

EXTENSIONS OF REMARKS

RELIGION IN A FREE SOCIETY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. DOOLITTLE. Mr. Speaker, Elder M. Russell Ballard delivered a powerful address at the Freedom Festival Devotional on Sunday, July 5 entitled "Religion in a Free Society."

Given recent Supreme Court decisions, I believe that Elder Ballard raises an extremely valid point: a simple constitutional prohibition of a State-sponsored church has evolved into court-ordered bans against the slightest mention of God in the public square. Surely our forefathers cannot have intended such a dangerous lurch toward State-sanctioned amorality.

I commend the following text to my colleagues' attention:

RELIGION IN A FREE SOCIETY

(Address by Elder M. Russell Ballard)

Two hundred sixteen years ago, the Continental Congress adopted the Declaration of Independence. Of that event John Adams said, "I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations from one end of this continent to the other, from this time forward forevermore" (The Second Letter to Abigail Adams, July 3, 1776). This Provo Utah Freedom Festival surely fits John Adams' vision of our day.

At the outset please know that I do not represent myself to be an expert on religion in a free society, the subject of my talk tonight. I gratefully acknowledge the thoughtful suggestions of those who are experts and who have shared with me their thoughts, some of which I have included in what I will say.

I do, however, believe that I have some expertise as a father of our seven married children who have given to my wife and me the experience of being grandparents to their thirty-three children. It is because of my love for them, and my deep concern that they and others like them be able to enjoy all of the privileges of religious liberty that I express my thoughts this evening.

The breeze of freedom is blowing today with greater velocity throughout the world than perhaps at any other time in history. However, a gathering like this would still not be legally permissible in many places. We are meeting here on the Brigham Young University campus where The Church of Jesus Christ of Latter-day Saints freely supports this great institution.

Recently a group of religious and political leaders and scholars from all around the world met in Budapest, Hungary to discuss the practical challenges faced by the former communist nations that are moving toward

some form of religious liberty. The concept of religious freedom is revolutionary for many countries, and they are struggling with many potentially divisive issues: To what extent should public schools recognize and teach religion? How much should the state regulate a church's charitable activities? Should churches be exempted from general laws? To what degree should church and state be separated? Should there be an official state church?

Do those issues sound familiar? They should. Our Founding Fathers wrestled with them more than 200 years ago, and they continue to be serious topics of discussion and debate to this very day.

The latitude we have for disagreement and discourse more than 200 years after the United States Constitution and its Bill of Rights were enacted is a remarkable testimony to the enduring nature of those precious documents. The principles and philosophies upon which our constitutional law is based are not simple the result of the best efforts of a remarkable group of brilliant men. They were inspired by God, and the rights and privileges guarantee in the Constitution are God-given, not man-derived. The freedom and independence afforded by the Constitution and Bill of Rights are divine rights—sacred, essential and inalienable. In the 98th Section of "The Doctrine and Covenants" the Lord indicates that "the law of the land which is constitutional, supporting that principal of freedom in maintaining rights, and privileges, belongs to all mankind, and is justifiable before me" (D&C 98:5).

I focus my comments this evening on sixteen significant words found in the very First Amendment to the Constitution: "Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof."

These words are simple and direct. Their message and meaning appear to be clear. But through the years presidents, Congress, and the courts have interpreted them in so many different ways that many people today have no sense of the perspective upon which they were based.

Believe it or not, at one time the very notion of government had less to do with politics than with virtue. According to James Madison, often referred to as the father of the Constitution: "We have staked the whole future of American civilization not upon the power of the government—far from it. We have staked the future of all of our political institutions upon the capacity of each and all of us to govern ourselves according to the Ten Commandments of God." (Walton, Russ, "Biblical Principles of Importance to Godly Christians," New Hampshire: Plymouth Foundation, 1984, p. 361).

George Washington agreed with his colleagues James Madison. Said Washington: "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." (Richardson, James D., "A Compilation of the Messages and Papers of the Presidents, 1789-1897," published by authority of Congress, 1899, Vol. 1, p. 220).

Nearly 100 years later, Abraham Lincoln responded to a question about which side

God was on during the Civil War with this profound insight: "I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lord's side" ("Abraham Lincoln's Stories and Speeches," J.B. McClure, editor; Chicago: Rhodes and McClure Publishing Co., 1896, p. 185-186).

Madison, Washington and Lincoln all understood that democracy cannot possible flourish in a moral vacuum, and that organized religion plays an important role in preserving and maintaining public morality. Indeed, John Adams, another of America's Founding Fathers, insisted: "We have no government armed with power capable of contending with human passions unbridled by morality and religion." (Adams, John, "The Works of John Adams, Second President of the United States," Charles F. Adams, 1854).

Yet that is precisely the position we find ourselves in today. Our government is succumbing to pressure to distance itself from God and religion. Consequently, the government is discovering that it is incapable of contending with people who are increasingly "unbridled by morality and religion." A simple constitutional prohibition of a state-sponsored church has evolved into court-ordered bans against (1) representations of the ten Commandments on government buildings, (2) Christmas manger scenes on public property, and (3) prayer at public meetings. Instead of seeking the "national morality" based on "religious principle" that Washington spoke of, many are actively seeking a blind standard of legislative amorality, with a total exclusion of the mention of God in the public square.

Such a standard of religious exclusion is absolutely and unequivocally counter to the intention of those who designed our government. Do you think that mere chance placed the freedom to worship according to individual conscience among the first freedoms specified in the bill of Rights—freedoms that are destined to flourish together or perish separately? The Founding Fathers understood this country's spiritual heritage. They frequently declared that God's hand was upon this nation, and that He was working through them to create what Chesterton once called "a nation with the soul of a church" (Newhaus, Richard John, "A New Order for the Ages," a speech delivered to the Philadelphia Conference on Religious Freedom, May 30, 1991). While they were influenced by history and their accumulated knowledge, the single most influential reference source for their work on the Constitution was the Holy Bible. Doubtless they were familiar with the Lord's counsel to the children of Israel as they struggled to become a great nation:

"And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and do all his commandments which I command thee this day, that the Lord thy God will set thee on high above all nations of the earth: And all these blessings shall come on thee, and overtake thee, if thou shalt hearken unto the voice of the Lord thy God. Blessed shalt thou be in the

• 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.

city, and blessed shalt thou be in the field. Blessed shall be the fruit of thy body, and the fruit of thy ground, and the fruit of thy cattle, the increase of thy kine, and the flocks of thy sheep. Blessed shall be thy basket and thy store. Blessed shalt thou be when thou comest in, and blessed shalt thou be when thou goest out.

"The Lord shall cause thine enemies that rise up against thee to be smitten before thy face; they shall come out against thee one way, and flee before thee seven ways. The Lord shall command the blessing upon thee in thy storehouses, and in all that thou settest thine hand unto; and he shall bless thee in the land which the Lord thy God giveth thee. The Lord shall establish thee and holy people unto himself, as he hath sworn unto thee, if thou shalt keep the commandments of the Lord thy God, and walk in his ways" (Deuteronomy 28:1-9).

In other words, that nation that keeps God's commandments and walks in His ways will prosper. The framers of our Constitution knew that, and they tried to lay a solid moral foundation for a society that could be so blessed. As they did so, perhaps they thought of Roger Williams and others like him who made an heroic fight for religious freedom.

Roger Williams, as you know, was one of the most courageous leaders of the Puritan movement. He began his ministry in England where his zealous work to free the church from the influence of the king brought the wrath of the government upon him. Eventually he and his young wife were forced to flee to the New World. But instead of finding himself among like-minded reformers in America, he encountered much of the same resistance and persecution until he established a new colony called Providence in Rhode Island. Here America had its first taste of true religious freedom, and the success of the Providence colony convinced many that the concept tasted good.

The Founding Fathers very likely were aware of the experiences of Roger Williams and others when they wrote in the First Amendment that the government cannot impede the free exercise of religion. They wrote that the church and the state were to be separate, independent entities, not to eliminate morality and God's law but to make sure that the power of government could never be used to silence religious expression or to persecute religious practice. Once again quoting George Washington: "If I could have entertained the slightest apprehension that the Constitution, framed in the convention where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it" ("Maxims of Washington," New York: D. Appleton and Company, 1894, p. 370-371).

What would Washington have thought if he could have foreseen our day? Would he have signed the document?

I believe he would have been troubled to see a time when citizens are forbidden to pray in public meetings; when people claim that "you can't legislate morality," as if any law ever passed did not have at its heart some notion of right and wrong; when churches are called intruders when they speak out against public policy that is contrary to the commandments of God; when many people reject the correcting influence of churches if it infringes on daily living; when religion is accepted as a social organization but not as an integral part of national culture; when people bristle if churches speak in any forum except from the pulpit.

Indeed, some people now claim that the Founding Fathers' worst fear in connection with religion has been realized; that we have, in fact, a state-sponsored religion in America today. This religion does not have an identifiable name, but it operates just like a church. It exists in the form of doctrines and beliefs, where morality is whatever a person wants it to be, and where freedom is derived from the ideas of man and not the laws of God. Many people adhere to this concept of morality with religious zeal and fervor, and courts and legislatures tend to support it.

While you may think I am stretching the point a bit to say that amorality is the new state-sponsored religion, I believe you would agree that we do not have to look far to find horrifying evidence of rampant immorality that is permitted if not encouraged by our laws. From the plague of pornography to the devastation caused by addiction to drugs, illicit sex and gambling, wickedness rears its ugly head everywhere, often gaining its foothold in society by invoking the powers of constitutional privilege. We see a sad reality of contemporary life when many of the same people who defend the right of a pornographer to distribute exploitive films and photos would deny freedom of expression to people of faith because of an alleged fear of what might happen from religious influence on government or public meetings. While much of society has allowed gambling to wash over its communities, leaving broken families and individuals in its soul-destroying wake, it reserves its harshest ridicule for those who advocate obedience to God's commandments and uniform, inspired standards of right and wrong.

As M.J. Sobran recently wrote, "A religious conviction is now a second-class conviction, expected to step deferentially to the back of the secular bus, and not to get uppity about it" (Sobran, M.J., "Human Life review," Summer 1978, p. 58-59).

There are probably many reasons for the change in public attitudes toward religion. Certainly we've had too many wolves posing as shepherds, prompting a natural skepticism toward any who profess to represent God on earth. Of course the news media, which rarely report on the good things churches are doing in the world, almost never miss an opportunity to tell people when active church members do wrong. We read about crimes that are committed by former Sunday School teachers, ministers, or missionaries. But when was the last time you read that a crime was committed by someone who hasn't stepped inside a church in 40 years?

For that matter, when was the last time you saw religion or people of faith portrayed positively in any film or television program? For the most part Hollywood's attitude toward religion is typified by the expression of cartoon character Bart Simpson, whose meal-time grace consisted of these words: "Dear God, we pay for all this stuff ourselves, so thanks for nothing." In fact, noted film critic Michael Medved accuses Hollywood of a deliberate attempt to undermine organized religion. According to Medved: "A war against standards leads logically and inevitably to hostility to religion, because it is religious faith that provides the ultimate basis for all standards" (Medved, Michael, "Popular Culture and the War Against Standards, a speech delivered at Hillsdale College November 18, 1990).

Organized religion finds itself increasingly on the defensive. Not only are people questioning the right of the church—any church—to be involved in matters of public

policy, but some are even beginning to wonder whether the church is entitled to exert any kind of meaningful influence in people's lives. As one church-goer recently said on a radio talk show: "I think the world of my minister—as long as he doesn't try to tell me how to live my life."

Is it any wonder, then, that religion now finds itself under attack in legislative assemblies and in the courts? In fact, the United States Supreme Court recently discontinued the time-honored judicial standard that gave considerable legal latitude to the free exercise of religion. Allowing people of faith to practice their religion free from the burdening effects of public policy is, according to the court, "a luxury that can no longer be afforded." While the justices acknowledged that the ruling would "place at a relative disadvantage those religious practices that are not widely engaged in" they said it was "an unavoidable consequence of a democratic government" ("Oregon Employment Division v. Smith" 1990).

I do not promote the religious practice that was in question in that case but I am concerned with the long-term implications of the decision. Wherever religious groups are in the minority and are not considered part of the mainline religious community, the potential for state intrusion upon their religious practices is real. With legislative bodies responding most often to the will of the majority, the free exercise of religion by minority faith groups is in peril.

The Religious Freedom Restoration Act (HR 2797) is presently before Congress. This important piece of legislation is designed to restore the protections for religious freedom that existed before this recent Supreme Court decision placed those protections in jeopardy. Because the Religious Freedom Restoration Act is necessary for the preservation of the free exercise of religion, it demands our support.

The constitutional provisions relating to government and religion were not intended to control the religious rights of people. Rather, they were intended to expand them and eliminate the fear of government intrusion. These provisions were meant to separate religion and government so that religion would be independent. The experiences of Roger Williams and other reformers provided our constitutional fathers with important facts to help them deal with the potential risks of a state religion corrupted by politics. Consequently, they drafted an article in the Bill of Rights to guarantee religious freedom from government as opposed to government freedom from religion.

In fact, the framers of the Constitution probably assumed that religious freedom would establish religion as a watchdog over government, and believed that free churches would inevitably stand and speak against immoral or corrupt legislation. To do so, churches not only have the right to speak out on public moral issues, but they have the solemn obligation to do so. Religion represents society's conscience, and must speak out when government chooses a course that is contrary to the laws of God. To remove the influence of religion from public policy simply because some are uncomfortable with any degree of moral restraint is like the passenger on a sinking ship who removes his life jacket because it is restrictive and uncomfortable.

We live in a day of political and social unrest. People are beginning to understand that more money and new government programs do not solve the problems of disintegrating morality in our homes and commu-

nities. People in the land have a feeling that things are not right. Voters everywhere are looking for a great leader to come along and straighten everything out.

The buzz words family values are being incorporated in almost every politician's favorite 30-second sound bite. But what does that phrase really mean? Whose values are we going to embrace: The values of politicians? The values the media tell us we should cherish? The values of special interest groups and organizations? The values of rank-and-file Americans, as determined by scientific survey? Obviously, it would not be politically expedient to say that the values that our Founding Fathers drew upon are eternal, unchanging values. But that is a fact. The values that made us great are, in reality, the commandments of God. They provide the foundation upon which our republic was built. And if American democracy seems shaky today, it's only because that foundation has been eroded and weakened under the guise of separation of church and state.

Now that I think about it, maybe Washington really was speaking of our day when he said, "If I could conceive that the general government might ever be so administered as to render the liberty of conscience insecure, no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution" ("Maxims of Washington," New York: D. Appleton and Company, 1894, p. 371).

