EXTENSIONS OF REMARKS

CANADIAN HEALTH CARE

HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. COX. Recently, one of my constituents—a medical doctor—provided me with the following analysis of the Canadian health care system. The failures in that system are detailed for the RECORD.

WHY THE CANADIAN MEDICAL SYSTEM DOESN'T WORK

In these days when just about everyone has a "solution" to the real or imagined medical care crisis, it is popular among some politicians and some self-proclaimed medical "thinkers" to espouse a system in the United States similar to the one that's been in place in Canada for over 25 years.

These people fall into two categories—those who are grossly uninformed, or those who know the truth, but suppress it in order to push their own agendas. It is important to realize that there are a lot of people in this world who absolutely know what's good for the rest of us, and who do not let facts get in their way. These people are often loud, forceful, and argumentative in presenting their point of view. There is nothing so scary in this world as a social zealot, determined to show the rest of us the true way to social, economic, or health care salvation. To combat their ignorance, we must have the facts.

SOME DEMOGRAPHICS

Let's look closely at Canada and its health care system. First, in case you've forgotten, or never paid attention during geography class, you must know that Canada is slightly larger in size than the United States, although its population of about 25 million is only one-tenth of ours. Of course, much of Canada lies above the Arctic Circle, and is inhabited by a few Eskimos, but mainly by moose and other wildlife.

The first fact that jumps out of the literature is that in all this vast land, there are only 13 MRI units. Even eliminating the northern regions, that's quite a few units spread out over quite a bit of land. By comparison, in the United States, there are 1,300. A little simple arithmetic indicates that for one-tenth the people, Canada has one one-hundredth of the MRI units. This means it has one tenth as many MRIs per person as we do. If MRIs are an indication of other medical equipment, and they are, the conclusion is obvious—in Canada, state of the art diagnostic equipment is in short supply.

The reason for this relates to the political football type of funding of the Canadian Health system. This year's budget is based on last year's expenditures, with a small increase for inflation and cost of living sometimes thrown in. The problem is that medical technology increases at a rate of 12 percent per year, and there is no allocation for that. Worse yet, the government's solution to many fiscal problems is often to simply cut expenditures and reduce fees. You can see how much this leaves for all the new, expensive technology.

The good things about the Canadian system are that it is free to all Canadians who register for the program, and the citizenry seem to like it, with certain exceptions we will discuss below. But the Canadians do have access to care. At least, they get in the door.

The program is advertised as a single payor system, but in reality there is a system for each of the ten provinces, although they are all very similar. The good part for the doctors is that they have only one bill to submit to one payor. The bad part is that when you have only one boss, you are really dependent on him. According to our sources, a family practitioner who's willing to grind out a high volume practice mill, running patients through as fast as possible, can earn a reasonable living.

What most of the Canadians don't realize is that they are paying dearly for their health care system, with a much higher tax rate than we have here. Their maximum is about 60 percent, compared to about 40 percent in this country. Put another way, an American works each year until May 10th to pay his taxes. The rest of the year he works for himself. A Canadian works until July 14—two months longer, and more than half the year—to satisfy his annual tax burden.

THERE IS NOTHING LIKE A GOOD MYTH

There are certain myths about the Canadian system that are commonly used to show how superior it is. One is that it costs less. Accordingly to our sources, that depends on how you do your bookkeeping. American figures on health care spending include long term nursing home care. The Canadian figures do not, because that kind of care is outside the medical system. It is covered, instead, by the general welfare expenditures, and how much it really costs is unknown. Some people, who are no doubt cynics, think that if the same bookkeeping system were used on both sides of the border, the costs would come out about the same.

The second myth is that Canadians live longer, and therefore their system must be better. As we all remember from school, this is the old "A is true and B is true"—but are they related as to cause and effect? The advocates of the Canadian system blithely assume that they are, because that's what they want to believe. Or want us to believe.

The fact is that the Canadians are a little younger than we are. They have less people, proportionately, over 65 years of age, and anyone who has studied mortality statistics knows that death rates begin to escalate rapidly with old age. Hell, old people are likely to die—they knew that a thousand years ago, without benefit of statistics.

Another facet is that the Canadian population, with the exception of the Indians and the Eskimos, is much more homogeneous than ours. In fact, every time you hear about the wonderful mortality statistics in some other country—Canada, Germany, Sweden—compare that country's population mix with ours.

In America, we're almost like a third world country, with the huge influx of Central Americans, Asiatics, and Europeans. (It's probably safe to assume that we don't get the richest, healthiest Europeans, Vietnamese, and Mexicans emigrating to our shores.) This is not a matter of racial bias. It's just a geo-political-medical fact. Diseases thought to be dead in this country, like tuberculosis, are having a renaissance.

Consider also our murder rates, which are astounding, and their effect on overall mortality. Every 18 year old gunned down in gang warfare has a negative influence on life expectancy statistics.

One other thing. The benefits of the Canadian system seem to have escaped their native Indian and Eskimo populations—the mortality rates of those unfortunates are equal to those of third world countries.

CONTROLLING COSTS

Since the health care budget is decided by the legislature, it follows that it is subject to yearly, politically motivated battles over how much to spend, and for what. Canada's recession has been at least as severe as ours, and faced with a lack of money, it is all too popular to blame the doctors, or to claim that there is too much waste in the system, and therefore to cut the budget for it. (Does this sound like President-elect Clinton, claiming there is waste in the system, and if we could just wiring it out, we'd solve the health care crisis?)

In 1987, The Ontario Liberal Party got elected to power by acknowledging that 4,400 new hospital beds were needed, and by pledging $850 million for the project. In 1989, the program was quietly cancelled, with only 80 new beds having been put into service.

Another method the Canadian provinces use to control costs is to put a cap on doctors' incomes. This is a cap on gross receipts, not on net income. The only solution for the hapless Canadian doctor has been to simply close his office towards the end of the year. It's that or work for nothing. (Yes, this does sound like the global budgets and expenditure caps that some people propose for the United States.)

The Canadian government's counter to this maneuver is to make it a monthly cap. That's typical politician thinking—a non-solution. So the doctors simply close for a few days every month, or regulate their practices by seeing less patients on a daily basis.

And who suffers for this? The patients, of course. They get to wait days and weeks for their appointments. We are reliably informed that for cataract surgery in one province, there is a six-month wait just to see the doctor, followed by a two to three year wait for the surgery. The docs almost never schedule the second eye, because the patients don't live long enough. (Does this sound as terribly cruel to you readers as it does to this writer?)

THE CANADIAN SAFETY VALVE

These unconscionable delays occur in other types of surgery, too, like hernias and coronary bypasses. Hernias are not so urgent, of course, but one solution the Canadians have used is to contract with U.S. facilities to do the work. The University of Washington, in Seattle, as a result of such a deal, has repaired an awful lot of hernias. But then, the Canadian citizens had to travel 100 miles or more for a simple, basic operation that

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should have been readily available to them at home.

Coronary bypasses, of course, are often urgently needed. When the backlog got too long a few years ago, and patients died while waiting for surgery, a private citizens' group in Ontario contracted out the surgery to nearby Detroit area facilities. A waiting period of three to six months, just for the angiography, and another six to nine months for the surgery, is not uncommon for people who need coronary bypass. All the patient has to do is stay alive until he gets his turn to be treated.

Since there is no private practice outside the system permitted in Canada, one has to wonder, what do the rich do when they need care? To no one's surprise, they head south to the United States. The rich always find a way to get what they want or need. But imagine if the U.S. had a system like the Canadian one. Where then would the U.S. and Canadian patients urgently in need of coronary bypass, or radiation treatment of their cancers, go?

In other words, we are a safety valve for the inefficient Canadian system. But if we were the same as them, there would be no place to which desperate patients or doctors could flee. Except maybe to Tijuana. Now there's a chilling thought.

MORE CHILLING THOUGHTS

Here are a few more to curdle your blood. In Quebec, city docs get 80 percent for the same service for which rural docs get 115 percent. Well, that's not too bad. At least the doctor has a choice.

But in British Columbia, a physician must practice his specialty in a location specified by the Minister of Health, in order to be paid by the plan. Since there is no other way of getting paid, that takes care of the free choice option.

In 1989 in Ontario, all hospital staffs were frozen for two years, while the government assessed the fiscal impact of letting more physicians hold privileges. (And good luck to you, new doctor, with no place to practice.)

A survey in Ontario that same year indicated that only two percent of Canadian physicians were satisfied with their relationship with the government. Of course, we all know that many Canadian doctors have migrated south to the United States. We personally don't know of any U.S. docs who have migrated to Canada. Apparently, in health care, the geese only fly one way.

In 1989, the Princess Margaret hospital, short on technical staff, simply closed its facilities for four months to new patients in need of radiation oncology. How many patients did poorly from the lack of necessary care is not known, but eventually the government found the money to pay the technical help a decent wage.

Canadian fee scales are set unilaterally by the provinces, although with a token input from physicians, and are about at Medicaid levels. And remember, after the low fees and the income caps, the doctor still has to deal with the 60 percent tax rate.

And here's the worst of all—When one large Ottawa chronic care hospital found on analysis that CPR was not cost-effective, it adopted a uniform no resuscitation policy for all patients.

CANADIAN PRIORITIES

In summary, it appears that the Canadian system offers bare bones, "yes you can see the doctor anytime, but you may not get the treatment you need" care. On deeper analysis, even this superficial impression does not sustain. In Canada, it's obvious, the dollar comes first, the patient second, and the doctor last.

We are tempted to call it "Gestapo medicine." The only surprise is that there are not guards armed with AK-47s posed in every doctor's office. The system tells the doctor where to practice, limits his ability to take care of the patients, and then grossly underpays him.

From time to time in Canada, there have been doctor work slowdowns and stoppages. The first of these occurred in 1962, when a Socialist government in Saskatchewan promised universal health care. Many doctors left the province then, and the doctors essentially won the battle, being allowed to balance bill above what the government plan paid.

But a process was set in motion where the doctors were propagandized as being opposed to the public interest, instead of being the defenders of a high level of medical care. In retrospect, of course, the doctors were so right. This process still prevails today, with politicians getting themselves elected by attacking doctors, and with individual doctors even slandered on the floor of the legislatures.

Another strike occurred in 1986, and the government's response to that one was to jail non-compliant physicians. The doctors capitulated. (It is hard to believe that this extreme action could ever occur here, with all the writs, motions, and injunctions that are available to individuals in our courts.)

And just last summer, British Columbia ran out of money and stopped paying the doctors. The response to that was a rotating series of "study sessions," which most doctors attended, leaving medical care available to the public only in hospital emergency rooms. This maneuver seems to have succeeded. Very interesting. We'll discuss in some future issue the logistics of a strike, if we ever need to resort to one.

THE BOTTOM LINE

The ultimate problem, of course, is that the Canadian system is like the British system. Both are run by politicians, whose agenda is never the health of the patients. With all the delays in diagnosis and treatment that occur, it is obvious that these governments do not really care anything about the quality of life or survival of there voters.

It's "give them something that looks good," and keep the expenses down. If a few patients die along the way who maybe shouldn't have, that just saves more money. Whatever sugar-coated name they give it, it's rationing.

And in the absence of money for research and new equipment, it in inevitable that Canada will fall father and father behind the United States in medical care. It is also obvious that if a similar system was adopted in this country or even a system that incorporated many of the Canadian features, the ultimate result would be to set medical practice back about 50 years.

Governments are cumbersome and slow to react to changing circumstances. It's like pulling a sled along the ground on runners, instead of using wheels. A parallel to this would be the recently deceased Soviet Union. All economic decisions were centralized and state made, allegedly by the best brains available, and for the good of all of society. But in practice, it took too long to get anything done, and the Soviets fell farther and farther behind the free world in technology and economic progress, until the system collapsed.

It is doubtful that Americans would ever buy the concept of a Canadian system of medicine, but it could occur if they were sufficiently deceived, and if there was no counter intelligence to all the propaganda being put out. It's up to all of us to make sure that this does not happen.

INTRODUCTION OF THE ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BOUCHER. Mr. Speaker, today I have introduced a bill to implement the Protocol on Environmental Protection to the Antarctic Treaty. The protocol was signed by the United States in October 1991 and was submitted last year to the Senate, where it is awaiting ratification. The State Department has determined that the protocol is not self-executing and, therefore, requires legislation to ensure that all provisions of the protocol are applied to U.S. activities in Antarctica.

The protocol establishes specific principles and rules for protection of the Antarctic environment from the effects of human activities. It deals with protection of fauna and flora, imposes strict limitations on discharge of pollutants, and requires environmental impact assessment of planned governmental and nongovernmental activities. The protocol also prohibits all activities relating to Antarctic mineral resources, except for scientific research, and provides that this prohibition cannot be amended by less than unanimous agreement for at least 50 years.

A particularly important aspect of the protocol is its reinforcement of the status of Antarctica as a natural reserve devoted to peace and science. This is entirely appropriate because Antarctica is a unique scientific laboratory of enormous value to the international community.

The upper atmosphere over the pole is a screen for viewing the results of interactions of solar plasmas and the Earth's magnetic field, and for detecting evidence of space physics processes. The extremely stable, clean, and dry atmosphere enables astronomers and astrophysicists to probe the universe with unprecedented precision from a ground-based site.

It is an ideal biological laboratory for studying such effects as adaptation of organisms under extremes of light, temperature, and moisture, where, for example, a fish has developed natural antifreeze.

Antarctica's extreme climate, which can induce social, psychological, and physiological stresses, provides an appropriate location to study human health and performance. NASA will use this natural lab form, Antarctica is also a major part of the global heat engine that determines world climate. The vast Antarctic ice sheet interacts with oceanic and atmospheric circulation to modulate global climate. Accordingly, the behavior of the ocean/atmosphere system in Antarctica is expected to provide an early warning of climate change.

The 2-mile thick ice sheet covering the pole is a repository of the past climate record of

great benefit to climatologists and other scientists.

Many naturally occurring global events are greatly magnified in the Antarctic environment, with the result that changes such as ozone layer depletion and climate change are detected there first.

In sum, Antarctica is one of the world's most valuable scientific research platforms, and it is essential to ensure its continued availability for a broad range of research.

The value and importance of Antarctic research are well understood. Unfortunately, the United States and other nations which maintain permanent Antarctic research facilities have been less careful about their environmental protection practices than can be either justified or accepted. At the same time, it is recognized that research activity itself will cause some environmental disturbance in this pristine region, where traces of human activity are preserved virtually forever. The goal must be to weigh the environmental effects against the value of the science and develop workable approaches to minimize adverse effects.

I believe this overall goal will be achieved by the comprehensive provisions of the environmental protocol and its five annexes. Therefore, I have introduced legislation to ensure that the protocol is fully implemented with regard to all a activities sponsored under the U.S. Antarctic Program, administered by the National Science Foundation, and with regard to all other activities of U.S. citizens while in Antarctica. The legislation amends the Antarctic Conservation Act—Public Law 95–541—and replaces the Antarctic Protection Act of 1990—Public Law 101–594—with restrictions on minerals activities which conform to the protocol.

The responsibilities of Federal agencies under the provisions of the bill are consistent with their past roles and areas of expertise and with their responsibilities under the Antarctic Conservation Act. The National Science Foundation is responsible for issuing implementing regulations for protection of fauna and flora, for control of discharge of pollutants, and for entry into specially protected areas. The Department of State is charged with implementing the emergency response provisions of the Protocol with respect to nongovernmental activities in Antarctica. The Department of State, in conjunction with the Council on Environmental Quality, is responsible for issuing regulations for implementing the environmental impact assessment provisions of the protocol with respect to nongovernmental activities in Antarctica. A more complete summary of the provisions of the bill follows this statement.

Mr. Speaker, the Antarctic Environmental Protection Act of 1992 represents a comprehensive implementation of the provisions of the environmental protocol and its five annexes. It will allow for the continuation of a vigorous U.S. research program in Antarctica, while ensuring that the pristine environment of the continent is preserved for future generations.

SUMMARY OF THE ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1993

The Antarctic Environmental Protection Act of 1993 amends the Antarctic Conservation Act of 1978 (ACA), Public Law 95–541, to bring the provisions of that Act into conformity with the Protocol on Environmental Protection to the Antarctic Treaty and annexes.

The bill amends the ACA to require environmental impact assessments of U.S. government activities and to establish a more comprehensive statutory scheme for the conservation of Antarctic fauna and flora as set forth in the Protocol. Existing authority of the Director of the National Science Foundation (NSF) to promulgate regulations to control waste disposal in Antarctica and to protect and manage designated areas with great environmental sensitivity or scientific value is also revised consistent with the Protocol. In addition, the bill expressly extends the NSF Director's current general authority to promulgate regulations to carry out any provision of the ACA, to cover any provision of the Protocol. This provision ensures that regulatory power will exist to address any environmental issues under the Protocol that may arise.

The bill implements Article 7 of the Protocol, which states: "Any activity relating to mineral resources, other than scientific research, shall be prohibited." The bill repeals the Antarctic Protection Act of 1990, which was intended as an interim measure pending entry into force of an international agreement providing an indefinite ban on Antarctic mineral resource activities. Article 7, which has no termination date and is not reviewable for fifty years following entry into force of the Protocol, constitutes such as indefinite ban.

Antarctic mineral resource activities are prohibited by persons subject to the jurisdiction of the United States. The prohibition covers prospecting, exploration and development activities, as well as collecting, removing or transporting such resources. Activities exempted from the prohibition are those directly related to scientific research, construction, operation and maintenance of facilities, and provision of mineral resource specimens for museums and similar institutions.

Among other provisions, the bill provides for the Secretary of State to prescribe regulations to implement the environmental impact assessment provisions of the Protocol with respect to non-governmental activities, including tourism, in Antarctica, and in conjunction with NSF and the Coast Guard, to require private persons to comply with the provisions of the Protocol related to emergency response action. These tasks can be carried out by the Department as part of its current responsibilities for gathering and circulating information about non-governmental activities in Antarctica. Provisions of the Protocol dealing with emergency response requirements for the U.S. Antarctic Program are not addressed since these provisions can be implemented through existing legislative, executive and regulatory authority already applicable to Antarctica.

