

## EXTENSIONS OF REMARKS

## HOSPITAL PATIENT DUMPING

## HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. DONNELLY. Mr. Speaker, I am submitting for the RECORD an article from the Wall Street Journal concerning hospital "patient dumping." This is an old article, from last year, but it is of renewed relevance because of legislation I introduced earlier this year which is designed to sanction hospitals which fail to recognize their commitment to care for the poor.

The article points out that, despite laws preventing the practice, many hospitals consistently discharge individuals for economic, and nonmedical, reasons. It is my belief—and the belief underlying my legislation—that hospitals which consistently engage in these practices should not be entitled to tax benefits which they currently receive.

I urge my colleagues to read this excellent article closely.

**DUMPING THE POOR: DESPITE FEDERAL LAW, HOSPITALS STILL REJECT SICK WHO CAN'T PAY**

(By Clare Ansberry)

Since August 1986, it has been clearly illegal for hospitals to dump the poor. But that didn't save Terry Takewell.

Just a month after the federal law took effect, the 21-year-old diabetic became acutely ill. His neighbors in a small trailer park in Somerville, Tenn., found the young man panting and drenched with sweat from a fever. An ambulance sped him to nearby Methodist Hospital, where the uninsured carpenter already had an outstanding bill of \$9,400; a directive in the emergency room told staff members to alert hospital supervisors if Mr. Takewell ever returned.

He was in a hospital bed when an administrator arrived. After speaking to Mr. Takewell briefly, the administrator helped him to his feet and escorted him to the parking lot. Neighbors found him there under a tree and took him home; he died about 12 hours later.

Zettie Mae Hill testified at a congressional hearing last year that she is still torn, wondering whether Mr. Takewell would be alive today if she and other neighbors had directed his ambulance to a different hospital. "We didn't believe the hospital would just let a person die like that for lack of money," she said.

## THE HOSPITAL'S ACCOUNT

For its part, the hospital contended that Mr. Takewell left of his own accord. Investigated under the new federal law, the hospital was absolved of any wrongdoing. But that finding outraged at least one attorney, Gordon Bonnyman of Legal Services of Middle Tennessee. "You couldn't find a more unbelievable case, yet nothing was done," he says. "That gives you an idea of how effective the law is."

Each year, despite statutes against the practice, hospitals dump—that is, transfer for economic, not medical reasons—an estimated 250,000 people. Neither anti-dumping laws—federal, state and local—nor the nation's health-care system has overcome market pressure to shun many of the estimated 37 million Americans who have no health-insurance coverage.

Increasingly, they are pariahs, rejected by a system determined to contain medical costs. And while hospitals talk about aiding the sick poor—and many, in fact, do—few welcome the responsibility. Nor do doctors, insurers, employers or Congress.

That helps explain a Chattanooga, Tenn., hospital dispatcher who told an ambulance crew not to bring in an unconscious man found in a poor neighborhood—because, he said, the administrator "would kill us if we took another indigent."

## NO OBLIGATION TO PAY

Michael Krentz, the president of the American College of Emergency Physicians, says: "On the one hand, we have a moral, ethical and legal obligation to see a patient. Nobody, on the other hand, has a moral or legal obligation to pay for that care."

The thorny issue came up in the recent presidential campaign. Gov. Michael Dukakis said he wanted employers to provide minimum health-insurance benefits, while Vice President George Bush opposed the idea on the ground that it would increase the cost of doing business and thwart job growth.

Still, a growing number of authorities agree something must be done. The venerable National Academy of Sciences Institute of Medicine contends in a recent study that health care to the indigent is as critical as the AIDS crisis.

In the past, hospitals passed the costs of charity care along to patients covered by insurance. But now insurers have established limits and will pay only so much for any given hospital procedure. Governments are stingier with Medicaid and Medicare payments, too. Fewer than two of five poor Americans are covered by Medicaid today, down from 65% a decade ago. California has dropped 250,000 of the working poor from its Medicaid program.

## ABSORBING THE COST

Unable to weather the cuts, more and more cash-poor hospitals are closing, leaving a smaller pool of mostly public and non-profit hospitals to absorb the annual \$7 billion cost of uncompensated care. Joseph Denney, an admissions official at the Ohio State University Hospital, says he is writing letters of protest to more than 15 Ohio hospitals that have transferred indigents to his institution. He wants them to "do their fair share."

Health-industry officials say that laying the blame for dumping the poor isn't all that easy. "You can't just say those big, bad hospitals are dumping people and are morally deficient," says J.B. Silvers, a management professor at Case Western Reserve University's Health Systems Management Center. "Facing deficits, they must ask: 'Do you squeeze on the commercial side where

people pay, or do you squeeze on the social side?'"

The health care system is more often choosing the latter course, and overt dumping is the most graphic consequence. Some 15 million Americans are either denied care or don't seek it because they can't afford it, according to a study by the Robert Wood Johnson Foundation. And the numbers are growing each year, the research group reports.

If hospitals don't frankly turn away the uninsured, they will sometimes close their emergency rooms, refuse Medicaid patients, or require payment in advance. "They may lock their doors on the side of the street facing a poor neighborhood," says Mr. Silvers. "It's not actual dumping, but it's the same thing—denying access."

## SHUNNING SERIOUS ILLNESSES

In Tennessee, Arthur Kellermann, who heads emergency services at Memphis's Regional Medical Center, says the human cost in pain and suffering is all too frequently ignored in the push to contain medical costs: "We aren't talking about a patient with no money who wants a tummy tuck or a face lift. We are talking about heart attacks and seizures and strokes and gastrointestinal bleeding."

The major push against dumping came two years ago when Congress prescribed it. Under federal law, hospitals doing business with Medicare must treat patients with emergency conditions and all women in active labor, regardless of their ability to pay.

