park's Canalway Program has won a national ''Excellence on the Waterfront Award'' from the Waterfront Center in Washington, DC.

Its community programming through the Mogan Cultural Center reaches out to underserved populations and over three dozen ethnic communities, earlier generations of whom worked in textile mills.

The community has built upon the presence of the Lowell National Historical Park by attracting museums, sports facilities, an arts community and major festivals to the Preservation District, making Lowell truly a ''Destination City.'' The National Trust for Historic Preservation designated Lowell one of its first ''Dozen Distinctive Destinations'' in 2000.

New projects are underway in three major mill complexes—Lawrence, Boott and Dutton Yarn—that are generating 400 new market rate apartments and condominiums because Lowell is now a place to which people want to move. Over a dozen other historic buildings in the national park's Preservation District are also in the process of rehabilitation at this time, signaling that the marketplace has responded to the Federal investment.

Congratulations to the Lowell National Historical Park for reaching this auspicious milestone. Its 25th anniversary is as much a celebration of Lowell's rebirth, as it is a stark reminder of the inherent value of preserving our history for future generations.

HONORING THE LIFE AND WORK OF FORMER SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES, MATTHEW J. RYAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2003

Mr. GERLACH. Mr. Speaker I rise today in support of H. Res. 178, a resolution honoring the life and work of Matthew J. Ryan, the former Speaker of the Pennsylvania House of Representatives.

The basic facts of Speaker Ryan's career in the Pennsylvania House were that he served for over 40 years and that he was the longest serving Speaker in the chamber's history. But as is often the case, the simple facts do little to explain the man or his impact on the lives of his fellow Pennsylvanians-including my own.

Speaker Ryan was an almost legendary figure in Pennsylvania politics. He was a powerful man, to be sure. But more to the point, he was a man who had the trust and confidence of his colleagues on both sides of the aisle. He was universally respected for his nonpartisan style of presiding over the Pennsylvania House, his parliamentary skill and his formidable debating abilities. And, not least among his qualities, he was a tireless booster of Pennsylvania and her citizens.

I came to know Speaker Ryan when I served under him for two terms in the Pennsylvania House in the early 1990s. Speaker Ryan earned the devotion of freshmen classes session after session because he was accessible, he was genuinely interested in helping new members learn the ropes, and because he was committed to helping all members do their best to better the Commonwealth of Pennsylvania.

Like many of my colleagues in the Pennsylvania congressional delegation, I am personally indebted to Speaker Ryan for his mentorship, his leadership and, above all, his friendship. I shall miss him greatly.

TRIBUTE TO THE HONORABLE RUTH GALANTER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Ms. HARMAN. Mr. Speaker, I rise to honor a close friend, a remarkable public servant and courageous advocate for the people of California—the Honorable Ruth Galanter. Ruth is retiring from the Los Angeles City Council after 16 years of service, where her insights, legislative acumen, and keen intellect will be sorely missed.

Mr. Speaker, there is no magic formula for determining what makes a good public servant, but in Ruth Galanter all the ingredients for success were there. Ruth brought her intelligence, wit, and political skills to bear on behalf of her constituents, her community and countless important causes. And all the people of Los Angeles benefited from her ability to get things done.

It has been my great pleasure to work with Ruth on many of these causes. Just last month, Ruth and I participated in a ceremony with the Army Corps of Engineers commemorating the installation of tidal gates along the Ballona Creek in my district. The gates will help preserve scarce wetlands, restore critical habitat, and provide recreational and educational opportunities for the community for years to come.

The project, more than 10 years in the making, is a perfect illustration of a top-notch public servant at the peak of her powers. Ruth Galanter's ability to focus on a particular outcome; to build and nurture diverse coalitions; to bring together all levels of government in support of a common goal; her fundamental and unwavering commitment to a healthy environment—these are the gifts that she unselfishly shared with the community.

Over the years, Ruth's work resulted in the preservation of the Bolsa Chica Wetlands and the El Segundo Dunes, and she spearheaded efforts to clean up Santa Monica Bay and conserve the Ballona wetlands. She led the effort to renovate Venice Beach and preserve the Venice Pier.

She has promoted smart growth and sustainable development, advocated for a regional airport system and high-speed rail, and tirelessly promoted water conservation and recycling.

While this chapter of Ruth Galanter's public service may be coming to a close, she leaves

behind a proud and lasting legacy. The crowning achievement of an environmentalist is to leave the earth a little cleaner, a little greener and a little brighter than when they started. Ruth Galanter has accomplished this and more.

BURMA MUST STOP ITS HUMAN RIGHTS VIOLATIONS IMMEDIATELY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to inform my colleagues of the despicable attack on a key democratic figure in Burma, Aung San Suu Kyi, by Than Shwe and his brutal military regime.