Finally, the bill strengthens civil and criminal penalties under the ACA to increase the deterrent effect of the legislation.

CLINTON MAKES TASK HARDER WITH RHETORIC OF CLASS WAR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 17, 1993, edition of the Omaha World-Herald.

[From the Omaha World-Herald, Feb. 17, 1993]

CLINTON MAKES TASK HARDER WITH RHETORIC OF CLASS WAR

President Clinton should avoid misleading statements and flawed history as he tries to earn support for his program of economic sacrifice.

Clinton, during his televised talk Monday evening, made this statement: "Seventy percent of the new taxes I'll propose—70 percent—will be paid by those who make more than $100,000 a year. And for the first time in more than a decade, we're all in this together."

That statement included two assertions that are misleading. Moreover, when Clinton targeted the over $100,000 bracket, it constituted a major departure from a promise he made during the campaign. He said then that he would raise taxes only on incomes above $200,000. (Or course, he also said he would reduce taxes on the middle class, and now he says everyone with an income above $30,000 will pay more.)

Clinton made an appalling mistake when he referred to 70 percent of the new taxes. Those words have one meaning only—that 70 percent of the additional burden would be shouldered by taxpayers earning more than $100,000. Then the White House issued a clarification. Clinton, an administration official said, meant that seven of every 10 of his new taxes would affect taxpayer who make more than $100,000.

One can only hope he knows the difference—and that he isn't one of those Democrats who can't seem to understand that the top 1 percent of the earners (those who make more than $200,000) don't make enough money to wipe out the deficit even if everything they earned were taxed.

Clinton's other misleading assertion came when he suggested that Americans of the 1980s weren't "all in this together." The statement sounded like something straight from the text of historical revisionists who claimed that President Ronald Reagan soaked the poor and the middle class in order to benefit the wealthy.

The revisionists are wrong. Everybody's income-tax rates were cut in the 1980s, not just those of the wealthy. Moreover, the percentage of total revenues that came from the highest-earning taxpayers increased dramatically. The reason: Many of them lost deductions and exemptions with which they had been able to shield a portion of their income from taxation. At the other end of the spectrum, the Tax Reform Act of 1986 removed 6 million low-income taxpayers from the tax rolls.

What made so many low- and middle-income taxpayers forget the tax savings they received in the 1980s? Why have so many politicians continued to stir up resentment against taxpayers in the upper brackets?

The reason may have nothing to do with the income-tax policies of the Reagan administration. Congress in the 1970s had approved generous increases in Social Security benefits. But no provision was made to pay for the new benefits, which went mostly to low- and middle-income taxpayers. By 1983, it was apparent that Social Security was on a path to bankruptcy.

Congress and the White House raised the payroll taxes, saving the program. Unfortunately, the higher Social Security taxes offset savings from the Reagan tax cuts. Democratic politicians have been demagoguing

the issue ever since—even though their party helped approve the tax cuts and the Social Security funding bill, and even though the higher Social Security withholding rates would have been necessary even if Jimmy Carter and Fritz Mondale had controlled the White House through the 1980s.

It's sad that Clinton would use such rhetoric, whether or not he believes it. The president needs a broadly shared spirit of sacrifice by people of all income levels to help him cut the deficit. We hope he succeeds. But his use of the rhetoric of class warfare is hardly the way to build a broad base of support.

MONMOUTH COUNTY NURSES HELP COMMUNITY RECOVER FROM DEVASTATING STORM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. PALLONE. Mr. Speaker, on December 11 of last year, parts of my district, as well as the rest of the Jersey shore and much of the east coast, were devastated by a fierce coastal storm, known as a Nor'easter. Many of the residents of the area have seen their lives altered permanently by this disaster, and the region as a whole will be recovering for some time to come. For public officials and other community leaders, the task of bringing about a recovery is ongoing. But nothing can describe the fear and terror that faced residents of our area on that terrible day when the storm hit. And there is no sufficient way to praise the wonderful people on the frontlines who helped the people get through that terrible day.

Beginning at dawn on the day of the storm, some 46 community health nurses from MCOSS Nursing Services of Red Bank, NJ, were part of a communitywide effort to provide relief services. They joined Monmouth County Red Cross nurses and other Red Cross personnel, local police, emergency management officials, first-aid squads, fire departments, clergy, and volunteers to bring aid to those forced to flee their homes when the flood waters hit. This on-the-spot disaster assistance continued through the night of December 11 and into the following 2 days. The deployment of MCOSS nurses was coordinated by Jo Ann Farina and Ann Dimaira, agency clinical nursing supervisors at MCOSS's Thompson Health Center in Red Bank, who were on call for 72 straight hours. Nurses who participated were from three MCOSS health centers—Bodman Health Center, Tinton Falls, NJ, and Harding Health Center, Manasquan, NJ, as well as Thompson Health Center.

It should be pointed out that many of these talented and dedicated health care professionals were themselves flood victims, and continued to work and serve others while putting aside their own personal anxiety about the effects of the storm on their homes and families. In addition to nursing assessments, the nurses provided wound care, monitored blood pressures, conducted medication reviews, and administered medication when it was available. They arranged for hospitalization of the more seriously ill, attended to the mentally ill and offered comfort to devastated families.

Mr. Speaker, communities are never fully prepared to cope with a natural disaster of the magnitude of the December coastal storm. This storm certainly caught us off-guard on the Jersey shore, and we are now working hard to apply many of the lessons learned the hard way to better prepare for future storms. But the key to the effective functioning of a disaster response will always be the efforts of the people on the frontlines, acting effectively and professionally in the most adverse conditions imaginable. As hundreds of people streamed into shelters on the day of the storm, scared, cold, and wet, children or senior citizens with special health care needs, the community nurses of MCOSS were there to help the victims survive this storm and begin the process of rebuilding their lives. I cannot imagine what it would have been like without them. They deserve the full respect and gratitude of their community.

A reception honoring these 46 courageous nurses will be held on Thursday, February 25, in Red Bank, NJ. It is an honor for me to pay tribute to the nurses of MCOSS before the Members of this House and in the pages of the CONGRESSIONAL RECORD.

THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION DECENTRALIZATION ACT OF 1993

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. TRAFICANT. Mr. Speaker, I introduced legislation today entitled the National Aeronautics and Space Administration [NASA] Decentralization Act of 1993. My legislation requires the Administrator of NASA, in meeting the needs of NASA for additional facilities, to select abandoned and underutilized buildings, grounds, and facilities that can be converted to NASA facilities at a reasonable cost.

Last year, I had similar language included in the NASA authorization measure, Public Law 102–588. However, the language is not as strongly worded as in my newly introduced legislation. Last year's law requires the Administrator to investigate the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to NASA facilities in meeting NASA's needs for additional facilities. My new legislation takes that requirement a step further by requiring the Administrator to actually select among facilities in depressed communities when planning to expand to additional facilities.

Depressed communities are defined as both rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor. The Administrator shall use that criteria when making a selection. This is the criteria, more or less, that is used to determine eligibility for Federal enterprise zones and urban development action grants.

Mr. Speaker and my fellow colleagues, the Pentagon has such widespread support because it has decentralized and, therefore, communities across America depend on it for their livelihood. When cuts are proposed in the Department of Defense budget, Americans express opposition to the loss of jobs. NASA is America's baby—the darling of the media. I believe that NASA was once perceived by Americans as a luxury—a lofty luxury America could afford.

However, high deficits, a recession, explosions of certain spacecraft, and faulty construction of space vehicles and satellites has transported NASA from the skies to the Earth. Americans no longer believe that NASA is affordable or invincible. That is because NASA business centers around a few select areas. NASA never decentralized. We need to broaden NASA's base so that Americans will fight to hold onto NASA as they fight to hold onto the Pentagon.

Times are tough and the honeymoon with NASA is over. The American people can no longer be wined and dined by pictures taken in the sky. NASA needs to expand into areas that are distressed. To keep costs low, NASA should utilize abandoned and underutilized facilities that already exist. My legislation will make NASA a priority of the American people.

If you believe that space programs are as important to the future of this Nation as I do, you should cosponsor this legislation. It will ensure the survival of NASA programs and, at the same time, revive America's depressed communities and put some Americans back to work.

THE CHILD SAFETY PROTECTION ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, today, I have introduced the Child Safety Protection Act. This act requires the Consumer Product Safety Commission [CPSC] to take specific action to make toys safe and bicycle helmets effective for our children. The safety provisions in this bill were included in H.R. 4706, the Child Safety Protection and Consumer Product Safety Commission Improvement Act, which passed the House by voice vote in the last Congress.

Every year, too many young children choke to death on small toys and small parts of toys. According to the CPSC, in 1990 alone, 23 deaths and an estimated 164,500 injuries were associated with toys. In many cases, parents receive no effective warning that tells them a toy may end up choking and killing their child. Currently:

There are no nationally required warning labels to alert parents to the choking hazards of small toys and toys with small parts that are marketed to children over 3, but still pose a hazard to the younger children.

There are no nationally required warning labels to warn parents of the hazards of some innocent looking, but potentially dangerous toys: balloons, marbles, and games of skill that have small balls.

Some toy companies voluntarily use labels; however, in many cases, age warning labels

are so blandly written that parents may believe them more related to educational development than safety. The Child Safety Protection Act rectifies this problem by requiring specific warning labels on certain toys which pose a hazard to young children.

In addition, children under the age of 3 routinely explore their world by putting objects in their mouths. Right now, it is legal to market balls that are small enough to choke children under the age of three to that age group. The Child Safety Protection Act alleviates this hazard by requiring minimum choke proof size requirements for balls intended for children under age 3.

For most kids, their bicycle is their most prized possession and bicycling has long been an American family pastime. Over the course of the last few years, bicycle helmets have become as common as bicycles. Parents are buying helmets for themselves and their children to protect against head injuries.

It's a good thing, too, because according to the CPSC, each year there are approximately 1,200 bicycle-related deaths. Head trauma is responsible for 70 percent of the deaths. In addition, each year, over half a million injuries related to bicycles are treated in hospital emergency rooms. Approximately 30 percent of these injuries involve the face or head.

Currently, helmets sold in the United States that meet voluntary standards conform to either the American National Standards Institute or the Snell Memorial Foundation bicycle helmet standards. The American Society for Testing and Materials [ASTM] is in the process of developing a third voluntary standard.

This bill will make sure that all helmets are designed to protect kids and their families from bicycle related head injuries. Under this bill, the CPSC must develop a new Federal standard based on the existing voluntary standards, and include requirements to protect against the risk of helmets rolling off of the heads of riders, requirements for children's helmets, and any other appropriate requirements. While the CPSC is working on the new standard, the bill requires all helmets made after a certain date to meet at least one of the voluntary standards.

On February 24, 1993, the Subcommittee on Commerce, Consumer Protection and Competitiveness will hold a hearing on the legislation and proceed directly to a markup.

I urge the support of my colleagues.

RESCISSION ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. PENNY. Mr. Speaker, today I joined our colleagues CHARLIE STENHOLM, TIM JOHNSON, L.F. PAYNE, and others in introducing the Expedited Consideration of Rescission Act, which passed the House by a wide bipartisan margin in the closing days of the 102d Congress.

The measure we introduce today would amend the 1974 Budget Act to establish a process to expeditiously consider Presidential rescissions. After signing an appropriations bill into law, the President would have 3 calendar days to submit to the House a rescission message containing all rescissions proposed related to the bill just signed. Under the terms of the bill, the President is authorized to rescind up to 100 percent of unauthorized appropriations and up to 25 percent of authorized appropriations. If a majority of the House votes to approve the resolution, it is sent to the Senate, where a process begins similar to that followed by the House. This year, a process is established in the bill to allow a separate vote on any individual rescission contained in the President's rescission package if 50 Members in the House or 15 Members of the Senate requested such a vote.

The important point is that we will finally face votes on rescissions. The authors of special interest provisions tucked away in spending bills will have to defend their actions and if a project or projects survive a vote, only then would it go forward. I firmly believe that more times than not, unauthorized and wasteful spending will not survive the light of day and a vote by the Congress.

This measure, Mr. Speaker and colleagues, is a very modest attempt to put in place a workable process to handle Presidential rescissions. This might be described as line-item veto subject to a majority override in Congress. Frankly, I would support broader line-item veto authority for the President. But this measure is a good start and it deserves the support of every member concerned about the runaway national debt and our children's future. I urge my colleagues to again cosponsor and support this bill.

PHASE OUT EXPORTS OF BOMB-GRADE URANIUM BY DEVELOPING SUBSTITUTE FUELS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SCHUMER. Mr. Speaker, as part of the continuing fight against nuclear-weapons proliferation, today I am introducing the Bomb-Grade Uranium Export Substitution Act.

Bomb-grade uranium was the missing ingredient in Saddam Hussein's quest for a nuclear weapon. According to U.N. investigators, Iraq could have constructed a bomb as soon as it produced sufficient bomb-grade uranium.

In Iraq, we were lucky. The next Saddam may forego a production capability and instead try to steal bomb-grade uranium or buy it on the black market. To reduce that risk, President Bush last year signed into law the Bomb-Grade Uranium Export Restriction Act as part of the comprehensive energy bill Public Law 102–486. This new law requires the United States to phase out exports of bomb-grade uranium.

Such bomb-grade exports still go to a handful of foreign nuclear research reactors that depend on the United States for fuel. If we simply cut the reactors off cold-turkey, however, they may look to alternate suppliers, which could actually worsen the proliferation situation. It would be preferable to develop alternate, non-weapons-usable, uranium fuel to replace the bomb-grade exports.

The good news is there already is a program at Argonne National Laboratory, known as Reduced Enrichment for Research and Test Reactors [RERTR], that can develop alternate fuel to substitute for these bomb-grade exports within 5 years. The bad news is that funding for fuel development was halted in 1990.

The bill I am introducing today would reauthorize the RERTR program for 5 years, by which time all remaining bomb-grade exports could be replaced by safer fuels. The total cost would be no more than $30 million, a small price to help keep nuclear weapons out of the hands of terrorists and radical nations.

Mr. Speaker, in this post-cold war era, proliferation looms as one of the greatest threats to United States and global security. Developing alternatives to exports of bomb-grade uranium is one small piece of a comprehensive strategy to reduce this threat. I urge my colleagues to support this legislation.

MEXICO AND ITS WALL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. RICHARDSON. Mr. Speaker, 2 years ago, on February 21, 1991, I entered into the CONGRESSIONAL RECORD a thoughtful article titled, "Mexico and Its Wall" on Mexican-American relations by the well-known expert on Mexico, C. Allen Ellis. Mr. Ellis eloquently explained some of the political reasons why the North American Free-Trade Agreement is needed.

Today, I would like to share with my colleagues chapter two of Mr. Ellis' thoughts on NAFTA and the challenges faced by Presidents Salinas and Clinton.

MEXICO AND ITS WALL

(By C. Allen Ellis)

On January 9, 1993 President-elect William Clinton joined President Carlos Salinas de Gortari in Austin, Texas, the only foreign head-of-state with whom he met prior to becoming the 42nd President of the United States. This auspicious beginning for United States-Mexico relations in the new administration had been initiated by President Salinas to begin the important process for his nation and administration of describing Mexico's views and policies. However, his most important objective was to persuade the President-elect of the importance of the successful conclusion of the earlier negotiated and signed North American Free-Trade Agreement (NAFTA).

It is unlikely that President Salinas dwelled on the contribution of an early NAFTA to his own extraordinary presidency and to the ability of his successor to continue the political and economic policies begun in 1982 by his predecessor, Miguel de la Madrid, and upon which he, in turn, has so ably built. In the historical context of the United States-Mexico relationship these policies had represented a fundamental change from centuries of mutual distrust and the vast cultural divide between the United States and Mexico.

The Salinas Presidency has been characterized by the realistic reassessment of

Mexico's often nationalistic domestic and international policies and the courage to embark on dramatic changes in these, even when politically sacrosanct, to further Mexico's modernization. Among the many major policy departures have been the successful privatization of many public sector enterprises, opening the "ejido" system of communal rural land tenure to private ownership, curbing the power of corrupt union and political leaders, and the redefinition of church-state relations.

The economic achievements of the Salinas Administration have been equally impressive. Rigorous and sound policies, along with stringent budgetary austerity, have brought public finances into surplus from deep deficits, reduced annual inflation to a 14 percent level in 1992, and permitted stabilization of the foreign exchange rate. The result has been a dramatic increase in two-way trade between our two nations which reached approximately $75 billion in 1992, with United States exports to Mexico exceeding $40 billion. Furthermore, reflecting increase confidence in Mexico's economic performance and in its continuation by NAFTA, foreign institutional and Mexican investors have increased their holdings of Mexican short-term debt to a level of at least $10 billion with portfolio investments at least several times greater.

In spite of the remarkable achievements to date of President Salinas, he is now confronted by a cruel dilemma inherent in the very leadership he has provided to the NAFTA process. If NAFTA is successfully concluded in coming months it will be the pre-eminent achievement of his administration. However, if it is not, his own presidential authority will be eroded. Of particular importance is the effect a long-delayed NAFTA would have on his own ability to assure the continuity of the above policies in the selection of his successor in Mexico's single six year presidential term system.

The perception within Mexico is that Republican administrations have traditionally been more knowledgeable of Mexico than Democratic, and earlier to appreciate the importance of the multifaceted and complex nature of United States relations with Mexico. It indeed would be unfortunate if this perception is confirmed anew, by unnecessary delays in addressing the concerns expressed by Candidate Clinton in his October 4 address at North Carolina State University.

It appears that special interests vehemently opposed to NAFTA are joining forces with other disparate voices that do not appreciate the transformation of Mexico which has occurred and the continuing opportunity for both nations represented by a responsibly-led and modern Mexico. Only by the personal leadership in coming months of President William Clinton will these inward looking views be overcome by recognition of the historic opportunity represented by NAFTA for the common prosperity of the United States, Mexico and Canada.

THE POWER OF LOCAL INVOLVEMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BEREUTER. Mr. Speaker, too often the Federal Government is turned to as a first resort when it comes to funding a project or initiating a program. Such an attitude over the years not only has contributed to the ever-expanding Federal budget deficit, it also has created an unrealistic reliance on the Federal Government for matters which are out of its domain.