Samuel Adams, who is sometimes called the father of the American Revolution, wrote: "I thank God that I have lived to see my country independent and free. She may long enjoy her independence and freedom if she will. It depends upon her virtue" (Wells, "The Life of Samuel Adams, 3:175").

That means it depends on us. If we would maintain the independence and freedom the Founding Fathers intended, we must work to preserve and protect the moral foundation upon which they built our government. We must stand boldly for righteousness and truth, and must defend the cause of honor, decency, and personal freedom espoused by Washington, Madison, Adams, Lincoln, and other leaders who acknowledged and loved God. Otherwise, we will find ourselves in the same predicament President Lincoln observed in 1863.

Said Lincoln: "We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!" (Lincoln, Abraham, "A Proclamation ("to designate and set apart a day for National prayer and humiliation")

On this occasion of celebration, let us resolve to make our own families truly free by teaching them that God holds us all accountable. His laws are absolutes; breaking them brings misery and unhappiness; keeping them brings joy, happiness, and the blessings of heaven. Let us teach our families and others the importance of moral responsibility based on the laws of God. Let us all resolve to listen to moral voices from churches and to those who speak in moral absolutes based on the commandments of God. Let us never

support legislation or legislators that sponsor laws contrary to the laws of God.

The freedom we give thanks for tonight is at stake—for ourselves and for our posterity. No nation or people that rejects God or His commandments can prosper or find happiness. History and the scriptures are filled with examples of nations that rejected God. Let us be wise and remember the source of our blessings and not be timid or apologetic in sharing this knowledge with others.

There is no better place in this precious land of America than the great State of Utah for a people to embrace and declare that our trust is in God, and that we will look to His commandments and teachings for values that will fortify and give direction to our families. Only these values can insure true happiness, lasting peace, and joy. May the churches of America and the churches of Utah be allowed to help guide this nation and state to the basic principles espoused and fought for by the Founding Fathers of this great nation. That is my prayer for all of us—but most especially, for my grandchildren. And I offer it in the name of God's own Son, even Jesus Christ our Lord. Amen.

A HYMN OF THANKS

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. SHAYS. Mr. Speaker, today I am pleased to submit for the RECORD a poem written by a constituent of mine, Dr. Arthur Koffler, called "A Hymn of Thanks."

On November 20, 1974, Dr. Arthur Koffler and his wife, Shirley Koffler, were driving in Santa Monica, CA at about 8:30 p.m. when they were involved in an automobile accident. Their car was set on fire.

That evening, David Kozell, an employee of the telephone company, who had been taking an evening college course, gave his professor a ride home. This was far out of the way he ordinarily would drive. They came upon the accident, stopped, and David was mobilized into action. A muscular man, he approached the burning car, broke through the window and lifted both Arthur and Shirley Koffler from the burning vehicle. Shortly thereafter the car exploded.

Shirley died in the emergency room of the Santa Monica Hospital. Dr. Koffler was a patient there for more than 2 months and was then taken to the Stamford Hospital in Stamford, CT for further treatment, where he stayed for more than a month.

This poem of three stanzas embodies the crystallization of Dr. Koffler's feelings of these almost 18 years, and is a hymn of thanks and praise.

David Kozell was given the telephone company award for bravery, a congressional citation, nominated for the Carnegie Medal and awarded the Connelly Medal for bravery by the International Kiwanis Club.

A HYMN OF THANKS

To David:

March 21, 1992: The cadence is right, the cadence is right and I use these hallowed words. From the setted sun, alone he came and plucked me from a fiery tomb so I might stay. I will to say how wondrous, that I, a

Jew, so far away, knowing none—he, another Jew—had come upon—and yes with strength unknown tore me away to live to see another day. I would it had been she, but thus, by Power above it was meant to be. I thank thee Lord! I thank thee!

March 28, 1992: When David Kozell told me he understood not why he wasn't burned by the fire from which he tore me, it came to me that stand he did in the blazing shadow of Moses, as "A bush burned with fire, yet not consumed." Again, I thank thee, God.

March 31, 1992: And so with darkness upon the land David rose to help another man known not to him but to God alone. That man could just as well a Christian, Arab, Chinese, Black or Hindu be. He was just a fellow man.

ARTHUR.

WHO ARE THE VETERANS OF WORLD WAR II?

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Ms. LONG. Mr. Speaker, in Indiana's Fourth Congressional District we are fortunate to have an individual who typifies much that is good about any great nation. Dr. Jack Gren, consultant, educator, and lecturer is a true patriot. As a young man, Dr. Gren served in the Air Force during World War II, flying the "Hump" between India and China. He witnessed many of his brave comrades lose their lives so that this Nation could remain free. Dr. Gren's rich and varied experiences have been captured in a poem entitled "Who Are the Veterans of World War Two?" I am inserting this poem in the RECORD so that others may be inspired by it:

WHO ARE THE VETERANS OF WORLD WAR TWO?
(By Jack Gren)

Who are the veterans of World War Two?

People proud of the red, white and blue.
When the war broke out we got right in
Knowing somehow we'd eventually win.

The average age was twenty-six
But there certainly was a full range mix.
Some were the old guys at thirty-five
Fighting to keep our country alive.

A few of us were kids, still in our teens
Sincere and eager and full of dreams.
Joined the Air Force, Army, Marines and
Navy too

There was an important job we had to do.

We took all the training and it was rough
But that's what taught us how to be tough.
Yes, we were tough when we had to be
But only out of necessity.

The rest of the time we were gentle and kind
Just winning the war was first in our mind.
We fought all over the world day by day
And every night found time to pray.

We fought in Europe with all our might
We knew that we had to make things right.
The battles were fierce in the Africa campaign
And even there we did sustain.

We fought throughout the Pacific Islands

From jungle swamps up the highlands.

We fought in China, Burma and India as well
Now that was real living hell.

We thought about our loved ones way back home

And sometimes felt so terribly alone.

We cared for our buddies quite a bit
And it tore us apart when they got hit.
Casualties occurred in many different ways
Sometimes it put us in kind of a daze.
It was difficult seeing wounded in terrible
pain
And no way to help was hard to explain.
But worse was to see friends lie dying
It was all we could do to keep from crying.
Whether killed in a plane, a ship or a tank
It was then we thought the whole war
stank.
But that was the way it had to be
And we kept on fighting till the world was
free.
Yes, we did our duty and did it with pride
Some of us lived while others died.
Then came the year of '45
The war was over and we were alive.
First Victory in Europe, then VJ Day
Thank you, God, we knelt to pray.
Then we came home to start once more
Hoping there'd not be another war
We went to college or learned a skill
Thinking never again we'd have to kill.
We married, had children and that was nice
But like everything else we paid a price.
We struggled as we tried to build a career
And many a night shed a silent tear.
Some attitudes changed, it was hard to un-
derstand
Why certain people didn't appreciate this
land.
When other wars started and some people
fled
We remembered the ones who fought and
bled.
Then along came those who defiled our flag
They spit on it, burned it, an called it a
rag.
They called it free expression, that it was
their right
Something given to them without struggle
or fight.
They insulted the veterans who came home
lame
For their outrageous actions they ought to
feel shame.
And some people still try to get a free ride
It's through self-achievement that we earn
our pride.
Now our children are grown and out on their
own
And once again we're all alone.
If we're lucky we still have a loving wife
It's really been an interesting life.
We've seen the world change and it's hard to
explain
Why there are wars, turmoil and pain.
When will people heed the message from
above
And learn to live in peace and love.
Yes, World War Two was long ago
Will the veterans forget it, the answer is
no.
For some 'old guys' in the war, their journey
is done
They lived the good life and the battles
were won.
We who were kids, then still in our teens
Are now in our sixties and accomplished
our dreams.
We attend military reunions, reminisce with
the guys
And occasionally a thought brings tears to
our eyes.
We look around, observe and it's easy to see
There aren't as many of us left as there
used to be.
But if a terrible war came, heaven forbid

We'd probably do the same thing as we
once did.
We'd join in the fray with all our might
And do what we could to make things
right.
For we still love this country, the red, white
and blue
And that, by God, is the best we can do.

EARLY TRADE BETWEEN INDIANS AND NONINDIANS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we, as a Congress, have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues, a recollection of an anonymous American Indian, as published in a book entitled "Native American Testimony." The editorial comment which precedes the article is provided also.

GIVE US GOOD GOODS

(Trade often led to a dependency on white goods. Indians could not turn away from such conveniences as brass kettles and cloth once they became accustomed to them, or such pleasures as sugar and liquor once they had been tested. And guns and knives became essential to the Indians' very survival. Many tribes came to be at the mercy of the trader, as reflected in this 1743 plea to a Hudson's Bay dealer named Isham, who copied down the chief's words in his journal.)

You told me last year to bring many Indians. You see I have not lied. Here is a great many young men come with me. Use them kindly! Use them kindly I say! Give them good goods, give them good goods I say!

We lived hard last winter and in want, the [gun] power being short measure and bad, I say. Tell your servants to fill the measure and not to put their fingers within the brim. Take pity on us, I say!

We come a long way to see you. The French sends for us but we will not go there. We love the English. Give us good black tobacco, moist and hard twisted. Let us see it before opened.

Take pity of us, take pity of us, I say! The guns are bad. Let us trade light guns small in the hand, and well shaped, with locks that will not freeze in the winter. * * *

Let the young men have roll tobacco cheap, kettles thick and high for the shape and size, strong ears [handle loops], and the baile [handle] to lap [fall] just upon the side.

Give us good measure in cloth. Let us see the old measures. Do you mind me!

The young man loves you by coming to see you, take pity, take pity I say! And give them good, they love to dress and be fine. Do you understand me!

ANONYMOUS,
Tribe unknown.

A TRIBUTE TO DR. BARBARA McCLINTOCK, GENETICIST

HON. GARY L. ACKERMAN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 30, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to honor a distinguished pioneer of genetic biology, Dr. Barbara McClintock. Dr. McClintock recently celebrated her 50 year of affiliation with the Cold Spring Harbor Laboratory, and her 90th birthday.

Although Dr. McClintock modestly avoids the fame which her work might easily have brought her, there is nothing modest about her achievements. She worked alone, in a field of corn, for decades, and revolutionized genetic science by providing that individual genes can jump, rather than being rigidly placed within the genetic code. This discovery was so far ahead of its time as to predate Dr. James Watson's discovery of the structure of DNA. Dr. McClintock was awarded the Nobel Prize for Physiology or Medicine in 1983.

Dr. McClintock also pioneered the very participation of women in genetic science, entering the field at a time when most women were not allowed to major in it. Genetics was a field so misunderstood at the time of her discoveries that they brought questions about her sanity long before she received her due credit. Her perseverance against obstacles both of social convention and of scientific theory stands as a model to us all.

[From The New York Times, July 26, 1992]

ABOUT LONG ISLAND: A VERY PRIVATE LEGEND

(By Diane Ketcham)

Her colleagues rank her with Galileo and Mendel. Yet few Long Islanders know of the living legend in their midst.

Dr. Barbara McClintock is the Greta Garbo of the Cold Spring Harbor Laboratory. The outside world rarely sees her or hears about her. That suits her fine. She may share a place in history with Marie Curie, having won the Nobel Prize single-handedly, but you will not hear the story from her. This Long Islander shies away from publicity.

In a field of corn she changed the science of genetics. A few hundred yards from that field she still lives and works. Quietly, assumedly. With nary a word to Barbara Walters or The National Enquirer.

"Dr. McClintock is a very private person," Nathaniel Comfort of the laboratory said. "But reporters leap from private to her being lonely and not having any friends. That's not true. She has loads of friends."

They just don't happen to be reporters. So the public may not be aware that Dr. McClintock recently celebrated her 90th birthday and 50th year at Cold Spring Harbor.

"It was a very quiet intimate birthday party," said a friend and nextdoor neighbor at the lab, Joan Pesek. "We could have invited 600 people, but Barbara would have hated it. So there was about 30 people. But it was such a special party, because she got the book."

For her birthday a collection of essays from her friends and colleagues was put together in "The Dynamic Genome." The 400-page book, a mixture of science and sentiment, is heavy on science, which is how Dr. McClintock's life has been.

But strong sentiments abound when talking to those who know her. She declines to do her own talking. She sees no reason to give interviews. "She is honestly a very humble person," Mr. Comfort said.

There is so much to be proud of, her supporters say. "She succeeded as a woman when none were supposed to succeed," Ms. Pesek said.

40 YEARS OF PERSEVERANCE

Dr. McClintock made a career in plant genetics when many women were not even allowed to major in it. She went about her experiments entirely by herself. She had no lab assistant. It was just her and her field of maize. Her findings were so revolutionary that some of her colleagues thought she was a bit daft.

"She persevered for 40 years," Ms. Pesek said. "She was in her 80's when she finally got the recognition she deserved."

In 1983, Dr. McClintock was awarded the Nobel Prize in the category of Physiology or Medicine. The award was given for the work she had done decades earlier. When asked why the recognition took so long, the tell-it-like-it-is geneticist replied: "When you know you're right, you're right. You don't care. You can't be hurt. You just know that sooner or later it will come out in the wash."

Understanding the impact that Dr. McClintock has made on science is a bit like taking a chemistry exam. There are words like genome and cytogenetics to learn. Then there is the lab to visit. For the lay person, the bastion of molecular-biology research can be intimidating. The junior spokesman has a master's in neurobiology.

In scientists' offices are the proverbial blackboards with equations and drawings. On one was a jumble of notations. Did that mean that the mind of Dr. Rob Martienssen was that complex? "No, it means the erasers don't work," he said.

In simple terms Dr. McClintock discovered that genes jump. "Before McClintock, everyone thought genetics worked in a nice precise mathematical way," Mr. Comfort said. "They thought of it as bits of code strung along like beads on a string, a static picture like a ticker tape. McClintock shattered that whole rigid concept. She discovered bits of DNA could move around."

That was before her colleague and the head of the lab, Dr. James Watson, discovered the structure of DNA. He received the Nobel Prize in 1962.

Dr. McClintock's work was like refining the wheel before someone thought of making the cart. "She was ahead of her time by 30 years," Mr. Comfort said. And she did that work with no high-technology equipment. Just intellect and ears of corn. The credit goes to the corn, she told the press.

"You know she won't eat corn," Ms. Pesek said.

Because of all those years working with it? "No, I think it's because she doesn't like the taste," Ms. Pesek said.

Dr. McClintock spends many evenings savoring Ms. Pesek's cooking. The geneticist, who never married, lives alone at the lab. Her apartment in a building from the whaling days of the 1850's, overlooks the harbor. Next door live Ms. Pesek and her husband, Dan Marshak, a scientist at the lab.

"My husband's father, Alfred, was a good friend of Barbara's at Cornell," Ms. Pesek said. "So I think she felt comfortable with us."

