

December 20, 2001

HONORING THE 150TH ANNIVERSARY OF POLK COUNTY, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. BARR of Georgia. Mr. Speaker, formed in 1851 by an act of the Georgia Legislature, Polk County, Georgia, was named for James Knox Polk, a former governor of Tennessee and the 11th President of the United States. With a population of 38,127 people and a land area of 311 square miles, Polk County is located in northwest Georgia.

For more than a hundred years the Cherokee and Creek Indians reigned supreme in north Georgia. The southernmost village in the Cherokee Nation was on Cedar Creek, which is located just off Main Street in present-day Cedartown, the county seat of Polk County. In 1826, two white men, Linton Walthall and Hampton Whatley, visited the area. They returned in 1832 to establish stores, and the community began to develop. In 1838, the Cherokee were moved into small forts, and then forced west on The Trail of Tears. In 1852, the first courthouse was built on a 20-acre site which had been donated to the town of Cedartown (then called "Cedar Town") by Asa Prior. Two years later the town was incorporated.

The War Between the States was not kind to Cedar Town. However, after the war, in 1867 the area began to grow and the town of Cedartown prospered, as did much of the surrounding area, including the towns of Rockmart and Aragon.

The residents of Polk County are preparing for Polk County's 150th birthday celebration. Tentative plans include special music, recognition of the oldest living person in the County, the oldest married couple, the longest married couple, the youngest citizen, and the oldest church in the County. Commemorative coins and Christmas ornaments have been designed, cedar trees have been requisitioned to be presented to schools, and a game of Polk historical trivia is being compiled and will be distributed to schools. Students in Polk County schools are being asked to follow specific guidelines to design a flag which would best represent the County. Some items which could be represented on the flag are the City of Aragon as a manufacturing utopia; the City of Cedartown for its cedar trees and for its original inhabitants; the Cherokees; and the slate quarries in Rockmart.

Polk County's sesquicentennial Birthday Celebration will be held on the evening of December 20th, 2001, on the steps of the Courthouse in Cedartown, Georgia. It would behoove us all to take the time to celebrate our heritage and stop to share the stories of our past with our children and grandchildren. The term "home town USA" truly describes the people of Polk County. They are kind, generous, caring folks and I am pleased to call many of them my friends. Happy Birthday Polk County!!

EXTENSIONS OF REMARKS

JUDGE GERARD DEVLIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a great Irish-American success story, Judge Gerard Devlin of Prince George's County, Maryland. Judge Devlin is called Jerry by his friends of which I am fortunate to be one. I have known Jerry for over thirty years, since I was an intern in Senator Brewster's office and Jerry was an elevator operator in the Capitol.

I have valued Jerry's friendship over those three decades and have always enjoyed his boisterous and comic Irish sensibility. We have also shared a close professional relationship and Jerry was always a faithful ally through our days in the Young Democrats, the Maryland General Assembly and beyond.

I pay tribute to Jerry today not simply because he is a good and old friend but to thank him upon the occasion of his retirement. His distinguished career in public service is not matched by many and his affable and courteous manner is appreciated by all.

Jerry was born in Dorchester, Massachusetts on May 29, 1933. He attended public schools in Dorchester and Boston, and served in U.S. Marine Corps from 1955 to 1957. He went on to Boston College and Suffolk University, and graduated from the University of Baltimore School of Law in 1969. He also earned his masters from the University of Maryland in 1970.

Jerry began his career in public service as a staff member in the United States House of Representatives in 1959 and later worked in the United States Senate. His service was not limited to the national level however. He served his local community for five years as a member of the Prince George's County Board of Election Supervisors from 1964 to 1969, and as a member of the Charter Review Commission of the city of Bowie.

Jerry also served his community as a teacher to Prince George's County's youth at Gonzaga High School, Bowie State University, and Prince George's Community College.

In 1975, Jerry took his talent to the Maryland General Assembly where I had the pleasure of serving with him for six years. He was a member of the House of Delegates for eleven years and was named Freshman Legislator of the Year by the Maryland Young Democrats in 1975. He was also named Legislator of the Year by the Prince George's Municipal Association in 1983, 1985, and 1986.

Jerry stepped down from his position as Associate Judge in the 5th District Court of Maryland this past September and retired from a long and praiseworthy career in civic affairs. During his tenure as a judge, Jerry was well-liked and respected by both bench and bar for his even-handedness and wisdom. He had a good feel for fundamental fairness and through it all his Irish wit and humor shone through.

Judge Bob Sweeney, the former Chief Judge of the Maryland District Court, said this of Jerry, "One of the ten things that a good judge needs is courage. For a judge that

27957

means doing the right thing even if it is not the popular thing. Jerry Devlin personifies that type of courage."