There is, however, some reason for hope. This Member is pleased to bring to the attention of his colleagues an outstanding example of a small community organizing its resources and tackling a project on its own. Battle Creek, NE, a community of less than 1,000 people in this Member's district, has demonstrated that it is possible to accomplish a great deal without government funding.

For the past several years, the Battle Creek community has contributed money and countless volunteer hours to create a 55-acre park and arboretum to accommodate the various needs of young children, sports team, nature lovers, fitness enthusiasts, and senior citizens. The residents point out with well-deserved pride that this impressive project was accomplished without a penny of tax money.

This example also points out the benefits of enacting a line-item veto as a weapon against unnecessary items which have been placed into a large appropriations bill. By removing certain projects from the Federal budget, it would not necessarily kill them. Rather it would send the message that some things are better left to individual communities. Such an approach also has the advantage of giving the citizens a larger stake in the project and a gratifying sense of involvement in the community.

This Member commends the citizens of Battle Creek, NE, for their initiative and hard work which ensured the success of the park project. It should serve as a model for communities and individuals throughout the country.

MODIFIED LINE-ITEM VETO BILL

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. STENHOLM. Mr. Speaker, last night, President Clinton outlined an ambitious plan to confront our massive Federal debt. Today, I am introducing legislation on behalf of 80 of my colleagues to provide him with one of the tools he asked for to help him in his effort to reduce the deficit—modified line-item veto authority. The bill I am introducing is essentially the same bill sponsored by our former colleague Tom Carper for the last several Congresses that passed the House last year with overwhelming bipartisan support.

This bill would allow the President to send down a rescission package within 3 days of signing an appropriations bill. Congress would be required to vote up or down on the package under an expedited procedure. The rescissions will take effect if a majority of Congress approves the rescission package. If the rescission bill is defeated in either House the funds for any proposed rescission would be spent. Fifty Members of the House or 15 Senators may request a separate vote on an individual rescission. The bill would provide this new authority for a 2-year test period so that we can see how it works in practice.

In the next few months we will face many tough choices and tough votes. It is important that as we make these tough votes that we be able to assure our constituents that we will eliminate wasteful spending and increase the accountability in the spending of tax dollars. By forcing many programs to stand or fall on their individual merits, this modified line-item veto bill will go a long way toward eliminating the irresponsible spending that the public is justifiably fed up with.

This proposal preserves the power of congressional majorities to control spending decisions. The President may single out individual programs, but he must convince a majority of Congress to agree with him before the spending is cut. This bill will not change the balance of powers between the branches, but it will increase the accountability of both branches in the budget process.

I urge my colleagues to support this small, reasonable reform of the spending process.

SUMMARY OF EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to set in place the following supplemental procedure for rescissions for a two-year trial period.

After signing an appropriations bill into law, the president would have three days to submit to the House a rescission message that includes all proposed rescissions for the Appropriations bill just signed and a draft bill that would enact the proposed rescissions.

The president could propose to rescind 100 percent of unauthorized programs and up to 25 percent of specifically authorized programs or projects.

The resolution would be introduced in the House at the earliest opportunity by the majority and minority leaders. The bill would be referred to the Appropriations Committee, which must report it out without substantive amendment within seven days.

Within ten legislative days of introduction, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission from the rescission bill.

If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual rescission.

If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation.

If a rescission bill is approved by the House and Senate, it would be sent to the President for his signature.

The change to the 1974 Budget Act would be effective throughout the 103rd Congress, at which time Congress may elect to extend it, revise it, or let it expire.

THE LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BOUCHER. Mr. Speaker, the Local Government Interstate Waste Control Act, which I am introducing today along with 11 of our colleagues, offers a solution to the contentious issue of the interstate transportation and disposal of municipal solid waste. I am particularly pleased that the gentlemen from Michigan, Mr. UPTON and Mr. BONIOR, are principal cosponsors of the measure.

Last year, approximately 15 million tons of garbage was shipped out-of-state for disposal. All too often, this garbage has been dumped in unwanted private landfills in rural communities that were unable to halt the importation.

Many rural communities lack comprehensive zoning designating specified land uses, including the operation of private landfills. Therefore, some private landfill operators import urban garbage, notwithstanding the opposition of local residents.

In these circumstances, local governments have found themselves powerless to halt garbage importation. State law prohibits retroactive zoning, and Federal law prohibits the discrimination by any State against the commerce, including garbage, of another State. Accordingly, as long as the landfill operator complies with basic environmental requirements, neither the locality nor the State can prevent garbage importation from out of state.

This inability of localities to control their own destiny has spawned a powerful national effort to give localities a voice in deciding whether a private landfill should be permitted to accept out-of-state garbage. The Local Government Interstate Waste Control Act is a response to this clear need.

The bill grants local governments the authority to approve or disapprove the importation of out-of-state waste into private landfills. It would insure that in the future no facilities import waste over local opposition. Nothing in the legislation allows local governments to act beyond the bounds of State law. Indeed, the bill merely allows local governments to decide one issue: whether a waste disposal facility, otherwise permissible under State law, should be authorized to accept out-of-state waste.

The legislation is not intended to put an end to interstate garbage movements, and it would not have that effect. A large number of private landfills receiving out-of-state garbage are operated today with the blessing of local governments. Companies such as Waste Management, Inc., Browning-Ferris Industries, Chambers Development Corp. and Laidlaw, Inc. operate under the principle that no new landfill will be sited without local government approval. Under these practices, the terms and conditions of locating and operating the landfill are negotiated with the proper local government authorities. In the typical case, localities view these operations as another business investment providing economic opportunities. In sum, there will be private landfill space available for municipal garbage exports. This legislation would simply insure that the landfills are not operated over the opposition of the citizens of the affected locality.

The legislation has been constructed in consultation with the National Association of Counties which has endorsed its passage. It also enjoys the support of the major companies involved in the interstate transportation of solid waste. A substantially similar measure I introduced in the last Congress was approved overwhelming by the House Energy and Commerce Committee. I look forward once again to working closely with the gentleman from Washington, Mr. SWIFT, and the other members of the Subcommittee on Transportation and Hazardous Materials of the Energy and Commerce Committee to enact legislation which resolves this difficult issue.

CONGRESSIONAL REFORM

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DREIER. Mr. Speaker, earlier this week, the Joint Committee on the Organization of Congress concluded its first round of hearings on proposals to reform this institution. Over the course of five hearings, the joint committee has taken testimony from the House and Senate leadership, former and current Members, and outside experts. So far, the joint committee has received constructive testimony and suggestions from nearly 60 Members of Congress, from the leadership to Members of the freshman class in the House. We will hear from many more.

The testimony of the witnesses, no matter whether they disagree on specific prescriptions for reform, reflect widespread concern within this institution about its organization, its direction, and its role in governance.

Yet, the conventional wisdom asserts that, with the majority in control of both ends of Pennsylvania Avenue, legislative gridlock is a relic, and that congressional reform is unnecessary. Frankly, the public has a different view. The public understands that the structure of the institution and the process by which legislation is considered shapes the result. The public also understands what we know to be the case—that the legislative process is needlessly complicated and dangerously dated.

In weighing the options for change, I believe the joint committee must have a high standard for congressional reform. The editorial boards of two of the Nation's most important newspapers, the Los Angeles Times and the New York Times have come to the same conclusion. Their recent editorials, dated January 31 and February 10, 1993, respectively, are an example of the standards and expectations the public holds for the work of the joint committee.

I urge my colleagues to continue to work with the Members of the joint committee in fashioning a comprehensive and long overdue reform of the Congress. For the good of the institution and the country, we can do no less.

[From the Los Angeles Times, Jan. 31, 1993]

THE COMMITTEE TO REDUCE COMMITTEES

CAN CONGRESS ACTUALLY REFORM ITSELF?

STAY TUNED

Congress, acknowledging its systemic inefficiencies and nervously aware of just how low its prestige has sunk, has taken a first step toward adopting what many members hope will be some of the most sweeping reforms in its 204-year history.

The institution that tries to conduct and oversee the nation's business through a staggering network of 300 committees and subcommittees—and 38,500 staff members—has ventured into the territory of reform by, naturally, setting up a committee to hold hearings and propose ideas for streamlining operations and reducing costs. The Joint Committee on the Organization of Congress, composed of a dozen-each Democrats and Republicans, is to present its recommendations next fall. No one expects consensus-building in the committee to be easy.

The joint committee nonetheless represents an effort to address specific maladies that, collectively and left largely untreated, have fueled growing public dissatisfaction with a branch of government that, if never revered, has at least been respected for much of its existence.

Last fall's political campaign and election gave dramatic emphasis to popular discontent with Congress. The familiar litany of complaints—gridlocked government due to an inability of Congress to work with the White House or even to get its own act together, uncertain fidelity to ethical standards, a congressional bureaucracy that had grown both overly large and overly powerful—helped produce something of a political earthquake. A significant number of veterans were discouraged from seeking reelection or were ousted at the polls. The message sent to those who survived was do better, or else.

There are plenty of opportunities for doing better; a revolutionary overhaul of the committee system would be the best place to start. At last count the Senate had 16 standing committees, three select committees, one special. The House had 21 standing committees and five select, and there were four joint committees. But in the shadow of each of these committees subcommittees tend to proliferate, hundreds of them, like mushrooms in a cellar. Each committee and subcommittee has a chairperson and a staff and a budget. Each draws the close attention of specialized lobbyists. Worthwhile work, of course, is sometimes done. But the gross expansion of committees also reflects and encourages political self-promotion along with influence peddling. Some in Congress have been daring enough to suggest that committees and subcommittees could be cut to no more than 50, with staffs reduced by 25%. Those are attractive numbers. It will be interesting to see what the joint committee in fact proposes—and even more interesting to see what Congress approves.

[From the New York Times, Feb. 10, 1993]

CONGRESS, UNTIE YOURSELF

It's no secret that the U.S. Congress is inefficient: The real mystery is how it gets anything done at all. Thirty committees and—count 'em—77 subcommittees picked at pieces of last year's defense budget. Forty committees and subcommittees demand a say in energy legislation. The original Clean Air Act covered a page and a half; the latest renewal filled 313 pages.

Checked, balanced and featherbedded to the point of stasis. Congress must reform not

only its dubious campaign fund-raising practices but the way it works—or doesn't. And Congress senses it. Seared by the hot breath of public contempt, the Senate and House have done what comes naturally. They have formed yet another committee.

At least this joint committee on Congressional reform has Democratic co-chairmen, Senator David Boren and Representative Lee Hamilton, who offer themselves as earnest reformers. But there will be no real change unless the leaders of both parties, in both houses, give the effort real muscle. They need a wake-up call. Here's a good start:

Redefine turf. There hasn't been a basic realignment of committees since 1946. Splintered oversight of energy policy is just one example of the need to adjust committee responsibilities to modern times. Turf protectors will protest, but the public interest demands that laws not be burdened by insertions from 40 fiefs.

When that's done, shrink the jurisdiction of committees that are overloaded, such as House Ways and Means, which sprawls beyond revenue matters into all manner of programs affecting health, welfare and foreign trade.

Cut committees and staff. All told, there are 300 full committees and subcommittees. To justify their existence, they generate ideas for legislation. In the 101st Congress, 6,973 bills were introduced; barely 200 became law. This year's newly elected members, bringing a fresh eye to old procedures, are already grumbling about too many hearings and too little time for floor debate.

Speed the budget process. Congress votes at least twice, and often four or five times, on every dollar it appropriates—in the annual budget resolution, in the authorizing legislation, and finally in appropriating the money. It would be hard to dislodge any committees that figure in this process, but efficiency and logic would both be served by eliminating one of those three steps.

Stop micromanaging the Government. As the billowing Clean Air Act demonstrates, laws have become endlessly detailed. Sometimes Democratic legislators wrote those details to make sure Republican Presidents followed the law's intent, but the habit has spread generally. Over-provisioned bills are often so cumbersome that only their chief sponsors know what's in them; other members are left to vote in the dark.

Give the minority more space. Republicans get short shrift on committee slots, staffing and opportunities to shape legislation, especially in the House. Speaker Thomas Foley contends that the Democrats need two-thirds of the seats on the powerful Rules Committee, but that's only for tight control of the agenda. In the Senate, excessive filibustering by Republicans abuses their right to be heard; the rules need tightening, while preserving the minority's right to object and even obstruct.

The House has already started trimming subcommittees, but arbitrarily. It also began last week to wipe out four special committees that have no legislative authority but serve to focus attention on four profound concerns—narcotics, hunger, the aging, and children and families. The need for these committees is proper grist for the reform committee; they shouldn't be axed just to satisfy an impulse to cut something.

Congress is under the gun to shape up. By last November, voters in 14 states were so tired of political gridlock that they imposed term limits on their senators and representatives. It's too facile to say that the gridlock was ended by electing a Democratic President.

That will, of course, remove some of the contention that has roiled the legislative process since 1980. But Congress is still Congress, not the President's lapdog. If the Senate and House are now to play their proper constitutional role, they must first clear up the clutter.

SUPPORT SPACE EXPLORATION—SUPPORT SPACE STATION FREEDOM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DORNAN. Mr. Speaker, I rise today on behalf of my constituents in Orange County, CA specifically the city of Garden Grove, to offer my support for full funding for space station *Freedom*.

Last year, we celebrated the 500th anniversary of perhaps the greatest human exploration to date—the voyage of Christopher Columbus to the New World, now known as America. Today, over five centuries later, we are in danger of sacrificing our future voyages of exploration by canceling or severely cutting funding for a permanently manned orbiting laboratory known as space station *Freedom*.

The city of Garden Grove, under the leadership of Mayor Frank Kessler, has adopted a resolution expressing support for full funding for space station *Freedom*. Included in this resolution is a statement I find especially appropriate regarding the importance of this program. According to the Garden Grove resolution:

A vibrant space program, especially in the human exploration of space, is one of our most effective tools for spurring students' interest in math, science, and engineering, all fields vital to our global economic competitiveness.

Space station *Freedom* represents more than a space program. It represents the hopes and dreams of today's and future generations. Please Mr. President, please keep our dreams alive and fully fund space station *Freedom*.

I would like to include for the RECORD the entire resolution by the city council of Garden Grove supporting full funding for space station *Freedom*.

RESOLUTION NO. 7539-93

Whereas, Southern California has been and will continue to be significantly involved in manned space programs; and

Whereas, Space Station Freedom is a program that expands and ensures our nation's ability to remain the leader in manned space exploration by studying the effects on the human body and mind of long-term exposure to zero gravity and the space environment; and

Whereas, in times of economic uncertainty we must remember that the space industry has historically proven to be economically productive; and

Whereas, the Space Station Freedom project currently employs more than 30,000 people directly, many who reside in Garden Grove, and 75,000 to 100,000 people indirectly, not only in the state of California but in states across the nation; and

Whereas, a vibrant space program, especially in the human exploration of space, is one of our most effective tools for spurring students' interest in math, science and engineering, all fields vital to our global economic competitiveness; and

Whereas, the program has progressed to hardware production in preparation for the launch of the first elements of Space Station Freedom in three years. Now, therefore, be it,

Resolved, That the City of Garden Grove strongly endorses full funding and support for Space Station Freedom, and urges the President and Congress of the United States to provide this funding.

Adopted this 16th day of February, 1993.

FRANK KESSLER,
Mayor.

ARMENIA IS FAST DETERIORATING

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. HUGHES. Mr. Speaker, all around the world there is instability and need. The unspeakable horrors in the former Yugoslavia, and the ravaging hunger in Somalia warrant strong responses from the United States and the international community. The situation in Armenia is equally critical.

The 4-year blockade by neighboring Azerbaijan has destroyed any semblance of normal life in the newly independent and democratic Armenia. Armenia is now almost entirely deprived of electricity, telephone services, transportation and running water. Its citizens have resorted to cutting down public trees to use them for firewood. Many hospitals are closed, children are unable to attend school, and almost no Armenians can work. Food is in pitifully short supply. As the cruel winter temperatures plummet, the last fuel line into Armenia was recently destroyed. Armenia is fast deteriorating into a primitive state.

The urgent humanitarian need is clear. I ask my colleagues to respond to the Armenian Government's appeal for food and medicine. The United States must work with the international community in providing Armenia with the aid it so critically needs.

The United Nations recently passed a resolution calling upon bordering countries of Armenia to allow for the immediate passage of relief supplies into Armenia. I urge my colleagues to support this measure in every possible way in order to alleviate the terrible suffering of the people of Armenia.

ALLEGED WHITE HOUSE STAFF CUTS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SOLOMON. Mr. Speaker, add President Clinton's elaborate announcement of a 25 percent staff cut at the White House to his long list of broken campaign promises.

Through creative accounting, the Clinton White House has hoodwinked the American

public. On the very same day the alleged cuts were announced White House aides confirmed they were considering asking the Congress for a supplemental budget increase for fiscal year 1993. Maybe I have not caught on to Arkansas logic, but would a staff that has been cut need more money? Such a request does not seem strange at all when I hear there are people sitting on the floor and working at desks in the hallways in White House office buildings.

Fascinating accounting methods. I have always considered OMB and the U.S. Trade Representative as part of the White House staff. And the detailees leaving the Clinton White House will return to their home agencies. Estimated savings to the U.S. taxpayer here—zero. The senior staff faces no actual pay cut, as they merely eliminated the COLA increase for positions that received an adjustment in January. The limousine service got a substantial slashing—beltway style, 108–104. Are we really to believe that Hillary Rodham Clinton has 25 percent less staff than Mrs. Bush, taking into account Mrs. Clinton's influence in policy and her additional office space? I think the operation and staffing of Mrs. Clinton's Health Care Task Force deserves further investigation. Who is serving on this panel and to whom are they accountable?

The announcement demonstrated that the drug crisis will be a low priority under Clinton as the only office where real cuts were made was the drug czar's. John Walters, a Bush official who held on as Acting Director, resigned in disgust. Reducing the staff of this office from 146 to 25 prompted Senator DENNIS DECONCINI to write, "I am worried that rather than streamlining the office, you are effectively gutting it."

