students of the school bearing his name, to strive toward the same remarkable ideals he had advocated during his lifetime. Si Yu’os Ma’ase’ Tun Jose put todu i setbisiu-mu para i tanó’ta.

BIPARTISAN PATIENT PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage:

Ms. JACKSON-LEE of Texas. Mr. Chairman, we were given an opportunity today to come to this House Floor and enact a bipartisan, widely supported version of the Patients’ Bill of Rights. I urge all members to support this fine bill and oppose the industry backed Norwood Amendment, which will only eviscerate the patient protection America needs. H.R. 2563, in its original form, will provide the health care reform the Nation needs by:

1. Giving every American the right to choose his/her own doctor.
2. Covering all Americans with employer based health insurance.
3. Ensuring that independent physicians conduct all external reviews of medical decisions.
4. Holding HMOs accountable when they make faulty decisions.

H.R. 2563 requires health plans to establish both internal and external appeals processes for decisions that affect health care benefits. The process requires that all internal reviews be exhausted in a timely manner before an independent medical expert would be allowed to review the decisions made by the health plan.

Under H.R. 2563, patients will be permitted to protect their rights by allowing a cause of action in state court for medical decisions, and in federal court for administrative decisions that prevent patients from receiving care. H.R. 2563 respects federalism by allowing state law to control when suits are brought in state court. The legislation punishes bad faith on the part of providers, also, by allowing for non-economic damages of up to $5 million as a civil monetary penalty.

H.R. 2563 represents the concerns of both patient and providers by providing a comprehensive and balanced system that provides fair access to health care and fair resolution of disputes. It does this by protecting employers from excessive liability. H.R. 2563 protects small businesses and others who delegate their healthcare decisions to experts. Employers are protected from legal liability unless they participate in a decision on a claim that results in harm to the patient.

Mr. Chairman, the benefit to patients this legislation will bring is important. This bill restores the patient’s confidence in healthcare by guaranteeing emergency room coverage and ensuring timely access to healthcare. Also, it provides all members to resist the Norwood amendment and any other attempt to alter what is already a compromise bill. The Norwood amendment would tilt the playing field in favor of institutional decision-makers. The proposed $1.5 million cap on non-economic and punitive damages does not accurately reflect the devastating impact of medical decisions that result in lifelong injuries. By requiring federal rules to apply in both state and federal court cases, the amendment also trounces the ideals of federalism.

This, however, is not irrelevant by the worst aspect of the Norwood amendment. If passed, this amendment would create a rebuttable presumption in favor of the decision of the independent reviewer, while at the same time giving the decision maker authority over who will do the independent review. Then the patient must produce clear and convincing evidence to overcome that presumption, a standard of proof just below that required for a criminal conviction. Thus, the standard required to review decisions actually limits the rights citizens would have in court. Also, the reviewer has no real incentive to be independent at all. This is not reform.

Mr. Chairman, the American people look to us to follow their wishes and enact real reform that puts the health of patients first. In order to do this, we must pass H.R. 2563. If we choose to follow the path the leadership desires by passing these misguided amendments, only special interests will be satisfied.

CELEBRATING THE 40TH ANNIVERSARY OF THE CITY OF BRISBANE, CALIFORNIA

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating the 40th anniversary of the incorporation of the City of Brisbane, California. This picturesque city, located just south of the City of San Francisco, boasts wonderful views of the San Francisco Bay. It may have been incorporated for only 40 years, but its storied and diverse history goes back centuries.

The story of Brisbane begins with the Tribes of North Americans known collectively as the Ohlone, who inhabited the Bay Area and the slopes of San Bruno Mountain. These tribes lived off the land, which provided an abundance of food. In Brisbane, land was cheap and people were able to put up a basic shelter until they could afford better housing. The community helped by assisting men with the building and women with the meals, and numerous volunteer and civic organizations assisted people in times of need. The community in every sense of the word, the residents of Brisbane shared the good times with their neighbors and banded together to get through the difficult periods. By the late 1930’s the town had a post office, a library, public schools, a hotel, several small retail stores, a volunteer fire department and a weekly newspaper.