A few days ago, the political arm of Than Shwe's regime, the Union Solidarity and Development Association (USDA), launched an attack against Aung San Suu Kyi's motorcade as she was traveling to give a speech about freedom in Burma. After stopping the motorcade and wielding machetes and sticks, USDA members beat on the doors of the motorcade and attempted to steal cameras and other items.

This is only one of many recent occasions in which the USDA has harassed and intimidated Aung San Suu Kyi, her political opposition group called the National League for Democracy (NLD), and their supporters. In order to interfere with her efforts to speak about democratization in Burma, the regime has threatened her supporters with water hoses on fire trucks and blared loud music so that others cannot hear her speeches. Authorities have repeatedly deterred and prevented her supporters from attending her speeches by threatening them with arrest, and have turned back several busloads full of people.

I find it appalling that Than Shwe's soldiers would threaten one of the world's great freedom fighters with blunt weapons. Aung San Suu Kyi and the NLD are the legitimately elected leaders of their country-they won 82 percent of the seats in parliament in an internationally recognized election, even though the regime refuses to recognize the results. As an elected Representative of the citizens of Massachusetts, I simply cannot stand by while men like Than Shwe so grossly violate the very principles upon which this House was built.

Than Shwe continues to terrorize the population of Burma. He and his regime have forced much of the population into modern-day slave labor, locked up about 1,400 political prisoners including students, monks, nuns, and 18 members of parliament, and recruited an astounding 70,000 child soldiers—far more than any other country in the world. Perhaps most disturbing, our own State Department's Bureau of Democracy, Rights, and Labor conducted an impressive investigation into rapes in Burma that confirmed the regime is using rape as a weapon of war. As we learned from Bosnia, using rape as a weapon is a war crime, and Than Shwe and his cronies should be brought to justice.

Most importantly, Burma's regime has proven that its words cannot be taken seriously. It has denied the use of rape as a weapon, stated that is has no child soldiers, and refuses to acknowledge the detention and torture of political prisoners. For this reason, it should not be surprising that Than Shwe has ignored the promise he made over a year ago to enter into a dialogue with Aung San Suu Kyi, facilitated by the United Nations, aimed at a transition to freedom and democracy. Instead, he has flaunted the good-faith efforts of the United Nations Special Envoy to Burma, Razali Ismail, and by extension, the entire United Nations General Assembly.

I urge my colleagues to join me in condemning these recent attacks and urge the State Department's Bureau of Democracy, Rights, and Labor to register our condemnation of the regime at the highest levels.

TRIBUTE HONORING SHARON COOK OF NAPOLEON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Sharon Cook, an outstanding educator from Napoleon, Michigan, who is retiring after 31 years of teaching.

Sharon graduated from Napoleon High School in 1965 and attended Western Michigan University, where she majored in English and earned her K–8 teaching degree. She also earned a Master's of Education Degree from Eastern Michigan University. After teaching in the elementary school for a number of years, Sharon transferred to the Middle school, where she taught Math and Language Arts.

In addition to her classroom responsibilities, she has coached girl's track, Basketball, and cheerleading for both football and basketball. Sharon has also served as Yearbook and Newspaper advisor, as well as Service Squad and Class Advisor. She has also coached Michigan Mathematics League teams, reaching state level competition in 1987.

As an educator, Sharon Clark realizes the importance of helping young teachers establish themselves in the classroom and has served as a Mentor Teacher to newly hired teachers at Napoleon.

Perhaps most important is Sharon's dedication to community service. For many years, she has served as Student Council Advisor and encouraged her students to be active in many community projects. With her help, students in Napoleon have collected food for Thanksgiving Food Baskets, conducted Penny Wars for Christmas Giving, Angel Trees for children of prisoners, and most recently, packages for our armed service men and women currently serving in Operation Freedom in Iraq.

In a time when highly qualified teachers who motivate are so important, pleased to honor this oustanding educator on the occasion of her retirement. Sharon has dedicated 31 years in service to the students of Napoleon Community Schools and the community at large.

STUDENT LOAN FORGIVENESS FOR PUBLIC ATTORNEYS

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. SCOTT of Georgia. Mr. Speaker, I rise to introduce the Prosecutors and Defenders Incentive Act.

Throughout the country, District Attorneys are finding it increasingly difficult to recruit and retain qualified and experienced attorneys. Recent law school graduates face difficult choices regarding their legal careers. While a starting salary at a private law firm now often exceeds $100,000, the average starting salary in a district attorneys office is approximately $35,000.

With undergraduate and law school loans frequently amounting to $100,000, aspiring public attorneys face a crippling debt burden that drives them to other career choices. This financial burden likely hits minority students even harder and makes their decisions about a public service career that much more difficult. A system of continual turnover severely impact on law enforcement and the ability to ensure justice.

Due to the increasing fiscal constraints faced at the state and local level, public officials are unable to raise salaries to a competitive level. More than ever, America needs an effective justice system. The Department of Justice has recognized that public defenders and prosecutors should have access to student loan forgiveness programs as an important means of reducing staff turnover.