Mr. Speaker, the Joint Committee on the Organization of Congress, of which I am a member, is studying all aspects of Capitol Hill staffing and will probably recommend a real cut to help restore the integrity of this institution. In the long run, then, Mr. Clinton's cuts will be seen by the American people as a smoke-and-mirrors trick.

THE DANGERS OF OVER-REGULATING THE PRACTICE OF MEDICINE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. COX. Mr. Speaker, recently, two of my constituents sent me the following letter from their doctor. Because it reflects so well the dangers of over-regulating the practice of medicine, I set it forth for the RECORD:

WILLIAM D. DIXON, M.D., INC.,
Orange, CA, December 7, 1992.

TO ALL OF MY PATIENTS: It is with mixed feelings that I announce the closing of my practice, effective 15 January 1993—mixed, because I am truly sad to be ending a relationship with a truly unique group of people, those patients who have blessed me with the opportunity of providing them with Orthopaedic care; yet I am happy and excited to be beginning a new phase of life for myself and my family.

Government, Federal and State, have become extremely intrusive into medical practice, as have the ADA, OSHA, CAL-OSHA, IPA's, PPO's, HMO's, and any other set of initials you can think of. New rules—recently enacted, and more to come in the near future—are making it difficult, if not impossible, for a small business such as a solo medical practice to achieve a reasonable return. As a result, it has become economically impossible to give the kind of medical care which you deserve. Great changes are in store for Medicine. I feel that medical practice, such as I have striven to accomplish, is doomed. Rather than compromise my treatment and the level of service which I can provide to you, I have decided to give up private practice completely.

I am truly honored to have been chosen by you to provide you with medical care. I hope that the care which I have rendered has met with your expectations, and that my office staff and I have succeeded in our attempts to treat you all with respect, kindness, and dignity.

I will miss you all.

Sincerely yours,

WILLIAM D. DIXON

FREE SHOTS FOR ALL CHILDREN ISN'T WAY TO SOLVE PROBLEM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues an editorial which appeared in the Omaha World Herald on February 16, 1993. This editorial takes a courageous stand regarding President Clinton's proposed childhood vaccination plan. Mr. Speaker, it is tough to take a stand against a plan to immunize children, but before enacting such an initiative, Congress must ensure that this Federal expenditure is really appropriate to finance vaccinations for all American children:

FREE SHOTS FOR ALL CHILDREN ISN'T WAY TO SOLVE PROBLEM

President Clinton appears to be on the verge of a classic overreaction as he considers the subject of childhood immunizations.

White House sources indicated that Clinton may propose an expanded immunization program as part of his proposals to reduce the deficit and create economic growth.

By one account, Clinton wants the government to buy the nation's children's vaccines and distribute them free.

Certainly his concern about the health of children is appropriate. About half the American kids under age 2 haven't received all their shots. Disease such as measles, which not long ago were thought to be nearly extinct, are reappearing. Child mortality continues to be intolerably high among segments of the U.S. population where preventive measures are typically neglected.

However, a free-shots-for-everyone approach isn't the way to solve the problem.

For one thing, that approach is based on a debatable assumption, namely that the cost of the shots is the main reason many children haven't received them. Such as assumption would follow the Children's Defense Fund line that the government isn't spending nearly enough tax money on the health, education and welfare of children.

Dr. C. Everett Koop, who was surgeon general in the Reagan administration, has a much different view of why so many kids are going unprotected.

Writing recently in The Washington Post, Dr. Koop noted that 11 states have already done what Clinton may be about to propose for the nation—they provide free immunizations to every child.

If high costs were the main reason for the appallingly low rate of immunization, it would follow that nearly every child in those free-immunization states would have the shots. But those states' immunization rate is 63 percent. Dr. Koop said—only five points above the nation as a whole.

Instead of cost, he suggested, the main problem is ignorance—a distressingly high number of parents either don't know or don't care that providing protection against childhood diseases is part of their responsibilities as a parent. Another problem, he said, may be that the clinics that provide free shots to low-income families are inconvenient to use.

Rather than spending up to $500 million to provide free shots for people from all income groups, Dr. Koop would have society do more to be sure all parents know their responsibilities. He also advocates making the delivery system more convenient for the shots that are available. For people to whom cost might be a problem, he said, tax incentives could be used to encourage insurance companies to cover immunizations and to reimburse parents who aren't insured.

A Clinton policy of free shots for everyone would require taxpayers to finance a service that three-fifths of the intended beneficiaries are already providing for themselves. That isn't a proper function of government. Neither is the assumption of a responsibility that millions of people are faithfully discharging as part of their obligations as parents.

An expanded entitlement program would be an odd component of a Clinton deficit-reduction package. One of the reasons the deficit needs reducing is that the government has taken over too many functions that responsible people once handled for themselves. Adding yet another can only make a solution more difficult.

REINVENTING GOVERNMENT: REDUCE ASBESTOS THREAT THROUGH INCENTIVES, NOT REGULATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SCHUMER. Mr. Speaker, in keeping with President Clinton's theme of reinventing Government—achieving policy goals via market mechanisms rather than burdensome Government regulation—today I am introducing the Asbestos Management Incentive Act.

This bill was drafted in response to recent scientific studies and guidelines—by the American Medical Association, the Environmental Protection Agency, and the Health Effects Institute—which indicate that management-in-place rather than removal is the optimum method to reduce the threat of asbestos. While such reports have been trickling out for several years, the United States still spends more than $3.5 billion annually on asbestos removal, much of which is an unnecessary burden on economic growth.

The problem is as follows: Due to the explosion of asbestos-related litigation, banks have

become extremely hesitant to make loans—for example for refinancing or renovation—to owners of buildings that contain asbestos. Many banks insist owners remove all asbestos from a building before making a loan. This has severe consequences.

Owners who comply, by removing all asbestos, may actually increase health hazards while incurring massive expenses.

Owners who cannot afford to remove all asbestos rarely adopt a management plan that would reduce asbestos health hazards. In addition, denial of loans exacerbates the credit crunch in the real estate market and the recession in the construction industry.

The ordinary Government solution, issuing regulations, is not the answer here. It would take years, would be burdensome, and would not solve the credit problem.

Instead, the bill I am introducing today would provide a financial incentive for both lenders and owners to do the right thing. Lenders would be given immunity from potential third-party liability, but only if owners instated a formal asbestos management plan. In this way, lenders would be freed to make more real estate loans, and owners would be motivated to manage asbestos in the safest, most cost-effective manner.

This legislation was drafted over the course of 2 years, in consultation with labor, environmental, banking, and real estate interests. Not every group agrees with every detail, but all sides concur that the bill's enactment would be an improvement over the current situation. I urge my colleagues to support this important legislation.

LEGISLATION TO ASSIGN DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST WITH BORDER PATROL FUNCTIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. TRAFICANT. Mr. Speaker, today I have reintroduced legislation to authorize the Secretary of Defense to assign up to 10,000 full-time Department of Defense [DOD] personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service perform their border protection functions.

The border patrol has the strength of only 3,800, yet its mission is to guard the two longest borders of one of the largest countries of the world. Reports indicate that, at any given time, only 800 patrolmen are available to protect our 2,000-mile southern border.

Congress has failed to provide funding necessary to enlarge the border patrol. Until Congress can find the money, this military option is the best short-term way to address this shortage of border patrol personnel. Until our borders are fully protected, illegal immigrants, drug traffickers and possible terrorists will have an open invitation to cross into the United States undetected.

DOD personnel are already involved in some border protection work. Yet, in terms of numbers, their involvement is virtually insignificant. My new bill would permit the Secretary of Defense to beef up the border with DOD personnel so that our borders are fully protected.

I realize that many Americans are concerned with militarizing the border. Yet, my legislation in no way violates existing laws that guard against searches, seizures and arrests by military personnel. Military personnel would simply assist the border patrol and Customs Service in their border protection work.

We have hundreds of thousands of United States troops deployed throughout the world protecting European, Asian, and Latin American nations. At the same time, we have approximately 3 million illegal aliens crossing our border annually, carrying drugs into our Nation and taking jobs away from Americans that need them. If the DOD can bestow hundreds of thousands of U.S. troops on foreign nations for their defense, it should be able to spare about 10,000 military personnel to protect our Nation.

I urge my colleagues to cosponsor this important legislation.

INTRODUCTION OF LEGISLATION TO REFORM THE FAIR CREDIT REPORTING ACT OF 1970

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. TORRES. Mr. Speaker, today I am introducing legislation to modernize and reform the Fair Credit Reporting Act of 1970—a law that has not been substantially updated in more than 20 years. The FCRA was enacted to ensure that the Nation's credit reporting system functioned fairly, accurately and without undue intrusion into the consumer's privacy.

But our country has changed dramatically over the past two decades, and so too has the technology that facilitates the credit reporting system. Credit reports are no longer filed in manilla envelopes and stored in metal cabinets. Today, reports are stored, manipulated and relayed by the most sophisticated computers in the world. When the FCRA was passed in 1970, the largest credit bureau had but 27 million files on consumers. Today, each of the three largest bureaus keeps files on 150 to 170 million consumers.

The present state of computer technology and the volume of credit transactions that fuel the American economy have rendered the FCRA dangerously ill-equipped to meet the needs of today's consumers.

The FCRA sought to achieve a balance between the legitimate business need to obtain accurate consumer credit information and the right of consumers to protect the privacy of their personal and financial records. But that delicate balance has been lost.

Today, consumers lives are an open book. Sensitive personal and financial data is bought and sold with little or no regard for the privacy of the consumer. Workers are denied employment or even blackballed because of erroneous information in their files. And inaccurate credit information is difficult if not impossible to correct. Clearly, it is time to regain the balance to protect American consumers against the abuses of the credit reporting industry.

Credit reports play a vital role in the lives of virtually every adult in America. Whenever you apply for a loan, rent an apartment, buy a house, purchase insurance coverage or even apply for a job, your credit report is likely examined to determine eligibility. As the former chairman of the Subcommittee on Consumer Affairs and Coinage, I spent the past 2 years examining the credit reporting industry. After extensive hearings and a thorough investigation, the subcommittee found an industry desperately in need of major reform.

The most serious problem uncovered by the subcommittee was the number of errors contained in credit reports. In 1991 alone, 10,000 consumers complained to the Federal Trade Commission about inaccurate credit reports. Recent studies have found that almost half of all credit reports contain errors and that one of every four reports has serious errors that could result in the denial of credit, insurance or even the loss of a job.

These studies have also found that consumers spend an average of 6 months getting credit bureaus to correct errors in their reports, and that even if mistakes are corrected, they often show up as errors in subsequent reports.

The human consequences of these errors can be devastating. The subcommittee heard from a cable company executive who was fired from his job after he was mistakenly identified on his credit report as a convicted drug dealer. A homeowner who had paid off his mortgage and never missed a payment was refused credit from banks and retailers for close to a year because his credit report incorrectly listed a tax lien on property that he did not own, located in a State where he had never lived. Almost 1,500 taxpayers in Norwich, VT were erroneously recorded as deadbeats because of an error by TRW, one of the Nation's three largest credit bureaus. The residents of south Middlesex County, MA suffered the same nightmarish fate a few months later. And the horror stories go on, and on, and on.

The bill I am introducing today will help put an end to the pain and suffering the credit reporting industry is causing thousands of decent and responsible Americans. It will increase the accuracy of credit reports and better protect the privacy of those reports.

The Consumer Reporting Reform Act gives consumers greater access to their credit histories and makes it easier to correct mistakes. It holds banks and merchants accountable for the quality of the information they turn over to credit bureaus. And it increases privacy by requiring employers to get permission before they can check a worker's credit report. The bill offers greatly needed reforms.

JUSTICE FOR HAITIANS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mrs. MEEK. Mr. Speaker, today I am introducing legislation to help Haitians who are here in the United States and whose suffering

has brought sympathy from many Americans. My congressional district, the 17th district in Florida, has the largest number of Haitians in Florida and in the United States. Many Haitians who are here in the United States are here because they have a legitimate fear of persecution in Haiti. This is especially true of Haitians who fled the military coup. While it is true that the only real solution to the Haitian refugee crisis in south Florida is long-term Democratic government in Haiti, we in the United States still have a human problem that should not be ignored. Our communities are pained to see human suffering when desperate Haitians have risked their lives at sea and those who have made it to Florida are incarcerated for weeks and months awaiting processing.

Many of the Haitians who arrived in the United States before and after the military coup did so based on a credible fear of persecution and continue to be justified in their reticence to return to the areas from where they fled. Many are facing imminent deportation and there is not yet a viable system of protection in place should they find themselves back in Haiti. Many Haitians who have been here in the United States prior to January 20, 1993, when President Clinton took office, have filed asylum claims. It is difficult, however, for some people who have a credible fear of persecution to actually provide documentation satisfactory to INS. They may nevertheless have a strong but unverifiable case.

My bill would give Haitians immigration treatment similar to that given to Cubans, who are automatically given the benefit of the doubt. But unlike Cubans, who may receive adjustment to permanent residency status even if they arrive in the future, my bill would provide adjustment to permanent residency status only for those Haitians who can prove their arrival in the United States prior to January 20, 1993. They would be able to apply for such adjustment within 2 years after the date of enactment of this legislation. This would be a one-time adjustment and would extend a humanitarian hand to Haitians who are here and who can become productive citizens.

I would like to invite my colleagues to join with me in helping Haitians who are already here in the United States to successfully resettle in the community and to make their contribution to our society in the same way so many of our own parents and grandparents have done.

Mr. Speaker, a copy of this legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS OF CERTAIN HAITIANS.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), (6)(B), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply and the Attorney General may, in his discretion, waive the ground for exclusion specified in paragraph (6)(C) of such section;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 20, 1993.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who is a national of Haiti,

(2) who arrived in the United States before January 20, 1993, and

(3) who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 20, 1993) was not admitted to the United States as a nonimmigrant.

(c) NO AFFECT ON FASCELL-STONE BENEFITS.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 20, 1993.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 20, 1993.

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

BEST PLACES TO WORK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, recently a book was published in which Robert Levering and Milton Moskowitz published the results of their research on the best companies to work for from the standpoint of employees. These journalists published a similar volume in 1984, and it is good to note that they report that there is a substantial increase in the number of good companies. And I was particularly pleased to note that 1 of the top 10 companies listed in the entire Nation was the Beth Israel Hospital in Boston.

I congratulate Dr. Mitchell Rabkin, the director of the hospital, and all of those who work with him for this well earned honor. I can say as a former patient of Beth Israel that I share the high evaluation which it received in this report. To be listed as 1 of the 10 best places to work in the entire country—not just 1 of the 10 best hospitals but 1 of the best 10 best work places of any sort—is a genuine accomplishment of which Dr. Rabkin and his staff should be extremely proud. Of course Beth Israel accomplishes this while also providing to people first rate medical care, and the leadership of this hospital has been extremely helpful to those of us trying to formulate a better health care policy for America.

I also note that the Lotus Development Corp. and the Polaroid Corp. received high marks as well in this survey and I congratulate the people who run these companies as well. Lotus and Polaroid were listed among the top 100, which is also an extremely impressive accomplishment given that we are dealing with all work places in the entire Nation. All three of these companies demonstrate that providing excellent service is completely consistent with dealing fairly with one's employees. They are models that I hope will be emulated.

[From the Boston Globe, Jan. 23, 1993]

BEST PLACES TO WORK

(By Mary Sit)

Talk to any employee of America's 100 best companies to work for and the conversation quickly begins to sound touchy-feely. Empowerment. Flexibility. Trust. Respect.

But the people who work at these companies are sincere when they enthuse about their workplaces. Their accounts have been chronicled in a book released yesterday called "The 100 Best Companies to Work for in America," published by Currency/Doubleday.

Three Massachusetts companies made the list: Beth Israel Hospital of Boston, which was ranked among the Top 10; Lotus Development Corp. and Polaroid Corp., both in Cambridge.

Almost a decade after writing their 1984 book on the 100 best companies, business journalists Robert Levering and Milton Moskowitz said this time it was difficult to winnow through and choose only 100. A decade ago, it was hard to come up with 100 good companies.

What's triggered the turn-around?

"Some of it is more enlightened management. You can get things done better through better employee relations—honey versus the stick," said Levering, adding that they were not inundated with great workplaces to research. "I don't think most workplaces are great. The trend, however, is good. The best of the best is getting better."

Take, for example, Beth Israel Hospital. The 510-bed hospital associated with Harvard Medical School employs 5,100 people. Judy H. Silva, 38, is a nurse manager who has worked there 18 years. "You have a lot of autonomy, and you're treated as a responsible person to make those kinds of decisions to balance your personal and professional life," ex-

plained Silva, who is also a wife and mother of three children. "The hospital runs itself on general guidelines that reflect the values of the organization. So people are encouraged to make independent decisions. There isn't a book of rules."

Levering and Moskowitz asked thousands of workers—usually non-supervisory ones or first-level supervisors—to rate the companies through the eyes of the employees. They used six factors to evaluate the firms and awarded up to five stars per category: pay/benefits; opportunities; job security; pride in work/company; openness/fairness; camaraderie/friendliness.

Polaroid stood out for its employee democracy. After a takeover threat, the instant photography company is now 20 percent employee-owned and several employees actually sit on the board of directors. Lotus, a software developer, made the list because it was "a company with a heart," said Levering. Its focus on diversity made it one of the first companies to offer full health benefits to gay couples.

Although the book's best 100 companies may be great places to work, job security isn't guaranteed. Several of the companies have had huge layoffs, including International Business Machines Corp., Cummins Engine Corp. and Xerox Corp.

Polaroid is currently offering its employees an early retirement program and a voluntary severance program. Lotus shed 10 percent of its workers a year ago. The key factor to consider with layoffs, said Levering, was how the company treated employees when the firm suffered tough times.

Did the firm still respect the individual? Apple Computer Inc. failed to make the list because employees heard about layoffs through the media before it heard from management, said Levering.