By the 1950’s, Brisbane was well on its way to becoming a modern town. A lack of local capital, inadequate civic services, and the concern that powerful neighboring communities might dictate Brisbane’s future led some citizens to consider incorporation. Others, however, were fearful that becoming a city would result in the loss of the small town character everyone valued. When the County of San Mateo began to discuss bulldozing Brisbane through an urban renewal program, matters came to a head and an election was held on the issue of incorporation. On September 12, 1961, voters overwhelmingly voted for incorporation.

The newly incorporated City included a mere 2.5 square miles. It was clear that additional land would be necessary to increase the city’s tax base and to protect Brisbane from inappropriate and environmentally damaging development. The City solved these problems by annexing 700 acres of land which housed Southern Pacific and PG&E properties in 1962.

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California’s history came to an end, these same lands were secularized and dispersed among the Mexican land grants of the 1830’s and 1840’s.

Mr. Speaker, the first land grant for the area that would later become Brisbane, was made to Jacob Leese in 1837. Mr. Leese named his new territory, “Rancho Canada de Gaudalupe la Visitacion y Rodeo Viejo,” but he then lost most of his land to settle a gambling debt. Charles Crocker purchased over 3,000 acres of the grant from Mr. Leese in 1884 for a small payment. Crocker was more successful in managing his land than Mr. Leese, and the properties eventually passed to the Crocker Land Company, which generated profits from the land through ranching and quarrying.
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Despite incorporation and the ensuing expansion, Brisbane faced numerous developmental challenges. The Crocker Land Company, which historically owned much of the region, faced opposition from Brisbane residents who sought to preserve the natural beauty of the surrounding area. The City of Brisbane has led the fight to protect the Mountain from development and expansion, working to maintain the balance between economic growth and environmental conservation. Despite incorporation and the ensuing expansion, Brisbane faced numerous developmental challenges. The Crocker Land Company, which historically owned much of the region, faced opposition from Brisbane residents who sought to preserve the natural beauty of the surrounding area. The City of Brisbane has led the fight to protect the Mountain from development and expansion, working to maintain the balance between economic growth and environmental conservation.

Ukrainian Independence Commemoration Day

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and celebrate the 10th anniversary of the Proclamation of Independence of Ukraine. Ukraine, as we know it today, has a long and very turbulent history. For almost three centuries, 1709–1917, Central Ukraine was under the Tsarist domination, followed by Soviet Russian rule from 1921–1991. On August 24, 1991, the Parliament of Ukraine, under the leadership of Leonid Kravchuk, declared Independence of Ukraine, and banned the Communist Party. The Proclamation of Independence was soon ratified by over 90 percent of the voters in December 1991. The Constitution of Ukraine now guarantees all citizens equal protection under the law regardless of race, creed, religion, or national origin. Ukraine is now recognized by over 150 nations, has signed numerous treaties of friendship, voluntarily gave up all nuclear weapons by signing the Nuclear Non-Proliferation Treaty, and is a strong strategic partner of the United States in NATO’s “Partnership for Peace.” Ukraine has made great strides in equality and peace and has even remained free from armed conflicts on its territory throughout its ten years of independence.

Mr. Speaker, please join me in honoring the tenth anniversary of the Proclamation of Independence of Ukraine. Ukrainians are working hard to establish a better life for themselves and their country, and have made remarkable strides in democracy.

Honoring the 104th Birthday

Clara Ferguson

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Mr. McINNIS. Mr. Speaker, it is a rare opportunity that I have the chance to pay tribute to such a special occasion. It is at this time that I would like to honor Clara Ferguson who was born on August 12, 1897, has lived through three centuries. Clara has spent her entire life in Colorado and it is my pleasure to wish her a happy 104th birthday, which she celebrated last month.

Clara Ferguson has served our nation throughout her life both as a nurse and a teacher. Clara is a role model for others who have dedicated their life to public service. She has aided many who have been ill, even to the point of rolling bandages for American soldiers involved in World War I. Clara also spent the majority of her career working as a teacher at numerous schools across Colorado.