Although there is more than a 50-year age difference, Ms. Pesek and Dr. McClintock have become close friends. "Age is not a factor with Barbara," Ms. Pesek said. "She is

ageless. She may be physically frail, but you don't see that. You see the fire, the spunk, the feistiness. You think she could take on the world."

She still takes on the younger scientists at the lab. "She serves as a source of information and ideas to everybody," said Dr. Venkatesan Sundaresan. Dr. Sundaresan, with a Ph.D. from Harvard, is one of three scientists continuing Dr. McClintock's maize-genetics work.

Until a few months ago she worked seven days a week. "I would pass by at 9 or 10 at night and see her light on," Dr. Sundaresan said.

An illness has slowed her, but retirement is not in Dr. McClintock's vocabulary.

"I learn from her all the time," Dr. Sundaresan said. "She was one of the most important reasons I came here."

Imagine being able to work with a legend. Having Shakespeare help with writing or Beethoven giving piano lessons.

"It is such an honor to work with her," said Dr. Martienssen, who has a Ph.D. from Cambridge. "She is the greatest 20th-century geneticist. It's amazing to me what an exceptionally normal person she is. She has a special relationship with the younger scientists. She really does inspire."

But at 90 surely Dr. McClintock's scientific input has peaked. "We took her to the field last week," Dr. Martienssen said. "She still educates you. What she sees is incredible, and that's with falling eyesight."

"She's the ideal scientist, intensely curious about her work, but fame and glory mean almost nothing to her," Dr. Sundaresan said. "It's what I think a scientist should be."

"Some scientists love the competing for Nobel Prizes and other awards. It's what motivates them. But you grow up reading about legends like Galileo. He wasn't out to get anything. He just wanted to do his work. She fits that image."

Accounts of Dr. McClintock's scientific curiosity abound. "We went out to see the corn field, and there was a new crack in the wall in the storage building," Dr. Sundaresan said. "I took two seconds to look at it and I thought, 'Well the door must have blown open.' She looked at it and said, 'Where did this come from?' We spent 20 minutes on that crack, feeling it and looking at it. And after that time she deduced that a small tornado or low pressure had caused the crack. She utterly convinced me that's what had happened."

"She sees life different than the rest of us," Ms. Pesek said. "We look in a mirror and we see our reflection. It's as if she is looking from the other side of the mirror."

In science?

"In life, too," Ms. Pesek said.

ONE OF THE 3 M'S IN GENETICS

Dr. McClintock's life is totally interwoven into Gold Spring Harbor. It is as if the lab has become her cocoon. "She's truly one of our treasures," Mr. Comfort said.

"She did a historic piece of work at the lab," Dr. Watson said. "There are the 3 M's in genetics, Mendel, Morgan and McClintock."

Gregor Mendel had his peas. Thomas Hunt Morgan had his fruit flies, and Dr. McClintock had her corn. The field of corn at the lab is now down the road, at Uplands Farm. Unfortunately it is a draw for raccoons, which are more interested in food than science. "We've tried everything to stop them," Dr. Martienssen said. "They always seem to take the most important ear."

If you can't lick them then feed them, the scientists decided. "We surrounded our corn

field with a border of sweet worn," Dr. Martienssen said. "The raccoons eat that and leave our maize alone."

As the younger scientists have taken over the field, Dr. McClintock keeps busy with fan mail. Scientists ask for her autographs or pictures. High school students write and ask her help with questions.

She spends nights visiting lab personnel or watching television. "Barbara likes McNeill-Lehrer," Ms. Pesek said, "and 'The Golden Girls.'"

The Golden Girl of genetics has not been using her lab lately. But administrators have no plans to offer the space that she has been using for 50 years to someone else.

"Give away her space?" Mr. Comfort said. "Who could move into McClintock's lab? I think it will have to be retired, like a baseball jersey."

VATICAN, ISRAEL MOVE TOWARD TIES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. FEIGHAN. Mr. Speaker, yesterday the Vatican and the State of Israel announced the formation of a permanent commission for the purpose of achieving full diplomatic relations. The commission will be headed jointly by the apostolic delegate to Jerusalem and Israel's Ambassador to Italy and will meet regularly to discuss bilateral issues.

I want to take this opportunity to applaud the leadership in Jerusalem and at the Holy See for taking this important step towards establishing full diplomatic ties.

During each of the last five Congresses, I have introduced a sense-of-the-Congress resolution calling upon the Vatican to recognize Israel and establish full diplomatic relations with that country. I am pleased to report that nearly 100 of our colleagues have co-sponsored this resolution.

Informal visits to the Vatican by Israel's leaders and Pope John Paul's 1986 visit to a Rome synagogue have helped build momentum toward normalization of relations. It now appears that the two parties have charted a course that will lead to the establishment of full diplomatic relations.

These are welcome developments: it opens a new chapter in Vatican-Israel relations; it can only have a salutary effect on the ongoing Middle East peace process and for Catholics and Jews around the world, it helps build bridges of understanding between our two religions.

I applaud these developments and look forward to the announcement of full diplomatic relations between the Vatican and Israel in the very near future.

I insert a copy of the article from today's Washington Post in the RECORD with my statement:

VATICAN, ISRAEL MOVE TOWARD TIES

(By Philip Pulella)

VATICAN CITY, July 29.—The Vatican and Israel pledged today to work toward diplomatic ties in a first step that could end decades of chilly relations between the Roman Catholic Church and the Jewish state.

The two sides said they had set up a high-level permanent commission, to be headed by the Vatican's apostolic delegate to Jerusalem and Israel's delegate to Jerusalem and Israel's ambassador to Italy, and that it would meet regularly to discuss bilateral issues.

Its mission will be "achieving a normalization of relations," chief Vatican spokesman Joaquin Navarro-Valls said in a written statement.

Avi Pazner, Israel's ambassador to Italy and the head of Jerusalem's side of the new commission, said establishment of the panel marked "a historic day."

"This is the first time an Israeli delegation has entered the Vatican for official talks. We want to reach diplomatic relations and will work hard to reach this," he said.

Diplomatic sources said the first meeting of the commission is expected to take place in Jerusalem in November.

Although only a beginning, the creation of the commission was a breakthrough in the often cool relations between the Vatican and Israel.

Many Jews have asked for formal ties, saying that would help Middle East peace and dismiss the notion of some Arab states that Israel is not a permanent part of the region.

Navarro-Valls said it is premature to predict how long the commission will have to work before diplomatic ties could be established. He called it "a first clear and optimistic" step that both sides hope will lead to ties.

The Vatican recognizes Israel's right to exist within secure borders. But in the past it has insisted that before establishing ties it wanted a solution to the Palestinian issue and international guarantees for Jerusalem as a city sacred to Christians, Muslims and Jews.

Vatican officials have also privately expressed concern that diplomatic ties with Israel could affect minority Roman Catholic communities in some Arab countries.

Navarro-Valls said, however, that the commission will concentrate on bilateral problems, particularly the legal status of the Catholic Church and its institutions in the Holy Land.

"When a peace process begins—with a clear willingness on all sides to reach a conclusion—it's clear that this helps the discussion of various problems," he said.

He said it was also "premature" to talk in detail about other questions such as the status of Jerusalem, which Israel in 1980 declared its "united and eternal capital."

Lack of diplomatic ties has often strained religious relations between Catholics and Jews.

Inter-religious relations, however, greatly improved after the 1965 Second Vatican Council rejected the notion of collective Jewish guilt for the death of Jesus. They were further boosted in 1986 when Pope John Paul II made a historic visit to Rome's synagogue.

INTRODUCTION OF THE INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1992

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. BOUCHER. Today I am introducing legislation that addresses a matter of great im-

portance to consumers who have entrusted their financial decisionmaking, and often their life savings, to financial planners. In this bill, we are providing consumers with the means to learn more about the financial planner with whom they choose to deal, about their education and business background and about whether the advice they are giving is objective or has been influenced by the financial interest of the planner.

More and more people are using financial planners to help plan for their children's education and for their retirement years. Since 1981, the financial planning industry has grown dramatically from 5,100 to 17,500 registered investment advisers. The assets managed by financial planners and investment advisers have grown from \$450 billion in 1981 to more than \$5 trillion today.

Meanwhile, the number of SEC personnel devoted to oversight of the financial planning industry has declined, from an inadequate 64 in 1990 to an even more inadequate 46 staff members today.

The number of consumers who are using financial planners has increased. So too has the number of consumers who are losing their savings. Avoidable losses may be as high as \$1 billion annually. These losses occur in a variety of ways. Some are simply the result of outright theft. Other losses are the result of the churning of client accounts which exhausts the funds through unnecessary expenses.

A more typical form of abuse is self-dealing, which occurs when a planner encourages a client to purchase a financial product for which the planner receives a special fee or commission when the product is sold, but which may be totally unsuitable for the client. Financial planners hold themselves out to be objective advisers, but some of them are more product salespersons than they are objective sources of information. Often the consumer does not know the extent of the commissions or other incentives that the planner is receiving for offering this supposedly objective advice.

The legislation we are introducing today, the "Investment Adviser Regulatory Enhancement and Disclosure Act of 1992," addresses these problems in a number of ways.

First, we provide additional resources for investment adviser supervision by the SEC through the payment of a modest annual fee by investment advisers. Currently, a one-time \$150 registration fee is charged. The new fee will range from \$300 to \$7,000 depending upon the assets which the adviser has under management. The additional resources provided by these annual fees will be used by the SEC to fund more frequent inspections of registered investment advisers, which is so desperately needed.

Second, we require the SEC to conduct inspections of newly registered advisers within approximately 1 year of their registration, as well as periodic inspections of registered investment advisers based on enumerated risk factors and followup inspections of advisers who have been found to have deficiencies. We also require the SEC to conduct surveys to determine the extent of, and reasons for, the failure to register of persons required to do so under the Investment Advisers Act of 1940, and to report to Congress on the results of those surveys.

Third, we impose a suitability requirement to ensure that the investment products advisers recommend are suitable for the clients to whom they are being recommended. We require investment advisers to maintain records that may be used by the SEC to verify suitability determinations.

Fourth, we require investment advisers to disseminate to prospective clients information concerning their education and business background, compensation arrangements, nature of the services they are offering, and their business practices. They also must disclose any conflicts of interest which could reasonably be expected to impair the rendering of disinterested advice. In addition, they must inform prospective clients about how they may obtain information concerning their disciplinary history and registration status. We also require advisers to prominently disclose in the brochure whether they receive sales commissions and that remedies may be available to clients with respect to disputes arising out of the investment adviser-client relationship.

Fifth, we require an investment adviser to disclose to his clients before a purchase or sale is effected the amount of sales commissions and fees they will be charged, whether the adviser will receive all or a portion of those commissions and fees, and whether the adviser will receive any third party payments, such as fees from the issuer of a security, for each transaction the adviser recommends. This disclosure may be made orally, but it must be confirmed in writing after the sale or purchase is executed. The SEC may, by rule, permit a client to waive, in writing, the right to the oral disclosure; the written confirmation may not be waived.

Sixth, investment advisers must provide their clients with periodic written reports that include the sales commissions and fees paid by the clients, as well as any other amounts received by the adviser with respect to his clients' accounts. The purpose of this provision is to provide investors with a document they can use to compare the costs charged by the investment adviser they are using with those charged by other advisers for comparable services.

Seventh, to protect consumers from unscrupulous advisers who embezzle or steal their assets, we require investment advisers who have custody of client assets or who exercise investment discretion to obtain a fidelity bond.

Eighth, in another effort to protect consumers from unscrupulous advisers, we prohibit anyone who has been convicted of a felony within the last 10 years from registering as an investment adviser.

Ninth, we provide consumers with the assurance that the financial information they provide to their investment adviser will not be disclosed without their consent. We do create exceptions for the disclosure of information as needed to effect transaction for clients, as well as for the provision of such information to the SEC and State securities regulators.

Finally, we authorize the SEC to cooperate with State securities regulators in order to achieve greater effectiveness and uniformity in the regulation of investment advisers.

I am pleased to be joined by eight of my colleagues on the Energy and Commerce Committee, including the full committee chair-

man, Mr. DINGELL, and the Telecommunications and Finance Subcommittee Chairman, Mr. MARKEY, in introducing this legislation. The bill was approved unanimously earlier today by the subcommittee.

I hope my colleagues will join me in supporting this measure. It will substantially improve the regulation of financial planners and investment advisers and will provide consumers with the types of protections they need to protect their assets.

SUSQUEHANNA RIVER BASIN FLOOD WARNING SYSTEM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. GEKAS. Mr. Speaker, I rise today in support of funding for the Susquehanna River Basin Flood Warning System under the Department of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1993. I would like to recognize and commend the members of the House Appropriations Committee who exercised resourceful discretion in providing funds for this much needed program in such difficult fiscal times.

The \$648,000 provided for the Susquehanna River Basin Flood Warning System provides 97 percent of last year's budget to preserve the safety and well-being of those communities along the Susquehanna River from potentially disastrous flooding. This is money well spent to prevent the high cost of physical damage which is the unfortunate consequence of flooding.

Flood forecasting in the Susquehanna River Basin is critical. A fact sheet released February 20, 1992, by the National Oceanic and Atmospheric Administration reveals that flood damage nationwide exceeds \$2 billion annually. Seventy-five percent of all Presidential disaster declarations are flood related. Additionally, about 10 percent of all national flood damage occurred in the Susquehanna River Basin. The National Weather Service's own cost/benefit update cited annual flood damage savings of \$13.2 million and a 20-year savings of \$264 million. Certainly, this represents an extremely significant economic reason for maintaining the system.

After years of deadly flooding in the Susquehanna River Basin, most notoriously the massive hurricane Agnes flood of 1972, it was determined that an updated flood warning system was critically needed if weather forecasters and emergency personnel were to be able to appropriately determine and react to flood conditions. There should be no doubt that state-of-the-art flood forecasting is critical to Central Pennsylvania.

I would like to thank House Appropriations Committee Chairman JAMIE L. WHITTEN and the ranking minority member, JOSEPH M. McDADE, for their leadership in this legislation. I would also like to thank Chairman NEAL SMITH and Ranking Minority Member HAROLD ROGERS of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary for their efforts as well.

I would also like to recognize the Susquehanna River Basin Commission for its work in providing accurate and reliable flood forecasting in the face of budgetary cuts to their operations. It is through the Commission that we are able to reduce the damage to both life and property that results from the colossal flooding that has occurred in the past.

Again, I express my thanks to the members of the House Appropriations Committee and restate my support for the Susquehanna River Basin Flood Warning System.

