

Prohibit mailings that suggest a connection to the federal government, or that contain false representations implying that federal government benefits or services will be affected by participation or nonparticipation in the contest;

Require that copies of checks sent in any mailing must include a statement on the check itself stating that it is nonnegotiable and has no cash value;

Require certain disclosures to be clearly and conspicuously displayed in certain parts of the sweepstakes and skill contest promotions;

Require sweepstakes companies to maintain individual do-not-mail lists;

Give the Postal Service additional environment tools to investigate and stop deceptive mailings, including the authority to impose civil penalties and subpoena authority;

Require that companies adopt reasonable practices and procedures to prevent the mailing of materials on sweepstakes or skills contests to individuals who have written to the companies requesting not to receive such mailings;

Establish a private right of action in state court for consumers who receive follow-up mailings despite having requested removal from a mailer's list; and

Establish a federal floor above which states could enact more restrictive requirements.

H.R. 170 adds two very important and critical provisions consumer protection provisions. First, we provided the Postal Service with subpoena authority to combat sweepstakes fraud. In addition, we have limited the scope of subpoena authority to only those provisions of law addressing deceptive mailings, and required the Postal Service to develop procedures for the issuance of subpoenas.

The second provision contains language authored by the ranking minority member, Congressman FATTAH which added a private right of action to sweepstakes legislation. This provision now a part of H.R. 170, would allow consumers to file suit in state court if a sweepstakes promoter continues to send mailings despite having requested removal from a mailer's list. This important enforcement tool, contained in section 8 of H.R. 170, is supported by the National Consumers League, the American Association of Retired Persons and the Direct Marketing Association.

The issue of consumer protection, whether it relates to telemarketing fraud or sweepstakes deception is finally receiving the attention it deserves and I am pleased we have provided additional consumer protection along this line.

I would be remiss if I did not thank my colleagues who have sponsored honesty in sweepstakes legislation in the House. Special recognition deserves to go to the authors of H.R. 170, Congressmen LOBIONDO and CONDIT. Their diligence has ensured a bipartisan bill. I would also like to acknowledge the support of Congressman BLAGOJEVICH, himself the sponsor of sweepstakes legislation, H.R. 2731, the Consumer Choice and Sweepstakes Control Act.

Special recognition goes to the State of New York, Office of the Attorney General, the National Association of Attorneys General, the Federal Trade Commission, National Consumers League, the American Association of Retired Persons, Direct Marketing Association,

the Postal Service Inspector General, and Courtney Cook, of the minority staff. Your hard work, input and support have been appreciated.

Mr. Speaker, I thank you for being gracious and working with us to achieve a bipartisan bill.

MEDICARE, MEDICAID, AND SCHIP
BALANCED BUDGET REFINEMENT
ACT OF 1999

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mr. RUSH. Mr. Speaker, I rise to express my opposition to the process by which we are considering some of the most important legislation that this House will debate during this session of Congress—the Medicare, Medicaid and Schip Balanced Budget Refinement Act of 1999. As a member of the Commerce Committee, I would have liked to have had the opportunity to fully debate the Medicare, Medicaid and SCHIP changes that this legislation makes. Particularly, in light of the impact the Balanced Budget Act has had on Illinois hospitals.

Illinois hospitals are experiencing severe financial hardship as a result of the Balanced Budget Act of 1977 (P.L. 105-33). The cuts mandated by the BBA were supposed to simply slow the growth in the Medicare program. However, the Act "overcorrected" the growth in Medicare spending and severely reduced Medicare reimbursements to hospitals and health service providers for five years beginning in 1997. In Illinois alone, it is estimated that hospitals will lose \$2.8 billion in Medicare payments over a five year period. The financial burden of the BBA cuts is particularly acute for the teaching hospitals in my state. Because Illinois ranks fifth in the nation in the number of teaching hospitals, and these facilities are expected to lose more than \$1.6 billion over the five-year period, of the BBA's life. These cuts have a devastating effect on the communities that they serve.

I opposed the Balanced Budget Act when it was debated by the House of Representatives in 1997. I believed that it was bad policy then, and believe that it is bad policy now.

