

May 13, 1999

HONORING THE LENOX HILL  
DEMOCRATIC CLUB

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 13, 1999*

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute the Lenox Hill Democratic Club. This month, the Lenox Hill Club celebrates 44 years of service to the community. Founded as part of the reform movement in Democratic politics, the Lenox Hill Club has developed a reputation for championing progressive causes and candidates.

The Lenox Hill Democratic Club is composed of a concerned group of citizens eager to assist their neighbors. For the tenant, the elderly, or the women facing discrimination, the Lenox Hill Club is a place to turn for help.

In addition to working on behalf of the community, the members of the Lenox Hill Club have helped ensure the election of numerous progressive leaders. Located in the "silk-stocking district" on the East side of Manhattan, the Lenox Hill Club has been a source of strength for many of the most prominent leaders of our era, including Ed Koch, Mario Cuomo and Jimmy Carter.

Since its founding, the Lenox Hill Club has been dedicated to reforming the political process and expanding citizen participation. For more than forty years, the Lenox Hill Club has championed education, the environment, civil rights, world peace and many other causes.

Through their efforts to assist individuals, the Lenox Hill Club has improved countless lives. Through their help in electing progressive leaders, Lenox Hill has helped transform the political landscape of our city, state and nation. This is indeed an admirable testament to the valuable contributions of the Lenox Hill Club.

HONORING ED HASTEY'S 46 YEARS  
OF PUBLIC SERVICE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 13, 1999*

Mr. FARR of California. Mr. Speaker, I rise today to honor Ed Hasteley upon his retirement after 46 years of public service. Ed brought a new philosophy to the management of public lands in California and Northern Nevada through his astute leadership. His guidance has set a high standard for the stewardship of the 16 million acres of public lands managed by the California State office of the Bureau of Land Management.

Born in Pacific Grove, Ed is a fourth generation Californian. He joined the Bureau of Land Management in 1957 after service as a paratrooper in the Army Airborne. In the mid-1960's, Ed worked as an engineer building campgrounds, public access routes and other facilities throughout the state and was active in resolving personnel management issues in support of his employees. Ed then went to Washington, DC, serving first as a budget officer, then as assistant director and finally as

EXTENSIONS OF REMARKS

associate director of BLM. When Ed was tapped to be California State Director, he began building the coalitions that have resulted in effective land use planning that now safeguard California's diverse natural resources.

In 1991, Ed founded the California Biodiversity Council, bringing state and federal agencies together to collaborate on resource management. Ed directed a land exchange and acquisition program in cooperation with the State and private land conservancies which has protected the King Range National Conservation Area; the Carrizo Plain; the Santa Rosa Mountains; the Cosumnes Preserve; and Headwaters Forest. He headed a four-state oversight management group on the threatened desert tortoise to facilitate the species recovery while minimizing the impact on public land use. Ed planned and implemented the California Desert Plan, coordinating with hundreds of organizations and agencies as well as thousands of interested citizens. Nearer home, Ed participated actively in the acquisition of 8,000 acres at the former Fort Ord Army base, opening it up to the public for parkland and wildlife habitat.

Ed Hasteley's approach has been that of developing local solutions tailored to particular regional needs. His contributions have merited many awards including the Distinguished Presidential Rank Award, the highest honor in the elite Senior Executive Service; two Presidential Meritorious Service Awards; and the Departmental Distinguished Service Award.

Ed, you have my heartiest congratulations on your retirement! Your family—your wife Joyce, your sons Robert and Michael, and your grandchildren—will be pleased to take advantage, along with you, of the public spaces you have worked so hard to protect.

RECOGNIZING LEW FERGUSON

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 13, 1999*

Mr. MORAN of Kansas. Mr. Speaker, today I would like to recognize Lew Ferguson for his dedication and service to the people of Kansas. On July 1, Mr. Ferguson will retire after 29 years of distinguished service as the Associated Press correspondent at the Statehouse in Topeka, Kansas.