But although the law was praised for acknowledging that problems exist, it has also been criticized as largely ineffective. Enforcement regulations have yet to be adopted. Moreover, the law's terms are nebulous. For example, patients must be "stabilized" before being transferred. But, notes Judith Waxman, an attorney with the National Health Law Project: "One doctor's stabilized is another doctor's dump."

Last year in St. Louis, a young uninsured woman, five months pregnant, arrived at a hospital complaining of stomach pains. She was about to be transferred when she gave birth. The baby was stillborn. The hospital proceeded to transfer the woman—dead baby, umbilical cord and all. In Chicago, patients considered to be "stable" and thus transferable included a gunshot victim bleeding profusely from an artery to the brain and a man who had fallen from a third-story window.

## IN THE DARK

If most Americans don't even know that an anti-dumping law exists, perhaps it is because no one is required to tell them about it. Even those doctors and hospitals receiving the dumped patients are reluctant to report violations or to move to stop them from fear of souring their relationships with other institutions.

Those who do often are ostracized. Ron Anderson, president and chief executive of Dallas' Parkland Memorial Hospital, says he was warned by peers that he would never find another job in hospital administration in Texas after he advocated a state anti-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dumping law. And Dr. David Ansell of Chicago's Cook County Hospital says his own hospital held a press conference to rebut his study showing a threefold increase in dumping there.

Ignorance of the law and evident reluctance to report violations help explain why the federal Health Care Financing Administration has found only 61 hospitals among several thousand in the U.S. to have violated the 1986 law. Just two hospitals have been booted out of the Medicare program as a result. Legal Services' Mr. Bonnyman says that problem is more pervasive than it seems. Federal authorities, he says, rely on politically sensitive state boards to rule on complaints. The Takewell case, for instance was considered by a state licensing board dominated by representatives of hospitals.

"There is a built-in conflict of interest that absolutely undermines the enforcement of the law," he claims.

#### THE IMPERILED UNDERINSURED

While dumping is most closely associated with the uninsured, the country's 50 million underinsured are at risk as well. Consider 61-year-old Mary Marshall, whose symptoms—a 104.8-degree fever, dehydration and hallucinations—caused her family to seek hospitalization. A private Tennessee hospital was prepared to admit her—that is, until it discovered she didn't have group insurance and her own policy provided inadequate coverage. She was told she needed to pay \$1,200 out of pocket and was sent home when she couldn't come up with the money. Later, her family took her to a local public hospital, and she was admitted there.

The private hospital treated her like she didn't have any insurance at all," says Mrs. Marshall's daughter Judy Wilkerson. "If you don't have money, you're nothing."

A few states—notably Texas and California—have attacked the dumping problem with their own strict laws and vigorous enforcement. The Texas state attorney general's office is suing Humana Hospital Corp. in Harris County State District Court. The complaint alleges that Humana's Clear Lake Hospital dumped Mary Rourke, a 47-year-old housewife. Mrs. Rourke was admitted to the institution for a prescription-drug overdose and then was transferred to a public hospital—against the advice of the receiving doctor—because she had no insurance. While she was in transit, Mrs. Rourke's heart stopped. Resuscitated, she became comatose. She died without regaining consciousness. A Humana spokesman says he can't discuss details of the matter because it is in litigation but adds: "Certainly, we are defending the case."

#### NOW, REVERSE DUMPING

Cases such as Mrs. Rourke's are declining in Texas, and officials there credit the state's anti-dumping law. But now they are observing a new phenomenon: "reverse dumping," in which larger hospitals refuse to accept uninsured patients from smaller, less sophisticated ones.

Edwin Norris, the administrator of tiny Culberson County Hospital, which is situated on a desolate stretch of flat Texas highway, spent four hours begging hospitals to take an indigent man whose leg had been all but amputated by a train. Because the small hospital lacks surgical facilities, doctors there couldn't even finish the job of cutting off the leg. "We just tried to make him comfortable until we finally found someone to take him," says Mr. Norris.

"In another remote Texas town, a 17-year-old gunshot victim spent hours in a small

hospital while nurses frantically tried to find a large hospital and neurosurgeon to take him. None would, so the family was told to hire an ambulance to take him to the emergency room of a large hospital, McAllen Medical Center. By then, critical hours had passed, and the boy eventually died.

California also is seeing end-runs around its strict laws. Some hospitals in the Los Angeles area, for example, are threatening to close unprofitable emergency rooms to all but private ambulances.

"One way or another, people aren't getting needed health care because they don't have enough money to buy it," says Lois Salisbury, an attorney with Public Advocates in San Francisco who helped lead the fight for an anti-dumping law. "The problem persists in new forms and outpaces . . . legislators."

Another "sordid variation of dumping," she says, consists of admitting and summarily releasing the uninsured after a quick once-over. Last year, an uninsured 27-year-old truck driver was admitted to a California hospital after persuading officials to accept \$596 instead of the \$1,000 they requested. The man, who had chest pains, was released the next day even though basic tests hadn't been conducted, Ms. Salisbury says. He was told to rest for a week and not lift anything heavy. Several hours later, the man died.

Ms. Salisbury believes hospitals will continue to find ways to avoid caring for the indigent until they get their money. The question is: how to reimburse them. Some health-care experts advocate creating a pool of funds from insurers and those hospitals that don't treat many poor patients to compensate hospitals that do. Others say new taxes, such as an income-based health-insurance tax, will finance care. National health insurance is yet another possible course.

Whatever the solution, it promises to be financially painful, says Ms. Salisbury. Without a remedy, however, the casualties will increase, among the sick and families unable to afford proper care.

The legal-aid attorney recalls the torment of a young mother whose son was injured in an automobile accident in Modesto, Calif. The family was told it had to pay, up front, for surgery. It didn't have the money, and the boy died. "the mother was distraught with guilt," says Ms. Salisbury. "She and her husband were working class, but they couldn't come up with \$1,000 to try to save their son's life. That's what they must live with for the rest of their life."