VETERANS HEALTH CARE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. CAMP. Mr. Speaker, today I am voting in support of the VA, HUD, and independent agencies appropriations package. This package will provide over \$34 billion for the VA, including \$14 billion for veterans medical care. While I support these programs, which provide needed assistance for our Nation's veterans, I am very disappointed that this bill includes an extension of the VA prescription drug copayment program.

This copayment charge is wrong. America's veterans have already sacrificed much for our country and requiring them to pay this fee is unfair. I was not a Member of this distinguished body when this copayment was agreed to as part of the 1990 Budget Act.

The Appropriations Committee report states that if this funding provision is not adopted, money to provide the much needed increase in veterans health care funding will have to be found elsewhere. I do not agree with forcing this cost on veterans in order to provide them with the quality health care they deserve.

As a cosponsor of the legislation that would repeal this unnecessary fee, I call on my colleagues to act and remove this unfair burden on our Nation's veterans. Mr. Speaker, it is unfortunate that a bill that provides so much for veterans also continues to coerce them into paying this unwarranted expense. I am voting for H.R. 5679, but I am doing so with this reservation.

AIR FORCE SERGEANTS ASSOCIATION CONVENTION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. JACOBS. Mr. Speaker, the Air Force Sergeants Association will hold its 1992 international convention in Indianapolis, August 22 through 26.

The Air Force Sergeants Association is a not-for-profit organization which serves professional and personal interests of almost 200,000 active duty and retired enlisted members of the Air Force, as well as the Air National Guard, and Reserve. The association has an auxiliary to which families of Air Force sergeants can belong.

The organization was begun in 1961, and has earned the respect of congressional and Pentagon leaders for its unstinting role as the "Voice of the Air Force Enlisted." It was instrumental in the establishment of the survivor benefit plan which brought about something closer to parity in pay for hazardous duties between commissioned and noncommissioned officers. It also played a major role in achieving equity with regard to unemployment compensation and was instrumental and most helpful to SONNY MONTGOMERY in passage of the Montgomery GI bill. True to its tradition, AFSA played a significant role in the effort to assure Persian Gulf war veterans just compensation for their service in the categories of combat pay, family separation pay, and death gratuity payments.

At the vanguard of the effort to achieve cost-of-living adjustments for military retirees, one found the Air Force Sergeants Association. This was true with respect also to basic allowance for subsistence, and the involuntary and voluntary separation pay incentive packages for the so-called current draw down of personnel.

The Air Force Sergeants Association has been a reliable and excellent source of information for the legislative process at the national level.

This fine organization dedicated to duty, honor, and country has adopted for its 1992 convention theme, "Into the Future With Enthusiasm." That's not a bad notion for all Americans.

TRIBUTE TO RETIRING BETHESDA- CHEVY CHASE PRINCIPAL NANCY POWELL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of Nancy Powell, who has spent three decades improving the quality of education in Montgomery County, MD.

As principal of three local junior and senior high schools, Mrs. Powell played a critical role in improving our county's education system. During her 5-year tenure at Bethesda-Chevy Chase High School, she continually maintained high standards of academic excellence. For example, Mrs. Powell organized a Russian-American exchange program, which provided B-CC students with the opportunity to discover and forge strong bonds with a foreign culture.

Mrs. Powell also served as the principal of Magruder High School 4 years and Redland Middle School 4 years, where she successfully motivated her students to strive for excellence.

Mr. Speaker, I applaud and thank Nancy Powell for her service to the Montgomery County community. Her contribution has left an indelible mark upon the lives of many students. I am sure that my colleagues join me in wishing her continued success in her future endeavors.

PROMISING SOLUTION TO PRESCRIPTION DRUG ABUSE AND ILLEGAL DRUG TRAFFICKING OF CONTROLLED SUBSTANCES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. STARK. Mr. Speaker, on a national scale, 1.6 billion prescriptions are written each year for all drugs. Controlled substances account for roughly 15 percent of that total, or between 200 and 250 million prescriptions per year. These medications, while designed for legitimate medical purposes, are also responsible for a growing trend of abuse and illegal drug trafficking. Whether abuses to seniors in nursing homes, the misuse of Ritalin to kids for attention deficit disorder, or the Valium for crack market in our urban cities, or abuses involving Halcion or Xanax, America's other drug problem is a national problem.

I recently introduced legislation, H.R. 5051, the Prescription Accountability and Patient Care Improvement Act, which calls for demonstration projects run by State health agencies in at least 10 States, building on the Bush administration's sponsorship of similar programs in Oklahoma, Massachusetts, and Hawaii.

The programs currently funded by the Bush administration—Oklahoma and Hawaii received Bureau of Justice Administration [BJA] grants of \$200,000 and \$100,000 respectively; Massachusetts received an HHS grant of \$300,000 in 1991—cover schedule II controlled substances only. Oklahoma has had its program, called OSTAR, fully operational since January 1, 1991, under the authority of the State Bureau of Narcotics Enforcement; Massachusetts Department of Health received an HHS grant in mid-1991 and expects to be operational in mid-1992. Hawaii's Bureau of Narcotics Enforcement received notice of its grant in February 1992, and hopes to transition its existing multiple copy prescription program to an electronic program, with the pharmacists in the State volunteering to provide the data.

Oklahoma matched the Federal grant with \$70,000 from their forfeited assets fund. They expect to receive a 20-fold return on investment due to their enhanced ability to arrest and convict the scam artists—the Medical mills, script doctors, pill mills, and professional doctor shoppers which drive the waste, fraud, and abuse of these drugs. In other words, Federal and State investments in these programs pay off.

ACCEPTANCE BY OKLAHOMA MEDICAL SOCIETY

The Oklahoma Medical Society has been critical to the success of the Oklahoma BNE OSTAR Program. They were instrumental in developing practice parameters that protect legitimate medical practice and the legitimate needs of patients. These practice parameters help distinguish, for example, the difference between the legitimate cancer patient, the narcoleptic, the AIDS-related pain patient, and the professional doctor shopper.

It's important to note that the State of Oklahoma Bureau of Narcotics Enforcement and the Oklahoma Medical Society have received

no complaints to this date from any doctor in the entire State. There have been no violations of privacy under this program. According to the General Accounting Office [GAO], there has never been a privacy violation by the 9 States which run multiple copy prescription programs, despite the erroneous claims of critics of these programs.

THE PROMISE OF THE OKLAHOMA OSTAR PROGRAM

For example, in the first week of the Oklahoma program, the computer identified one patient who went to four doctors in 3 days to receive four different prescriptions of methamphetamine, codeine, Dilaudid, and Percodan. This patient, based on the Oklahoma Medical Society's practice parameters, was a doctor shopper, probably intending to sell the \$25 dollar controlled substance prescription on the street for as much as \$1,500 in 1 day. The State's ability to identify this doctor shopper, investigate, and arrest him could not have happened without the advent of the computer system.

Quoting from the New York Times:

Early results have been promising, said narcotics bureau officials. Since the system was established, Oklahoma narcotics officials have made 20 arrests and assisted local law enforcement agencies in 35 additional arrests. The bureau, for instance, arrested a man in Norman who had seen 12 doctors, received prescriptions and visited 17 pharmacies over a 45- to 60-day period.

Continuing, the article states:

The practice of visiting several doctors for prescription drugs, called doctor-shopping, is the most prevalent form of obtaining prescription drugs for illegal sale on the street. The drugs, some of which cost about 70 cents a tablet by prescription, are illegally sold for as much as \$35 to \$40 a pill, their value enhanced by the fact that they are considered more reliable than drugs made in illegal labs, said Oklahoma narcotics officials.

LOW COSTS AND IMPROVED EFFICIENCY

These prescription accountability programs are not prohibitively expensive—the infrastructure at the point-of-sale already exists and all States have large-scale computer systems for Medicaid and other health programs. The primary costs are incurred in the transmission of the data, and those costs diminish with economies of scale.

Insurance companies which require electronic transmission of prescription drug claims from pharmacies report to me that each data transmission costs less than 10 cents per claim under a on-line, real-time system. In other words, the computer at the point-of-sale—the pharmacy—accesses the centralized computer at the insurance company to verify eligibility for the patient for each attempted purchase. The insurance company's computer data base verifies the patient's eligibility and the pharmacist is informed to make the sale and bill the insurance company. All this, for less than 10 cents per transmission.

Under my proposal, the pharmacist would be required to transmit less than 100 data variable of information—no names, no addresses, only numbers—in electronic formats every 2 weeks for every sale of a schedule II, III, or IV prescription. That's a software change, but no change in the practice of pharmacy. The format under my proposal is the pharmacists choice of transmission, for exam-

ple either on-line, real time, batch processing, diskette, computer tape, or even a universal claims form, as long as it's compatible with the computer of the designated State health agency.

WHY COVER SCHEDULES II, III, AND IV?

Take for example, the most recent case in Pennsylvania and Halcion, a powerful sleeping pill manufactured by Upjohn. It's a classic case of how a computer can identify serious abuse and misuse, and appropriate intervention can result in improved health care for patients.

Quoting from another New York Times article, "Elderly Become Addicts of Drug-Induced Sleep," from February 2, 1992:

* * * a recent report from the Pennsylvania Department of Aging provides a window on a problem experts say is nationwide.

Because Pennsylvania uses money from its lottery to pay for prescription drugs for low-income people over age 65, it is in a unique position to monitor sleeping pill use by the elderly. According to statistics, the typical person in the program is a 79-year old white widow who lives alone.

By analyzing records of all prescriptions—by computer—filled by the 375,000 people in the program, the state uncovered evidence that sleeping pills are not only overused by many old people but also abused—taken for far too long and in alarmingly high doses.

According to study, 14,578 people in the program were taking Halcion, a sleeping pill made by the Upjohn Company. And 85 percent of them had exceeded the maximum cumulative dose. More than 70 percent had far exceeded the recommended duration of no more than two to three weeks, with some taking the drug for a year or longer.

In other words, more than 12,000 poor- or low-income seniors in Pennsylvania, or 1 in 30 seniors, had exceeded the maximum cumulative dose; more than 10,000 had far exceeded the recommended duration of no more than 2 to 3 weeks.

HOW A PENNSYLVANIA STATE COMPUTER IMPROVED HEALTH CARE

In late January 1991, the Pennsylvania Department of Health sent notices to all participating physicians in the prescription drug benefit program, informing them the Department would no longer reimburse "for more than a 2 weeks' supply and would not pay for doses that were too high unless the doctors could make a convincing case that an exception be granted." In February 1991, 5,766 seniors had received a Halcion prescription and had been covered under the program. After the directive from the Department of Aging, paid claims for Halcion for 1 year later, February 1992, fell to just 229 claims. Once Upjohn's recommended maximum cumulative dosage or recommended duration were strictly enforced, the computer managed to help improve 5,500 seniors' health care by weaning them from needless addiction.

Sadly, though, it appears many Pennsylvania doctors continue to write Halcion prescriptions, despite the warning and fully aware of potential threats to seniors' health care. In February 1992, 2,029 seniors attempted to file a claim for Halcion with the Department of Aging, but were rejected at the pharmacy since either the maximum cumulative dose or the recommended duration of 2 weeks had been exceeded. Their doctors had simply writ-

ten the prescription without consideration of Upjohn's package insert recommendation.

The Pennsylvania Department of Aging plans to begin a comprehensive physician education program directed at the proper use of Halcion and other axiolytics, tranquilizers, and sedatives.

THREATS TO SENIORS' HEALTH CARE FROM HALCION

What are the effects on seniors abusing Halcion? The Times is clear:

By overdosing on sleeping pills and similar drugs, old people can set themselves up for a devastating chain of events that can land them in a nursing home.

But because sleep deteriorates in the elderly, many old people think they need sleeping pills for a quick fix. They may be unaware that the pills can cause side effects that look like psychosis or dementia. This is especially so when the pills are taken for long periods in high doses, which is what often happens with old people. Side effects are also more likely in older people, who are less able to metabolize drugs and who often are taking other medications that can interact with sleeping pills and heighten their effects.

When drug-induced senility sends a senior to a nursing home needlessly, it shifts the \$30,000 a year cost on to the patient, or on the taxpayer in the form of Medicaid or Medicare.

JOURNAL OF AMERICAN MEDICAL ASSOCIATION [JAMA] STUDY INDICATES SHIFTING

In 1991, the drug manufacturer Hoffmann-LaRoche attempted to undermine the idea that Valium and other benzodiazepines can be subject to misuse or illegal diversion. Specifically, the drug company sought to attack evidence from the State of New York's multiple copy prescription program covering schedule IV benzodiazepines that showed an annual savings of \$18 million to the State's Medicaid Program. In the 3 years of the New York State multiple copy prescription program, more than \$50 million in taxpayer savings has resulted to the State's Medicaid Program.

First, Hoffmann-LaRoche hired a Washington-based firm, Lewin-ICF, to study the effects of the New York State multiple copy prescription program. Lewin-ICF ultimately agreed the New York State Medicaid Program did indeed save taxpayers millions in Medicaid funds by cutting out waste, fraud, and abuse.

Hoffman-LaRoche then hired a team from the University of Rochester, paying them at least \$100,000 to also analyze New York's multiple copy program. The study is commonly referred to as the Weintraub study, after its leader, Dr. Michael Weintraub. One of the goals of the study was cost analysis but, strangely, the study doesn't take into account inflation.

An October 1991 Journal of American Medical Association [JAMA] article, resulting from the Rochester study paid for by Hoffmann-LaRoche, boldly concludes that if a State implements a schedule IV multiple copy prescription program, many doctors will simply shift their practices to noncovered drugs which are less efficacious and more dangerous. For example, if a State covers benzodiazepines, some doctors would shift to meprobamate or chloral hydrate. The study showed that for every 100 number decrease in benzodiazepine prescriptions in New York State after the regulation went into effect in

1989, there was a shift of 10 prescriptions to meprobamate, chloral hydrate, Prozac, or Buspar.

Clearly, the JAMA article was an indictment of a certain number of New York State physicians. While acknowledging \$15 million in Medicaid savings, the Hoffmann-LaRoche effort leads to an obvious conclusion: If a State is to implement a prescription monitoring system, and a small but measurable number of doctors will sadly shift their prescribing practices to avoid being covered, the simple answer is to cover all drugs subject to abuse.

COMMENDATION TO THE MEXICAN MUTUAL SOCIETY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. ORTIZ. Mr. Speaker, I rise today to commend the Mexican Mutual Society, Sociedad Mutualista Mexicana, an organization in Pontiac, MI that has steadfastly fought to combat racial discrimination by promoting Mexican cultural awareness since its founding in 1943.

