

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

claims could not have been timely filed previously because they were for disabled employees whose former employers continued to pay as primary.

These employers acted honorably by continuing to pay claims from these employees as the primary payor because they were not made aware of clarifying language enacted by the Congress by OBRA in 1993, a change that HCFA did not care to publicize. Even though the Congress in 1993 directed HCFA by clarifying the statute that Medicare is to act as the primary payor for insurance claims for "disabled active individuals," many American employers still have not been able to be fully and lawfully reimbursed and fully benefit from the legislative change intended by the Congress by passage of OBRA in 1993.

As a result, the Congress should once again act to direct the Administrator of HCFA to fully rectify what was originally intended by the Congress in 1993, namely to direct HCFA not to subject this unique and special class of American employees and their respective Medicare claims to the standard Medicare timely filing regulations. These claims are not in any way similar to normal Medicare claims because they could never have been submitted previously or in a timely fashion due to the problems I have illuminated in these remarks. Medicare claims are normally submitted immediately upon or shortly after medical treatment. Though Medicare regulations allow for an exception to their timely filing guidelines if there is an error on the part of the Secretary, HCFA has refused to apply this exception to the special situation we have before us. Even more startling to this Chamber should be the fact that this very HCFA policy was determined to be illegal, unlawful and invalid as a matter of federal administrative law by a U.S. District Court in the District of Columbia in 1999 because of HCFA's failure to promulgate a valid federal regulation to support the Agency's policy determination, in the case *SUNTRUST BANKS, INC. v. Donna Shalala, Secretary of Health and Human Services, CA. No. 96*

TRIBUTE TO GERALD MAYO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate to Mr. Gerald Mayo of Estes Park, Colorado, who was recently named honorary-chairman of the National Small Business Advisory Council. For this, Mr. Speaker, the United States Congress should commend him.

The National Small Business-Advisory Council provides a link between small business owners and Members of Congress, The purpose of the council is to give input on economic and tax issues while also participating in private surveys and policy briefings. The council achieves this through participation in strategy sessions and national meetings with local, state and national leaders. I applaud the National Small Business Advisory Council and its new chairman Gerald Mayo, for creating an

alliance between the nation's leadership and the small business community.

A broker for Prudential Team Realty, Gerald Mayo has first-hand experience with small businesses. His leadership and dedication to small businesses across the nation is commendable and greatly appreciated. Gerald is truly a shining example for all Americans.

A constituent of Colorado's Forth Congressional District, Gerald not only makes his community proud, but also his state and country. It is a true honor to have such an extraordinary citizen in Colorado. I ask the House to join me in extending wholehearted congratulations to Mr. Gerald Mayo.

IN RECOGNITION OF MARGARET
PARX HAYS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. HALL of Texas. Mr. Speaker, I rise today to speak in recognition of Margaret Parx Hays, a devoted community servant and former Mayor who initiated a drive to restore The Santa Fe Depot in the city of Gainesville, Texas. Margaret is a distinguished native of Gainesville and has devoted considerable energy, drive, and creativity to bringing this project to fruition. Her efforts not only saved an historically significant building but helped make the community aware of an important part of their history.

This particular station, constructed in 1902, was Gainesville's second depot. The city, itself, received its first passenger train on January 2, 1887. The depot is an elegant redbrick building that served the Santa Fe line when it was originally constructed. Without Margaret's devotion to her community, though, the station would have remained an abandoned relic. Now it plays host to many community gatherings.

Mr. Speaker, it is with great thanks and appreciation that I recognize the energy and efforts of Margaret Parx Hayes, who organized the effort to return the Santa Fe Depot in Gainesville, Texas to its original beauty. I have had the pleasure of knowing—and working with Margaret—for many years. This would be a better world, with more kindness and caring, and more success in the healthy growth of a city or area, if we had Margaret Parx Hays in each of our cities. She is, other than being a wonderful person, a great asset to the city of Gainesville—and all who live there who want and expect to have gracious living. Margaret brings this to the table of public service because she cares.

Let us close this House of Representatives on this day, December 18, 2001, in loving respect and eternal gratitude, to this kind, loving and generous woman.

TRIBUTE TO THE HONORABLE
MARY ALICE SALIZAR

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an American patriot, Mary Alice Salizar, who is retiring the end of this turbulent year.

A native of Corpus Christi, Texas, Ms. Salizar has served in the judicial branch of our government since the early 1970s. She spent the early part of her career working for local attorneys and as a court reporter.

She wanted to be part of the federal court system, and in 1973, she became part of the U.S. District Clerk's office. She has been an integral part of the office since then.

Likewise, she has been an integral part of our community, working with children and young people from low-income families and communities through her church. In doing so, she is part of a tradition of doing the most fundamental work Jesus instructed Christians to do: help the poor.

While she intends on spending a great deal of time on her crafts, quilting and others pastimes, she nevertheless intends to continue her tradition of service to community through volunteering at a public school or as a senior Candy Stripper at a local hospital.

Mary Alice Salizar is the example for others to follow, both in the course of her life's work and her desire to continue that service by volunteering in the fields of health and education.

She will now also be spending more time with her family, the people who supported her during her service to the community including: her husband Pedro Salizar; their children Mark, Rick and David; and their grandchildren Annaliza and Estevan Marcos.

I ask my colleagues to join me in commending the life's work of Mary Alice Salizar, who has spent the better part of her professional life as part of the federal judicial system.

HONORING THE ENLISTED MEN
AND WOMEN OF THE UNITED
STATES NAVY

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. SIMMONS. Mr. Speaker, I rise today to announce legislation that I have introduced to request that the Secretary of the Navy name a U.S. Navy warship the "U.S.S. Bluejacket" in honor of the courageous Americans who have served as enlisted members in the United States Navy.

My resolution also requests that this vessel bear the hull designation number "1776" to reflect the freedom and independence protected and preserved by the millions of enlisted men and women who have proudly served in the United States Navy. Our Navy, as well as for the nation, would be well served to have a ship bearing the hull number 1776.