INTRODUCTION OF THE SOCIAL SECURITY MISLEADING MAILINGS AND COMMUNICATIONS ACT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. JACOBS. Mr. Speaker, today my colleague JIM BUNNING and I are introducing the Social Security Misleading Mailings and Communications Act. The purpose of the bill is to strengthen penalties for organizations which send mailings to senior citizens that convey the false impression that the organization is endorsed by or affiliated with a Federal Government agency.

A Subcommittee on Social Security staff summary of the proposal follows.

In 1988, Congress enacted a provision prohibiting the misuse of words, letters, symbols and emblems of the Social Security Administration [SSA] and the Health Care Financing Administration [HCFA]. The law permits the Secretary of Health and Human Services [HHS] to impose civil monetary penalties not to exceed $5,000 per violation or, in the case of a broadcast or telecast, $25,000 per violation. The total amount of penalties which may be imposed is limited to $100,000 per year.

In May 1992, the Subcommittee on Social Security and the Subcommittee on Oversight held a joint hearing to examine the effectiveness of the 1988 law designed to prevent fraud through deceptive advertising and solicitation practices. Of particular interest to members of the Subcommittees was the adequacy of section 1140 of the Social Security Act which prohibits the misuse of names, symbols and emblems of SSA and HCFA.

The subcommittees heard testimony from the Commissioner of the Social Security Administration, Gwendolyn King, representatives from the Office of Inspector General, Department of Health and Human Services and United States Postal Inspector as well as State attorney's general and State aging agencies.

Numerous witnesses testified that limiting the total amount of penalties that can be levied against individuals for violations of section 1140 to $100,000 per year did not serve as an adequate deterrent to groups who can take in millions of dollars each year by engaging in deceptive practices. The proposal would eliminate the provision in section 1140 which provides for an annual cap on penalties, to allow the Secretary to set fines at a reasonable level which would provide a strong deterrent to organizations and individuals against violations of section 1140.

The bill would define a violation with regard to mailings as each individual piece of mail in a mass mailing. Regulations promulgated by the HHS Inspector General treat each piece of mail addressed to specific individuals as a violation while an entire mass mailing addressed to resident is considered only one violation. This would strengthen the deterrent against deceptive mailings by making each piece of mail a violation.

Section 1140 would be amended to include the use of names, letters, symbols or emblems of the Department of Health and Human Services as protected items.

The proposal would amend the provision in current law which prevents a person from using names and symbols in a manner which such person "knows or should know would convey a false impression" of a relationship with SSA, HCFA, or HHS to provide an alternate standard. The proposal would add language to current law to prohibit the name or symbol from being used in a manner which "reasonably could be interpreted or misconstrued as conveying" a relationship to SSA, HCFA, or HHS.

In response to numerous complaints from the public generally and concerns expressed by hearing witnesses regarding organizations that offer to provide individuals with Social Security forms for a fee, the proposal would require groups to receive approval from SSA in order to engage in these activities. The proposal would stipulate that no person may reproduce, reprint, or distribute for a fee any form, application, or other publication of the Social Security Administration unless it has obtained specific written authorization for such activity in accordance with regulations prescribed by the Secretary.

The bill would provide that any disclaimer of section 1140 would not be a defense against an action for violation. Many consumers do not read, or cannot read, disclaimers on mass mailings. Similarly, disclaimers in other forms of media may not be heard or understood by the consumer. Thus, the proposal would provide that any determination of whether there is a violation of section 1140 shall be done without regard to a disclaimer.

The proposal would require the HHS Secretary to report annually to the Committee on Ways and Means detailing the number of complaints of deceptive practices received by SSA and the HHS IG, the number of cases in which a letter of complaint was sent by SSA requesting that an individual cease misleading activities, the number of cases referred by SSA to the HHS IG, the number of investigations undertaken by the HHS IG, the number of civil monetary penalties formally proposed by the HHS IG in a demand letter, and the number of judgments obtained.

For the purpose of providing every individual due process under the law, the Secretary would be required to report to the Committee on Ways and Means the number of hearings requested by the respondents and the disposition of these hearings.

Finally, the bill would stipulate that the provisions of section 1140 would continue to be enforced by the Office of Inspector General of the Department of Health and Human Services.

THE BALANCED BUDGET ENFORCEMENT ACT OF 1993

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. PENNY. Mr. Speaker, today I am introducing the Balanced Budget Enforcement Act [BBEA] of 1993, which was introduced in the 102d Congress by our former colleague Leon Panetta. This legislation would put in place tough new measures to reform the budget process and eliminate the Federal budget deficit. As our former colleague frequently said: "There is no free lunch. Balancing the budget will require tough medicine." And no one knows better than Leon who in his new role as Director of the Office of Management and Budget [OMB] will be playing a lead role in instituting a deficit reduction plan for the Clinton administration. The BBEA will equip the budget process with the tools necessary to make these tough choices.

Specifically, the bill:

First, establishes deficit reduction targets. The bill provides gradually escalating targets through FY98 for total deficit reduction over $800 billion.

Second, board of estimates. Under the legislation, the President would appoint a five member board of estimates, made up of the Chairman of the Federal Reserve and one citizen member from separate lists of the House Speaker and minority leader and the majority and minority leaders of the Senate. The board would select in their entirety the economic assumptions provided by either the OMB or CBO. This would encourage honest budgeting. Budget projections would be based on the assumptions chosen by the Board.

Third, requirement of President and Congress to follow targets. The President's budget would be required to meet the annual targets, as would the budget resolutions agreed to by the Congress.

ENFORCEMENT

Fourth, the bill establishes an annual cap on discretionary appropriations to achieve over

$160 billion in savings above the savings in the 1990 budget agreement. If the cap were violated, across-the-board spending reductions would be enforced in all programs.

In the area of revenues and entitlements, the BBEA establishes annual deficit reduction targets, that produce over $400 billion in deficit reduction over the next 5 years. Budget resolutions would include reconciliation instructions to individual committees to achieve specific savings each year in programs or revenues under their jurisdiction.

A budget priorities bill based on the budget resolution would be sent to the President for his signature. Whether he signs it or not will determine the sequestration process used. If the President signs the so-called spinoff bill, sequestration is based on rewarding those committees that meet their reconciliation targets. Sequestration would take place in programs under the jurisdiction of committees that don't meet their targets. If revenues do not meet the revenue target, a personal and corporate surtax would be imposed.

If the President and the Congress fail to agree on the process for meeting the reconciliation targets, there would occur an across-the-board freeze of all entitlements spending and revenue to a level necessary to meet the target. For revenues, a freeze would apply to income tax indexing and would be accompanied by a rate increase for those with incomes above $250,000.

Of course, selected increases in spending could be enacted, but they would have to be paid for by corresponding spending cuts or revenue increases.

Reducing the budget deficit was a demand of the voters. As the President has indicated in his budget message, now is the time to earnestly attack the deficit with an honest approach. The BBEA provides the honest structure and process for balancing the budget. I urge my colleagues to join me and the other original sponsors of this bill in support of this measure.

JUDGE'S LENIENT SENTENCES DON'T FIT MASSIVE SWINDLE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the February 2, 1993, Omaha World Herald, concerning the sentences imposed on two "white collar" criminals by U.S. District Judge Dean Whipple. It is a noteworthy commentary. Willie A. Schonacher and James R. Wining were found guilty of conspiring to defraud the Mutual of Omaha company out of an estimated $408 million, $20 million of which was pocketed by Messrs. Schonacher and Wining. As the commentary makes clear, Judge Whipple's leniency in sentencing one man to 2 years in prison, and the other to 5 years probation, seems appalling.

JUDGE'S LENIENT SENTENCES DON'T FIT MASSIVE SWINDLE

Willie A. Schonacher and James R. Wining got off too easy. Much too easy.

The two Kansas City men pleaded guilty in federal court to charges of pocketing more than $20 million in a fraudulent scheme that victimized Mutual of Omaha Co. Evidence showed that they had created a network of phony reinsurance carriers and obligated Mutual to pay millions of dollars in claims for which the Omaha-based insurer received no premiums.

The swindle cost Mutual an estimated $408 million, of which only $74 million has been recovered.

Federal law provides a maximum sentence of 10 years for the crimes of which Schonacher and Wining were convicted. That would be a light sentence, but the judge gave them far less.

U.S. District Judge Dean Whipple ordered Schonacher to serve two years, which amounts to a minimum of 21 months in a federal prison. Wining got off even easier. The judge, noting that Wining has a mentally disabled son who requires constant care, ordered the con man to spend five years on probation.

Judge Whipple's leniency is appalling. It's no wonder some people have lost confidence in the justice system. An unemployed breadwinner could go to jail for writing bad checks to feed his kids. So could an uneducated kid who tries to earn money for child support by running street drugs.

But a James R. Wining can work several years setting up a scheme to rip off a major insurance company, paying himself $450,000 a year in money he had no right to lay his hands on. He and his partner can break the bonds of trust that are one of the strengths of American business. Then, when the law catches up with him, he avoids jail time by reminding the court of the obligations of parenthood.

These weren't small-time con men. They persuaded people who worked with them that they had millions of dollars in backing that they didn't have. Wining told a Mutual of Omaha subsidiary that he was a former deputy to the chairman of Lloyd's of London, which wasn't true. He and Schonacher diverted millions of dollars to new companies that they created in the Caribbean. In 1984, when Mutual grew suspicious and told them to stop accepting new business, they agreed to stop. But that was a lie, too. They continued to write new business.

Twenty-one months in prison for one of them. Five years on probation for the other. Whatever became of the idea that the punishment should fit the crime?

PREVENTING DISCRIMINATION IN GROUP HEALTH PLANS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. HUGHES. Mr. Speaker, today I am introducing legislation along with fifteen of my colleagues, to reverse the fifth circuit decision Greenberg versus H&H Music. In essence, the court ruled that an employer could amend or terminate a health plan at any time leaving employees at the risk of loosing health coverage when they are sick and most vulnerable. The Supreme Court's denial of certiorari on November 4, 1992 requires this body to act swiftly. Individuals must have confidence in our private health system and the Group Health Plan Nondiscrimination Act of 1993 will reaffirm the safeguards the drafters incorporated into ERISA 18 years ago.

According to the fifth circuit, ERISA currently allows for the retroactive reduction of benefits to take place. How tenuous has employer-provided health coverage become? Through creative plan design employers now place dollar caps or completely exclude certain diseases from coverage. By simply changing insurance carriers employees are dropped from coverage because of preexisting conditions. We understand employers' concerns about spiraling health care costs and the burden that places on the employer sponsored system but, we do not believe that ERISA was ever intended to sanction employers from reneging on promises made to their employees.

This legislation is very similar to H.R. 6147, a bill which I introduced in the 102d Congress. The new version has taken into account the many thoughtful opinions submitted from interested parties. I believe the changes that have been made have enhanced the clarity of the bill's intent.

This bill addresses the specific situation Dr. Frank Greenberg brought to my attention at a hearing of the Select Committee on Aging. He poignantly illustrated the discriminatory actions taken against Jack McGann, an employee of H&H Music Co. Mr. McGann was covered by a generous group health insurance plan. He, like most of us, felt protected by his employer's plan. Yet when Mr. McGann was diagnosed with AIDS and began submitting medical reimbursement forms for his treatment, his company reduced the lifetime coverage for AIDS-related disorders from $1 million to a mere $5,000.

The bill restores the intent that section 510 of ERISA applies to an individual's right for either pension or health benefits. By adding subsection (b) to 510 we have made explicitly clear that it is unlawful to discriminate based on benefit claims under group health plans. The triggering event, establishing an employers intent to discriminate, is a change in a plan that takes away coverage when an employee is being treated for a disease or medical condition previously covered by the plan. Changes made to eliminate or significantly reduce benefits for an individual who has become ill is prohibited under this section. The legislation continues to allow for prospective changes in benefit levels and incorporates clear notice requirements to employees concerning these material plan changes.

In addition, section 516 has been added to ERISA since no section adequately dealt with an employer's right to discriminate against certain diseases in designing health plans. This new section makes it unlawful to discriminate among lifetime benefit levels within a health plan and directly addresses the reduction in benefits Mr. McGann was forced to accept because he contracted AIDS. Public policy must dictate that plan sponsors should not offer more to their employees then they intend to deliver. Employees when accepting an offer of employment take into consideration not only the salary but also the health benefit package offered. Employers must take a realistic look upfront at what level of health benefits they can afford to offer and then stand by their promises.

This legislation should not be mistaken for our response to health care reform. But we

cannot stand by and permit employers to pull the health care carpet from under the feet of their employees at the time they are most vulnerable and have nowhere else to turn. As we work with our new President to make health care available to all Americans we must not allow the unjust results of our current system to proliferate. Most people rely on ERISA to protect their basic civil right against discriminatory actions and their right to due process. We must work together to ensure that the promises made to American workers in ERISA are kept.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Group Health Plan Nondiscrimination Act of 1993".

SEC. 2. PROTECTION FROM INTERFERENCE WITH RIGHTS.

Section 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1140) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 510."; and

(2) by adding at the end the following new subsection:

"(b) DISCRIMINATION BASED ON BENEFIT CLAIMS UNDER GROUP HEALTH PLANS.—

"(1) IN GENERAL.—It shall be unlawful discrimination for purposes of subsection (a) to take any action to cancel or reduce a benefit of a participant or beneficiary under a group health plan (by plan amendment or plan termination, change in insured status of the plan, change of insurer under the plan, or any other means), if—

"(A) such action is specifically related to one or more particular diseases or medical conditions,

"(B) such participant or beneficiary is undergoing, at the time such action is taken, a course of treatment related to any such disease or medical condition, and

"(C) a valid claim under the plan reasonably related to such course of treatment has been submitted to the plan by or on behalf of such participant or beneficiary prior to the taking of such action.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 607(1).

"(B) CHANGE IN INSURED STATUS.—The term 'change in insured status' of a plan means a change to self-insured status or a change in the extent to which benefits provided under the plan are provided under a contract or policy of insurance issued by an insurer under the plan.

"(C) INSURER.—The term 'insurer' under a plan means a person licensed by a State to engage in the business of insurance who provides benefits under the plan under a contract or policy of insurance issued by such person.

"(D) VALID CLAIM.—The term 'valid claim' under a group health plan means a claim which, at the time of its submission by or on behalf of a participant or beneficiary, would have entitled the participant or beneficiary to benefits under the plan.".

SEC. 3. NONDISCRIMINATION IN LIFETIME BENEFIT COVERAGE UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Part 5 of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

"NONDISCRIMINATION IN LIFETIME BENEFIT COVERAGE UNDER A GROUP HEALTH PLAN

"SEC. 516. (a) IN GENERAL.—It shall be unlawful for a group health plan to discriminate among diseases or medical conditions with respect to levels of lifetime benefit coverage provided to similarly situated participants and beneficiaries under the plan. For purposes of this section, the term 'lifetime benefit coverage' provided to any participant or beneficiary under a plan means the maximum benefit available under the plan in the aggregate to such participant or beneficiary.

"(b) LIMITATION.—Subsections (a) shall not apply with respect to participants and their beneficiaries under a group health plan if the requirements of paragraph (1) or (2) are met as follows:

"(1) COLLECTIVE BARGAINING.—The requirements of this paragraph are met if—

"(A) the participants consist of employees covered by a collective bargaining agreement between employee representatives and one or more employers,

"(B) there is evidence that benefits provided under the group health plan established or maintained pursuant to such collective bargaining agreement between such employee representatives and such employer or employers, and

"(C) the discrimination consists of a lack of uniformity based solely on—

"(i) variations in the required terms of the collective bargaining agreement as applied to separate geographically located facilities of the same employer, or

"(ii) different levels of contributions to such plan negotiated between such employee representatives and more than 1 employer, as set forth in applicable collective bargaining agreements.

"(2) EXEMPTION PROCEDURE.—The requirements of this paragraph are met if the sponsor of such group health plan demonstrates to the Secretary by a preponderance of the evidence that such sponsor will be unable to continue such plan unless granted relief from the applicable requirements of subsection (a), pursuant to an exemption procedure which—

"(A) shall be established by the Secretary by regulation for purposes of this subsection, and

"(B) shall be subject to standards and procedures similar to those applicable under section 408(a) with respect to exemptions granted thereunder.".

"(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.
"Sec. 516. Discrimination in lifetime benefit coverage under group health plan.".

SEC. 4. REPORTING AND DISCLOSURE REQUIREMENTS.

(a) NOTICE OF MODIFICATIONS AND CHANGES.—Section 104(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)) is amended by adding at the end the following: "In the case of a group health plan (as defined in section 607(1)), the adoption of any material coverage restriction which constitutes such a modification in the terms of the plan (including the termination of the plan), or which is represented by any such change in the information required under section 102(b), may not take effect until 60 days after such a summary description of such modification or change is furnished to each participant and to each spouse thereof who is a beneficiary under the plan in language calculated to be easily understood by the typical participant or beneficiary. For purposes of the preceding sentence, the term 'material coverage restriction' means any change in the terms of a group health plan that results in elimination of, or increased restrictions on, any form of benefit coverage which was provided by the plan prior to the change, including, but not limited to, the establishment of, or increases in the amount of, deductibles or coinsurance payments required of participants and beneficiaries under the plan, except that the Secretary may by regulation exclude from such term any such change of a type which the Secretary finds to be de minimis.".

(b) SPECIAL REQUIREMENTS FOR SELF-INSURED PLANS.—Section 102(b) of such Act (29 U.S.C. 1022(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In the case of a self-insured group health plan, the plan description and summary plan description shall also contain a statement—

"(i) indicating that the plan is a self-insured group health plan and is not a policy of insurance,

"(ii) identifying the person who is responsible for claim determinations and processing, and

"(iii) indicating that the plan is not subject to State guarantee fund protection and that, if the plan does not pay all benefits for which participants or beneficiaries are eligible under the plan, responsibility for payment for medical care may to some extent remain with the participant or beneficiary.

"(B) For purposes of this paragraph—

"(i) The term 'group health plan' has the meaning provided in section 607(1).

"(ii) A group health plan is 'self-insured' unless all benefits provided under the plan are provided under a contract or policy of insurance issued by a person licensed by a State to engage in the business of insurance.".

SEC. 5. LEGAL RELIEF FROM DAMAGES FOR INTERFERENCE WITH RIGHTS UNDER PLAN.