The Mexican Mutual Society was founded in 1943 by a group of seven Mexican-American men. These courageous individuals collectively organized themselves as both a political and social organization in a community that had not initially welcomed them with open arms. The Society has dedicated itself to preserving those inalienable equal rights which all Americans, regardless of race, color, or creed, cherish so deeply. From its earliest battle and victory to demand equal opportunity of public housing for minorities, to its creation and successful incorporation of the women's auxiliary, the Mexican Mutual Society has valiantly labored to foster a society of mutual respect, celebration, and understanding.

The early efforts of the society were concentrated on educating and promoting equal rights for all Hispanics. Additionally, the society served as a meeting place for the then few Mexican-American families in the Pontiac, MI area. For Mexican-American families, this was one of the only agencies to offer moral and financial support to a disenfranchised community.

With the advent of the Civil Rights Act of 1964 and improvement in race relations among society in general, the Mexican Mutual Society was able to progress into other areas of interest. With this evolution came the inauguration of one of the more significant events of vital importance to the society, the Annual Mexican Festival. Recognized as one of the most successful events in the State of Michigan, the Mexican Festival highlights the dance, music, food, and livelihood of a culture rich in tradition and diversity.

Having reached a pinnacle since its inception, the Mexican Mutual Society continues to ingeniously develop programs to continue its proud legacy. Please join me in saluting a most stellar organization.

TRIBUTE TO ST. JOHN CANTIUS CHURCH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 100th Anniversary of St. John Cantius Church of Philadelphia.

In May of 1892, the Polish community in the Bridesburg section of Philadelphia petitioned Archbishop Patrick J. Ryan for permission to organize a parish. St. John Cantius parish's first mass was celebrated on October 2, 1892, by Rev. Marian Kopytkiewicz, who served the parish until 1932.

St. John Cantius has been blessed with a succession of outstanding pastors, including Rev. Ladislaus A. Grynia, Father Casimir Lawniczak, Father Joseph Klosinski, Father Honorowski, Msgr. Adam Bydlon, and the current pastor Msgr. Bernard Witkowski. These fine men of the cloth have helped the church to flourish over the last century.

On October 25, 1952, His Excellency, Bishop Carol J. McCormick, Auxiliary Bishop of Philadelphia, consecrated St. John Cantius Church. St. John Cantius has provided a school, convent, and fine place of worship for the people of Bridesburg for generations. It has been a cornerstone of the neighborhood.

Mr. Speaker, I join my fellow Polish Americans in Philadelphia in saluting St. John Cantius for a century of service to the entire community.

CONGRATULATIONS TO MAURA ELIZABETH MURPHY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. MOAKLEY. Mr. Speaker, I rise to share with my colleagues an essay that I found extremely thought provoking. I would like to also take a moment to recognize the author, Maura Elizabeth Murphy. Maura is a resident of Boston and a sophomore at Fontbonne Academy in Milton, MA. She was recently named the Massachusetts State winner in the 1992 Voice of Democracy Scripwriting Contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. Maura's essay was selected from thousands for its unique vision of "Meeting America's Challenge." Maura intends to pursue a career in Government and I strongly hope that she does. Her award winning script is as follows:

MEETING AMERICA'S CHALLENGE

About two years ago when I was in the eighth grade, there was an exchange student from Germany in my math class. She sat next to me so that when we received back our Math tests at the end of each week, I could see her paper. She would always have the highest mark in the class. One day when I was gloomily looking over my math test (that I had failed), I glanced over at her paper, and, in bright red ink was written 100%. In exasperation I asked her, "Why do you always do so well in math?" To which

she replied, "I had this math two years ago in the sixth grade." I was amazed at her answer. It made me wonder why American schools were so far behind. It bothered me.

True there were other matters bothering me—and other Americans: such as the deadly threat of AIDS, the sagging economy, the increasing population of homeless people, and the growing number of teen pregnancies. Yet I feel that many of these problems have to do with the poor educational system in our country. Statistics have shown that Japan, Germany, France, Italy, Canada, Ireland score higher in most areas.

Just recently, Newsweek published a study of the ten best schools in the world. The U.S. led only in two areas: art and the graduate schools. New Zealand led in reading; Japan in science; Germany in Math; the Netherlands in foreign languages; and so on. "We are long on leisure and short in studies," the report concluded. Every American is alarmed at our educational system. President Bush wants to improve our schools. To which end he has proposed the year 2000 as the goal year for excellence in math and science.

A few of the causes of the decline of our educational system may have to do with television. Most American children, when they get home from school, drop their bags on the floor and their bodies on the couch. Another reason may have to do with the fact that a majority of teenagers have after-school jobs. When they get home from their jobs, it's too late for them to do their homework or study.

Today America's teen idols aren't George Washington or Florence Nightingale, but Michael Jackson and Madonna. How do you pull a Michael Jackson fan away from a Bull's game? Well, we do have to find a way.

Kids today do not have enough self-discipline. They have to train themselves to want to learn and succeed. And those responsible for their education—parents and teachers—must set up programs for them. They need to be firm and demanding of students, and stop excusing youth because of dysfunctional families or ethnic background. America has to challenge her youth more.

Last week I read in a national newspaper that publishing companies were "dummying up" textbooks. Educators and textbook companies need to challenge students more, not make learning too easy. How does America expect to compete with other countries if America's textbooks and educational tools are not demanding enough? Schools should not shortchange youth, but, on the other hand, young people should do their part by studying and making a commitment to their school work. It is an investment in their future.

Meeting America's challenge in education today will not be an easy task. The problems which I mentioned earlier, such as homelessness, teen pregnancies, AIDS, and the economy can only be met by a well-educated, well-informed group of young Americans.

LEGISLATION TO IMPROVE THE NATION'S AIR QUALITY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. OWENS of Utah. Mr. Speaker, I rise today to introduce legislation to improve our Nation's air quality.

Despite the passage of the Clean Air Act Amendments in 1990, the air in many regions

of our country remains dirty, and in some cases has even deteriorated. And it is not simply the residents of America's urban areas who are breathing polluted air. In my home state of Utah, nearly 63 percent of the population live in areas that do not meet Federal health standards. The long-range plans of the Clean Air Act clearly provide hope for progress down the road. But unless we act soon, that road will be smog filled and congested.

One of the greatest contributors to our Nation's air pollution is the fleet of pre-1980 automobiles, so-called clunkers, which are not fitted with the stringent air pollution controls of later models. Mile for mile, these older vehicles are some of the worst polluters on the road. According to the Office of Technology Assessment, there are some 25 million pre-1980 automobiles on the road which emit over 1 million tons of hydrocarbons per year. In comparison, the Nation's fleet of over 180 million automobiles emits between 4 and 5 million tons of hydrocarbons every year. The Clean Air Act amendments of 1990 do place limits on future model years, but there is no means to limit the emissions of these earlier model years.

My bill would fill that void by encouraging the voluntary removal of these automobiles from service. The bill provides a \$100 tax credit to the owner of one of these cars when it is removed from service in accord with regulations that the Environmental Protection Agency would establish. Similar approaches have been tested before. The Unocal Co. initiated a pilot project in southern California aimed at removing pre-1971 cars from the road and succeeded in permanently eliminating 8,400 high-polluting cars from the road and nearly 13 million pounds of pollutants from the air. My bill takes this program to a national level so that the entire Nation can reap the air quality benefits of junking clunkers.

This program would be financed by a tax on an ozone depleting chemical, HCFC-22, that is not currently taxed. This bill would serve the dual purpose of limiting air pollution and discouraging the use of this ozone destroying chemical.

My bill represents an efficient and inexpensive approach to cleaning up the country's air. I urge my colleagues to support this legislation which would eliminate a major source of air pollution and help protect the ozone layer.

CHILDREN'S INITIATIVE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. HALL of Ohio. Mr. Speaker, no parents in this country should be forced to choose between paying the rent or making sure their kids are getting enough to eat. No mother should be forced to put her baby's health at risk by watering down formula to make it stretch. The potential of no child should be lost because he or she is poorly nourished and, consequently, can't keep up in school.

But these conditions plague the lives of millions of parents and children across the Na-

tion. We know how to put a stop to this travesty, but we have yet to exercise the political will to do so.

Mr. Speaker, I am honored to be an original sponsor of H.R. 5600, the "Children's Initiative." This bill promises the empowerment of parents to provide for their children. It enables us to protect our children from hunger and neglect. And it achieves these goals through a financing mechanism that also channels monies toward deficit reduction.

We don't get many opportunities to repair our mistakes, but H.R. 5600 gives us the chance to provide the nurturing, support and care for our children that we should have all along. I hope my colleagues will join me in supporting this crucial legislation.

STATEMENT OF UNIVERSITY HEALTH SERVICES

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. BARNARD. Mr. Speaker, on June 24, 1992, the Subcommittee on Investment, Jobs, and Prices of the Joint Economic Committee held a hearing on hospital mergers and joint ventures. Following is a statement from University Health Services, Inc., a nonprofit health care organization located in Augusta, GA, regarding their attempt to work out a combination and exchange of assets between University Hospital and St. Joseph Hospital. The consolidation of these two hospitals was encouraged by an overwhelming amount of support from the Augusta community as it was believed the transaction would reduce duplicative health care spending. The FTC intervened, however, and not only denied the proposed merger but also placed further sanctions against University for the next 10 years.

Although University Health Services did not submit testimony to the subcommittee's hearing, their experience provides significant insight into the effects of FTC intervention and will certainly be useful to the subcommittee as debate on hospital mergers continues.

UNIVERSITY HOSPITAL,

July 14, 1992.

In 1990, University Health entered into an agreement with Health Care Corporation of the Sisters of St. Joseph of Carondelet, a Catholic health system headquartered in St. Louis, to acquire the then 169-staffed bed St. Joseph of Augusta, Georgia, Inc. The agreement arose out of the Sisters of St. Joseph Hospital of Carondelet unsolicited offer to sell its acute care facility to University Health Services, Inc. The Sisters made the offer after they determined that St. Joseph Hospital's future financial viability was extremely questionable and that the mission of the Sisters would be better served by redirecting the assets invested in their acute care hospital to other health care services in the community.

The proposed acquisition has been enjoined—and the transaction subsequently abandoned by the parties—as a result of a complaint initiated by the Federal Trade Commission under Section 7 of the Clayton Act. The acquisition was enjoined by a federal appeals court in the face of overwhelming support from the Augusta community,

including employers and other purchasers of hospital services, and after a U.S. District Court, following a hearing on the matter, refused to enter a preliminary injunction as requested by the FTC.¹

We understand that testimony presented to the Committee on June 24 by representatives of the Federal Trade Commission made extensive reference to the FTC's action against University Hospital and may have presented a distorted view of the evidence in the case. We believe, therefore, it would be appropriate to bring to the Committee's attention certain facts concerning the proposed merger and the impact of the FTC's intervention.

The proposed acquisition resulted from both parties' commitment to reduce hospital costs in the Augusta area. Like many communities, Augusta has a surplus of hospital resources² and a declining demand for inpatient hospital services.³ The declining demand for inpatient hospital services is especially troubled for an institution like St. Joseph Hospital, whose limited scope and intensity of services cripple its ability to acquire managed care contracts. The Sisters of St. Joseph, in the face of continued deterioration of St. Joseph Hospital's ability to cost-effectively provide inpatient hospital care and a consequent decline in the hospital's market position, determined that their ministry would be better served by refocusing their efforts in the areas of rehabilitation services, hospice care, home health care, and other non-acute services. It was with this goal that the Sisters approached University Health in 1990. St. Joseph and University share similar values in the delivery of health services and had experience in cooperative health care ventures, including the operation of a rehabilitation hospital. The proposed transaction was structured to give the Sisters sole ownership of the rehabilitation hospital and other non-acute services operated individually and jointly by the two organizations, while transferring control

of the St. Joseph Hospital assets to University.

In the course of its proceeding against the acquisition, and before this Committee, the FTC staff has continually made representations that it "uncovered" a document showing that the purpose of the transaction was to reduce competition. In fact, the document to which the FTC alludes was a "White Paper" prepared specifically for and furnished voluntarily to the Commission during the statutory pre-merger waiting period. The particular passage which so concerned the FTC was contained in the following paragraph:

In addition to the fact that the proposed transaction will have no significant adverse effect on price competition—to the extent it exists—in the Augusta area, the transaction also will produce substantial welfare-enhancing benefits to consumers. Those benefits will exist in three areas. First, there will be a reduction in cost increasing non-price competition. As confirmed by empirical analysis, such a result is associated with lower long-run prices for hospitals in Georgia. Second, University, Hospital and St. Joseph Hospital will be able to avoid, through consolidation, significant capital and operating costs which they otherwise would be required to incur. Third, the integration and consolidation of inpatient operations will produce efficiencies in both clinical and administrative areas, which will reduce community health care costs.

There can be no question that the context of the "admission" that non-price competition would be reduced was the parties' belief that the consolidation of the two hospitals would reduce wasteful (that is, economically inefficient) expenditure in the community. Indeed, the statement was followed by a full discussion of the "medical arms race" and the absence of consumer benefit from hospital competition based primarily on duplication of services, technology, and amenities. University and St. Joseph knew that the Augusta community could benefit from a reduction in the wasteful duplication of expensive hospital resources.⁴

The motivations of this proposed transaction were not merely the perceptions of hospitals. The Augusta business community—that is, those who pay the medical bills for the employed population and their dependents—lined up solidly behind the proposal. Testimony of those employers submitted to the Commission and before the District Court clearly indicated their conclusion that the reduction of needless duplication of equipment and services was an important step in the process of controlling health care cost increases. The loss of this "competition" did not trouble them, nor did it trouble Georgia Blue Cross and Blue Shield, which likewise stood in support of the merger. Indeed, before the District Court, the FTC could produce no complaining buyers of hospital care. The witnesses for the Commission consisted of two physicians (whose testimony reflected a significant degree of economic self-interest), the president of a small health plan with a long-term contractual obligation to a competing hospital (who, on cross-examination, disavowed any past or future interest in obtaining competitive bids from Augusta hospitals), and an economic expert who conceded that she interviewed no employers or other purchasers in the Augusta market.

⁴For the benefit of the Committee, we have attached the two White Papers submitted by the parties to the FTC, as well as our Non-binding Statement filed in the FTC proceedings.

The FTC has claimed before this committee and in other forums that the hospitals had no proof of any economic efficiencies resulting from the proposed acquisition. This statement is simply untrue. The hospitals obtained expert analyses of both capital investment and operating efficiencies which could be achieved through consolidation. Those studies documented annual operating savings of \$7-13 million, and capital cost savings over five to eight years of \$19-22 million. Thus, the employers' perceptions that the merger would result in economic benefit to them and the community was well-founded. The FTC simply refused to consider this evidence, relying on its premise that the reduction of "competition", wasteful or otherwise, was not in the community's best interests.