Under my legislation, a recently-recruited public attorney would enter a written agreement that specified that he or she would remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from employment. If the attorney is involuntarily separated from employment on account of misconduct, or voluntarily separates from that employment before the end of the period specified in the agreement, the individual would be required to repay the amount of any benefits received. Successive agreements could be made to continue the loan payments until the maximum amount authorized is reached.

Under the proposal, the Secretary of Education would make the loan payments for the attorney for the period of the agreement if the funds were made available through appropriations. Students loan repayments would not exceed $6,000 for any borrower in any calendar year or a total of $40,000 in the case of any borrower. This legislation is supported by the National District Attorneys Association.

I hope my colleagues will join me by supporting and cosponsoring this legislation.

TRIBUTE TO THE STUDENTS FROM FRANKLIN HIGH SCHOOL IN PORTLAND, OREGON

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. BLUMENAUER. Mr. Speaker, on April 15, 2003 students from Franklin High School

in Portland, Oregon captured first place in the 2003 Unisys Corporation Prize in the Online Science Education competition, administered by the American Association for the Advancement of Science (AAAS).

Working with the Oregon Museum of Science and Industry (OMSI), the Franklin High School team placed above nine other entries, all of which were charged with conducting scientific inquiry on flight and presenting their findings on the Internet.

This contest is part of a national science project sponsored by AAAS, the Franklin Institute Science Museum, and Unisys Corporation in affiliation with the Science Learning Network. The competition allows students to learn about science and technology while raising public awareness of the need for improved science education while fostering relationships between community museums and local students. Each group of students entering the competition is partnered with a local museum to conduct scientific experiments and create a Web site.

The team from Franklin High School explored flight through several projects—from participating in a teleconference with NASA's Johnson Space Center to conducting a glider design competition. The gliders were built with the help of software which allowed the students to adjust wing length, angle, nose weight, and a variety of other factors on a ''virtual glider'' to see which designs would fly. Their efforts were shared via the Internet with students and teachers from across the country.

Fifty-one students from Franklin High School participated in this competition: Alisa Bayona, Camille Buckles, Ryan Buckmier, Carlos Camargo-Ciriaco, Trisha Cates, Dara Chan, Sarah Combs, Dustin Conant, Miguel Couto, Itzia De Anda, David Galloni, Suzanne Hansen, Brandon Harris, Jack Healy, Yadira Herrera, Kenneth Hughes, Josh Kizaway, Melissa Larkin, Brandon Lewis, Jesse Mckenzie, Joshua Pangelinan, Ben Pharis, Kendall Stout, Jessica Strom, Ryan Waltz, Jason Yu, Tim Crowell, Angelina Dudley, Donald Fitzjarrell, Candyce Harris, Sean Johnson, Kashius Lewis, Ryan Nate Lewis, Kandie Madden, Ryan Manansala, Bnttni Mccomb, Will Mullen, Jackie Myers, Mike Owens, Ben Pharis, Lynea Price, Whitney Ramirez, Jessica Reitan, Sara Ruecker, Oleg Shcherbina, Austin Stoner, Efrain Tapia, Lisa Trump, Chris Wiseman, Jasmine Woodfork-Moore, Liliya Zaytseva.

TRIENNIAL REVIEW

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. RUSH. Mr. Speaker, yesterday marked the third month anniversary since the Federal communications Commission, FCC, voted to approve its controversial Triennial Review decision and still no written order has been issued by the Commission. I think many of us in this Chamber find it incredible that our troops invaded Iraq and ousted Saddam Hussein in less time than it takes for the FCC to write an order on which it has already agreed. This delay leaves an important segment of our economy and its employees in legal and economic limbo.

Mr. Speaker, the Triennial Review offered the FCC the unique opportunity to boost the nation's economy and not only save jobs—but create jobs as well. The Commission, however, responded to the challenge by issuing a ruling that is contradictory—largely deregulating broadband on one hand while, on the other, continuing the enormous regulatory burden of requiring large local phone companies to lease their lines at below cost rates to competitors.

In conclusion, the FCC has succeeded in creating uncertainty in the marketplace, and uncertainty on Wall Street typically converts to financial disaster. The order that is now being written at the FCC will consist of several hundred pages of regulatory detail. And as we know when dealing with the Federal bureaucracy, the devil is most definitely in the detail. I urge the Commission and its staff to finish its work on the Triennial Review order as quickly as possible so we can begin the tedious legal process of examining these details. Let us not forget that the jobs of thousands of hard working men and women, and the renewed health of our Nation's economy, are at stake.

PORT SECURITY IMPROVEMENTS ACT OF 2003

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. OSE. Mr. Speaker, today, I rise to introduce a bill entitled the ''Port Security Improvements Act of 2003.'' I am pleased to have five other original co-sponsors of this bi-partisan legislation, including: JOHN TIERNEY, who is the Ranking Member of the Government Reform Subcommittee which I chair; BILL JANKLOW, who is the Vice Chairman of my Subcommittee; and JANE HARMAN, who ably represents the Port of Los Angeles.