In order to provide relief for the teaching hospitals and other health service providers that were so adversely impacted by the BBA, I introduced legislation, Health Care Preservation and Accessibility Act of 1999, H.R. 3145, to restore some of the Medicare reimbursements that the BBA reduced. The legislation was intended to accomplish this in a number of ways:

(1) H.R. 3415 would freeze the cuts in indirect medical payments (IME) to teaching hospitals at 1999 levels. It also freezes cuts in the disproportionate share payments (DSH payments) at 2% and provides payments directly to those serving a large share of low-income patients;

(2) directs the Secretary of Health and Human Services to make payments for Graduate Medical Education (GME) to children's

hospitals for the Medicare FY 2000 and 2001 cost reporting periods for the direct and indirect expenses associated with operating approved medical residency training programs;

(3) sets a floor on outpatient hospital payments so that rural hospitals do not fall below 1999 levels and establishes a new payment system for rural health centers;

(4) revises the payment system for community health centers so that it more adequately reimburses for the costs of care and allows safety net providers that provide health coverage to low-income Americans to be directly compensated for their services;

(5) eliminates the \$1,500 per beneficiary cap imposed by the BBA and replaces it with a payment system that is based on the severity of illness;

(6) revises the BBA's new prospective payment system for skilled nursing facilities by increasing reimbursements for patients needing a high level of services to more accurately reflect the cost of their care;

(7) delays a scheduled 15% reduction in the home health interim payment system if the Secretary of Health and Human Services misses the deadline for instituting the new prospective system. H.R. 3415 also allows for interest free recoupment of overpayments due to HCFA's underestimation of the interim payment rates for certain agencies. Finally, H.R. 3415 provides additional protections for seniors citizens and persons with disabilities and strengthens protections and sanctions for Medicare fraud and abuse.

Mr. Speaker, I introduced the Health Care Preservation and Accessibility Act of 1999 when it looked as if we could not reach agreement on even the minimal BBA relief that the legislation before us provides to Illinois hospitals, and hospitals across the nation. I am reluctantly supporting the legislation before us today, because it is the only option that has been presented to us. But it is my hope that we will have the courage to revisit this issue in the next session, and complete the job that we have only begun with H.R. 3075.

CONFERENCE REPORT ON S. 900,
GRAMM-LEACH-BLILEY ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1999

Mr. COSTELLO. Madam Speaker, I rise today in strong opposition to the Financial Services Modernization Act. This bill was brokered by the Republican leadership, in a partnership with the large financial services lobbyists, to the benefit of enormous corporations at the ultimate expense of the American consumer.

This bill will expedite the creation of megabucks malls—the one-stop shopping of the financial world. This will hurt consumers because as financial services providers consolidate, competition will decline and consolidate decision-making and services among fewer service providers. Should one of these enormous institutions suffer a financial decline, we could see calls for a bailout that will recall the

savings and loan debacle of the 1980's, with taxpayers footing the bill.

I am also concerned of the effects that the Community Reinvestment Act provision may have on certain banks in my district. By reviewing small banks which provide service in underserved communities only once every 4 or 5 years, there is no guarantee that these banks will maintain their lending standards to these communities. A two-year review enforced this. Underserved communities need to be ensured of financial assistance, and this bill does not provide that guarantee.

Most frightening, however, is the effect the privacy provisions will have. Under this bill, financial institutions have access to and distribute our personal information, including our bank and brokerage account or insurance record information, to all the institution's divisions and affiliates, without the customer's permission. In addition, banks will share our consumer information with third parties unless the consumer explicitly tells the financial institution not to. The walls protecting our financial privacy and other personal information are slowly being eroded.

While the Financial Services Modernization Act may modernize the financial world, it does so at the expense of the consumers. I cannot support this legislation.

TRIBUTE TO THE HONORABLE LEO
T. MCCARTHY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, a revered Californian, and a dear friend, Leo T. McCarthy, on the occasion of his induction into the San Francisco Law School Hall of Fame.

Born in Auckland, New Zealand, Leo immigrated with his family to the United States at the age of three. He earned his undergraduate degree from the University of San Francisco and his law degree from San Francisco Law School. Admitted to the practice of law in both the Federal and State courts of California on January 15, 1963, Leo McCarthy was also elected to the San Francisco Board of Supervisors in 1963.

In 1968, Leo McCarthy was elected to the California State Legislature where he served with great distinction until 1982. Chosen Speaker of the California State Assembly in 1974, he focused his considerable talents and energy upon creating State policy in areas ranging from education to health. He has given important service as a member of the World Trade Commission, the University of California Board of Regents, and the California State University Board of Trustees where both his passion for excellence and civic spirit were always evident.

On January 3, 1983, Leo McCarthy became the Lieutenant Governor of the State of California, a position he retained until his retirement from elective office in 1994. Once again, his commitment to serving both his nation and the people of California was clearly manifested by his dedication to his office. He nurtured

businesses from formation to long term growth as the Chair of the California Commission for Economic Development. He focused particular attention upon working to improve the involvement of businesses in international trading and investment, particularly in Pacific Rim markets, an area of lifelong interest.