The irony of the FTC's position is that ample hospital competition would have existed after the proposed consolidation. Three other strong hospitals operate in the Augusta market, and the evidence was clear that those hospitals have provided intense competition for University and St. Joseph in the past, and would provide even greater competition in the future. Major federal facilities in Augusta provide further acute care alternatives to veterans, military members, military retirees, and the dependents of active and retired military.

Illustrative of the competitive strength of other hospitals in the market is the situation of the Medical College of Georgia Hospital. MCG is a 500-bed teaching hospital renowned for its specialty referral services. At present, MCG is embarked upon a \$37 million campaign to renovate and expand its inpatient and outpatient capabilities. Through its faculty and residents, MCG is the only Augusta hospital fully capable of offering managed care contracts covering both hospital and physician services. There is no question that MCG is equivalent to University in terms of the scope and intensity of services offered. It is physically located less than half a mile from University Hospital and within two miles of the St. Joseph Hospital. The FTC, however, discounted MCG as a competitor due to the FTC's misperception that MCG was merely an indigent referral hospital for the State of Georgia. The President of MCG has repeatedly stated that MCG is not the state's charity hospital. Nevertheless, the FTC apparently reasoned that MCG was undesirous of obtaining private-pay patients from Augusta, and that private patients would not use MCG. In fact, testimony before the District Court showed that MCG viewed the acquisition of a greater share of the private-pay markets as an economic imperative, and that University perceived MCG as a significant competitor. The District Court thus concluded that "the threat of competition from the Medical College of Georgia [is] an increasing, and indeed a welcome one." Moreover, it has come to light since the time of the trial that the State's funding of MCG's expansion project was expressly contingent on the hospital's commitment to seek out a greater share of the private-pay market.⁵

Another hospital in the Augusta market is Humana Hospital-Augusta, a 324-bed general acute care facility located in an affluent suburban area less than ten miles from University Hospital. The Humana facility has one

⁵This fact may have been known to the FTC staff at the time of the FTC's complaint and the District Court proceedings, as the administrator of MCG was deposed by the Commission's staff but refused to talk with counsel for University and the Sisters. In any event, the FTC did not call MCG's administrator as a witness in the proceedings.

¹University filed pre-merger notification forms on November 30, 1990. On May 6, 1991, the Court of Appeals directed that a preliminary injunction be issued. At that point, faced with the prospect of two years' additional proceedings before a final decision would be reached (i.e., a full hearing before the Commission's hearing examiner and likely appeals to the Commission and the U.S. Court of Appeals), the parties mutually agreed to abandon the proposed transaction. In particular, it was clear that St. Joseph Hospital, which had entered into the agreement based on concern for its competitive future, could not afford to maintain the status quo for the duration of the proceedings. This, in itself, illustrates a significant problem in antitrust enforcement. Once the enforcement agencies obtain preliminary relief, that relief is often tantamount to a permanent injunction. Indeed, the more urgent the merger, the more likely it is that the one or both parties will be unwilling or unable to withstand the time and expense of protracted litigation.

²The area covered by the FTC consent order recently published in the Federal Register contains 2,281 licensed acute care beds, of which 1,829 are staffed and operating, plus an additional 399 psychiatric beds. The market area also contains 1,024 veterans administration hospital beds and an Army Regional Medical Center with 384 beds.

³This conclusion was reached during St. Joseph's strategic analysis which preceded its offer to sell to University Health Services. Analysis of utilization rates and demographics lead to the conclusion that, even without considering the effects of the VA hospitals, the Army hospitals, or the several small hospitals in the surrounding counties, the three-county area covered by the FTC consent order has approximately 450 excess staffed acute care beds. The Georgia State Health Planning Agency has identified Richmond County as having a significant excess of acute care beds.

of the premier burn care services in the Southeast United States and has consistently been one of Humana's most profitable hospitals. While the FTC proceeding against University Hospital was pending, Humana announced its plans to invest \$40 million in improvements to the hospital.

The third major competitive force is Hospital Corporation of America's Aiken Regional Medical Center in Aiken, S.C. The HCA hospital is located near growing Augusta suburbs in Aiken County, and is a clear alternative for hospital care for many Augusta area residents. HCA began a \$19 million expansion of its hospital and several other multi-million dollar projects during the pendency of the FTC proceedings. While the FTC maintained that Aiken was out of reach geographically for Augusta residents, the District Court understood that Aiken and Augusta, 20 miles apart, are economically linked. Indeed, the Central Savannah River Area, which includes both Augusta and Aiken, is a regional economic planning area and the largest employer of Augusta residents (the Savannah River site) is actually closer to Aiken than Augusta. The inclusion of Aiken County within the FTC approved consent order dramatically demonstrates that the FTC became convinced that HCA Aiken and University Hospital are competitors in the same market.

The FTC's intervention has not been well received in Augusta. The community supported the consolidation of St. Joseph's and University and believed in the ability of the consolidation to reduce wasteful health care spending and help control future increases in health services and health insurance costs. Those benefits now are lost and the opportunity will not soon return. The FTC's enforcement policy is out of touch with the economic realities of the health care marketplace. More particularly, the FTC appears to favor black-letter "rules" (that is, their rules) regarding market concentration over the clear evidence regarding purchaser attitudes and the functioning of the particular market in which the acquisition will occur.⁸

What should most trouble the Committee about the result in Augusta, however, is the chilling effect it has had, and will continue to have, on collaboration among hospitals in the Augusta area and elsewhere. The terms of the consent order now pending in this matter prohibit University from acquiring the assets of any existing hospital in the area (including acquisitions in the form of joint ventures) for a period of 10 years from the date on which the Consent Order is finally approved. (We note that the better part of a year passed before the Commission even published the proposed Consent Order for public comment; the Order thus will effectively operate for 11 years.) Also, for a period of 10 years, University is prohibited from entering into many types of joint ventures with other area hospitals for the purpose of developing new hospital or medical services without prior notification to the FTC. This result is all the more difficult to accept given that the Sisters' and University's only "offense" was their audacity to propose this collaboration in the first instance. For merely proposing it, and playing by the Commission's rules, University has been branded as a likely future violator of the antitrust laws,

⁸ It should be noted that the Commissioners were not unanimous in their decision to issue a complaint against University. Also, we believe that there were views within the Bureau of Economics staff that were opposed to the Bureau of Competition's hard line approach.

and placed under ten years' supervision by the Commission staff. In the absence of any evidence of an intent to harm consumers, this surely is a harsh result. Since few geographic areas the size of the Augusta market contain a significantly greater number and quality of acute care hospitals and most contain markedly less, the FTC's position with its specter of monstrous litigation expenses and intractable delays must cast a dark shadow that reaches out from Augusta across the entire nation. The University Hospital case sends the message that engaging in consolidation is playing Russian roulette.

We urge the Committee to continue exploring ways in which local, state, and federal interests in reducing excessive health care expenditures through collaboration among hospitals can be accommodated under the federal antitrust enforcement policy. If we can provide additional information regarding our experiences to the Committee, please do not hesitate to contact the undersigned.

Sincerely,

DONALD C. BRAY,
President/CEO,
LEVI W. HILL, III,
Past Chairman,
University Health Services, Inc.
T. RICHARD DANIEL,
Chairman,
University Health Services, Inc.

PACIFIC YEW OFFERS HOPE TO WOMEN IN THEIR FIGHT AGAINST CANCER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. MAZZOLI. Mr. Speaker, as we enter a critical stage in the ongoing struggle to discover effective cancer-fighting drugs, I wish to highlight one legislative initiative which offers hope and promise in the fight against ovarian and breast cancer—H.R. 3836, the Pacific Yew Act, which the House approved on July 7 with my strong support.

H.R. 3836 strikes a balanced and positive compromise between the legitimate concerns of environmentalists over the type of harvesting and use of the Pacific Yew tree—from whose bark can be processed the substance taxol, which appears to have cancer-fighting potential—and the legitimate, ever-compelling interests of women who suffer from breast and ovarian cancers and their doctors to have abundant supplies of the Pacific Yew bark available for testing and treatment.

Taxol has been acclaimed by experts at the National Cancer Institute as one of the most important anticancer drugs developed in the past 15 years, and one with special properties for addressing breast and ovarian cancer.

Over the past decade the number of women suffering and dying from breast cancer has grown alarmingly. Today, one out of every nine women will contract breast cancer, 46,000 women will die in 1992 of breast cancer. Another 12,000 will die from ovarian cancer. Most women live in fear of contracting these deadly diseases. We should mitigate these fears by doing all within our power to fund preventive therapies and cures for these diseases.

In H.R. 3836, we have a measure which allows for the efficient management and sustain-

able harvesting of bark from the Pacific Yew tree from which taxol is produced. The bill also encourages further research to locate other sources, synthetic or natural, for taxol so even more of the substance will be available to our researchers.

I am pleased to support H.R. 3836. I hope that Congress soon sends the President a bill he can and will sign into law. And then perhaps, we will not be far from the day when the women of America and the world can live healthier, happier, less fearful lives.

TRIBUTE TO SOL L. FRIEDMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. PALLONE. Mr. Speaker, on Sunday, August 2, 1992, Mr. Sol L. Friedman of Long Branch, NJ, will be honored by his comrades in the Long Branch Post 316 of the Jewish War Veterans of the U.S.A. The ceremony will take place at Congregation Brothers of Israel in Long Branch.

Mr. Friedman has served as post commander for 11 years in an exemplary manner. He has displayed outstanding leadership and service for veterans of all faiths. His personal commitment to his country and community is one of total dedication and loyalty.

Mr. Friedman served his country during the years 1943-46 in the U.S. Army Air Force, and was honorably discharged. Since then, he has devoted considerable time to a variety of veterans causes, both through the Jewish War Veterans and the Veterans of Foreign Wars. In 1951 he was appointed lieutenant of the Long Branch Police Reserves, was appointed captain the following year, was honored as the Reserves' Man of the Year in 1957 and 1966 and ultimately served as chief between the years 1955 and 1973.

The list of Sol Friedman's other affiliations and community service contributions is indeed a long one. He has given of his time and energy to such worthy causes as the Muscular Dystrophy fundraising drive and he received a Papal blessing for his work through the St. Gerard Guild in aiding victims of the 1976 earthquake in Italy. He has also had great success as a businessman in Long Branch, exhibiting the same level of hard work and dedication that he has brought to his community service endeavors.

Mr. Speaker, it is indeed an honor and a privilege to pay tribute to such a fine citizen—and a good friend—as Mr. Sol L. Friedman.

THE SCHOOL-TO-WORK TRANSITION AND SKILL STANDARDS DEVELOPMENT ACT OF 1992

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. PERKINS. Mr. Speaker, today I am introducing the School-to-Work Transition and Skill Standards Development Act of 1992. The

United States is at an economic crossroad, faced with a choice between creating a high-skills, high performance work force able to adapt to the constantly evolving market and technological advances, or a low-skills, low performance work force unable to compete with other industrial nations. In order for the United States to be competitive in the 21st century, we need to revolutionize the way we educate and train our workers. Currently the United States is losing economic ground each day to foreign competitors because of a poorly trained, under-utilized work force. Germany, Japan, and every other industrial nation have a structured system designed to enable youths to make the transition from the classroom to the jobsite. In our country for the 80 percent who do not attend or may not complete college, there is no defined path to a job or career, only a hodgepodge of want ads, dead-end jobs, and career counseling with no link to the job market or the needs of employers. High quality school-to-work transition programs have the potential to vastly increase the productivity of American workers and upgrade the performance of American industry.

Another area in which the United States lags far behind its international competition is in the area of voluntary national skill standards for industries and occupations. While there has been much discussion recently about the need for world-class standards in education, little attention has been paid to the dire need for the same type of standards for our workers and employers. Too many of our existing work force are stuck in low-skill, low-pay jobs, rendered immobile by their own educational deficiencies or the lack of opportunity and a career path within the industry. America's single greatest resource is its people, and unless we hitch our wagon to the American workers and give them goals to shoot for and high standards to attain, our Nation will fade as an economic power.

The legislation I am introducing today, the School-to-Work Transition and Skill Standards Development Act of 1992, addresses these two vital issues, first, by laying the groundwork for the creation of a uniquely American school-to-work transition system to bring the majority of our young people, our noncollege bound youth, into the work force, and second, by the development of voluntary national skill standards in industries and occupations, so we can establish world-class standards for American workers and employers.

Other distinguished colleagues of mine in both the House and the other body have introduced legislation with similar goals. However, as result of several hearings and input from both the public and the private sector, I believe this legislation is substantially different and merits consideration. Based on input from employers, labor representatives, Governors, State employees and educators, I found the single greatest contributing factor to the success of any State or local school-to-work transition program was the active recruitment and early inclusion of the three key groups: Employers, workers, and educators. Without the active participation and feedback of these three groups, it was difficult if not impossible to plan and implement a successful school-to-work transition program.

Another major finding was the wide variety of programs taking place across the country.

Exciting things are happening at the State, local, and individual business or union level, and these new school-to-work programs take many different shapes and forms, from the Manufacturing Technology Partnership in Flint, MI, to the Youth Apprenticeship Program being created in Maine. Even among the States, there is a wide gap between those on the cutting edge like Arkansas, Wisconsin, and Oregon, and other States such as my own State of Kentucky which are just beginning to examine this important issue. My bill is the first to distinguish between the needs of States which have existing infrastructure and programs, and those States still in the planning stage. School-to-work transition is too new and important an idea to mandate a specific model to be duplicated. Everyone agrees there are many ways to skin a cat when it comes to establishing a good program, and my legislation allows States and local consortia the freedom to tailor programs to meet their own labor market and industry needs.

Only from observing the successes and failures of individual State and local projects can we begin to create our own national plan. An American school-to-work transition system must be based on experiences at home, not on programs abroad and is not something to be done hastily, or in a panic. We need to see further testing and experimentation and use State and local projects to measure what would be the best national plan. My bill calls for an outline for an American school-to-work plan based on careful evaluation of the State and local projects.

While other legislation draws from systems in Germany and other parts of Europe, my legislation attempts to take advantage of the only group in America with a century old history of operating apprenticeship programs and bringing youths into the work force through work-based learning—labor organizations. Union-operated apprenticeships have a proven track record of excellence and have met the demands of the market for generations, and to deny States, localities, and employers the benefit of their experience and expertise would be shortsighted and detrimental to the development of an American school-to-work system.

Another area in which my legislation differs from others which have been introduced is in who has the responsibility for developing skill standards. The development of voluntary national industry and occupation skill standards must be benchmarked to world class standards, the highest possible existing levels of performance. Who would best know what the highest levels of performance should be? The Government or a government entity, or the actual employers and workers in the industry or occupation? The answer is easy, the only people who can identify and formulate truly representative national skill standards are the recognized leaders in the industry or occupation. In order for these standards to be taken seriously by employers and employees they must be seen as coming from the business community, and from the workers themselves, not the Federal Government.