The tragic events of September 11, 2001 shook the confidence of the U.S. government and its citizens in the Nation's security. On November 19, 2001, the President signed the Aviation and Transportation Security Act. This law established ''emergency procedures'' for the Federal Government to issue interim final regulations without the usual opportunity for public notice and comment, as provided in the Administrative Procedure Act. To ensure Congressional and public input into the regulatory decisionmaking process, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, held a November 27th hearing entitled ''What Regulations are Needed to Ensure Air Security?''

Congress then turned its attention to port security. On November 25, 2002, the President signed the Maritime Transportation Security Act. This law similarly provided for some interim final regulations without any public notice and comment but did not establish deadlines for their issuance. To provide Congressional and public input into the regulatory decisonmaking process, my Subcommittee held an April 24, 2003, hearing entitled ''What Regulations are Needed to Ensure Port Security?''

The U.S. maritime system includes more than 300 ports with more than 3,700 cargo and passenger terminals. The vast maritime system is particularly susceptible to terrorist attempts to smuggle personnel, weapons of mass destruction, or other dangerous materials into the U.S. And, terrorists could attack ships in U.S. ports. A large-scale terrorist attack at a U.S. port would cause widespread damage and seriously affect our economy.

To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided sufficient Federal funding to fully ensure port security.

The witnesses at my Subcommittee hearing made several thoughtful recommendations, including: (a) the urgency for the Department of Homeland Security to issue a regulation governing a standardized ''smart'' common Transportation Worker Identification Credential; (b) the need for some standardization of security requirements for each U.S. port, each facility in a U.S. port, and each vessel entering a U.S. port; and, (c) the need for an additional significant Federal investment in port security. Currently, the U.S. Customs Bureau collects $15.6 billion in duties on commodities entering the U.S. through marine transportation. My bill directs a portion of these duties toward port security enhancements. In addition, my bill sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

To understand the logic for dedicating a portion of Customs duties, let's look at the Port of Los Angeles. It is the busiest port in the U.S. and the seventh busiest in the world. It encompasses 7,500 acres. In 2002, Custom duties collected in this port accounted for 32 percent of all Customs duties collected in all U.S. seaports. However, since passage of the Maritime Transportation Security Act, this port has only received a small fraction of what it needs for port security enhancements and a substantially inadequate share of the funding distributed to date relative to its importance in the commerce of this country.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post September 11th world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

The Port Security Improvements Act will ensure that America's ports receive the security upgrades they need. This legislation links customs duties collected in our ports to investments in greater security at these ports. All of us recognize the tremendous importance that international trade plays in our economy.

RECENT COURT DECISIONS IN GUATEMALA SERIOUSLY UNDERMINE HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. LANTOS. Mr. Speaker, I was deeply disturbed to learn that an appeals court in

Guatemala decided last week to overturn the conviction of Colonel Juan Valencia Osorio, the man convicted by a lower court of being the ''intellectual author'' of the murder of Myrna Mack, a well-known Guatemalan anthropologist. Before her murder on September 11, 1990, Myrna Mack had been conducting research on the massive displacement and destruction of rural indigenous communities which resulted from the Guatemalan military's counterinsurgency tactics and ''scorched earth'' policies that they employed during that country's 36-year-old civil war.

The appellate court also upheld the acquittals of General Augosto Godoy Gaitán and Colonel Juan Guillermo Oliva Carrera, who were accused of having masterminded, along with Colonel Valencia, the assassination of Myrna Mack. Thus, as a result of the appellate court's decision, the intellectual authors of Myrna Mack's murder remain at large thirteen years after the killing, and justice continues to be denied to her family and friends.

Mr. Speaker, this is a matter of special concern because of the fact that the officers who were just acquitted were members of the Presidential Security Guard (Estado Mayor Presidencial—EMP), a unit originally created to provide security for Guatemala's president, vice-president, and their respective families. Since its establishment, however, the EMP has been repeatedly implicated in some of Guatemala's most high-profile human rights abuses, including the 1998 murder of Bishop Juan Gerardi. It is important to note that General Godoy and Colonels Oliva and Valencia served as high-ranking officials in the EMP at the time of Bishop Gerardi's assassination.

It is my sincere hope, Mr. Speaker, that Guatemalan authorities will vigorously pursue justice in Myrna Mack's case, wherever it may lead, and I applaud key U.S. officials for continuing to urge strongly that the Guatemalan government strengthen the rule of law in that country and strip high-ranking military officers of the impunity that they apparently now enjoy.

CONGRATULATING PRESIDENT CHEN SHUI-BIAN OF TAIWAN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to honor President Chen Shui-Bian of Taiwan as he celebrates three years in office.

For more than fifty years the United States and Taiwan have had a valued cross-pacific relationship. One million Americans of Taiwanese descent live in the United States and twenty nine thousand Taiwanese students attend American universities.