(a) DAMAGES.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following new paragraph:

"(4)(A) Any person who violates section 510 or 516 with respect to any participant or beneficiary under a group health plan shall be liable to such participant or beneficiary for actual damages. Subject to subparagraph (B), damages for such violation shall not include punitive damages.

"(B) In any case in which the violation constitutes willful, fraudulent, or malicious conduct, bad faith, or gross negligence, each person liable under subparagraph (A) may, in the court's discretion, be liable to such participant or beneficiary for exemplary damages equal to not more than the greater of—

"(i) 200 percent of the amount of actual damages awarded, or

"(ii) $10,000.

Any such exemplary damages shall be in addition to any actual damages under subparagraph (A).

"(C) For purposes of this paragraph, the term 'group health plan' has the meaning provided in section 607(1).".

(b) ATTORNEY'S FEES.—Section 502(g) of such Act (29 U.S.C. 1132(g)) is amended by adding at the end the following new paragraph:

"(3) In any action for damages under subsection (c)(4) in which the plaintiff prevails or substantially prevails, the court shall

award the plaintiff reasonable attorney's fees and other costs of the action, including reasonable expert witness fees and costs, to be paid by the defendant. Fees awarded under this paragraph shall be at generally prevailing hourly rates.".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to changes in group health plan coverage adopted on or after February 4, 1993.

TRIBUTE TO RALPH AND BARBARA VOORHEES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. PALLONE. Mr. Speaker, on Thursday, February 25, 1993, the State Theatre in New Brunswick, NJ, will be the site for a concert gala in honor of Ralph and Barbara Voorhees. Mr. and Mrs. Voorhees are two of the most active and generous volunteers in the Middlesex County, NJ, community, devoting tremendous time, talent and boundless energy to the enrichment of the area. It is hard to imagine anyone in our community more deserving of this tribute than Mr. and Mrs. Voorhees.

Mr. Ralph Voorhees is a member of one of New Jersey's most distinguished families. He is a 1948 Phi Beta Kappa graduate of Rutgers University and the senior vice president for investments at Paine Webber. Currently, he serves the community as a member of the executive committee of the Rutgers University Foundation Board of Overseers, the University's Board of Trustees, the board of overseers of the Jane Voorhees Zimmerli Museum, Chairman of the New Brunswick Cultural Center and executive committee member of the Robert Woods Johnson University Hospital Foundation. He has also served as the chair of the Governors, Trustees and Overseers Gifts Committee for the Campaign for Rutgers, having exceeded his $5 million goal by almost 100 percent.

For the past 30 years, Mr. Voorhees has led numerous organizations—financial, cultural, political and social—giving fully of his time, energy and resources. He served as a councilman in Highland Park, NJ, his lifelong home town, and as chairman of the Highland Park democratic committee. He served as president of both the Middlesex County Family Counseling Service and United Community Service of Central Jersey, the parent organization of the United Fund.

As chairman of the New Brunswick Cultural Center, Inc., he helped that organization raise more than $2 million to renovate the old YMCA building to become the permanent home of the George Street Playhouse, and $5 million to purchase and refurbish the historic State Theatre as the centerpiece of a new center for the performing arts in downtown New Brunswick. He has been the recipient of numerous awards, including the Torch of Liberty Award from the Central New Jersey Society of Fellows of the Anti-Defamation League of B'nai B'rith, and the Presidential Recognition Award for Volunteerism, where he was one of the first 12 people honored by President Reagan.

Barbara Voorhees has also been extremely active in the community. She was a member of the board of trustees of the George Street Playhouse from 1977 to 1985, serving for 3 years as the theater's first board president. Along with her husband, she is a patron member of the Friends of the Zimmerli, a group of volunteers and art lovers who enhance the Jane Voorhees Museum by providing thought-provoking, stimulation and entertaining programs and special events for its members and the public, and to help with fundraising. As a member of the Friends, Mrs. Voorhees has served as a member of the board and was treasurer for 3 years. She has also been active with the YWCA in New Brunswick. In addition, she serves as a Special Assistant to the Honorable John Lynch, the Minority Leader of the New Jersey senate.

Ralph and Barbara Voorhees have four grown children.

Mr. Speaker, it is an honor and a privilege for me to pay tribute to these two distinguished members of the community in Central New Jersey.

TRIBUTE TO ROBERT HAGER

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay a special tribute to Robert W. (Bob) Hager, a most distinguished citizen of Huntsville, AL, who is retiring as vice president-general manager of the Missiles & Space Division at the Boeing Co.

Responsible for all missile and space programs within the Boeing Co., Bob has worked on both strategic and tactical missile programs such as Minuteman, the Air Launched Cruise Missile [ALCM], Avenger, and the Non-Line Of Sight-Combined Arms [N–LOS/CA] weapon. His division is a key contractor for the Nation's Strategic Defense Initiative [SDI] programs, including the Lightweight Exo-Atmospheric Projectile [LEAP] program, Airborne Surveillance Testbed, and Free Electron Laser.

Bob has supervised Boeing's work as prime contractor for the man-rated elements of NASA's Space Station Freedom program, space transportation activities including the Boeing role in the National Launch System and the U.S. Air Force Inertial Upper Stage [IUS] program, and advanced design and development work in both the military and civil space arenas. Leading a diverse work force with major facilities in Huntsville, AL, and Kent, WA, he has served defense and space customers across the Nation. He was also responsible for Boeing petroleum reserve for the Department of Energy and supervised the Boeing Commercial Space Development Co.

Bob has made and will continue to make many contributions to business, education, and the quality of life in Huntsville and in the State of Alabama. He has served on the University of Alabama in Huntsville's Foundation Board of Trustees and on Oakwood College's President's Roundtable. He has served as chairman of the Definition Team for the Alabama Commission on Aerospace, Science and Industry, the Technical and Business Exhibition/Symposium [TABES], the Huntsville Alliance for Science Project [HASP], and the Business Council of Alabama. He has served on the Huntsville/Madison County Chamber of Commerce Board of Directors and Foundation Board, the city of Huntsville's Education Summit Committee and Vision 2000 Policy Board, the Huntsville Hospital Foundation's Board of Directors, the Botanical Gardens Advisory Council, and the U.S. Space and Rocket Center's Exhibits Committee.

Mr. Speaker, I commend Bob Hager for almost 40 years of dedicated service to the Boeing Co. and for his many contributions to our country's space program and to our community. He has been a good friend to me and to the Fifth District of Alabama. I am thankful that he and his wife, Peggy, will continue to call Huntsville home.

LEGISLATION TO IMPROVE THE DISSEMINATION OF WEATHER AND CLIMATE INFORMATION TO AGRICULTURAL PRODUCERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. TRAFICANT. Mr. Speaker, I have introduced legislation today amend the National Agricultural Weather Information System Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers. I urge my colleagues to cosponsor this important legislation.

The 1990 farm bill established the National Agricultural Weather Information System under the U.S. Department of Agriculture aimed at meeting the weather and climate information needs to agricultural producers. I believe that the program is a good one because it allows for the collection and organization of weather information from universities, State programs, Federal agencies and the private weather consulting sector. Moreover, it provides funding for weather research programs.

However, it provides for the establishment of only 10 State agricultural weather information systems that are responsible for disseminating information to agricultural producers in those States. That leaves a large portion of this Nation's agricultural producers without any assistance.

My legislation fills in the gaps of the present law by requiring the Secretary of Agriculture to enter into an agreement with Secretary of Commerce to use Weather Service offices and distribute information aimed at meeting the short-term and long-term weather and climate information needs of agricultural producers. Each field office of the National Weather Service will be responsible for collecting and organizing information that will impact the region that it covers.

My legislation, then, specifically calls for the dissemination of information to agricultural producers in the region in the form of: First, a weekly publication containing weather forecasts and other information regarding anticipated temperatures and precipitation levels; second, toll-free and local telephone numbers

that agricultural producers can call to obtain immediate information to assist with specific day-to-day production activities; and third, such other methods as the Secretaries consider to be appropriate to distribute weather and climate information in a timely manner.

My legislation, therefore, ensures that agricultural producers throughout the Nation are receiving comprehensive and timely information.

Not later than 1 year after the date of enactment, the legislation requires the Secretary of Agriculture and the Secretary of Commerce to jointly submit a report to Congress analyzing the effectiveness of the program in providing relevant weather and climate information to agricultural producers. The report shall include a description of the number of agricultural producers who obtained weather information through the project and an estimate of whether the project improved farm profitability for participating producers.

Weather information is central to agricultural producers across the Nation because variations in weather conditions cause huge losses in production. My legislation will increase farm profitability. Once again, I urge you to co-sponsor this important legislation.

BAN ON AIDS INFECTED ALIENS IS APPROPRIATE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. BEREUTER. Mr. Speaker, the AIDS virus has caused enormous devastation both in the United States and around the world. In Africa, in the Caribbean, and elsewhere, AIDS is devastating entire populations. It is a tragedy, and it is entirely appropriate that we have made combating the AIDS virus a priority of our foreign aid program. But permitting HIV-infected individuals to enter the United States as refugees is quite a different matter.

When President Clinton announced his intention to reverse the ban on AIDs victims entering the United States, while it is motivated by an understandable desire to alleviate the suffering of the 300 Haitians at Guantanamo Bay who are infected with HIV, will inevitably put additional Americans at risk. It will place additional strains on a health care system that is already terribly overburdened with American citizens suffering from HIV.

Mr. Speaker, an editorial in the February 14, 1993 edition of the Omaha World Herald correctly expressed concern over the policy implications of reversing the ban on HIV-infected aliens. This Member would urge his colleagues to carefully consider this insightful editorial.

DON'T LIFT BAN ON AIDS IMMIGRANTS

President Clinton seems determined to keep a campaign pledge he never should have made. He says he will lift the ban against AIDS-infected foreigners entering the United States.

Clinton is under pressure to take that action to help about 300 Haitian refugees, whom the U.S. government has determined to be in danger of political persecution if returned to Haiti. Most of them have AIDS or are infected with the HIV virus. They are currently waiting at the U.S. naval base at Guantanamo Bay, Cuba, caught between fear of reprisals in their own country and the U.S. government's ban on AIDS-infected immigrants.

Their plight is heart-rending. But it shouldn't be the basis for throwing open the door to everyone who might want to bring a case of AIDS to this country. The precedent of stopping carriers of infectious diseases at the border is well established. If that weren't sufficient reason to maintain the ban, America also has an obligation to its citizens and taxpayers to prevent exploitation of its welfare and Medicaid system.

Indeed, that is the same system that Clinton says is failing to provide a safety net for millions of Americans. Why, then, would he put it under increased stress? Why would he increase the pool of potential carriers?

BOB MICHEL'S WORDS OF WISDOM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SOLOMON. Mr. Speaker, on Wednesday night, February 17, Republican leader BOB MICHEL made the official Republican response to President Clinton's address to a joint session of Congress. I believe that our colleagues on both sides of the aisle should get the chance to read these wise and incisive remarks. At this point I wish to insert in the RECORD BOB MICHEL's speech:

Good evening, tonight you and I witnessed a colorful ritual—a new president of the United States addressing a joint session of Congress for the first time. The great Chamber of the House rang out with cheers for the President. It was, as always, a thrilling spectacle. But now the last echo of the final cheer has faded away. The ceremony is over. It's time to put aside the pomp and circumstance.

It's time to get to work for America. That's what I'd like to briefly visit with you about: how your government can work better for you. Don't worry: I have no props, no flipcharts, no pointer, no electronic gimmicks. I don't even have a 1-800 number for you to call. I'd just like to talk with you as though we were having a cup of coffee back in my hometown of Peoria. It is a chance to ask some questions about where our Nation is heading, the kinds of questions you might ask if you were here.

We Americans are a questioning people; it is part of our national character. In fact we may be the only Nation whose national anthem begins and ends with a question. So, in questioning the direction of the administration, we are acting in a great American tradition. All of us—Democrats, Republicans, Perot supporters, Independents—want our new president to succeed. We want to help him do the right thing. But the only way we can help him is by candidly letting him know how we feel about his announced policies.

Our new President has an excellent chance to be successful. Because of the leadership of Presidents Reagan and Bush, our Nation does not face a nuclear threat. President Bush handed over to the President an economy that is growing, not shrinking, and a rate of worker productivity that is rising, not falling. As a matter of fact, the past 12 years of Republican leadership have built a strong foundation for progress. We agree with the President that we have to put more people to work, but remember: 80% to 85% of the new jobs in this country are created by small business.

So the climate for starting and expanding businesses must be enhanced with tax incentives and deregulation, rather than imposing higher taxes and more governmental mandates. The President speaks of the half-million new jobs that will be created by his economic stimulus program. But, there are estimates that doing it his way will cost taxpayers some $55 thousand per job. It should be noted that last year alone the private sector created a million-and-a-half new jobs on its own. We have to make certain that government action helps, not hinders, the growing economy.

After listening to the President tonight, do you know what the President's long-range economic strategy is? I don't—and, I must say, I wonder if he does. All we are certain of is that the administration is engaged in a media blitz to "sell" his program. The President offers us what he calls a "New Direction". But where he seems to be going is "Back to the Future"—back to the failed Big government schemes of a generation ago. That is not the direction we should be going. The Clinton spin-doctors have even given us a new political vocabulary:

"Investment" now means Big Government spending your tax dollars. "Change" now means reviving old, discredited Big Government tax-and-spend schemes. "Patriotism" now means agreeing with the Clinton program. The powerful, evocative word, "sacrifice" has been reduced to the level of a bumper sticker slogan. And, my favorite—"contribution"—is now the new word for "taxes". On April 15, just try telling the Internal Revenue Service you don't feel like "contributing" this year.

The administration is about to launch the biggest propaganda campaign in recent political history. The White House is even now becoming one big partisan political megaphone. But public relations campaigns are no substitute for sound public policy. Tonight the President mentioned a number of new programs that inevitably will cost considerable sums of money. Laudable as they might be, how do we pay for them? The President's answer is: more taxes on everyone. In 1992, candidate Clinton said: tax only the super-rich.

In 1993, President Clinton now says: if you earn more than $30,000, your taxes are going up. So much for not taxing the middle class. The American people would do well to remember: when you hear a Democrat call for taxes, do not ask for whom the tax rises—it will rise for you. There are those who say some taxes are a necessary evil. The difference is that Democrats stress the word "necessary" and Republicans stress the word "evil".

The President was short on specifics again tonight—probably because he keeps juggling the figures. He offers no bench-marks, no coherent economic principles by which to judge what it is he is hoping to achieve. These fragmented, ad-hoc proposals are the kind of thing that might be excused in the heat of a campaign. But, Mr. President, the campaign is over. You won. The time has come to park the bus and start the hard work of governing.

And one of the hardest parts of that work is the vital question of health care reform.

Will there be rationing of care? Will there be job-destroying mandates on employers? Republicans believe in: Your right to select the doctor of your choice. Your right to immediate care without long waiting lines. And preserving the best of what our health care system has to offer.

Does the administration share these principles? As I said, these are some of the questions we have to ask. The answers we get will determine the kind of future we will have. And we Republicans are here to ask the tough questions, cut through the rhetoric, and get the job done. But we do need your help. My father, a French immigrant, used to tell me: that it's better to listen 90% of the time—for that leaves you only 10% for talking.

Throughout my life in public service, I've tried to take his advice. And I know my party is listening to your voice, because we share your basic principles. Our Republican governors, our state legislators, our local elected officials, and of course, those of us in the United States House and Senate are all part of the same team. We owe it to you to make clear the ideas at the heart of our policies. And here are a few: We Republicans, and I think it's fair to say a great body of Perot supporters, insist on cutting spending as the best way to real deficit reduction. We'd like to support the President on an honest line-item veto that applies not only to pork barrel spending but to special interests tax loopholes. We will continue to press for a balanced budget amendment.

We want to help President Clinton in his efforts to spur savings and investments. We hope he will strive to maintain the current low rates of interest and inflation he inherited from George Bush. And let's not forget we still live in a tough and often brutal world.

Our national destiny is linked to our ability to compete in a global economy and to defend our interests and our values around the world. That's why we need to maintain a strong defense and stay on the cutting edge of high technology. I'd like to address a few closing comments directly to the President. Mr. President, we wish you well. President Reagan and President Bush have given you a solid foundation of peace and a growing economy on which to build. You have a wonderful opportunity to succeed.

When your domestic programs and policies are based on sound economic principles, common sense, and traditional American values, we Republicans will be with you. When your foreign policy is based on defending American interests and American values first and foremost, we will be with you. But when those great values are missing from your proposals, we Republicans will be there to ask the tough questions and to provide effective answers. To all of you. Thanks for listening.

As the "designated Republican questioner" tonight, I know I speak for all elected Republicans, among our governors, within the state legislatures and in the U.S. House and Senate, when I say: In the months ahead we will be visiting with you—whether the issue is health care, crime, education or the economy. We will be listening and ready to react to your concerns. Make your voice count—You can make a difference. Thank you * * * and have a good evening.

THE HIGH PRICE OF PRESCRIPTION DRUGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. STARK. Mr. Speaker, the pharmaceutical industry exists amid a world of secrecy and false truths. The following experts from the Philadelphia Inquirer series on prescription drugs highlight the pharmaceutical industry's practice of disinformation.

[From the Philadelphia Inquirer, Dec. 13, 1992]

PHARMACEUTICALS HUSHED ABOUT R&D EXPENDITURES; FIFTY PERCENT OF DRUG COSTS REFLECT WHAT INVESTORS COULD HAVE MADE SOMEWHERE ELSE!

Drug company executives don't talk much about how they arrive at a price of a drug. * * *

Time and again, government researchers have tried to find out.

The General Accounting Office ran into a wall of silence this year when it undertook a study of drug-price inflation. * * *

The Office of Technology Assessment also had to do without specific R&D costs in its preparation of a massive study on pharmaceutical R&D to be released soon. A draft of the agency's report said drug companies "have demonstrated a willingness to actively resist providing access to congressional agencies to this proprietary data."