#### IN RECOGNITION OF THE SWANSON CENTER'S 20TH ANNIVERSARY

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. VISCLOSKY. Mr. Speaker, rise today to recognize the Swanson Center's 20th anniversary. Centered in Michigan City, IN, this not-for-profit organization has established itself during the past 20 years as the comprehensive mental health resource for LaPorte County by providing services at eight locations throughout the county. The success of the Swanson Center may be attributed to its con-

vicion that the mental and emotional well-being of each citizen is important.

As it effectively grasps and deals with today's social problems, the Swanson Center serves as a primary example of a community at work. Since its inception the Swanson Center has developed a full complement of community and clinical services for people of all ages. The Swanson team of board-certified psychiatrists, psychologists, therapists, clinical social workers and other mental health professionals has banded together to provide counseling, crisis assistance, residential and day programs for the chronically mentally ill, substance abuse treatment and support groups for those in need.

Through its fine substance abuse treatment program, the efforts of the Swanson center represent just one of the thousands of organizations daily coping with and solving the drug problems which infiltrate our communities. The Swanson Center offers a multidisciplinary approach which helps people understand and overcome their addictive behaviors.

The therapeutic support groups of the Swanson Center provide a forum for those wishing to discuss their problems with others. At each group meeting, members are able to share comments on such topics as eating disorders, grief, alcoholism and anxiety. Through this analysis, a testing ground is provided to measure personal growth and change.

The contributions of the Swanson Center of LaPorte County over the past 20 years have been immeasurable. Not only have they kept marriages and families together, provided full service care for the chronically mentally ill and solved the problems associated with abuse and addiction, but they have also helped countless others lead more satisfying and productive lives. Through their efforts to improve the mental health of a few, the Swanson Center has bettered the quality of life for everyone in LaPorte County. I am sure that my colleagues will join me in lauding the accomplishments of all those associated with the Swanson Center during the past 20 years and wishing them continued success in the future.

#### SILENT DECAY

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert the following article by Edward Abrahams, a former staff member of the Joint Economic Committee, into the CONGRESSIONAL RECORD. "Silent Decay" appeared in the Washington Post October 27, 1989, and the article merits close review by the Congress.

#### SILENT DECAY

(By Edward Abrahams)

In a letter to the editor of this newspaper not long ago Richard Darman stated that we will have deficit reduction in his lifetime. It will not come too soon; America's unmet demands, which are undermining the nation's productivity, are not waiting for the government to get its fiscal house in order.

Most of the country's pressing needs—better education, more effective law en-

forcement, nuclear waste cleanup, scientific research, including a visit to Mars—to name only four things both Republican and Democrats agree are necessary—are also woefully underfunded. But is hard to measure the consequences in lost productivity that result from failure to spend adequately for good schools, an effective war on drugs, cleaning up the environment, or the discovery of a cure for AIDS.

There is one area, however, in which we can accurately gauge the consequences of our lack of investment: the condition of the nation's bridges. While there is always deterioration, the silent decay of our bridges will get worse in the future, unless, quite simply, we spend more to repair and replace them. Their current condition is really a metaphor for our failure to invest sufficiently in the public infrastructure generally. That was true even before the earthquake in California, and all the questions that it has raised about safe construction.

By law every year since 1979 (now biannually) the Federal Highway Administration issues a report on the status of the nation's bridges. These overlooked studies document a consuming nation's propensity to take the foundation of its propensity for granted—its \$3 trillion infrastructure investment.

During the past two decades spending for public works as a percentage of GNP declined from 2.3 to 1 percent. A recent study by David A. Aschauer of the Federal Reserve Bank of Chicago demonstrates that this dramatic decline, by raising the cost of doing business, contributes to our low rate of productivity growth. By contrast, the Japanese, whose productivity growth rate is more than five times that of the United States, invested more than 5 percent of their GNP in public facilities between 1973 and 1985.

As a consequence of the declining investment in infrastructure, in 1988, according to the latest report, 41 percent of America's bridges failed to meet federal standards. Though down from a peak of 46 percent in 1983, this alarming figure is much higher than the one third of our bridges which were considered substandard in 1979.

The small improvement since 1983 can be attributed to federal spending. Washington currently spends about \$3 billion a year to repair and replace deficient bridges, a figure that has not changed much in the past four years, but one that is unfortunately far below what will be necessary to maintain our aging bridge system in the future.

According to the Federal Highway Administration, deficient bridges may be either structurally deficient, which means they must be restricted to light vehicles, closed, or immediately repaired, or, less seriously, functionally obsolete, meaning that they do not meet specified federal standards, but are still considered safe.

A breakdown of the two categories reveals further how serious the problem is. In 1979 15 percent of the nation's bridges were structurally deficient. Nine years later that number jumped to 24 percent. The number of functionally obsolete bridges grew from 18 percent in 1979 to 22 percent in 1983 before falling back to 18 percent in 1988.

Put more simply, this means that every time a driver crosses a bridge in the United States he has more than two chances in five that the federal government has classified that bridge as substandard and an almost one-in-four chance that something is seriously wrong with it.

Although bridges on and off the federal system are eligible for federal funds for re-

placement or repair, the government differentiates among them. The majority of deficient bridges are fortunately on lesser-traveled rural roads. Ominously, while the percentage of deficient bridges is falling on these roads, the reverse is true for those bridges over which 85 percent of all traffic flows. Last year 16 percent of the bridges on the interstate system were found to be deficient, up 50 percent in six years.

The bridges in some states are in worse condition than others. Compared to the 68 percent of New York's bridges that were classified deficient in 1988, the District, Maryland and Virginia are doing well. In the District 21 percent of our 237 bridges were found deficient. In Maryland and Virginia the figures were 41 and 34 percent.

The Federal Highway Administration estimates that the cost for replacing or rehabilitating deficient bridges eligible for federal funds is \$50.7 billion. Given the magnitude of the present need, the fact that approximately 40 percent of the nation's bridges were built in the 1950s and '60s with life expectancies of 30 to 40 years, and President Bush's inaugural determination that we have more will than wallet, Americans can expect a bumpier ride and a lower standard of living in the future.