Upon graduation from the University of Oklahoma, Mr. Ferguson began his career in journalism working as sports and wire editor for the Ponca City News in Oklahoma. He eventually joined the Associated Press staff and made his way to their Kansas City office. Although he had established a formidable career in sports journalism, Mr. Ferguson developed an interest in politics. In late 1970, he transferred to Topeka to cover Kansas state politics and government for the Associated Press.

During his tenure as the Associated Press correspondent in Topeka, Mr. Ferguson developed into a legend, earning a reputation for objectivity and impeccable integrity. For 29 years he faithfully informed Kansans of the issues and actions in state government that

would affect their everyday lives. In recognition of his work, he received the Kansas Supreme Court's Justice Award in 1992. Lew Ferguson will be remembered for his impartiality and knowledge in reporting and his friendliness and enthusiasm in all aspects of his activities in the Statehouse. I wish Lew and his family the very best.

TOHONO O'ODHAM NATION  
CHILDREN'S DAY PROCLAMATION

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 13, 1999*

Mr. PASTOR. Mr. Speaker, I rise today to applaud the wisdom and vision of the Tohono O'odham Nation for recognizing the need to set aside a special day to honor children. I believe, and the Tohono O'odham believe, that they are the first tribal nation to declare a day for children. Because the Children's Day Proclamation speaks so eloquently of its purpose, I have included the original text that others may be inspired to "recognize, protect and promote our children".

CHILDREN'S DAY PROCLAMATION

Whereas, our children encounter challenges to their spirit, emotional, mental and physical well being from sources that exist outside our O'odham culture and tradition; and

Whereas, the knowledge and wisdom necessary for our lives was passed forward from our Ancient Ones to our Elders to each successive generation; and

Whereas, our Ancient Ones and our Elders form our connecting bridge to our past and our present, but our O'odham children form our bridge to the future, and without our children we as Tohono O'odham would cease to exist; and

Whereas, we must recognize, protect, and promote our children for they are the only means for carrying on our traditions, our history, our language, our values, our culture for those generations yet to come.

Now, therefore, be it proclaimed that as Chairman and Vice-Chairman of the Tohono O'odham Nation, and by virtue of the power vested in us to protect Tohono O'odham children, we do hereby recognize that our children are our greatest resource and on Friday, the 23rd day of April of this year and the third Friday of April in every succeeding year shall be forever known as Children's Day, a day in which we as Tohono O'odham celebrate our children, our future. Done this 12th day of April, 1999.

EDWARD D. MANUEL,

*Chairman.*

HENRY A. RAMON,

*Vice-Chairman.*

NOTCH FAIRNESS ACT OF 1999

**HON. ROBERT WEXLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 13, 1999*

Mr. WEXLER. Mr. Speaker, I am here today to talk about fairness. I am here to talk about an injustice done to over 11 million senior citizens, who were born between the years 1917

and 1926. I am here to talk about the Notch Fairness Act of 1999, legislation which I have filed to correct a grievous wrong done to citizens known as Notch Babies.

These are the individuals who lived through the depression, served our country during World War II and Korea, and are the real architects of the vibrant nation we are today.

Unfortunately, an amendment to the Social Security Act in 1977 dramatically and unjustly rendered less Social Security benefits of this segment of our population. Although it was intended to help bolster the Social Security Trust Fund by re-computing the benefit formula for present and future beneficiaries, the amendment inadvertently paved the way for consequences which severely and negatively impacted Notch Babies. The new formula, along with unforeseen economic conditions in the late seventies, resulted in lower benefits for all members in the "Notch" group. On average, Notch Babies suffered significantly, receiving \$1,000 less a year in Social Security benefits than those who came before and after them.