In 1992, while still in office, Leo McCarthy aided over 100 women and minority business investors by publishing an award-winning guide titled, *Starting and Succeeding in Business: A Special Publication for Small, Minority- and Women-Owned Businesses*. At the same time, he helped California implement the Greater Avenues for Independence (GAIN) program which helps welfare recipients move into private sector jobs. In 1992, Leo McCarthy sponsored both the Mammography Quality Assurance Act that created new standards governing both mammography facilities and technology, and Senate Joint Resolution 32, which declared that breast cancer was an epidemic in California, requesting that the President and the Congress dedicate greater funds to find the causes of and a cure for the disease.

Upon his retirement from public office in 1994, instead of indulging in a well-deserved rest, Leo McCarthy joined the board of the Linear Technology Corporation, a high tech firm which manufactures analog integrated circuits and in 1998, produced \$460 million in sales. He also became a board member of two mutual funds, the Parnassus Fund, a socially responsible fund that invests a \$400 million investment portfolio in domestic stocks and bonds, and Forward Funds, Inc., which focuses on investing in domestic and foreign equities and bonds with a \$230 million investment portfolio.

Leo McCarthy is also the Vice Chair on the Board of Open Data Systems, a private firm which creates software aimed at facilitating the accurate recording and processing of building permits and other development documents used by local governments. All of these private sector businesses have subsequently benefited from his active and enthusiastic involvement as a board member. In 1995, Leo McCarthy became President of the Daniel Group, a law partnership which focuses on international trade and market investment.

With all these responsibilities, Leo McCarthy has continued his public service. Appointed to the National Gambling Impact Study Commission by the U.S. Senate Democratic Leadership, the Commission has undertaken a two year study of the impact of all forms of legal gambling in the United States at the order of the President and the Congress.

Leo McCarthy and his wife Jacqueline have been married for over 40 years. They have four exceptionally talented children, Sharon, a fifth grade teacher, Conna, an attorney, Adam, an import-export businessman, and Niall, an attorney, and they are the proud grandparents of eight.

Leo McCarthy's life of leadership is instructive to us all. His dedication to the ideals of both democracy and public service stand tall. I am especially blessed to have him as a mentor, a colleague, and a friend. It is fitting that the San Francisco Law School has chosen to induct him into its Hall of Fame and I ask my colleagues, Mr. Speaker, to join me in hon-

oring a great and good man. We are indeed a better country and a better people because of him.

DOROTHY'S PLACE HOSPITALITY
CENTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1999

Mr. FARR of California. Mr. Speaker, I rise today to commemorate the millionth meal served by Dorothy's Place Hospitality Center. Founded in 1982 by Robert Smith and operated by the Franciscan Workers of Junipero Serra, Dorothy's Place is a local soup kitchen in Salinas that has provided food and support daily to the hungry and the homeless.

Dorothy's Place Hospitality Center has for more than seventeen years provided meals as well as support to the less fortunate members of Salinas County during times of need and hardship. The staff and volunteers have graciously extended themselves through commitment and generosity to our local poor. Dorothy's Place is a great community resource deserving of praise and thanks for the humanitarian spirit and service that it has provided for so many years.

It is with great pleasure that I commend Dorothy's Place Hospitality Center for serving its millionth meal. For its exemplary record of service to the poor and hungry, I would like to extend best wishes for success in the future as this establishment continues to make invaluable contributions to our community.

JAPANESE "COMFORT WOMEN"

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1999

Mr. EVANS. Mr. Speaker, I rise today to speak about one of the great injustices, one of the most flagrant violations of human rights.

During World War Two, the Japanese military forced hundreds of thousands of women to serve as sexual slaves. Euphemistically known as "comfort women", they were predominantly Korean women and girls abducted from their homes and forced to serve Japanese soldiers. This government-sanctioned program created untold numbers of comfort stations or military brothels throughout Japanese-occupied territories in the Pacific Rim.

For decades after the war, the Japanese government denied the existence of "comfort women" and the comfort stations, but in 1994, their position changed. The Japanese government admitted that "the then Japanese military was directly or indirectly involved in the establishment and management of comfort stations and the transfer of "comfort women [and] that this was an act that severely injured the honour and dignity of many women".

In 1993, international jurists in Geneva, Switzerland ruled that women who were forced to be sexual slaves of the Japanese military deserve at least \$40,000 each from