Mr. Speaker, I would like to repeat today an Irish Blessing for my dear friend Jerry Devlin to thank him for his years of service and to wish him well in retirement: May your blessings outnumber the shamrocks that grow, And may trouble avoid you wherever you go, May the road rise up to meet you, May the wind be always at your back, May the sun shine down upon your face, And the rain fall soft upon your fields, Until we meet again, May God hold you in the hollow of his hand.

I ask my colleagues to join me in honoring this great Irish American who gave forty years of public service to Prince George's County and the state of Maryland.

TRIBUTE TO AMBASSADOR ULRIK FEDERSPIEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Ambassador Ulrik Federspiel, who was sworn-in as Denmark's Ambassador to the United States in May of 2000, for his record of achievement in fostering transatlantic ties. Throughout his remarkable career, Ambassador Federspiel has worked tirelessly to strengthen the already close relationship between the United States and Denmark. Indeed, the Danes are fortunate to have such an illustrious representative in Washington, and the United States has no better friend and ally in the Diplomatic Corps here in Washington than Ambassador Federspiel.

Mr. Federspiel began his career in the Danish Foreign Service in 1971, and was immediately assigned to the prestigious European Community office within the Foreign Ministry. His outstanding contributions on E.C. matters earned him a tenure in London as First Secretary of Political Affairs from 1973 to 1977. During this time he worked in cooperation with several African states in the process of democratizing countries including Zimbabwe, Angola and Namibia. Mr. Federspiel was especially active in supporting the anti-apartheid movement in South Africa. As a result, he was personally invited to the inauguration of President Nelson Mandela in 1993 and became a consultant to the modern integrated South African administration.

In 1981, Ambassador Federspiel returned to Copenhagen to become Special Assistant to the Permanent Secretary of State for Foreign Affairs. A post he held until he arrived in Washington to serve as Deputy Chief of Mission at the Danish Embassy in 1984. He quickly developed a reputation in Washington as a quick study with an imposing intellect combined with a personable, friendly demeanor. Ambassador Federspiel came to understand that not only does Denmark have a critical role to play in European matters, but, for a small country, Denmark could "punch above its weight" on transatlantic economic and political issues.

As State Secretary for Foreign Affairs from 1991–93, Ulrik Federspiel worked to support independence for the Baltic states, who were emerging from the dark years of Soviet occupation. Denmark was the first country in the world to recognize the three former Soviet countries of Estonia, Latvia and Lithuania.

From 1993 to 1997 Ambassador Federspiel's outstanding record brought the notice of the most senior members of the Danish government and was asked to serve as Chief of Staff to the Prime Minister. At the EU summit in June 1993 under the Danish presidency, Mr. Federspiel drafted the portion of the Copenhagen Criteria that set standards for EU membership. Ambassador Federspiel became a staunch proponent of NATO expansion and has since taken a leading role in the process. Among his other accomplishments while in the Prime Minister's Office, he played an important role in the Danish decision to play an active part in Bosnia, having the largest contingency of ground troops there per capita, and the only country to have heavy armor, namely ten tanks.

Mr. Speaker, since Ambassador Federspiel arrived in the United States last May, he has been actively engaged in solving trade disputes between the EU, Denmark and the United States. His diplomatic skills were evident while working with both the Congressional leadership and the Administration in resolving several high-profile trade disputes, including the carousel sanctions and the import ban on pork. Mutually beneficial trade has been expanded between the U.S. and Denmark through close cooperation between the former U.S. Ambassador in Copenhagen Richard N. Swett and Ulrik Federspiel.

Mr. Speaker, Ambassador Federspiel has brought his dynamism and passion to so many political and humanitarian issues. Since completing his military service in the Royal Danish Navy in Greenland in 1970–71, Ulrik Federspiel has taken a keen interest in Greenland and its population. In 1984, when he became Deputy Chief of Mission to the Danish Embassy in Washington, D.C., the relationship between Greenland, the United States and Denmark became one of his priorities. The Ambassador has played an instrumental role in furthering the interests of the Home Rule Government and that of the Danish realm and has worked in close cooperation with the U.S. government, especially Thule Air Base. The island and the base are strategic elements of defense and security preparedness of both the United States and Europe.

Ambassador Federspiel is also an accomplished academic. He graduated from the University of Aarhus in political science in 1970, and completed a year of post-graduate studies at the University of Pennsylvania, earning an MA in 1985–86. He has been a visiting lecturer at George Washington University and frequently lectured on international relations at the University of Copenhagen as well as served as a governing board of the university.