My legislation attempts to bring these components together: the development of voluntary national skill standards; the creation of new State school-to-work transition systems

and the expansion of existing State programs; the funding of a wide variety of local plans; and the development a uniquely American school-to-work transition system.

SUMMARY OF THE SCHOOL-TO-WORK TRANSITION AND SKILL STANDARDS DEVELOPMENT ACT OF 1992

TITLE II

Title II would create a National Commission on a High Skills Workforce to award grants to industry and occupation groups to develop voluntary national skill standards, as well as to award grants to states and local consortia for the creation of innovative school-to-work transition programs. The Commission would be made up of 20 members, with 6 representatives from business, 6 from labor, 6 from education and the Secretaries of Labor and Education. The 18 appointed members will be from among those nominated by the President, the Speaker of the House, and Majority Leader of the Senate.

TITLE III

The Commission will award 3-year grants under Title III for the development of voluntary national industry and occupation skill standards. The grants require the identification of world class standards within the industry as the benchmark for the new skill standards. The grant also requires the development of curriculum and training materials to achieve these high standards, and a plan to train teachers and instructors. An assessment and certification process must also be created which establishes multiple levels of mastery which utilizes performance and oral tests in addition to traditional written ones. Finally the grant requires an evaluation component to measure the implementation of the skill standards within the industry or occupation and a dissemination plan to get this vital information out into the field where it can be applied.

To apply for a grant, the applicant must have representatives from: a. a business or industry association; b. a labor organization or worker representative group; and c. an educational institution or training organization. The legislation leaves the formulation of the application group up to the businesses and workers in each field. The Commission is required to give priority to applicants with demonstrated expertise in the industry or occupation, and who reflect a broad cross-section of the field. Applicants must contribute matching funds. This title authorizes \$15 million per year for FY 1993-1997, and sets a ceiling of up to \$250,000 or 5% of the amount appropriated for any single grant.

TITLE IV

Under Title IV, the Commission would award 3-year grants to states for the development of school-to-work transition programs which provide students with the skills and training to enter the workforce with a strong foundation in basic academic subjects and an appropriate background in general workplace skills, including specific industry or occupation training. The states are required to maintain any existing spending levels, as well as contribute state funds on a progressive scale each year. States are required to work with existing apprenticeship organizations in developing new school-to-work programs, and also create links to these existing apprenticeships.

The legislation draws a distinction between Leadership States, those with existing school-to-work infrastructure, and Developmental States, those that are just beginning to explore this area. Leadership States

are given more leeway in the application process, in an attempt to build off their existing programs, and encourage their efforts. The grant section for Leadership states is authorized at \$25 million per year for FY 1993-1997, and sets a ceiling of \$350,000 or 5% of the amount appropriated for any single grant.

The grants to Developmental states are in two parts, the first being Initial Planning grants which require them to set up a Workforce Quality Council and two-thirds of its representatives from industry and labor, and one-third from the state agencies of education, employment and training. The 1-year Initial Planning grant requires the Workforce Quality Council to establish a comprehensive state plan which integrates school-based and work-based learning to provide a structured link between secondary education and college or advanced training. It also requires the participation of employers and employees in providing work opportunities and training linked directly to academic course work accompanied by the acquisition of recognized, portable academic and occupational skills. This grant is authorized at \$10 million per year for FY 1993-1997 and limits the individual grant amount to \$100,000 or 5% of the amount appropriated.

The Workforce Quality Councils in these Developmental states have one year to create the state plan and then submit them to the Commission. After receiving back the Initial Planning grants, the Commission will review them and to those it deems satisfactory, award implementation grants so the states, in conjunction with the Workforce Quality Council, can implement their state plans. Each state is required to submit an annual report containing relevant statistics such as participants served and placement rates. This grant is authorized at \$25 million per year for FY 1993-1997, and sets a ceiling of \$350,000 or 5% of amounts appropriated for any single grant.

TITLE V

Title V establishes grants awarded by the Commission to local consortia with representatives from business, labor, and education, to develop model school-to-work transition programs. These programs will provide students with increased options for career and educational opportunities to better prepare such students to succeed in the workforce. Applicants must describe their proposed program, as well as outline the curriculum, targeted participants, and the industry need for such a program. Local programs are also required to contribute matching funds. This grant program is authorized at \$25 million per year for FY 1992, with a ceiling of \$100,000 or 5% of amounts appropriated for any single grant.

TITLE VI

Title VI establishes a National Information Clearinghouse on a High Skills Workforce for the collection and dissemination of school-to-work transition data. The Clearinghouse will act as an information source for all interested states, local entities and individuals. All grant recipients under the Act must appoint a liaison to the Clearinghouse to insure the exchange of current data. The Clearinghouse will be operated out of the Department of Labor, and will provide technical assistance in teacher training and curriculum development. The Clearinghouse will also contain a Industry Worker Training Databank to compile statistics on worker training offered nationwide in each industry, occupation and job classification. \$1 million is authorized per year for FY 1993-1997.

TITLE VII

The final title deals with ensuring that no workers will be displaced or denied employment or promotion as the result of any programs funded under the Act. While we want to encourage the formation of exciting new programs, we must take great pains to protect the rights of our current workforce. This section also protects the rights of existing apprenticeship programs from being infringed upon or duplicated without their consent by any programs funded under this Act.

Mr. Speaker, I insert the attached section-by-section, and the full text of the School-to-Work Transition and Skill Standards Development Act immediately following my remarks.

SECTION-BY-SECTION ANALYSIS OF THE SCHOOL-TO-WORK TRANSITION AND SKILL STANDARDS DEVELOPMENT ACT

Sec. 1—Short Title; Table of Contents.

Sec. 2—Definitions.

The term "school-to-work transition" is defined as the process by which students acquire academic and occupational skills and work experience to assist in the transition from school to employment. "National Industry and Occupational Skills Standards" is defined as industry-based occupational proficiencies that establish the skills that are required by an industry, which shall be marked to world class levels of industry performance and tied to measurable performance-based outcomes that can be readily assessed, and are comparable across industries, similar occupations, and States. Definitions of "world class standards", "worker representative group", "pre-apprenticeship program", and other terms are also included.

TITLE I—FINDINGS AND PURPOSE

Sec. 101—Findings.

Industries in the United States will not be able to meet the challenges of a 21st century global economy without a high skills, high performance work force. The United States is the only major industrialized nation without a formal system to help the 80% of youth who do not receive a postsecondary education make the transition from school to work. High quality school-to-work transition programs have demonstrated the ability to increase the productivity and performance of industries in the United States by producing well-trained, high-skilled workers.

Sec. 102—Purpose.

To develop school-to-work transition programs which provide students with the skills and training to enter the workforce; to establish a clear link between achievement in school and success in the workplace; and to foster a positive environment in which representatives of industry, education, labor, and the public sector can work together to create school-to-work systems.

TITLE II—NATIONAL COMMISSION ON A HIGH SKILLS WORKFORCE

Sec. 201—Establishment.

Sec. 202—Membership.

The Commission will be composed of 20 members, with six representatives from business, six from labor, six from education and the Secretaries of Labor and Education. The eighteen appointed members will be appointed by the President and six will be nominated by the Speaker of the House, six nominated by the Majority Leader of the Senate, and six nominated by the President.

Sec. 203—Director and Staff.

The Chairperson of the Commission shall appoint a director. The Secretary of Education and the Secretary of Labor may provide the staff and support services necessary for the Commission to carry out its duties.

Sec. 204—Duties.

The Commission will make grants under titles III, IV and IV, and in consultation with the National Council on Education Standards and Testing, the National Commission on Employment Policy, the Federal Committee on Apprenticeship, and the National Advisory Commission on Work-Based Learning develop a national school-to-work transition system based on the standards developed under title III and the programs provided under titles IV and V. Provide for the dissemination of the skill standards developed under title III to employers, employees and the general public. Establish safeguards to provide for the health, safety and proper supervision of participants in any program funded under this Act.

Sec. 205—Powers.

Outlines the Commission's ability to obtain official data, and the use of mails, administrative support services, and contract authority.

Sec. 206—Report.

The Commission shall submit a report to Congress containing an initial outline of a national school-to-work transition system within one year of its initial meeting.

Sec. 207—Termination.

The Commission terminates on January 1, 1998.

Sec. 208—Authorization of Appropriations.

\$1,000,000 is appropriated per year for FY 1993-1997.

TITLE III—GRANTS TO DEVELOP VOLUNTARY NATIONAL INDUSTRY AND OCCUPATIONAL SKILLS STANDARDS

Sec. 301—Authorization.

The Commission shall make 3-year grants to eligible entities for the purpose of developing voluntary national industry and occupation skills standards.

Sec. 302—Application.

To receive a grant, an eligible applicant will submit an application to the Commission which contains assurances that the entity has or will develop a plan for the projects described under section 303. The plan will be developed in consultation with representatives from a cross-section of the industry, which shall include representatives from business and labor, and may include representatives from education or training organizations. The applicant will submit a report containing the voluntary national industry and occupation skills standards within one year. Applicants must contribute non-federal funds of 20% for the first year, 30% for the second year, and 40% for the third year. Federal Funds will be used to supplement, not supplant non-Federal funds.

Sec. 303—Use of Funds.

Grants made under section 301 may only be used to: identify world class standards; develop voluntary national industry and occupation skill standards that are linked to existing pay rates and wage increases; promote a workforce free of discrimination; promote the entry of women into nontraditional occupations; create curricula and training materials which are usable by a variety of service providers; devise an assessment and certification system with multiple levels of mastery and a variety of testing methods; and develop an evaluation component and a dissemination plan for such skill standards.

Sec. 304—Selection Requirements.

The Commission shall give priority to applicants which have expertise in the field in which the skills standards will be developed; represent a broad cross-section of the industry or occupation; and demonstrate input from existing apprenticeship and other training organizations. The Commission shall not

select applicants that would develop skill standards less stringent than existing standards for that occupation or industry.

Sec. 305—Allocation Requirement.

The Commission may not make grants to a grant recipient for more than 5 percent of amounts appropriated under section 309 or \$250,000, whichever is greater.

Sec. 306—Report.

In each fiscal year that the Commission makes grants, the Commission will submit a report to Congress containing a compilation of the information in the grant recipients' reports and an evaluation of the effectiveness of the grant program.

Sec. 307—Evaluation of Standards.

The Commission will hold public hearings to review the voluntary national industry and occupation skills standards contained in the reports. The Commission shall certify those skill standards determined to be appropriate.

Sec. 308—Eligible Entity Defined.

An "eligible entity" is a consortium consisting of representatives from: a. a business or industry association; b. a labor organization or worker representative group; c. an educational institution or training organization.

Sec. 309—Authorization of Appropriations. \$15,000,000 is appropriated per year for FY 1993-1997.

TITLE IV—GRANTS TO STATES TO IMPROVE SCHOOL-TO-WORK TRANSITION SERVICES

Sec. 401—Purpose.

To encourage the development and implementation of comprehensive state plans to improve the transition of students from school to the workforce. To encourage and expand postsecondary options for non-college bound students.

Sec. 402—Definitions.

A "Developmental state" is defined as a state which lacks an existing school-to-work transition infrastructure. A "Leadership state" is defined as a state which has an existing school-to-work transition infrastructure, including a council or alternative entity consisting of representatives from labor, industry, and education, or a state agency which provides school-to-work transition services.

Sec. 403—Grants to Leadership States.

Authorizes grants to Leadership states for improving and expanding existing school-to-work transition services. To receive a grant, a Leadership state must submit an application including: a description of existing school-to-work services; statistics relating to education levels, poverty, and unemployment; assurances that the state shall provide non-federal funds equal to 20% the first year, 30% the second year and 40% the third year; assurances the state will use skill standards developed under title III and that the State will maintain existing expenditures on school-to-work services.

Requires school-to-work transition services to: combine school-based and work-based learning and link secondary education with postsecondary education or advanced training; provide, in consultation with employers and employees, work opportunities and broad-based training linked to academic course work; develop recognized, portable academic and occupational skill standards; develop curricula and instructional materials; and designate a liaison to the National Clearinghouse on a High Skills Workforce.

Limits amount of any individual grant to 5% of amount allocated or \$350,000, whichever is greater. The Commission shall submit a report to Congress containing a compilation of state statistics and an evaluation of

the grant program. Authorizes appropriations of \$25,000,000 per year for FY 1993-1997.

Sec. 404—Initial Planning Grants to Developmental States.

The Commission will provide Initial Planning grants to Developmental states for the purpose of establishing a state plan to develop school-to-work transition services. An application for such a grant must include: a description of the council to be named; statistics relating to education levels, poverty and unemployment rates; assurances that the State will not use federal funds to supplant non-federal funds or use more than 5 percent of funds for administrative purposes; assurances of a state matching non-federal funds of 20%; the maintenance of any existing expenditures on school-to-work transition services; and a report on the use of the funds within a year.

Content of State plan to be developed

Uses of Amounts: to establish a Workforce Quality Council with 1/3 of the members from industry or employers, 1/3 from labor or worker's groups, and 1/3 from state agencies of education, employment and training. The Commission may approve an existing similar entity as a substitute for the council.

Requires school-to-work transition services to: combine school-based and work-based learning and link secondary education with postsecondary education or advanced training; provide, in consultation with employers and employees, work opportunities and broad-based training linked to academic course work, and career planning and awareness programs for elementary and secondary students; develop recognized, portable academic and occupational skill standards; develop curricula and instructional materials; integrate school-to-work programs with existing apprenticeships; and designate a liaison to the National Clearinghouse on a High Skills Workforce.

The council, with the consent of a majority of the labor component, must use at least 15 percent of grant funds to integrate existing apprenticeship programs with the school-to-work transition programs. Any existing voluntary national industry or occupation skill standards must be utilized. School-to-work transition services must be coordinated with all applicable federal, state, and local education and training programs.

The Commission shall give priority to states: with high numbers or percentages of individuals who have not completed a secondary or postsecondary education; which target urban and rural areas with high poverty and unemployment as areas to implement school-to-work programs; and which have policies to promote the entry of women into nontraditional occupations and minorities into the workplace.

Limits amount of individual grant award to 5% of amounts awarded or \$100,000, whichever is greater. Authorizes appropriations of \$10,000,000 per year for FY 1993-1997.

Sec. 405—Implementation Grants to Developmental States.

The Commission will provide 3-year Implementation grants to Developmental states which have received a grant under section 404 to carry out the school-to-work transition program established under that section. In order to receive a grant, a Developmental state must submit an application including assurances that: federal funds will not be used to supplant non-federal funds and that existing expenditures on school-to-work services will be maintained; not more than 5% of the funds will be used for administrative purposes; the state will contribute non-federal funds amounting to 10% the first

year, 20% the second year, and 30% the third year; and an annual report will be submitted detailing the uses of the funds and appropriate statistics, including job placement rates and graduation rates.