### U.S. CONGRESS NOT ALONE IN WANTING CYPRUS SETTLEMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. BROOMFIELD. Mr. Speaker, many of us in the Congress are determined to help find a settlement to the longstanding Cyprus dilemma. We are not alone in our efforts to bring peace to that once-united island. Many nations around the world join us in seeking a negotiated solution to that complex problem.

Several Members of the House routinely join me in trying to find a solution to the Cyprus dilemma. We have introduced various legislative initiatives that focus on the need for progress in solving the Cyprus problem. We frequently work with the administration, whose official policy is to find a peaceful settlement of the Cyprus dispute, and encourage the President and the Secretary of State to seek a timely resolution of the Cyprus dilemma. The U.S. Congress is but one of many players in the international effort to resolve the tragedy of that divided island.

The United Nations is actively involved in finding a fair and balanced solution to the Cyprus dispute. U.N. Secretary General Perez de Cuellar has launched a serious peace effort and organized a series of intercommunal talks between the leader of the Turkish community on that island, Mr. Denktash, and President Vassiliou of the Republic of Cyprus. Although the talks are stalled, all of us hope that they will restart.

The European Community has clearly told the Government of Turkey that the members of that organization will not consider Turkey's application for membership in the EEC unless Turkey withdraws its troops from Cyprus. The Europeans know that Turkey, a NATO member and a democratic nation, is one of the few countries in the world to continue to militarily occupy a sovereign country.

In addition, the over 50 member countries of the Commonwealth of Nations recently crafted a strong declaration calling for a Turkish troop withdrawal from northern Cyprus and voiced strong support for the U.N.-sponsored peace process on that island.

Finally, the nations of the world are united in refusing to recognize the so-called Northern Turkish-Cypriot Republic. Only Turkey has officially recognized that self-styled state while other nations have refused to extend diplomatic recognition of northern Cyprus despite the efforts of Mr. Denktash to win wider support. I was shocked to learn that he recently traveled to Libya where he asked for Colonel Qadhafi's help in winning recognition of northern Cyprus by Middle Eastern nations. While most nations of the world turn their back on that terrorist-supporting madman, Mr. Denktash has chosen to win his favor.

I want to share with my colleagues a Financial Times article concerning the recent Commonwealth of Nations' statement about the importance of having peace on Cyprus.

[From the Financial Times, Oct. 25, 1989]

### SPEDY TROOP WITHDRAWAL FROM CYPRUS URGED

Commonwealth leaders yesterday adopted an unusually strong declaration on Cyprus, which called for the speedy withdrawal of "all foreign forces and settlers" from the island, reports Robert Mauthner from Kuala Lumpur. It also condemned the unilateral declaration of independence by the northern Turkish-Cypriot leadership in 1983.

The final communiqué, warmly welcomed by President George Vassiliou of Cyprus, supports his Government's position that the unity, territorial integrity and non-aligned status of Cyprus should be ensured. In his context it called on all states not to recognise the self-styled northern Turkish-Cypriot republic.

Apart from calling for the withdrawal of all foreign troops, a reference mainly to Turkish troops stationed in the north, the communiqué was also implicitly critical of Mr. Rauf Denktash, the Turkish-Cypriot leader, for suggesting that Turkish refugees from Bulgaria might be invited to settle in northern Cyprus.

The leaders expressed their belief that "a sustained and substantive dialogue" within the framework of United Nations-sponsored communal talks was the only way of reaching a just and peaceful solution.

They called upon all parties to co-operate fully with the UN Secretary-General in his attempts to organize substantive talks between the two Cypriot parties.

### IMMIGRATION ACT AND JOB BIAS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. RICHARDSON. Mr. Speaker, the Mexican American Legal Defense Fund, [MALDEF] released a shocking report this weekend showing that there is widespread discrimination in employment against Hispanics as a result of the Immigration Reform and Control Act. The MALDEF report chronicles a number

of incidences of employer discrimination against U.S. citizens and legal residents, simply because of their last name or accent.

For example, Sandra Johnson's job search was going smoothly, until she started using her maiden name, Garcia. At that point interviewers constantly asked for her immigration status and suggested her immigration papers were forged.

Richard Trujillo, a native of Kansas applied for a job as a sandblaster. On his application he indicated he was a U.S. citizen, and provided a drivers license and Social Security card as proof of legal status. The company, however demanded a work visa or "INS number," something no native born citizen would have.

Based on the MALDEF report it is clear that as a result of the Immigration Act, employers are erecting more barriers to employment to people with Hispanic names or accents. This finding supports and brings into clear light the earlier GAO study which found great ignorance of the 1986 act amongst employers.

As a earlier supporter of the 1986 Immigration Act, I am disturbed to learn that whether through ignorance or malice, there is a serious problem in which the law is being used to bar people from gainful employment. I call on the President and the administration to provide the necessary leadership in reversing this ugly situation.

**JOB BIAS CASES TIED TO IMMIGRATION ACT RIGHTS GROUP DESCRIBES MISUSE, MISUNDERSTANDING OF REFORM LAW**

(By Jay Mathews)

LOS ANGELES, November 5.—Sandra Johnson, an American of Hispanic descent, thought her job search was going smoothly until she separated from her non-Hispanic husband and began using her maiden name, Garcia. Suddenly interviewers wanted to know her immigration status and began to suggest that her identification papers were forged.

Richard Trujillo, a native of Kansas City, Kan., marked "U.S. citizen" on his 1987 application for a job as a sandblaster and showed his social security card and driver's license. The company demanded an "INS number" or a work visa, and despite his protests that citizens did not carry such documents, denied him the job.

On the eve of the third anniversary of the landmark Immigration Reform and Control Act (IRCA), the Mexican American Legal Defense and Educational Fund (MALDEF) today released several such accounts of illegal discrimination caused by misunderstanding and misuse of the act.