Taiwan and the US share close economic ties. In the last half century, Taiwan has grown to become our seventh largest trading partner.

Taiwan, however, is more than an economic ally. It has offered unwavering support in our efforts to confront terrorism. Taiwan's democratic success is also clear. It heeds its people's choice and turns over power after elections. It allows and encourages its people to participate in deliberations on their country's future.

In the wake of the SARS outbreak, it is imperative that Taiwan's twenty three million people are allowed to participate in the World Health Organization's efforts to counteract this contagion. This can be achieved by granting Taiwan observer status in the WHO.

Taiwan and President Chen have been great allies and friends to the American people. I congratulate the people of Taiwan and President Chen on their many achievements.

MISUNDERSTANDING IN THE MATTER OF A CO-SPONSORSHIP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. MCINNIS. Mr. Speaker, I would like to correct a mistake for the record regarding a Member listed as an original co-sponsor on my bill, H.R. 1904. The gentleman from Virginia, Mr. SCOTT, was mistakenly added as an original co-sponsor to my bill, although he did not ask to be a co-sponsor of this bill. Yesterday, I made a unanimous consent requested to remove him as a co-sponsor, but the request could not be granted because the report on H.R. 1904 had already been filed. I thank Mr. SCOTT for his understanding in this matter.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. REYES. Mr. Speaker, I am proud to rise in support of H.R. 1925, the Runaway, Homeless and Missing Children Protection Act. This measure reauthorizes both the Runaway and Homeless Youth Program and the Missing Children's Assistance Act. This bill will also increase the funding levels for these programs through 2008.

In addition, this bill increases the funding level for the National Center for Missing and Exploited Children. This bill will double the funding level from $10 million to $20 million over the next four years.

As you may know, Mr. Speaker, I along with my colleague from Texas, Mr. LAMPSON and other Members, founded the Missing and Exploited Children's Caucus. The Caucus was created to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions.

I applaud the efforts of the National Center for Missing and Exploited Children and of the Caucus under the chairmanship of Representative NICK LAMPSON. I would urge my colleagues to support this legislation and I yield back the balance of my time.

TRIBUTE TO THE HONORABLE LARRY COMBEST

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to honor Congressman LARRY COMBEST for his service to this chamber and to the people of Texas. The 19th Congressional District of Texas has been diligently represented by Congressman COMBEST for over eighteen years since his initial election to Congress in 1984. LARRY's greatest accomplishments came during his reign as Chairman of the House Agriculture Committee. Under the leadership of Chairman COMBEST, the Agriculture Committee completed years of work in passing the Farm Bill that President George W. Bush signed into law last year.

Prior to being elected to the House of Representatives, LARRY was no stranger to Capitol Hill. He served as a legislative assistant to Senator John Tower of Texas from 1971 to 1978.

I've had the privilege of working alongside LARRY since I came to this body in 1997. I have come to know LARRY to be not only a hard-working colleague, but also a wonderful friend, He and his lovely wife Sharon will be greatly missed around these halls.

I would also like to take this opportunity to thank the very capable and intelligent staff of Congressman COMBEST. Among the staff, Congressman COMBEST's Senior Legislative Assistant, Taylor Bledsoe, will also shortly be leaving the Hill. Taylor has been a great asset to Congressman COMBEST, and is a good friend. I wish Taylor and his wife Jen all the best for their move back to the Lone Star State.

LARRY leaves behind Texas-sized shoes for his successor to fill. I wish LARRY and his family well. Thank you LARRY for your service to Texas and to the nation.

CELEBRATING THE 325TH ANNIVERSARY OF THE FOUNDING OF NEW PALTZ, NEW YORK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to the community of New Paltz in Ulster County, New York, which is part of the 22nd Congressional District that I proudly serve. This year marks the 325th Anniversary of the founding of New Paltz, as well as the 175th Anniversary of the founding of the College of New Paltz. I am delighted to recognize this community's rich historical heritage and continued vitality, as the Town of New Paltz and State University of New York (SUNY) at New Paltz mark these important milestones.

New Paltz was founded in 1678 by Huguenot families who were seeking refuge from severe religious persecution in France. The community was self-governed by the Duzine, referring to the twelve partners who acquired the royal land patent in 1677 on more than 33,000 acres purchased from local Native Americans. The Duzine decided local matters and consisted of one representative from each of the original families. That form of government continued well past the time of the American Revolution, by special action of the New York State Legislature. New Paltz was dominated for more than 150 years by the founding partners and their heirs, whose family names can still be found today in the area.

The lands encompassed in the original patent, stretching all the way from the

Shawangunk Mountains to the Hudson River, were augmented soon by additional patents to the south. These lands were eventually divided among the twelve partners, their relatives, and a few friends into large plots—part wilderness and part farm. The farms were grouped principally around the heights west and east of the Wallkill River.