One of the few breakdowns of drug costs by an independent researcher was done three years ago by [Dr. Steve] Schondelmeyer, the University of Minnesota economist who is an expert in the drug industry and a pharmacist. He says that about 22 percent of a drug's cost goes for marketing and about 16 percent for R&D.

As for the $231 million research figure, it not only includes direct development costs but also the cost of money—money the investor could expect to earn elsewhere during the time it takes to develop a drug. That amounts to $117 million—a little more than half the total.

[From the Philadelphia Inquirer, Dec. 15, 1992]

PHARMACEUTICAL MANUFACTURERS PROFIT FROM SECRET DEALS

The buyer of prescription drugs has few ways to comparison shop, unlike the case with most consumer products.

Drug firms often require big customers to sign confidential agreements not to divulge the price, said John Coster, a staff member of the senate special Committee on Aging.

It's not just the legal threat that keeps customers quiet, Schondelmeyer said, but also the concern they could lose their favored prices.

Secrecy makes it that much harder for large and small buyers to ferret out the best deal.

"If more people knew how inexpensively these medications could be made and how cheaply they are sold to other segments of the market or other parts of the world, they would be up in arms," said Tom Snedden, director of Pennsylvania's prescription drug program for low-income older people.

Manufacturers' agreements deter their customers from talking about their prices, Schondelmeyer said.

"The industry will go to all extremes to protect this uncompetitive side of the market," Coster said at a health-care conference in February organized by the Wharton School of the University of Pennsylvania. "They do not want any semblance of competition from breaking down the insulated market structures [they have] created in the retail marketplace.

"This is the side of the market in which competition must be stimulated if we are to have any hope of controlling the cost of pharmaceuticals. But history shows that it will be difficult to do without some form of government intervention."

[From the Philadelphia Inquirer, Dec. 14, 1992]

UNACCEPTABLE DRUG ADVERTISING

As a senior regulatory review officer for the U.S. Food and Drug Administration, David Banks bird-dogged drug companies—poring over advertisements, screening television spots and ferreting our underhanded promotional tactics.

He helped uncover misleading information distributed by a company suggesting that an arthritis medicine might also prevent joint degeneration. He stopped another company from distributing promotional material disguised as a medical publication.

"The pharmaceutical industry undertakes many, many drug promotional activities that appear to be anything but drug promotion," Banks said.

The disguises are many, he said:

A drug company may write an article about a medicine, find a physician willing to accept authorship and find a medical journal to publish it.

A drug company may subsidize a doctor who lectures at medical conferences through an 'educational grant.' The physician is chosen because he or she is known to favor a particular drug.

A drug company may pay physicians to test a new medicine on patients. It is called a post-marketing drug study but serves as an incentive for the doctor to prescribe the medicine.

As for the reliability of print advertising, 60 percent of drug ads in medical journals reviewed were rated 'poor or unacceptable' in a 1992 study prepared for the Inspector General's office of the U.S. Department of Health and Human Services.

Banks said the entangled relationship between the industry and medical community leads to misleading information.

Drug company financial relationships with the research and physician communities have become so widespread, and drug company control over public discussions of drug therapy so pervasive, that literally any public discussion of drugs should be considered potentially subject to drug company bias, [Banks] said.

THEODORE YOUNGBLOOD—PATRIOT AND LEADER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. PICKLE. Mr. Speaker, I rise today in order to honor an old and cherished friend, Mr. Theodore Roosevelt Youngblood. Mr. Youngblood was a friend and confidant of President Lyndon Baines Johnson and many of our State political and business leaders.

Mr. Youngblood was born on January 8, 1903, to the late James Edward and Willie

Youngblood in Coolidge, TX, near Mexia. He and his twin brother, Booker T., became the 6th and 7th children in a family of 12.

He received his Bachelor of Arts degree in history from Samuel Huston College in 1927. Following his graduation he was married to Miss Jewel Deems, who preceded him in death. Two sons were born of this union, Dr. Theodore R. Youngblood Jr., and Alvin Lee Youngblood.

On May 7, 1948, Mr. Youngblood was married to Miss Latatlion Richard, a relationship that lasted for 44 years and 9 months.

Mr. Youngblood was employed for many years as Maitre d' of the historic Austin and Driskill Hotels. It was here that I first met this upstanding gentleman. Mr. Youngblood had a strong sense of duty to his customers and had a way of instilling pride in everyone who was associated with him. I remember the way that he used to bring in boys and make them gentlemen. He constantly stressed perfection in both dress and manner. Mr. Youngblood received several awards and honors for the quality of his work and his commitment to community service. During his life he was honored by Phi Beta Sigma Fraternity, Wesley United Methodist Church, National Conference of Christians and Jews, Metropolitan A.M.E. Church, Sunshine Benevolent Club, and Top Ladies of Distinction, Inc.

He was a leader in the Austin community and a valuable asset to its people. While remaining devoted to his work, he also found the time to take part in numerous community service organizations. As a charter member of Phi Beta Sigma Fraternity he served as its president on several occasions. He has also been chairman of the local United Negro College Fund drive, treasurer of the Salina Senior Citizens Board, and a member for over 20 years on the Austin City Planning Commission.

Last Monday an overflowing crowd of friends and neighbors paid their final respects at the Wesley United Methodist Church. The Reverend Freddie B. Dixon, Dr. Charles Akins, Mrs. Hazel Coffman, Mr. George Purnell, Dr. E. Marie Gilbert, Mrs. Vivien C. Richard, Reverend Raphael Smith, Dr. Marvin C. Griffin, and Dr. James D. Foy and Congressman JAKE PICKLE paid heartfelt tributes to Mr. Youngblood.

Mr. Speaker, it is the people like Theodore Youngblood and all the countless millions of other hard-working, dedicated Americans who make this Nation great. They go about their day-to-day lives with quiet dignity and determination; and, by both direct action and example, they bring America closer to the ideal of true unity.

THE MINOR CROP PROTECTION ASSISTANCE ACT OF 1993

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DE LA GARZA. Mr. Speaker, today I am introducing two measures intended to provide the means for revising the Nation's food safety laws to ensure that all Americans can continue to have the safe, affordable, and healthful food supply which they have come to expect from American farmers.

REAUTHORIZATION OF FIFRA

The first bill would simply reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]—the law which governs the registration and use of pesticides in the United States. I am joined in introducing this measure by the Honorable PAT ROBERTS, the ranking member of the Committee on Agriculture, and by the Honorable CHARLES STENHOLM and the Honorable ROBERT SMITH, the chairman and ranking member, respectively, of the Agriculture Subcommittee that will be dealing with pesticide and food safety issues this Congress.

The authorization for appropriations for FIFRA expired at the end of fiscal year 1991. However, the Committee on Appropriations has seen fit to continue funding the activities and programs under FIFRA for each of the fiscal years since.

Reauthorization of FIFRA is important. But, so too, are improvements in the food safety laws—both FIFRA and the Federal Food, Drug, and Cosmetic Act [FFDCA]—that govern the safety of our food supply.

We are introducing this measure simply to provide the framework for making improvements in FIFRA. Food safety and pesticides have been the subject of extensive hearings and debate in recent years. The Committee on Agriculture began the process of developing amendments to FIFRA last year to make changes in the way in which pesticides are registered and used. However, we were unsuccessful in completing action on this measure prior to adjournment of the Congress.

This year, using the simple reauthorization bill we are introducing today, we hope to begin again the process of revising FIFRA to make needed improvements. This bill will serve as the vehicle for constructing a package of amendments to FIFRA that will help to reaffirm the public's confidence in the safety of America's food supply.

MINOR CROP PROTECTION ASSISTANCE ACT

One of the changes that is needed in current pesticide programs and law is the manner in which so-called minor crops are dealt with by EPA and USDA.

Minor crops are fruits, vegetables and other crops which are produced on less than 300,000 acres each a year. While these crops account for less than 2 percent of all the acreage planted in the United States annually, minor crops are not insignificant. So-called minor crops are a major contributor to the agricultural economy of many States and, more importantly, they are a major and vital part of the human diet.

Developing and registering pesticides for crop protection can be expensive. A complete data set—the information on the safety of the product, and its possible effect on consumers, workers, and the environment—can cost millions of dollars to prepare. Residue data alone for a crop can cost more than $100,000.

Pesticide manufacturers are shying away from investing in the research and development of products that are intended for use on minor crops because of their limited market.

Nor is this problem always limited to the minor crops. It is also happening to some pesticides intended for use on major crops—such as wheat, corn, soybeans, and cotton—where a pest problem is not widespread and the potential market for the product is relatively small.

Reregistering a product that is currently registered for use on minor crops is also costly. The 1988 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] required EPA to initiate a process to update the registrations of pesticides that had been registered prior to November 1, 1984. As a result of this process, registrants must update the data supporting their registrations, and, where this information is lacking, perform new studies, or gather new data to fill the data gaps.

When companies weigh the costs of developing this new data versus the potential profits from minor crop pesticide sales, some are deciding to voluntarily cancel the registration rather than seek renewal.

Mr. Speaker, minor crop pesticides are important to agricultural production in all 50 States. These pest management tools are particularly vital to the continued production of fruits and vegetables. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems currently in place to control agricultural pests in an environmentally prudent manner.

Today, I am joined by several of my House colleagues in introducing the Minor Crop Protection Assistance Act, to help maintain minor use pesticide registrations. The bill is intended to maintain minor use registrations in a way that does not compromise the health and safety standards for farmworkers, consumers, and the environment currently in place under FIFRA. As a result of discussions with agricultural interests and representatives of consumer and environmental groups, the bill has been modified to ensure that it will not significantly disrupt the schedule for registering pesticides as required by the 1988 amendments to FIFRA.

Our proposal is designed to provide a number of options to EPA for registering existing pesticides and promoting new minor use registrations. These options include: Waive certain data requirements if the pesticide's use does not present an unreasonable risk to human health or the environment; grant extensions for developing data in certain cases; require the expedited review of applications for registration for minor uses, and permit the use of data from an identical or substantially similar pesticide whose registration has been allowed to lapse for economic reasons.

In no instance would these mechanisms be used if EPA's Administrator has determined that the pesticide poses an unreasonable adverse risk to human health or the environment, or where the missing data are essential for making such a determination.

Members of the House should be aware that the Committee on Agriculture is preparing to grapple with the difficult issues associated with pesticide regulation and use. Our Subcommittee on Department Operations and Nutrition, under the able leadership of Subcommittee Chairman CHARLIE STENHOLM, will be holding extensive hearings on food safety and pesticide issues in preparation for subcommittee markup later this year.

The Minor Crop Protection Assistance Act addresses an important issue in this debate. However, I recognize that other improvements in the regulation and use of pesticides, particularly for minor crops, are needed.

According to the findings of a GAO study I requested, the management of the Department's IR–4 Program needs improvement. IR–4 can be a useful tool in securing and maintaining pesticide registrations for minor crop uses. Unfortunately, the IR–4 Program has suffered from a lack of resources and leadership to date.

USDA also needs to establish a more effective system for providing advance warning to producers of changes in the availability of pest control chemicals due to registration decisions by EPA and pesticide registrants. In addition, USDA has been slow to investigate and identify alternative pest control strategies which place less reliance on chemical approaches such as IPM strategies. This situation must change.

I look forward to working with Mr. STENHOLM and the other members of the committee in addressing these and other pesticide issues this year.

Mr. Speaker, I want to thank the Minor Crop Farmers Alliance and their many members from the ranks of individual agricultural producers, their commodity organizations, and other farm groups for their help and support in drafting this important legislation.

SECTION BY SECTION SUMMARY: MINOR CROP PROTECTION ASSISTANCE ACT OF 1993

SECTION 1

Short Title.

SECTION 2(A). DEFINITIONS OF MINOR USE

Defines the term "minor use" as the use of a pesticide on a animal, on a commercial agricultural crop or site or for the protection of public health where the use does not provide sufficient economic incentive to support the initial registration or continuing registration, and if the use has not been determined to pose an unreasonable risk to human health or the environment.

SECTION 2(B). EXCLUSIVE DATE USE

Provides 190 years of protection for registration data submitted after the date of enactment of this bill that relates solely to the registration of a minor use.

SECTION 2(C). TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA

Requires the Administrator to extend the deadlines by 2 years for the submission of residue chemistry data to support a minor use registration if adequate data has been or is being submitted to support other uses of the pesticide, if the registrant submits a satisfactory data production schedule and if the Administrator has determined that the extension will not significantly delay RED schedule. However, the Administrator is prohibited from extending the deadline if the Administrator determines that the minor use may pose unreasonable adverse effects during the extension period or that available data is insufficient to determine the risk associated with such minor use.

SECTION 2(D). MINOR USE WAIVER

Allows the EPA Administrator to waive certain data requirements for a minor use only if the Administrator determines that the absence of such data will not prevent the Administrator from determining the incremental risk presented by the minor use of the pesticide, and that such risk, if any, would not be an unreasonable adverse effect on the environment.

SECTION 2(E). EXPEDITING MINOR USE REGISTRATIONS

Requires the Administrator to complete the review of applications for registrations of certain minor uses within 6 months. Also, preserves the full time period for submitting data if a data waiver that is submitted in good faith is denied.

SECTION 2 (F) AND (G). CONDITIONAL REGISTRATION FOR MINOR USE

Directs the Administrator to provide conditional amendments to pesticide registrations and conditional registrations to permit additional minor uses of certain pesticides, provided such uses do not significantly increase any risks associated with the pesticide.

SECTION 2(H). TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES

Temporarily prohibits the Administrator from taking any action with regard to suspending or cancelling an unsupported minor use of a pesticide for failure to submit data until the final deadline for submitting data with respect to other uses of the pesticide that the registrant is supporting (and providing data for).

SECTION 2(I). UTILIZATION OF DATA FOR VOLUNTARILY CANCELLED CHEMICALS

Allows EPA to utilize data from an identical or substantially similar pesticide that has been voluntarily cancelled for economic reasons within 2 years to support the registration of an identical or substantially similar minor use.

SECTION 2(J). ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM

Directs EPA to establish a minor use program within the Office of Pesticide Programs to coordinate minor use issues.

SECTION 2(K). DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM

Directs USDA to coordinate its responsibility by establishing a minor use program. Also, authorizes the establishment of a minor use matching fund to help ensure the continued availability of minor use chemicals.

INTRODUCTION OF LEGISLATION REGARDING SURVIVOR ANNUITIES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to provide for the payment of retirement and survivor annuities to, and improve access to health insurance for, certain ex-spouses of employees of the Central Intelligence Agency. This bill recognizes the contributions made by these individuals to the Central Intelligence Agency and provides much needed retirement security. Except for updating and technical drafting changes, this bill is identical to title I of H.R. 5651, a bill I introduced last year which was included in the vetoed Revenue Act of 1992.

Throughout the 1980's, Congress enacted a series of legislation to provide greater retirement equity for the spouses of Federal Government employees. The CIA Spouses' Retirement Equity Act of 1982 provided that qualified former spouses of CIA officers would presumptively receive upon divorce a pro rata share of the officer's retirement benefits, up to 50 percent, based on the length of the marriage during the period of Agency service prior to divorce. The qualified former spouse would also be awarded a similar share of the officer's survivorship benefits. These presumptive amounts could be adjusted by court order or spousal agreement.

This right, which is substantially the same as that provided to similarly situated former spouses of foreign service officers, has been extremely important for the financial security of older women facing divorce from clandestine officers of the CIA. We are all now well aware of how difficult it has been for most women to secure an equitable division of marital assets upon divorce, and the financial deprivation that usually results. These difficulties were compounded for CIA spouses who were unable to reveal in open court the basic details of their personal circumstances.

Under the 1982 law, unfortunately, in order to qualify as a CIA "former spouse," an individual not only had to have been married to a CIA employee during at least 10 years of the employee's creditable service, but 5 years had to have been spent outside the United States by both marriage partners.

The Subcommittee on Legislation of the Permanent Select Committee on Intelligence, which I chaired in the last Congress, became aware that the 5-year overseas rule for the non-CIA spouse disqualified from retirement and survivorship benefits many former spouses whose sacrifices for family and country were as great as those of the former spouses who met the requirement of the rule. These women also provided great support to their husbands and to the Agency by maintaining cover, accepting frequent transfers, and participating in service-related activities. They bore all family responsibilities stateside alone while the officer served overseas and agreed to the extra demands on family income of maintaining two households. Like other CIA spouses, they found employment opportunities, when not precluded by the nature of the officer's work, to be very limited, and they too experienced the stress of living with secrecy and the fear for the physical safety of their partners. The subcommittee found that these women were in some cases prevented from meeting the 5 years' overseas rule by days because they were not allowed by the Agency to accompany the officers to war zone assignments or because they needed to bring a sick child back to the United States for medical care.

Congress in 1991 repealed the 5-year overseas rule for former spouses divorced after December 4, 1991. My bill today addresses the plight of a relatively small number of individuals divorced before the repeal. It enables them to receive on a prospective basis retirement and survivor benefits equivalent to the amount they would have presumptively been awarded, provided they meet the other former spouse requirements. In addition, these individuals will be allowed to purchase Federal health insurance benefits on the same terms available to other CIA former spouses.

Mr. Speaker, the tales of some of the women who will benefit from this legislation

have been shared with me, and they are heartrending. We are talking about people who were—and are—every bit as dedicated to the highest ideals of the Central Intelligence Agency as anyone employed there, but who have paid great costs financially and emotionally for their service.

As chair of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence in the 102d Congress, I was frustrated by our inability to extend former spouse legislation to spouses who had not met the 5-year overseas rule, even though the concept itself was not objected to by the Central Intelligence Agency or by the leadership of the Intelligence Committee. In fact, since the enactment of the Central Intelligence Agency Former Spouses' Retirement Equity Act of 1982, the Congress on three occasions has enacted legislation to address the needs of qualified former spouses where divorce or retirement had taken place prior to the effective date of the act.

I made it clear during my tenure on the Intelligence Committee that I would continue to work to extend former spouse legislation. Although my tenure on the committee is over, I look forward to working with the members of that panel to see that this legislation is enacted this year.