The Developmental state will use all grant funds to carry out the school-to-work transition program developed under section 404. In choosing states to receive grants, the Commission will give priority to states which: have or will develop programs to encourage secondary students to enroll in traditional apprenticeships; provide staff or teacher training in work-based learning techniques; have developed alternative learning programs; and which have assessed the future workforce needs of the State.

Limits amount of any single grant to 5% of amounts appropriated or \$350,000, whichever is greater. Authorizes appropriations of \$25,000,000 per year for FY 1993-1997.

TITLE V—GRANTS TO LOCAL CONSORTIA TO IMPROVE SCHOOL-TO-WORK TRANSITION SERVICES

Sec. 501—Purpose.

To enable students to succeed in the workforce by expanding the postsecondary options and opportunities available. To provide for the dissemination of information on successful programs and to promote their replication.

Sec. 502—Authorization.

The Commission will provide 3-year grants to eligible entities to develop school-to-work transition programs which provide students with increased options for career and educational opportunities at the local level.

Sec. 503—Application.

To receive a grant, an entity must submit an application including: A description of a local school-to-work transition program; the program goals; the activities and services provided under the program; a description of the collaborative efforts of business, labor and education; the curriculum and instructional materials to be used; the population to be served; and a general assessment of the future workforce needs of the area.

Assurances must also be provided that the entity will: provide adequate representation from business and labor; coordinate projects described with existing federal programs; will use federal funds to supplement, not replace, non-federal funds; and will contribute non-federal funds in the amount of 10% the first year, 20% the second year, and 30% the third year.

Sec. 504—Use of Funds.

Grants awarded under section 502 will be used to: combine school-based and work-based learning and link secondary education with postsecondary education or advanced training; provide, in consultation with employers and employees, work opportunities and broad-based training linked to academic course work; develop recognized, portable academic and occupational skill standards; develop curricula and instructional materials; designate a liaison to the National Clearinghouse on a High Skills Workforce.

Discretionary uses include: establishing job training programs for teachers, labor organizations, and employers; parental involvement activities; guest speaker programs and other activities.

Sec. 505—Selection Requirements.

In awarding grants, the Commission will give priority to those entities which have labor, business, and educational organizations represented and are located in areas with high poverty or unemployment. The Commission will attempt to equitably distribute grants between rural and urban areas.

Sec. 506—Allocation Requirement.

Limits amount of any single grant to 5% of the amounts appropriated or \$100,000, whichever is greater.

Sec. 507—Report.

An entity which receives a grant must submit a report to the Commission containing a description of projects, the number of individuals served, and an evaluation of the project.

Sec. 508—Eligible Entity Defined.

An eligible entity is defined as a consortium with representatives from: a. a business or industry association; b. a labor organization or worker representative group; c. an educational institution or training organization. The consortium may also include: a community-based organization; a private industry council; a public or vocational school; and a township, county or municipality.

Sec. 509—Authorization of Appropriations.

Authorizes appropriations of \$25,000,000 per year for FY 1993-1997.

TITLE VI—NATIONAL INFORMATION**CLEARINGHOUSE ON A HIGH SKILLS WORKFORCE****Sec. 601—Purpose.**

To establish a National Information Clearinghouse on a High Skills Workforce for the collection and dissemination of school-to-work transition data.

Sec. 602—Establishment.

Directs Secretary of Labor, in consultation with the Secretary of Education, to establish a Clearinghouse within the Department of Labor.

Sec. 603—Duties.

The Clearinghouse shall: gather and compile information on different school-to-work transition programs; establish and operate a national database; provide training and technical assistance; create an Industry Worker Training Databank to compile statistics on worker training offered nationwide in each industry; and compile information on health, safety, and pension laws relating to school-to-work transition.

Sec. 604—Report.

The Secretary of Labor shall submit an annual report containing a compilation of the information received by the Clearinghouse and an evaluation of its effectiveness.

Sec. 605—Authorization of Appropriations.

Authorizes appropriations of \$1,000,000 per year for FY 1993-1997.

TITLE VII—NONDUPLICATION, NONDISPLACEMENT, NONDISCRIMINATION AND OTHER REQUIREMENTS**Sec. 701—Nonduplication.**

Prohibits assistance under the Act to a private non-profit entity to conduct identical or equivalent services provided by a state or local government in which the entity is located. Prohibits the use of funds to establish a school-to-work program in an occupation if there is an existing apprenticeship program for that occupation in the same metropolitan statistical area, without the consent of the existing apprenticeship.

Sec. 702—Nondisplacement.

An employer participating in a program under this Act shall not displace an employee or position, including partial displacement, or infringe in any manner on the promotional opportunity of an employee.

A participant under this program shall not: engage in any services assigned to another employee; perform services which will supplant the hiring of a full-time worker; perform any duties formerly assigned to a full-time worker.

Sec. 703—Nondiscrimination.

All standards, activities and programs funded under this Act shall be free of discrimination and bias.

Sec. 704—Other Requirements.

None of the amounts appropriated under this Act may be used by states to attract or induce existing businesses to relocate from another state. Programs funded under this Act shall not impair existing contracts or collective bargaining agreements.

MISTAKE TO REDUCE FUNDING FOR U.S. TOURISM PROMOTION**HON. ROBIN TALLON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. TALLON. Mr. Speaker, I have been proud for the past 3 years to chair the Congressional Travel and Tourism Caucus. Tourism is America's second largest export that generates \$330 billion annually in revenue and is the Nation's largest employer.

Yet, we as a Nation are ranked about 64th in terms of how much we invest in tourism promotion.

The House Appropriations Committee has approved a budget of \$14.1 million for our national tourist office—the U.S. Travel and Tourism Administration [USTTA]. This is \$3.3 million less than the administration request and \$3.4 million less than the fiscal year 1992 budget. As tourism continues to help improve our Nation's balance of trade and bring dollars into our economy, it is certainly not cost effective to decrease the funding for the agency that plays a tremendous role in bringing these visitors to our country.

My home State of South Carolina has been involved with Delta Airlines in an innovative marketing campaign to the United Kingdom. This is being done in conjunction with USTTA, which just completed their historic promotional campaign in the United Kingdom featuring a video invitation from the President inviting the Brits to our shores.

USTTA's calculations are that, as a result of their campaign, British "intent to travel" to the United States, strictly as a result of this campaign, is up by a whopping 37 percent. Even by conservative estimates this will result in an additional \$240 million in receipts from international travel to the United States. This is proof positive that the benefits from USTTA's work is multiplied several times over in producing economic activity and jobs that our economy needs.

I heartily urge our conferees to live up to our commitment to the future of our economy and adopt the administration's request of \$17.45 million for USTTA's work.

IS THE ADMINISTRATION GIVING AWAY THE U.S. SUPER COMPUTER INDUSTRY?**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. CONYERS. Mr. Speaker, I recently chaired a series of hearings by the legislation and National Security Subcommittee on U.S. Government efforts to protect the United

States supercomputer industry from unfair predatory Japanese trade practices. These hearings confirmed my worst fears, both about Japan's intentions and the United States Government's willingness to respond. The United States is in danger of losing our super computer industry to the Japanese.

It is clear that Japan has targeted our supercomputer industry for elimination and has embarked on a carefully crafted, long-term, predatory campaign to replace the United States as the world's leading supplier of supercomputers. This campaign threatens not only U.S. supercomputer suppliers but the entire Nation. I am convinced that the maintenance of a domestic supercomputer industry is essential to U.S. national security and our overall industrial competitiveness. As part of its strategy, Japan has virtually closed its government supercomputer market to United States competition and unleashed one of its supercomputer firms on a predatory campaign in the United States to compete for crucial United States Government procurements.

The United States Government cannot afford to stand idly by and watch Japan destroy yet another world-class American industry. The administration apparently agrees. Unfortunately, despite an arsenal of tough new trade remedies, the administration has responded by trotting out the same weak trade strategies that could not protect the American auto, consumer electronics, color television, and semiconductor industries from Japanese economic aggression. These same weak trade strategies have contributed to depressed communities, joblessness, and a host of other social problems that plague the United States.

I was disturbed to learn that, despite 5 years of negotiations, led by the Trade Representative's office, and two United States-Japan supercomputer agreements, Japanese Government agencies continue to discriminate against United States competition. An agreement reached in 1987 was a failure. The Japanese Government did not purchase even one supercomputer using the procedures contained in that agreement. Further, industry experts tell me that the Japanese Government does not appear to be complying with a 1990 expansion of the 1987 agreement.

The administration also lacks a supercomputer acquisition policy to deal with the threat to national security posed by this new Japanese competition. It appears that, in the absence of a clear and rational policy, the Trade Representative's office has used its influence to derail NASA efforts to protect national security by using an "industrial mobilization" exemption to exclude Japanese firms from its Marshall EADS II and Ames HSP-3 supercomputer procurements. As a result, NASA is currently conducting an unrestricted procurement for the Marshall supercomputer and a distributor of Japanese supercomputers is participating in the Ames procurement and may gain access to highly sensitive information on aeronautics research and high-performance computing.

I am deeply concerned about what I have learned and plan to work with the administration to strengthen our responses to the Japanese threat in both the areas of international trade and United States Government procurement. As a first step, I have written a letter to

Japanese Ambassador Takakazu Kuriyama urging Japan's compliance with the 1990 United States-Japan Supercomputer Agreement. I will continue to monitor the situation and act as appropriate, and I urge my colleagues to become active in this matter of crucial importance to our Nation's security and industrial competitiveness.

TRIBUTE TO PATRICIA K. WHITE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly special individual, Ms. Patricia White, from Clare, MI. Pat is being honored by her peers, and the Clare Kiwanis Club in recognition of 17 demanding years of service as a circus animal trainer. Truly this is a very special occasion for Pat. Pat's involvement in family entertainment is especially noteworthy at a time when the family is increasingly experiencing hardships from many different directions. Pat's ability to fascinate and dazzle audiences has provided a temporary reprieve for many families over the years.

Pat is a genuinely exceptional person, who has given unselfishly of herself to provide decent, wholesome entertainment to families across the Nation. Pat has endured 17 years of grueling work, often performing two shows a day, 7 days a week. This reveals the commitment and enthusiasm that Pat has shown for her work and the families she has captivated.

The wholesome form of entertainment she provided was an indispensable escape for families. I commend Pat for her many years of service to family entertainment. I know you will join me and the citizens of Clare in congratulating Pat on her retirement and wish her continued success in future endeavors.

TRIBUTE TO THE EARL W. GERSTACKER FAMILY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. CAMP. Mr. Speaker, it is with a great sense of pleasure that I rise today to honor the Earl W. Gerstacker family. The Gerstacker family is celebrating the Centennial celebration of their family farm, a truly special occasion. The Gerstacker family farm was recently de-

clared a Centennial farm by the Michigan Historical Commission. This rare honor is in tribute to the Gerstacker family who have farmed for a remarkable 100 years. It is the first Centennial farm in the township of Larkin.

The Gerstacker story is one that epitomizes the wonderful opportunities that America has unfolded and laid before its citizenry to grasp. Earl Gerstacker's immigrant grandparents first settled on the family farm in 1892 after purchasing the traditional 40 acres. Nineteen years later they purchased 40 more acres. During the Depression the Gerstacker family worked additional jobs as a means of supplementing the farm. Through thoughtful planning and endless hours of hard work Earl Gerstacker and his family continued to expand the farm to its current size of 775 acres. The arduous work ethic developed from this agricultural background, and passed from one generation to the next has allowed the Gerstacker's to remain successful in the same occupation that their parents and grandparents chose an astounding 100 years ago.

The perseverance and commitment exhibited by the Gerstacker family as well as the success and prosperity of their farm is truly an uplifting story. I know you will join with me and the citizens of Midland County in congratulating the Gerstacker family for achieving the rare distinction of a Centennial farm.

HUMAN RIGHTS IN IRAN

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. McCOLLUM. Mr. Speaker, I rise to bring to Members attention Iran's current internal situation. Iranian troops are rounding up people and putting them in jail, shooting into crowds, and hanging protestors. European papers have reported that in the last 6 weeks rioting has taken place in the Iranian cities of Arak, Dezful, Sheiraz, Mashhad, Bukan, and most recently Tabriz. Over 300 people have been killed by the Government, with 21 protestors hanged in the Iranian city of Mashhad.

The Revolutionary Guard, which is the primary force in Iran, was too sympathetic with the protestors and could not be trusted to fire on the crowds. Instead, the government used the Ashura division, a group of religious zealots brainwashed to follow any command of the Khomeini cause.

Dr. Assad Homayoon, a leading exiled Iranian leader with many followers both in Iran and around the world, explained that Iran's tense internal situation is the result of two things: First, a desperate economic situation that the people see no relief from under the

current government, and, second, the lack of freedom and numerous human rights violations. Amnesty International has documented cases of Iranian torture, executions, and political imprisonment and called on the Rafsanjani government to "halt persistent gross violations of human rights."

It is an outrage that while European and Arab papers are condemning the Iranian Government for the brutal treatment of their own people, three is not any mention or apparent interest of this in the American press.

The people in Iran need to see that they have international support, that we, in America, are aware and outraged at the brutality of the Government in Iran. In California, 3,000 Iranians gathered to express solidarity with their brethren in Iran that are under such desperate conditions.

TRIBUTE TO THE JOEL E. WARNER TOP OF THE CIRCUS FANS OF AMERICA

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 30, 1992

Mr. CAMP. Mr. Speaker, it is with a great sense of admiration that I rise today to recognize a truly extraordinary group of people, Michigan's chapter of Circus Fans of America, the Joel E. Warner Top. This spirited group of individuals plan to honor the American family in a celebration that will take place in Clare, MI, on August 21. This chapter proudly proclaims the importance of families.

The circus, one of the greatest traditions of family entertainment, has a special place in the hearts of these devoted and caring individuals. Performances that can amuse, electrify, and captivate an entire family are especially rare at a time when sound family entertainment is increasingly difficult to find. The uniqueness of this entertainment is that it offers something for every age in a true family atmosphere. Chapter members are appropriately calling their extravaganza the celebration of the family. The upright, wholesome entertainment provided by the circus and its performers is without doubt a family event that can be enjoyed and savored by all.

The tireless work of those making the celebration possible illustrates their commitment and important contributions to the very meaningful work of providing quality family entertainment. I know you will join with me and the citizens of Michigan in congratulating the Joel E. Warner Top of Circus Fans of America for their unyielding commitment and allegiance to the institution of the family.