The area's commercial center was located on the east shore of the Wallkill River, where the Huguenots built wooden homes and later, stone houses. These houses were located on what is now known as Huguenot Street, the oldest continuously inhabited street in America. Many of the seventeenth century stone buildings still stand today and have been preserved as a museum community. The Huguenot Street Historic District has also been designated a National Historical Landmark.

The population of New Paltz gradually increased and moved up from the Wallkill River to what is now Main Street and beyond. Areas that are now incorporated into the nearby towns of Lloyd, Shawangunk, Esopus and Gardiner split off from the Town of New Paltz between 1843 and 1853. The Village of New Paltz was incorporated within the town in 1887. For 200 years after its settlement, New Paltz remained a small, isolated farming community. Farming, particularly of apples, is still one of New Paltz's largest businesses.

New Paltz farmers looked early on to surrounding communities and even to New York City for markets. Establishment of the Wallkill Valley Railroad in 1870 gave a great boost to their commercial efforts. After fifty years or so, the automobile began to replace the train, and finally, in the early 1950's, the opening of the New York State Thruway with an exit for New Paltz made this community much more accessible, leading to substantial growth in the town and at the University.

Higher education has long been one of the main concerns of the community, especially since 1828 when the New Paltz Classical School was established and, shortly thereafter, became the New Paltz Academy. This Academy slowly metamorphosed into the State University of New York (SUNY) at New Paltz, which continues to offer high quality education to thousands of undergraduate and graduate students each year. I would like to note I am a proud alumnus of SUNY New Paltz. I would also like to mention that SUNY's library is named after one of Ulster County's most famous residents, Sojourner Truth, the abolitionist and champion for women's suffrage, who lived in and around New Paltz for part of her life.

Over many generations, New Paltz's population has been enriched with a variety of races, faiths and ethnic backgrounds. New Paltz continues to uphold its long-held traditions of respect for diversity and civic involvement, while actively working to preserve its historic, cultural and scenic resources. Mr. Speaker, it gives me great pleasure to recognize and honor New Paltz as this community prepares to celebrate the 325th Anniversary of its founding and the 175th Anniversary of the founding of the College of New Paltz.

ENHANCING COOPERATION AND SHARING OF RESOURCES BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DOD

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. REYES. Mr. Speaker, I rise in support of H.R. 1911. This bill authorizes the Department of Defense (DOD) and the Department of Veterans Affairs (VA) to investigate ways to share resources to improve benefits and services, including health care, to veterans, service members, military retirees and their families.

As many of you may have read in the National Journal article of February 15, 2003, the relationship between William Beaumont Army Medical Center (WBAMC) and the VA outpatient clinic in my home district of El Paso, Texas is an excellent example of resource sharing. For years, a veteran in El Paso who needed specialized care had to be referred to the nearest full-service VA hospital, which happened to be a four hour drive away in Albuquerque, New Mexico. Today, a veteran can literally go next door to WBAMC. There, the VA is given access to expensive expertise and equipment, such as pathologists and MRI scans, and in return the VA reimburses the Army nearly $5 million a year, well below the going rate for the medical care in the private sector.

I have urged both the DOD and the VA to build on our success story in El Paso and use this cooperation as a nationwide model. I hope my colleagues will join me in support of H.R. 1911. I yield back the balance of my time.

BOMBING IN RIYADH

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. OXLEY. Mr. Speaker, as the investigation into the horrible bombing in Riyadh continues, I would commend to my colleagues' attention a column in the Wall Street Journal written by former FBI Director Louis Freeh about the 1996 bombing of the Khobar Towers complex in Saudi Arabia. It contains valuable lessons that should be applied to the probe of this latest attack. Cooperation between the U.S. and Saudi Arabia will be essential, as will the resolve that we have seen on the part of President Bush to bring terrorists to justice. As the article also demonstrates, the FBI needs our support for its critical mission of investigating and preventing terrorism in the U.S. and around the world.

[From the Wall Street Journal, May 20, 2003]

AMERICAN JUSTICE FOR OUR KHOBAR HEROES

(By Louis J. Freeh)

Responding to last week's terrorist attacks in Riyadh, President Bush declared that ''the United States will find the killers, and they will learn the meaning of American justice.'' This is a president who is serious about fighting and winning the war on terrorism. The liberation of Iraq and the continued effort to bring al Qaeda to justice are all the proof anyone should need.

On May 1, our commander in chief stood on the flight deck of the USS Abraham Lincoln—where he rightly should stand—and reiterated the Bush doctrine: ''Any person involved in committing or planning terrorist attacks against the American people becomes an enemy of this country, and a target of American justice.'' As if in response, Ayatollah Ahmad Jannati, the leader of Iran's powerful Guardian Council, had this to say in a sermon the next day: ''The Iraqi people have reached the conclusion that they have no option but to launch an uprising and resort to martyrdom operations to expel the United States from Iraq.''