"It is clear that IRCA is the source of increased employment discrimination against 'foreign-looking' and 'foreign-sounding' people," said Antonia Hernandez, MALDEF president and general counsel.

The civil rights group called for more protections for legal U.S. workers from a law originally designed for their benefit, and sharply criticized the General Accounting Office for failing to verify a pattern of discrimination even after discovering that 16 percent of American employers were treating legal immigrants or their descendants differently since IRCA became law.

The percentage "may not seem significant to the . . . GAO, but it affects the livelihood of a large segment of the work force," said MALDEF employment director Jose R. "Beto" Juarez, Jr.

The organization's 118-page report, "The Human Costs of Employer Sanctions," docu-

ments missteps in application of IRCA's requirement that employers verify each new worker's legal immigrant status or risk large fines and possible jail terms.

It supports a September report by the U.S. Commission on Civil Rights that the GAO "has understated the extent of discrimination resulting from IRCA."

The MALDEF report, written in collaboration with the American Civil Liberties Union, recommended the GAO expand its investigation of IRCA-related discrimination. If the GAO finds a major problem, a MALDEF official said, Congress might repeal employer sanctions, which the organization has consistently opposed.

In a summary of what it said were hundreds of cases investigated by MALDEF attorneys, the organization said many employers have been unfamiliar with the different documents that can be used to prove a right to work and have insisted on seeing an Immigration and Naturalization Service "green card," only one of many possibilities.

IRCA allowed any undocumented alien who had lived in the United States before Jan. 1, 1982, to seek legal residence status, but MALDEF said it found "employers who have fired legalization applicants who requested assistance with their legalization applications or who used aliases or invalid social security numbers." The report said some employers then hired such people back as "new employees" with reduced wages and benefits.

In one case, the report said, a legal resident accountant from Colombia was denied a job with a major insurance company because he was not a U.S. citizen. When told such discrimination was illegal, the personnel officer replied: "You can think what you want, and besides, you have a strong accent and I have difficulty understanding you. I don't think that the company would like to have you in contact with the customers."

**TRIBUTE TO THE EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM OF LAKE COUNTY**

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to the Expanded Food and Nutrition Education Program [EFNEP] of Lake County, IN, on its 20th anniversary.

Administered by the Cooperative Extension Service of Purdue University, EFNEP has long helped urban and rural families, faced with limited food budgets, to improve the nutritional quality of their diets. Firmly rooted in the belief that a balanced diet will result in both healthier and longer lives, EFNEP trained program assistants provide important information on a one-to-one basis with adults and youths. Since its inception in 1969, EFNEP has served hundreds of families and thousands of individuals. Indeed, EFNEP has improved the quality of life for not only the families it serves, but also all citizens of northwest Indiana.

Mr. Speaker, on the occasion of its 20th anniversary, I again congratulate the Expanded Food and Nutrition Education Program on its

outstanding service and wish it continued success in the future.

**HONORING MR. AND MRS. JACK HOGAN**

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to a couple who have performed outstanding service to the Queens community. That couple is Mr. and Mrs. Jack Hogan, who as owners of the Fogarty Funeral Home will today celebrate 100 years of service by the funeral home to the Flushing community with a banquet at the Amber Lantern Restaurant in Flushing.

One cannot overestimate the great service Jack and MaryAnn Hogan have performed to their community. The fact that their funeral home handles 250 funerals a year should make it obvious how important it is to the residents of Flushing. The present reputation of the funeral home is largely due to the dedication and hard work of three generations of Hogans.

Jack Hogan's father was the first Hogan to work at the funeral home when he was taken in as an orphan by Mr. Fogarty, the home's first proprietor. Jack Sr., worked hard, looking after the horses that were used to carry the hearses, and eventually earned the confidence of his adoptive father, who sold him the business in 1946.

Jack thus spent his childhood growing up over the funeral home. He must have developed an attachment to it since he only left for a brief time to earn his curator's credentials and soon returned to work with his father. Jack began to manage the home in 1960 and in 1976 assumed the presidency of the corporation.

Of the next generation of Hogans, Jack and MaryAnn's second son, Robert and their daughter, MaryAnn, both work at the family business. Robert recently passed his boards, which means that if Jack decides to retire sometime in the near future, his son will ably fill his shoes. The Hogans have three other children, their first son, John who is a successful Wall Street broker, James, who is in college and Daniel who is in grammar school.

Jack's wife, MaryAnn has also worked at the home since 1980. Prior to 1980 she had acquired a masters in library science and went on to teach in the city's public schools. She has subsequently utilized her talents as a librarian, as director of Community Outreach for the funeral home, setting up a grief therapy library. The library consists of a collection of books and videos which assist people through the bereavement process. Numbered among these books and videos are programs explaining death to children, talking people through bereavement and one for those who "are living when a loved one is dying." These programs are only officially open to clients, but the funeral home makes them available to civic and support groups. Around five to six support groups use the programs monthly.

As a tribute to the outstanding service the Fogarty Funeral Home offers its clients, it has been asked to join Trust 100, a network of individually owned and operated funeral homes that offer expertise large chains cannot match and that are renowned for their independence and high ethical standards.

Besides their outstanding work at the funeral home, Jack and MaryAnn Hogan have been extremely active in other aspects of their community. Mr. Hogan is president of the Flushing Chamber of Commerce, a past president of the Flushing Lions Club, a former president of many church organizations and also a past grand knight of the Olympia Council of the Knights of Columbus. MaryAnn has been extremely active in her community as past president of the Home School Association and numerous church organizations. She is also still active in alumni activities at St. Johns.

Mr. Speaker, in a time dominated by corporate takeovers and giant corporations it gives me great pleasure to witness a family business like the Hogan's prove successful by performing a service so vital to the needs of Flushing residents. I would like to take this opportunity to ask my colleagues to join me in congratulating them and their staff at the Fogarty Funeral Home on their anniversary of service to Flushing.