His interest in supporting academic excellence continues today. He is an Honorary Trustee of the Crown Prince Frederick Fund for Harvard University that supports two scholarships annually for exemplary Danish university students. Ambassador Federspiel currently sits on the advisory board member of Human-

ity in Action (HIA), a unique educational program between Denmark, the United States, the Netherlands and Germany. HIA offers a number of competent university students an intensive study of human rights and democratic values each year. This summer the program was expanded to include internships on Capitol Hill.

Ambassador Federspiel's commitment to working for others is undoubtedly a result of his and his family's experiences growing up in war torn Europe. During the Nazi occupation of Denmark, Ambassador Federspiel's father, Per Federspiel, was imprisoned for a year due to his involvement in the rescue of the Jews in October 1943. Needless to say, Ambassador Federspiel has proven himself to be a strong and consistent supporter of the State of Israel.

After the horrible events of September 11th, Ambassador Federspiel and the Danish people were among the first to support the American people and the cause of freedom. As a NATO member, Denmark is one of the strongest supporters of the United States in its campaign against terrorism. And a recent poll of the Danish population showed the Danish people as the America's strongest supporters in Europe in our war on terrorism.

Mr. Speaker, it is a great honor and privilege for me to have the opportunity to thank Ambassador Federspiel for his uncompromising dedication to furthering the friendship between our two great countries.

AMENDING TITLE XVIII OF THE SOCIAL SECURITY ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. GEKAS. Mr. Speaker, until the early 1980s, Medicare was always the primary payor in all situations to employer health plans for both disabled and retired employees. However, effective with the Omnibus Budget Reconciliation Act of 1981 ("OBRA"), for the first time Medicare became the secondary payor for one group of American employees who were specifically singled out—the "working aged". The "working aged" were defined as American employees over the age of 65 who were provided both Medicare and employer health plan coverage and continued to actively work. As a result of this legislative change, Medicare would now only provide secondary coverage to the "working aged" after their employer health plan. But once the "working aged" stopped working and contributing to our society, Medicare would again become the primary insurance and payor of claims for these good people.

Then in 1986 the Congress again acted by passing the Omnibus Budget and Reconciliation Act of 1986 which singled out yet another group of American workers—this group of individuals was identified as "disabled active individuals". A "disabled active individual" was defined in the statute as an "employee (as may be defined in regulations)". The OBRA Amendments of 1986 also mandated that Medicare become secondary insurance coverage to the employer health plans for the

"disabled active individual". The Health Care Financing Administration (HCFA), the responsible federal government agency charged with implementing the 1986 OBRA Amendments, crafted a definition of employee by Agency directive—a policy which was never subjected to the rigors of the Administrative Procedure Act and which was never promulgated into a regulation published in the Federal Register.

This ad hoc policy judgment made by the Administrator of HCFA contradicted the very definition of employee already existing within the body of the Social Security Act and the Internal Revenue Code. HCFA's definition effectively said that if an employer continued to carry a disabled employee on their books in "employee status" after a disability began (which all employers did for employee benefit purposes), the employer health plan, not Medicare, would become the primary payor for that employee if he or she was unfortunate enough to be classified as "the disabled active individual." According to the new HCFA policy, which remains the policy of the Agency, the fact that the disabled employee was not actually working was irrelevant. However, the common law definition of employee used by Social Security and the IRS states that an individual has to be actively working and performing services for remuneration in order to be considered an employee. This ad hoc action by HCFA has already directly and negatively affected numerous companies throughout Pennsylvania, Illinois and other states involving employees that work for these companies.

Due to HCFA's departure from the commonly accepted definition of employee, and existing definitions within federal law, many employer health plans reacted to this unjustified policy making of HCFA by simply taking the easiest course of action—terminating health coverage for their disabled employees. In effect, HCFA's policy forced employers to begin discriminating against their disabled employees.

While HCFA stated that an employer would be primary payor to Medicare for their "working aged", as soon as these individuals quit working, Medicare would become primary payor. However, to these same employers, HCFA said that for your disabled employees you will be the primary payor to Medicare regardless of whether these individuals are working or not.

Due to this contradicting treatment between retirees and disabled employees, clarifying language was finally introduced and passed by the Congress with passage of the Omnibus Budget and Reconciliation Act of 1993 to treat both of these groups in the same and equal manner. As a result, Medicare today now pays primary to employer health plans for disabled employees that are not actually actively working. However, even though HCFA agrees prospectively to be the primary payor once Medicare's "payment status" has been changed to primary, most retroactive Medicare claims submitted for treatment received since August 10, 1993 (effective date of statutory change) are denied. The reason for this from HCFA is that because these claims when submitted were considered to have not been "timely filed" in conjunction with Medicare regulations. These