Impervious to the new order against terrorism are the terrorists who maintain their regime in Tehran. While the horrific bombing scenes were still smoldering and littered with their victims in Riyadh, Iranian President Mohammad Khatami received a rousing welcome in Beirut, where he vowed to support ''resistance'' against Israel and called the U.S. occupation of Iraq a ''great mistake'' and a ''dangerous game.'' Meanwhile, Mr. Khatami's atomic-energy chief denied that Iran had a nuclear weapons program but told the U.N. that his country was not willing to submit to tougher inspections.

Make no mistake, Iran's terrorist leaders are well versed in ''martyrdom operations'' against Americans. Hezbollah, the exclusive terrorist agent of the Islamic Republic of Iran, has killed more Americans than any other group besides al Qaeda. In 1982, Hezbollah carried out the suicide bombing in Beirut that killed 241 U.S. Marines. In 1985, Hezbollah brutally murdered a young U.S. Navy diver aboard their hijacked TWA Flight 847 in Lebanon and dumped his body on the tarmac. Into the 1990s Hezbollah terrorists kidnapped, tortured and murdered several American military and civilian officers as well as other Westerners.

On June 25, 1996, Iran again attacked America at Dhahran, Saudi Arabia, exploding a huge truck bomb that devastated Khobar Towers and murdered 19 U.S. airmen as they rested in their dormitory. These young heroes spent every day risking their lives enforcing the no-fly zone over southern Iraq; that is, protecting Iraqi Shiites from their own murderous tyrant. When I visited this horrific scene soon after the attack, I watched dozens of dedicated FBI agents combing through the wreckage in 120-degree heat, reverently handling the human remains of our brave young men. More than 400 of our Air Force men and women were wounded in this well-planned attack, and I was humbled by their courage and spirit. I later met with the families of our lost Khobar heroes and promised that we would do whatever was necessary to bring these terrorists to American justice. The courage and dignity these wonderful families have consistently exemplified has been one of the most powerful experiences of my 26 years of public service.

The FBI's investigation of the Khobar attack was extraordinarily persistent, indeed relentless. Our fallen heroes and their families deserve nothing less. Working in close cooperation with the White House, State Department, CIA and Department of Defense, I made a series of trips to Saudi Arabia beginning in 1996. FBI agents opened an office in Riyadh and aligned themselves closely with the Mabaheth, the kingdom's antiterrorist police. Over the course of our investigation the evidence became clear that while the attack was staged by Saudi Hezbollah members, the entire operation was planned, funded and coordinated by Iran's security services, the IRGC and MOIS, acting on orders from the highest levels of the regime in Tehran.

In order to return an indictment and bring these terrorists to American justice, it became essential that FBI agents be permitted to interview several of the participating Hezbollah terrorists who were detained in Saudi Arabia. The purpose of the interviews was to confirm—with usable, co-conspirator testimonial evidence—the Iranian complicity that Saudi Ambassador Prince Bandar bin Sultan and the Mabaheth had already relayed to us. (For the record, the FBI's investigation only succeeded because of the real cooperation provided by Prince Bandar and our colleagues in the Mabaheth.) FBI agents had never before been permitted to interview first-hand Saudis detained in the kingdom.

Unfortunately, the White House was unable or unwilling to help the FBI gain access to these critical witnesses. The only direction from the Clinton administration regarding Iran was to order the FBI to stop photographing and fingerprinting official Iranian delegations entering the U.S. because it was adversely impacting our ''relationship'' with Tehran. We had argued that the MOIS was using these groups to infiltrate its agents into the U.S.

After months of inaction, I finally turned to the former President Bush, who immediately interceded with Crown Prince Abdullah on the FBI's behalf. Mr. Bush personally asked the Saudis to let the FBI do one-on-one interviews of the detained Khobar bombers. The Saudis immediately acceded. After Mr. Bush's Saturday meeting with the Crown Prince in Washington, Ambassador Wyche Fowler, Dale Watson, the FBI's excellent counterterrorism chief, and I were summoned to a Monday meeting where the crown prince directed that the FBI be given direct access to the Saudi detainees. This was the investigative breakthrough for which we had been waiting for several years.

Mr. Bush typically disclaimed any credit for his critical intervention but he earned the gratitude of many FBI agents and the Khobar families. I quickly dispatched the FBI case agents back to Saudi Arabia, where they interviewed, one-on-one, six of the Hezbollah members who actually carried out the attack. All of them directly implicated the IRGC, MOIS and senior Iranian government officials in the planning and execution of this attack. Armed with this evidence, the FBI recommended a criminal indictment that would identify Iran as the sponsor of the Khobar bombing. Finding a problem for every solution, the Clinton administration refused to support a prosecution.

The prosecution and criminal indictment for these murders had to wait for a new administration. In February 2001, working with exactly the same evidence but with a talented new prosecutor, James B. Comey Jr. (now U.S. attorney for the Southern District of New York), Attorney General John Ashcroft's personal intervention, and White House support, the case was presented to a grand jury. On June 21, 2001, only four days before some of the terrorist charges would have become barred by the five-year statute of limitations, the grand jury indicted 13 Hezbollah terrorists for the Khobar attack and identified Iran as the sponsor.