#### TRIBUTE TO DR. JOHN S. TOLL

##### HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, it is with the greatest pride and admiration that I rise to honor Dr. John S. Toll, a man who, through his dedication and commitment, has come to excel beyond comparison in the fields of education and physics. It is today, upon his retirement from the University of Maryland, that I wish to recognize his many great achievements.

Dr. Toll began his career upon graduation with highest honors from Yale University, earning a B.S. in the area of physics. He then went on to complete his masters and Ph.D. degrees from Princeton University in 1952. From 1953 until 1965 Dr. Toll served as a professor and the chairman of the department of physics at the University of Maryland. During this time he also served as the national chairman of the Federation of American Scientists, the chairman for the Research Advisory Committee on Electrophysics for the National Aeronautics and Space Administration, and the chairman of the Phi Beta Kappa Association for the University of Maryland, proving in each instance his determination and commitment to excellence.

In September 1965, Dr. Toll's achievements were recognized by the State University of New York and he was named president of the Stony Brook campus. In July 1978, Dr. Toll returned to the University of Maryland to be awarded the position of president, and to be renamed a professor of physics. Upon completing 10 prosperous years of the presidency, Dr. Toll became the founding chancellor of the University of Maryland System, while serving as professor of physics.

During his term as president of the University of Maryland Dr. Toll initiated many programs which led the university into a new era of excellence. He began by establishing a faculty fund which allowed for promotion of the best teachers and researchers, and which led the university to rank sixth in the Nation in the number of prestigious fellowships won by its faculty. Dr. Toll also added many new educational programs to the university, such as applied molecular biology, nursing informatics, and telecommunications management, as well as creating the Engineering Research Center and the Maryland Biotechnology Institute. In addition to these achievements Dr. Toll helped increase the number of university applicants, honors students, minority enrollments, and degrees awarded. Finally the financial management of the university steadily improved under the direction of Dr. Toll, which led Standard & Poor's, in 1989, to issue an AA+ bond rating for the University of Maryland System, the only public university to receive this high rating. These programs comprise only a small portion of the many achievements that Dr. Toll has accomplished during his career at the University of Maryland.

I know that my colleagues will join me in honoring Dr. Toll for the many years that he has been dedicated to the improvement and advancement of education, especially those years that he served at the University of Maryland.

#### A TRIBUTE TO DICK SULLIVAN

##### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. CLINGER. Mr. Speaker, I want to say a word about an old friend. His name is Dick Sullivan and he was a friend to many in this House of Representatives during a distinguished career that spanned more than three decades.

Dick Sullivan retired last Tuesday and I regret that he will no longer be here and I also regret that I was not on the floor that day to tell him in person of my high regard of him as a person and as a consummate professional. I had forgotten that it was to be his last day.

I first met this most congenial Irishman when I came to Washington in 1975 to serve as chief counsel of the Economic Development Administration during the Ford years. I was greener than green but was immediately thrust into preparation for a hearing before the fearsome Economic Development Subcommittee of the Public Works and Transportation Committee. I will never forget the help that Dick Sullivan gave me in getting ready for that hearing and his patience with me at the hearing itself.

Since coming to Congress and now able to sit on the other side during congressional hearings, I have found Dick Sullivan to be unfailingly cooperative and effective. Although Dick was the majority counsel and a dedicated Democrat he could not possibly have been more helpful to those of us in the minority.

The genius of the Public Works Committee, in my view, has always been the true spirit of

bipartisanship that prevails and I believe that Dick Sullivan played a mayor role in promoting this spirit. Rather than foster confrontation, he always sought accommodation and negotiation. He is a master at consensus building and has a keen sense of the politics involved in any issue. His goal was always to serve the Members—all of the Members—well and that he did with great skill right up to last Tuesday.

Dick Sullivan was a towering presence both literally and figuratively in the Public Works Committee and it is hard to imagine the committee functioning without him. We will, of course, but with a little less joy in the process than before.

#### TRIBUTE TO REV. GRADY WILLIAMS

##### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Mr. TRAFICANT. Mr. Speaker, I rise to pay tribute to Rev. Grady Williams, who will be honored at a luncheon on November 18, 1989. Reverend Williams is celebrating his silver anniversary as pastor for the Trinity Baptist Church in Warren, OH. He not only has a long and distinguished history of service to the Trinity Baptist Church but also to his community.

Pastor Williams is a native of Ramer, AL. He received his formal education in the Ramer, AL public school, and attended Central Bible College and the American Baptist Theological Extension Unit in Youngstown, OH. Reverend Williams moved to Youngstown in 1948 and began preaching in 1961. He was ordained a Baptist preacher on March 17, 1963. Today Reverend Williams lives in Warren, OH with his wife, Nannie Ellis Williams, and is the father of two daughters, Nannette and Twyla.

Reverend Williams began preaching at the Trinity Baptist Church on October 6, 1964 and has been their pastor ever since. He is the senior pastor among the Afro-American Baptist Churches in Warren, OH. Besides serving his own congregation, Reverend Williams does work for several religious and civic organizations. Presently, he is the president of the Eastern Ohio Baptist Association Congress of Christian Education, and the treasurer of the Trumbull County Ministerial Alliance. Past offices include dean of the Eastern Ohio Baptist Association Congress of Christian Education, president of the Trumbull County Ministerial Alliance, and a board member of Family Services and of the Warren-Trumbull Urban League.

Mr. Speaker, I would like to take this opportunity to congratulate Rev. Grady Williams for his 25 years of impeccable service to Trinity Baptist Church and to his community. He is an understanding and compassionate person who is greatly admired by all. We are deeply indebted to him for his contributions both to his community and to his State. I am honored to represent this outstanding individual.

CUBA, A PARTNER ON THE U.N.  
SECURITY COUNCIL?

**ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 6, 1989

Ms. ROS-LEHTINEN. Mr. Speaker, I cannot believe that the United Nations has chosen Cuba to be a member of the Security Council. Since its inception in 1959 as a Communist totalitarian state under the direction of Fidel Castro, Cuba has given its support to radical groups and subversive movements throughout Central and South America. Cuban activities have militarized and internationalized what would have been otherwise local conflicts.

In 1959, Castro aided armed expeditions against Panama, the Dominican Republic, and Haiti. During the early and mid-1960's, Guatemala, Colombia, Venezuela, Peru, and Bolivia all faced serious Cuban backed attempts to develop guerrilla foci, armed focal points to foment revolution.

In the mid-1970's, Cuba renewed its penchant for direct intervention, not in Latin America but in Africa. In Angola, 20,000 Cuban troops, supported by Soviet logistics and material, assured the supremacy of the Popular Movement for the Liberation of Angola, which had the strongest ties to Moscow of the three movements competing for power after Portugal's withdrawal.

In Ethiopia, the integration of Soviet and Cuban operations was even more complete, with the Soviets providing overall command and control, material, and transport for 13,000 to 15,000 Cuban troops fighting against Somali forces.

During 1981 alone, Cuba quietly increased its presence in Nicaragua to 5,000 personnel, including more than 1,500 security and military advisers; armed Salvadoran guerrillas in El Salvador; established an arms supply network in Costa Rica during the Nicaraguan civil war and later used to supply Salvadoran insurgents; trained guerrillas in Colombia who were attempting to create a people's army.

Mr. Speaker, have we already forgotten Cuba's attempt to build a major air strip in Grenada and weapon caches found on that island? The Security Council of the United Nations has the primary responsibility for the maintenance of international peace and security. Can we trust a man and a country that supports violence and hatred in Latin America and throughout the world?

To this day Fidel Castro continues to supply arms and munitions to leftist insurgents. On May 30, 1989, we learned of that largest cache of weapons ever captured in El Salvador by government forces included a wide variety of modern Soviet-designed small arms and over a quarter of a million rounds of ammunition manufactured in Cuba as recently as 1988.

For this reason I believe that it is a travesty of international justice to select Cuba as a member of the Security Council of the United Nations. I strongly condemn this selection.

REMARKS OF REPRESENTATIVE MATTHEW J.  
RINALDO ON H.R. 3265, FCC REAUTHORIZATION

Mr. Speaker, I was unavoidably detained on Monday, October 30, and could not speak on the floor in support of the FCC Reauthorization bill, which I cosponsored with the Telecommunications Subcommittee Chairman, the gentleman from Massachusetts, Mr. Markey. I am pleased that the House passed this legislation by voice vote on the suspension calendar.

This bill, as approved by the Energy and Commerce Committee and the Telecommunications Subcommittee, authorizes the full \$109.8 million requested in the President's FY90 budget. This is only \$800,000 more than the amount that the House appropriated for the FCC in FY90.

The bill as amended sets the FCC's FY91 authorization at \$121.5 million. This increase is appropriate for two reasons. First, this figure reflects the FCC's revised estimate of the additional money it will need in 1991 and 1993 to move and consolidate its offices.

Second, this funding increase recognizes that the FCC's workload and responsibility have greatly increased in recent years. The industries regulated by the FCC have become much larger and more important to our overall economic health and our ability to remain competitive. New technical and regulatory challenges for the agency spring up every day, as they have from HDTV to information services in the 1980's. Keeping the FCC well-equipped and able to deal with these new challenges has to be a central part of our communications strategy as we move to the 21st century.

This legislation extends the FCC's Older Americans program, which was originally authored by my colleague from Texas, Mr. Fields. As the ranking Republican on the House Aging Committee, I share Mr. Field's hopes that the Older Americans program will be an important tool that will be used by the FCC to its fullest potential.

The Energy and Commerce Committee adopted an amendment to this legislation relating to the Commission's authority to take into account trade practices of foreign countries. The Administration has raised concerns about this amendment, fearing it may create policy-making authority at the FCC.

I want to assure the House, and especially my Republican colleagues, that the opposite is true. The Committee clearly did not create any new authority for the FCC through this amendment. I worked closely on the language of the provision with the chairmen of the full committee and the subcommittee. I can assure the House that the committee's action makes explicit the limits of existing FCC authority. The committee report makes clear that the president is the policy-maker with respect to trade policy, not the FCC. That will not change after this amendment becomes law.

The only thing this amendment does is remind the FCC that it may take into account the nation's trade policies when the agency makes rules governing telecommunications industries—no more, no less.

I also note that while the administration is concerned about this trade provision, it does not object to passage of the underlying bill.

Finally, I want to mention my concerns on one issue that has been a source of controversy between the Telecommunications Subcommittee and the FCC. The Telecommunications Subcommittee members are in

agreement that the Commission should not impose access charges on information service providers.

Twice, the Subcommittee Chairman and I have fought the FCC on this issue. The subcommittee believes strongly that access charges are appropriate and would drive up the public's cost in getting information services. We didn't make these views explicit in the committee report only because FCC Chairman Sikes pledged during our authorization hearing not to impose these fees. We expect the Commission to live up to that pledge and work to make information services widely available for all our citizens.

One again, I am pleased that the House has approved this needed authorization legislation. I hope it will be quickly approved by the Senate and sent to the President for approval.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 7, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 8

9:00 a.m.

Commerce, Science, and Transportation  
Consumer Subcommittee

To hold hearings on S. 891, to provide for the modernization of testing of consumer products which contain hazardous or toxic substances.

SR-253

9:30 a.m.

Commerce, Science, and Transportation  
Aviation Subcommittee

To hold hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.