With Notch Babies now in their mid-to-late seventies and early eighties, it is more important than ever that we move quickly to compensate them for the economic hardships they continue to endure. Fortunately, conditions are right for us to act. With a current budget surplus of \$70 billion, a predicted surplus of \$107 billion for Fiscal Year 2000, and further surpluses expected for the next fifteen years, we have a tremendous economic opportunity to correct the injustices Notch Babies have been forced to bear to this day.

My legislation would provide Notch Babies with a one-time \$5,000 lump sum settlement or an equivalent increase in benefits in future years. In an age when COLA disbursements are at an all-time low and the costs of prescription drugs are rising exponentially, Notch Babies would greatly benefit from these additional funds, to which they are rightfully entitled.

It is never too late to right wrongs committed in the past. This is the right time to pass the Notch Fairness Act of 1999 to make sure that Notch Babies receive the money they are legitimately due.

## YEAR 2000 READINESS AND RESPONSIBILITY ACT

SPEECH OF

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 12, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes:

Mr. BENTSEN. Mr. Chairman, I rise today in strong opposition to H.R. 775, the Year 2000 Readiness and Responsibility Act. I believe that this legislation would overturn more than 200 years of legal precedent in our nation and would devastate our tort's system. I believe that the bill would hurt consumers and reduce the incentive for companies to address their Year 2000 computer problems in a timely manner.

The Year 2000 problem is a complex problem which we all need to work together to address. However, this legislation is the wrong answer to the problem. This bill would make it more difficult for consumers and small businesses to recover any damages if their computers or equipment fail. The effect of this bill would be to remove any incentive on the part of information technology companies for a problem they have known about for many years. This legislation would also encourage all class action lawsuits to be considered in federal court rather than state courts. Finally, this legislation would mandate that the loser of a lawsuit must reimburse the other plaintiff for all of the cost associated with the lawsuit and the attorneys' fees. For many consumers, this concept of a loser pays would present an obstacle and would discourage them to even filing a lawsuit. It would overturn a pillar of the American civil justice system in favor of the English system.

I believe that we must work to encourage parties to reach agreements through arbitration and dispute resolution. However, I do not believe that we should prevent consumers from seeking their day in court if they cannot reach agreement with the other party. I also support the inclusion of provisions in this bill that would encourage a 90-day cooling off pe-

riod to allow companies time to correct any Year 2000 problems. However, if the 90-day cooling-off period is not successful, I believe we should err on the side of permitting consumers to have the right to seek legal redress.

I will support the Lofgren substitute amendment that would reasonably address this issue. The Lofgren substitute would provide the proper balance to encourage customers and business partners to fix the millennium bug. This substitute would provide an incentive for Y2K compliance and would discourage frivolous claims while allowing meritorious cases to be litigated. This substitute also includes a provision that would provide proportional liability for companies so that companies would only be liable for their portion of the fault. As a result, companies would not be required to pay large judgments. This proportional liability will ensure that all parties will pay their fair share associated with the economic losses from computer failures.

I also believe that we have rushed to judgment on this issue. As a member of the House Banking Committee, I have participated in several hearings to review our nation's banking system's efforts to address the Year 2000 computer problem. During these hearings, we have learned that financial institutions are subject to a strict compliance schedule to ensure that they will be ready when the new millennium begins. In fact, the federal bank regulators have assured us that they will require financial institutions to comply or they will lose their federal deposit insurance. I believe that these hearings have shown how Congress can work on a bipartisan basis to address a critical issue. In this case, Congress has not worked on a bipartisan basis. In fact, this legislation was rushed through the House Judiciary Committee and quickly considered in the House of Representatives. If the Republican majority had wanted to consider a bipartisan bill, there were several other options available. In the other body, the Republican majority has worked diligently with the Democratic minority to craft legislation. Regrettably, I believe that the Republican majority is more interested in voting on this issue rather than finding a reasonable compromise on this issue.

Mr. Chairman, I urge my colleagues to oppose this legislation and to support the Lofgren amendment that would protect consumers and encourage all companies to become Y2K compliant.