Nonetheless, the terrorists who murdered 19 U.S. airmen and wounded hundreds more have yet to be brought to American justice. Whenever U.S. diplomats hold talks with representatives of Iran's Islamic government, Khobar Towers should be the top item on their agenda. The arrest and turnover to U.S. authorities of Ahman Ibrahim Al-Mughassil and Ali Saed bin Ali Al-Houri, two of the indicted Hezbollah leaders of the Khobar attack believed to be in Iran, should be part of any ''normalization'' discussion. Furthermore, access and accountability by IRGC, MOIS and other senior Iranian government leaders for their complicity in the attack should be nonnegotiable.

Before his appointment as the top U.S. administrator in Iraq, L. Paul Bremer chaired the National Commission on Terrorism, which studied the Khobar attack. The commission concluded that ''Iran remains the most active state supporter of terrorism. . . . The IRBC and MOIS have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including Hezbollah, Hamas, PIJ, and PFLP–GC.'' The commission noted that ''in October 1999, President Clinton officially requested cooperation [a letter delivered through a third-party government] from Iran in the investigation [of the Khobar bombing]. Thus far, Iran has not responded. International pressure in the Pan Am 103 case ultimately succeeded in getting some degree of cooperation from Libya. The United States government has not sought similar multilateral action to bring pressure on Iran to cooperate in the Khobar Towers bombing investigation.''

One of my last official acts as FBI director was to attend a memorial service at Arlington National Cemetery with the 19 stoic Air Force families with whom I had become very close. They all came to my office to thank the FBI for keeping faith with them and presented me with a signed plaque. It will always be for me the most cherished honor of my public service.

Yesterday the White House reiterated Defense Secretary Donald Rumsfeld's recent statement that al Qaeda leaders are now conducting their operations from Iran. The time to bring that pressure to bear is right now, with Ambassador Bremer and our armed forces bringing democracy and justice to the Iraqi people next door. This time the United States should not just send Tehran a letter. American justice for our 19 Khobar heroes is long overdue.

PEACE IN SRI LANKA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2003

Mr. PALLONE. Mr. Speaker, I rise on the House floor this evening to express my concerns about the pause in peace negotiations between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), also known as the Tamil Tigers. I would also like to reiterate my full support for peace talks between both sides to resume.

Mr. Speaker, Sri Lanka is a country that has suffered the tremendous loss of nearly 65,000 lives due to a longstanding internal conflict between Sri Lankans and the LTTE. On February 22, 2002, a groundbreaking ceasefire agreement was brokered by the Norwegian government and signed by both the Sri Lankan government and the LTTE. At that time, we all wished for a successful peace process and both sides were committed to working towards the end goal of peace.

Although the agreement was fairly structured, a peace process can only proceed when all parties act on good faith and adhere to the agreed ceasefire accord. Unfortunately, the LTTE has recently withdrawn from the peace process and is boycotting the continued peace talks to be held in June in Japan at the Tokyo Donor Conference.

Mr. Speaker, the LTTE has said they will not participate in the Tokyo Donor Conference in protest over their exclusion from the preliminary conference held in Washington in April. The U.S. State Department did not invite the LTTE to the preliminary conference in Washington due to the fact that they remain on the State Department list of terrorist organizations.

Mr. Speaker, both sides claim violations of the ceasefire agreement. According to Sri Lanka Monitoring Mission (SLMM), many violations have been made by the LTTE since the cease-fire agreement. For example, the LTTE is still recruiting child soldiers, the LTTE has attacked the Sri Lankan Navy and a Chinese trawler, and the LTTE actively attempts to import arms, which have subsequently been intercepted by the Sri Lankan Navy.

The LTTE rebels also criticized the Sri Lankan military for its continued occupation of Tamil homes, schools, places of worship and other public buildings in violation of the ceasefire agreement.

I feel strongly that if the LTTE returns to the peace talks and participates in the Tokyo Donor Conference, a peaceful resolution between both sides can be worked out. The United States and countries around the world are concerned and would like to see the long process of building peace in Sri Lanka continue on a timely basis.

Mr. Speaker, the signed ceasefire offers a window of opportunity for peace in Sri Lanka and I encourage the LTTE to recognize and utilize this unique opportunity for working towards peace and stability.

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, May 22, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

9:30 a.m.
Foreign Relations
To hold hearings to examine Iraq stabilization and reconstruction, focusing on international contributions and resources.
SD–419

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 391, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, S. 1003, to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River, H.R. 417, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California, and S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior.
SD–366

2 p.m.
Indian Affairs
To hold oversighyt hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 5

9:30 a.m.
Rules and Administration
To hold hearings to examine Senate Rule XXII and proposals to amend this rule.
SR–301

JUNE 10

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Head Start program.
SD–430

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485