SR-301

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Foreign Relations

To hold hearings on the nomination of Ronald J. Sorini, of the District of Columbia, for the rank of Ambassador

- during his tenure of service as the United States Negotiator on Textile Matters. SD-419
- Joint Economic**  
To hold hearings to examine how corporate investment decisions on research and development, capital, and acquisitions are influenced by the equity markets, the cost of capital, and by public policy.  
2359 Rayburn Building
- 10:00 a.m.  
**Environment and Public Works**  
To hold hearings on the nomination of Don R. Clay, of Maryland, to be Assistant Administrator of Solid Waste, Environmental Protection Agency. SD-406
- Judiciary**  
To hold hearings on S. 88, to reform procedures for collateral review of criminal judgements, and S. 1757 and S. 1760, bills to provide special habeas corpus procedures in capital cases. SD-226
- 2:30 p.m.  
**Foreign Relations**  
To hold hearings on the nominations of Cresencio S. Arcos, Jr., of Texas, to be Ambassador to the Republic of Honduras, and Richard H. Melton, of Virginia, to be Ambassador to the Republic of Brazil. SD-419
- 4:00 p.m.  
**Foreign Relations**  
Closed briefing on worldwide ballistic missile proliferation. S-116, Capitol
- NOVEMBER 9
- 9:30 a.m.  
**Energy and Natural Resources**  
To hold hearings on a proposed committee amendment to S. 406, Competitive Wholesale Electric Generation Act. SD-366
- Governmental Affairs**  
To hold hearings on the status of science and math education in the United States. SD-342
- Judiciary**  
To hold hearings on the nomination of Vaughn R. Walker, to be United States District Judge for the Northern District of California. SD-226
- 10:00 a.m.  
**Agriculture, Nutrition, and Forestry**  
To hold hearings on S. 712, to provide for a referendum on the political status of Puerto Rico. SR-332
- Commerce, Science, and Transportation**  
**Science, Technology, and Space Subcommittee**  
To hold hearings on the human genome initiative and the future of biotechnology. SR-253
- Foreign Relations**  
To hold hearings to examine nuclear testing issues; and to consider pending nominations. SD-419
- Judiciary**  
To hold joint hearings with the Committee on Labor and Human Resources to examine the impact of drugs on families and children. SD-430
- Labor and Human Resources**  
To hold joint hearings with the Committee on the Judiciary to examine the impact of drugs on families and children. SD-430
- Joint Economic**  
To hold hearings to examine changes in U.S. economic power and the impact of those changes on national security. 2359 Rayburn Building
- 10:30 a.m.  
**Veterans' Affairs**  
To hold hearings on the nominations of David E. Lewis, of Florida, to be Assistant Secretary for Acquisition and Facilities, Ronald E. Ray, of Florida, to be Assistant Secretary for Human Resources and Administration, and Edward G. Lewis of Virginia, to be Assistant Secretary for Information Resources Management, all of the Department of Veterans Affairs. SR-418
- 11:00 a.m.  
**Select on Indian Affairs**  
Business meeting, to consider pending calendar business. SR-485
- 2:00 p.m.  
**Commerce, Science, and Transportation**  
To hold hearings on the nomination of Debra Wince-Smith, of Ohio, to be Assistant Secretary of Commerce for Technology Policy. SR-253
- NOVEMBER 13
- 9:30 a.m.  
**Labor and Human Resources**  
To hold hearings on S. 1425, to make nutrition labeling information mandatory and to provide for clear standards governing the claims that can be made about foods. SD-430
- 2:00 p.m.  
**Energy and Natural Resources**  
To resume hearings on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner, and on S. 972, S. 1304, and S. 1802, related measures with respect to the environment, safety, and health aspects of operation of the Department of Energy's nuclear facilities. SD-366
- NOVEMBER 14
- 9:30 a.m.  
**Energy and Natural Resources**  
To hold oversight hearings on potential alternative energy sources for transportation, focusing on compressed natural gas, reformulated gasoline, ethanol, and electricity (electric vehicles). SD-366
- Small Business**  
To hold hearings on the nomination of Kyo R. Jhin, of Maryland, to be Chief Counsel for Advocacy, Small Business Administration. SR-428A
- Select on Indian Affairs**  
To hold oversight hearings on Indian Veterans' programs. SR-485
- NOVEMBER 15
- 9:30 a.m.  
**Veterans' Affairs**  
To hold hearings on health care for rural veterans. SR-418
- 10:00 a.m.  
**Special on Aging**  
To hold hearings to examine the affects of drug abuse on the elderly in urban and rural settings. SD-628
- NOVEMBER 16
- 9:00 a.m.  
**Commerce, Science, and Transportation**  
**Communications Subcommittee**  
To hold oversight hearings on the implementation of the Cable Telecommunications Act (P.L. 98-549). SR-253
- 9:30 a.m.  
**Energy and Natural Resources**  
To resume hearings on a committee amendment to S. 406, Competitive Wholesale Electric Generation Act. SD-366
- NOVEMBER 17
- 9:00 a.m.  
**Commerce, Science, and Transportation**  
**Communications Subcommittee**  
To continue oversight hearings on the implementation of the Cable Telecommunications Act (P.L. 98-549). SR-253
- NOVEMBER 21
- 10:00 a.m.  
**Judiciary**  
**Constitution Subcommittee**  
To hold hearings on S. 1236, to provide for a waiting period before the sale, delivery, or transfer of a handgun. SD-226
- DECEMBER 5
- 9:30 a.m.  
**Energy and Natural Resources**  
To hold oversight hearings on the Department of Energy's implementation of the civilian nuclear waste program. SD-366
- POSTPONEMENTS
- NOVEMBER 7
- 10:00 a.m.  
**Labor and Human Resources**  
To resume hearings on S. 722, to revise the authority under the Federal Food, Drug, and Cosmetic Act to regulate pesticide chemical residues in food, and other related issues. SD-430
- NOVEMBER 8
- 10:00 a.m.  
**Banking, Housing, and Urban Affairs**  
Business meeting, to mark up proposed legislation to authorize a new corporation to support State and local strategies for achieving more affordable housing and to increase homeownership. SD-538