Although Clara was widowed quite some time ago, she has taken on a motherly role in the lives of many of Colorado’s youth both as a caregiver and as a teacher offering guidance to her students. Clara is a proud aunt who has a number of nephews and nieces that look up to her for guidance and advice.

Mr. Speaker, it is my honor to pay tribute to Clara for her many contributions to the State of Colorado and it is with great pleasure that I offer her my warmest wishes on her legacy, and have a lasting impact on our community. A foundation in her honor will be initiated to her students. Clara is a role model for others who have dedicated their life to public service. She has aided many who have been ill, even to the point of rolling bandages for American soldiers involved in World War I. Clara also spent the majority of her career working as a teacher at numerous schools across Colorado.

Although Clara was widowed quite some time ago, she has taken on a motherly role in the lives of many of Colorado’s youth both as a caregiver and as a teacher offering guidance to her students. Clara is a proud aunt who has a number of nephews and nieces that look up to her for guidance and advice.

Mr. Speaker, it is my honor to pay tribute to Clara for her many contributions to the State of Colorado and it is with great pleasure that I offer her my warmest wishes on her 104th birthday.

Honoring Dutch Newman

HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 5, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to pay tribute to my friend, Hila "Dutch" Newman. In Missouri, Democrats from every region and every level of government seek her counsel, value her judgment, and understand that her word is her bond. Over the years her leadership, civic pride, integrity and commitment to our community have fostered a deep respect by all who know her. Dutch has a gift of uniting people in common cause. She personifies how one person can make a significant difference in the lives of others.

On September 6, 2001 friends of Dutch Newman will gather to pay special tribute to her. A foundation in her honor will be created with an objective to provide innovative voter education and registration opportunities, as well as scholarship funding for our youth. The Dutch Newman Voter Education and Scholarship Foundation will become another facet of our democracy, and have a lasting impact on our community. The mission of the foundation is derived from her own, providing today’s youth with unique voter education and registration opportunities and scholarships so they will be better able to participate in our democracy. Dutch epitomizes the citizen that President Kennedy sought when in his Inaugural Address he said, “And so, my fellow Americans: ask not what your country can do for you; ask what you can do for your country.”

Dutch Newman has served in every facet of Democratic politics and always brings sound judgment, insight and perspective to her work. She presently holds the following offices: President of the Westport Landing Democratic Club; President of the State of Missouri Federation of Women’s Democratic Clubs; and Vice Chairwoman for the Jackson County Democratic Committee. She serves as a member of: the Democratic State Committee and their Executive Board; Committeewoman for the 5th Ward in Jackson County; Chairperson of State House District 38; and Secretary for the 5th Congressional District. Dutch was the first woman to be appointed by a Governor to sit on the committee for the Senatorial Redistricting of the State of Missouri. She has also been a Missouri Delegate at the National Democratic Convention for six presidential elections. Her work has not gone unnoticed, especially her grassroots organizing, as she has been recognized by the Jackson County Democratic Party with the Harry S. Truman Award, as well as Woman of the Year Award presented by the Missouri 5th District Democratic Club, now entitled the “Dutch” Newman Woman of the Year Award.

An article in today’s edition of "The Kansas City Star" details many of the other aspects of Dutch’s life, including her devotion to her children and grandchildren, and her service to our community outside politics, and I ask that it be made a part of today’s RECORD following my statement. Dutch was one of the original founders of the Volker Neighborhood Homes Association, and is a member of: the Daughters of Westport, the Westport Garden Society, Neighborhood Crime Prevention; and the Guardian Angel Altar society. In recognition of her dedication and commitment to the quality of life in Kansas City, Mayor Wheeler presented her with a certificate of appreciation since the opening October 5th Dutch Newman Day in Kansas City, Missouri. Her work with people with HIV and AIDS was recognized by a certificate of Appreciation from the National Association of People with AIDS. The Dutch Newman Voter Education and Scholarship Foundation will be a constant reminder of the ideals she represents. Through this foundation young people will gain an appreciation for our country’s government and