SEVENTH ANNUAL BLACK ENGINEERS OF THE YEAR AWARDS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. MFUME. Mr. Speaker, today I rise to pay tribute to the Seventh Annual Black Engineer of the Year Awards. On February 20, 1993, the Black Engineers of the Year Awards Conference will take place in Baltimore, MD. The conference is held in order to recognize significant contributions that black engineers have made to this ever-challenging profession.

The conference is held during Black History Month and the annual awards will recognize, as well as document, the contributions of blacks in education, science, engineering, and technology. Such recognition can also inspire and direct more students toward a career in the exciting field of engineering.

Mr. Speaker, Career Communications Group, Inc. and its president and chief executive officer [CEO], Tyrone Taborn, should be commended for their steadfast support of America's black engineers and for its fine publishing of U.S. Black Engineer magazine.

Career Communications Group along with Mobil Corp., the Council of Engineering Deans of Historically Black Colleges and Universities, and the 1993 selection committee are proud to announce this year's conference award honorees of 1993:

Black engineer of the year, Dr. James Mitchell, outstanding technical achievement-industry, Jonathan Abrokwah, professional achievement, Carserio Doyle, professional achievement, Wilbert Copeland, affirmative action, Christine Stubbs, outstanding business support, Daniel Gill, community service, Mark Thomas, most promising engineer, Stephanie Cole.

Most promising engineer, Dr. Peter J. Delfyett, student leadership, Shawn Emerson, lifetime achievement, Dr. Robert Shumey, dean's award, Dr. Paul T. Bailey, president's award, Doris Hollingsworth-Gray, outstanding achievement government, Arthur Willoughby, outstanding achievement government, Cmdr. William Bundy, education, Dr. Melvin Ramey.

I congratulate the 1993 awardees and the conference hosts for what promises to be another successful event.

LEGISLATION REGARDING NOTIFICATION OF NEXT OF KIN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. GOODLING. Mr. Speaker, I regret to say there is no consistent policy regarding the notification of next of kin in cases of death. Unfortunately, there exist some local officials who do not succeed in locating a deceased person's next of kin for one reason or another. As you can imagine, this is very unpleasant for a family in this situation.

The issue was brought to my attention by a family who lives in my district. A family had a son who had run off on his own from their home in York, PA, and finally resided in another State. The son died later of natural cause, and although the local medical examiner's office attempted to locate an uncle, whom he had listed as next of kin, it was not successful in locating the uncle and made no attempt to locate the family. After searching on their own, the parents finally found out 3 years later their son had died. This is clearly a tragic situation which no family should have to endure.

Today, I introduced a resolution expressing the sense of Congress that medical examiners and coroners should make reasonable, good faith efforts to locate the next of kin of deceased individuals, and that States should develop such procedures.

Such guidelines might include:

At the place of death and current residence—house, nursing home, and so forth—check for personal papers, phonelists, letters, and so forth.

Check for a will or insurance policies;

Check for hospitals for previous admissions;

Check telephone directories;

Check city directories;

Check with police agencies;

Contact banks, and financial institutions for possible accounts with beneficiary.

Contact veterans assistance;

Contact Social Security Administration;

Contact neighbors;

Place notice in newspapers and electronic media;

Contact FBI for fingerprints;

Contact place of employment;

Check with registrar for deaths of same name;

If place of birth is known, check with local registrar, police, hospitals;

Use police telenetwork; and

Check with secretary of States office.

Federal agencies and departments, such as the Social Security Administration and the Department of Veterans Affairs, should cooperate with local officials in these efforts.

I am very pleased that my legislation has been endorsed by the Pennsylvania State Coroner's Association. Through our efforts, I hope these guidelines will assist local medical examiners and coroners in locating the next of kin of deceased individuals in a timely manner so that no families will have to endure the trial and heartache of one family in my district. I would urge my colleagues to cosponsor this resolution.

TRIBUTE TO EDWARD E. COBB

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay a special tribute to Edward E. Cobb who is retiring as chief executive officer of Huntsville Utilities after 28 years of service.

Faced with the challenge of providing service to the seventh-fastest growing city in the United States, Mr. Cobb has maintained a financially stable utility with no major rate increases. Boasting some of the lowest rates in the country, Huntsville Utilities under Mr. Cobb's management has aided in attracting the industry responsible for Huntsville's booming growth. With 40,000 customers when Mr. Cobb began managing the utility in 1964, Huntsville Utilities has grown to serve more than 106,000 customers today.

Customer satisfaction and confidence in Huntsville Utilities has prevailed throughout Mr. Cobb's tenure due to his commitment to keep the public informed on changes taking place in the utility industry. During the energy crisis of the late 1970's, Mr. Cobb responded by implementing an energy conservation program, including home energy audits, low-interest loans for customer weatherization work, public hearings, and media appearances to discuss issues and listen to concerns.

Throughout his administration, Mr. Cobb has frequently attended Huntsville City Council and Madison County Commission meetings to address public officials' and customers' concerns. He has worked with the Tennessee Valley Authority on mutual problem areas such as rates, environmental regulations, energy conservation, and nuclear generation. He has testified to the Senate Public Works Committee in Washington on behalf of the power distributors in the Tennessee Valley.

Edward Cobb has been deeply committed to continuing educational programs for employees, streamlining departments to better serve the customer, and constant upgrading of equipment. The community especially appreciated that commitment to premium service when, hit by a devastating tornado in November 1989, power was restored quickly due to the utility's new SCADA [supervisory control and data acquisition] system and dedicated, well-trained employees.

Mr. Speaker, I rise today out of a great respect for Edward Cobb, a definite driving force in the utility industry. He has been a priceless asset to Huntsville Utilities and will continue to be a valuable citizen of the Fifth District of

Alabama. I congratulate him for an incredible career spanning 40 years. His accomplishments have not only refurbished the utility industry, but have helped transform Huntsville, AL, into the community it is today.

WHAT A DIFFERENCE A FEW MONTHS MAKE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. GALLO. Mr. Speaker, what a difference a few months make. Before becoming President, Bill Clinton made two basic promises to the American people: deficit reduction and a middle-class tax cut.

Instead of delivering on these promises, President Clinton is proposing to tax everyone and to continue to allow the majority in Congress to spend more than we have.

If President Clinton's proposal is enacted, we are looking at the largest tax increase this country has every seen—$328 billion in new taxes—at a time when the recovery is just getting under way.

Candidate Clinton said he would tax only the rich. But, just as New Jersey Gov. Jim Florio did 3 years ago, President Clinton keeps changing the definition of who he considers to be rich. He started out talking about millionaires. Then he drew the line at $200,000 in income per family. Now he has dropped that to a family earning $100,000.

New Jersey is still recovering from the largest tax increase in our State's history.

Among the broad range of new taxes being proposed by President Clinton is an energy tax that will cost New Jersey residents and businesses more than $2.5 billion over the next 5 years. The minimum cost of the energy tax to the average New Jersey family will be $240 in the coming year.

President Clinton proposes $21 billion in new taxes on senior citizens collecting Social Security and $55 billion of cuts in Medicare which will cost New Jersey residents $500 million a year.

All of these tax proposals will have a disproportionate, negative impact on New Jersey. To raise Federal taxes at this stage of the recovery is a very dangerous move.

Economic recovery in 1993 means putting Americans back to work, and I have never known a tax increase that creates jobs. First and foremost, I want to hear what the President plans to do about creating real, private sector jobs. Not temporary or make work government jobs.

Before he was elected, he talked about creating investment incentives for the private sector. Now he is talking about higher business taxes and bigger government programs.

In addition to proposing record tax increases, the very first piece of legislation that Congress will consider as a result of President Clinton's speech will be $31 billion in new spending at a time when we should be cutting spending and reducing the deficit.

I don't have to look very far to see the parallels between what President Clinton is proposing and what Governor Florio did during his first year in office.

If the President does for America what our Governor has done for New Jersey, we are in for a very rough time.

Mr. Speaker, I believe the American people are willing to contribute to our national recovery over the long haul, but not when they feel they will be shouldering an unfair portion of the burden.

In spite of the President's assurances, I am very fearful that we are headed in the wrong direction.

TRIBUTE TO LOCKHEED CREW MEMBERS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DARDEN. Mr. Speaker, Lockheed Aeronautical Systems Co., one of our Nation's leading defense contractors, has experienced a terrible tragedy at its home base in Marietta, GA.

On February 3, the company's high technology test bed aircraft crashed at Dobbins Air Reserve Base in Marietta during engineering tests, killing all seven Lockheed crew members aboard. I rise today to honor their memory.

While finding comfort in tragedy is always difficult, it is important to know that these individuals were of the finest in their field and dedicated to advancing and improving aviation technology.

The experimental aircraft had been used by Lockheed as an engineering test platform for aeronautical research since 1984. The results of the tests being performed on the plane were to be applied to research being done on aircraft of the future with advanced systems such as engines, avionics, and flight controls.

Lockheed is renowned for its commitment to excellence in manufacturing quality aircraft. On April 23, 1991, Lockheed was awarded the Department of Defense contract to build the F–22 advanced tactical fighter, the next generation air superiority fighter, and engineering and manufacturing development work currently is under way on this project. Production work continues on the C–130 aircraft, the workhorse of our Armed Forces airlift fleet. Lockheed also is responsible for giving us the C–5A, C–5B, and C–141 aircraft which performed so magnificently in the Persian Gulf war.

Each member of the crew of the high technology test bed aircraft had made significant contributions to the advancement of aviation technology at Lockheed. I am certain they will be missed personally and professionally. At this time, I would like to share with my colleagues a brief account of each individual's career and family.

Olin L. "Oakie" Bankhead, Jr., 49, was born in Hamlet, NC. He received a bachelor's degree in education from North Carolina State University in 1966 and served in the U.S. Air Force as a tactical airlift pilot for 20 years. He flew C–130's during his Air Force career and served in Vietnam. He was hired at Lockheed in August 1986 to work in flying operations where he was a senior pilot.

Mr. Bankhead's survivors include his wife, Jeannie; daughter, Kelly; and son, Olin. He lived in Marietta.

Troy Cleveland Castona, 33, was born in Marietta. He received a bachelor's degree in mechanical engineering from Southern College of Technology in 1983. A flight test engineer, he was originally hired at Lockheed in 1980 as an engineering co-op student. A bachelor, he lived in Smyrna, GA.

Malcolm Jesse Davis, 59, was born in Columbia, MS. He attended Mississippi State University and served in the U.S. Air Force for 4 years as a flight engineer. He joined Lockheed in 1956 and was a flight engineer.

Mr. Davis' survivors include his wife, Margie; two daughters, Deborah Thorman and Diane Norton; and grandson, Jesse Norton. He lived in Marietta.

Alan J. McLeroy, 35, was born in Gadsden, AL. In 1980, he received a bachelor's degree in electrical and computer engineering from Clemson University and also a bachelor's degree in physics from Presbyterian College. He was hired at Lockheed in 1980 and was a specialist engineer.

Mr. McLeroy's survivors include his wife, Terri; son, Cory; and daughter, Collettee. He lived in Marietta.

George Dennis Mitchell, 42, was born in Bremerton, WA. He received a bachelor's degree in aeronautical engineering from the University of Washington in 1972. He served in the U.S. Air Force for 6 years and was hired at Lockheed in 1980. He was an engineering test pilot.

Mr. Mitchell's survivors include his wife, Marlene; son, Lee; and daughter, Hannah. He lived in Marietta.

Veda Ruiz, 46, was born in Saginaw, MI. He served in the U.S. Navy and was a master sergeant in the U.S. Air Force Reserve where he was a flight engineer on C–130 and C–5 aircraft. He received an associate degree in flight engineering from the Community College of the Air Force in 1984. He joined Lockheed in 1986 and was a flight engineer.

Mr. Ruiz's survivors include his wife, Gloria; son, Veda, Jr.; and daughters, America and Catherine. He lived in Kennesaw, GA.

William Boyd Southerland, 49, was born in Dalton, GA. He attended the Georgia Institute of Technology and joined Lockheed in 1964. He was a specialist engineer.

Mr. Southerland's survivors include his wife, Betty; and two sons, William Gary and Douglas. He lived in Smyrna.

As we mourn the passing of these dedicated and talented individuals, it is important to remember that their many valuable and lasting contributions to aviation will long be remembered at Lockheed and throughout the aeronautical research field. We also pray that time will heal the pain the family members of these men are now experiencing. They are in our thoughts and prayers.

FOREST MYPTEN JOHNSTON: "IRON HAT JOHNSTON"—A REAL AMERICAN PIONEER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DELLUMS. Mr. Speaker, our Nation will be forever grateful to the aviation pioneers who challenged nature's unforgiving elements and tested their own mortality to prove that man is a child of nature and an extension of a greater intelligence beyond this Earth. These gallant men and women raced the stars across the heavens and pushed their creative genius beyond the threshold of time and space. They broke the bounds of freedom to leap beyond Earth's dominance first in rag and stick aircraft, and then, with awestruck technology, approached God's heavenly domain by leaving the imprint of our species on the Moon.

Forest Mypten Johnston, professionally known as "Iron Hat" Johnston, is such a man of daring who left us in awe of his prowess as a pilot, and as a man of spirited character and energetic talents. He is a 1920's barnstormer, flying daredevil, test pilot, U.S. Olympic games representative, flying comic, a retired Navy pilot—a man who has met the challenge of his profession and exceeded the limits of his own daring exploits. He is also a living symbol of a patriotism and pride that is characteristic of our American heritage; a man who faced the dangers of war, and on several occasions, saved the lives of his passengers and his aircraft. And now, at the age of 89, he is a man who faces his mortality with a grace and fortitude that forever pits man against the elements of time, his environment, and most of all, himself.

His achievements are legend, and his remarkable exploits have been shared by legendary aviators such as Jimmie Doolittle, Amelia Earhart, Roscoe Turner, Charles Lindberg, Edwin Musick, and Fred Noonan of Pan American's China Clipper fame, and a host of aviation pioneers who lived in the romantic era of the gutsy seat-of-the-pants flying. Never without his familiar trademark, his derby hat, he is the only pilot to have ever landed in Lake Merritt in Oakland, CA, in his beloved Aeronca C–2, aptly dubbed the "Flying Bathtub." His firsts in aviation include taking off from the top of an old Packard to simulate catapulting from an aircraft carrier in an old Paramount movie newsreel, refueling while in the air, and picking up a mail sack from a man running along the landing strip at the old San Francisco Airdrome. He has the distinction of piloting no less than 110 different types of aircraft including lighter-than-air blimps.

This pilot, who earlier in his youth followed the footsteps of his friend and mentor, Jimmie Doolittle, deservedly achieved aviation's highest form of recognition by being elected a member of the CX–5, Aviation Pioneers Hall of Fame in 1988. "Iron Hat's" first flying ticket is signed by none other than Orville Wright, the man, who with his brother Wilbur, opened the exciting era of the flying machine in America.

"Iron Hat" Johnston is a remarkable, entertaining gentleman who grew up to excite the hearts of aviation buffs the world over. He captured numerous world aviation records in the early 1930's, and after serving his country both in the Army Airforce and the U.S. Navy Flying Service, he became personal pilot and fishing partner of former President Herbert Hoover.

Modesty has kept much of "Iron Hat's" history on hold and only through careful urging has he parceled out bits and pieces of his exciting, romantic aerial exploits. He is a man who brought new dimensions to flying, not so much as an innovation to airline technology, but to a testimony of the courage, free spirit, and leadership that men and women of his caliber brought to the growth of air power. One can see that his life has been a romance with the elements, a challenge of time and physical endurance, and a freedom to emulate the winged creatures that so fascinated him as a young boy. Forest Mypten Johnston's life gives substance to the words Robert F. Kennedy spoke so eloquently not too many years ago: "Some men see things as they are and ask why. I dream things that never were and ask, why not."

TRIBUTE TO MR. EARL H. LEBRASSEUR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Earl H. LeBrasseur of Manistique, MI, a city located in the First Congressional District, which I represent. A selfless individual and leader in his community, Mr. LeBrasseur is being honored in Michigan on February 18, 1993 for his many years of outstanding service to Schoolcraft County.

Mr. LeBrasseur was born in Nahma, MI on March 23, 1908. He was educated in Nahma and Manistique public schools and took classes sponsored by the Mead Corp. in foremanship and production standards. Upon entering the work force, Mr. LeBrasseur got a job at Manistique Pulp and Paper. He started as a broke-hustler and worked his way up to shift supervisor. During World War II, he worked at Manistique Tool and Die dedicating himself to the war effort at home. He has been serving his community, his county, and his State ever since.

For 20 years, Mr. LeBrasseur served as chairman of the local Democratic party. For 29 years he served on the board of education. He gained a seat on the Schoolcraft County Mental Health Board at its inception in 1976, and has served diligently ever since.

Perhaps the only thing more impressive than Earl's commitment to public service is his dedication to his family. As the youngest of 16 children, Mr. LeBrasseur now finds himself in perhaps the unfamiliar position of lauded patriarch. Along with his wife of 56 years, Katherine, Earl enjoys the company of his 6 children, 18 granchildren, and 4 great-grandchildren. I know Earl feels fortunate to be surrounded by so many people who love and admire him, but it is really the people of Manistique and Schoolcraft County who are blessed to have known Earl as a friend, a family member, or a colleague.

Mr. Speaker, I rise today to pay tribute to a man who has given everything to his family and his community. It is only fitting that he be honored in his hometown as well as in the U.S. House of Representatives. I wish Earl LeBrasseur nothing but continued happiness and thank him for his many years of service.

THE PRESIDENT'S ECONOMIC PLAN

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. McCANDLESS. Mr. Speaker, when I was the owner of a business, I learned a lot of practical things about what sells and what doesn't and why. One of the basic rules is that the more you tax something, the less you have of it. The holds true with everything, whether it's potato chips, or cars—or the middle class.

With potato chips and cars, for instance, the manufacturer slows production when taxes go up, simply because the consumer buys less, since the tax is passed along and prices go up. That means that, at best, no new workers are hired, and at worst, and this is what usually happens, workers are eventually laid off.

Since unemployed people buy less, manufacturing production falls off even more. And the downward cycle continues. This is one of the reasons the stock market fell more than 70 points yesterday. Wall Street understands that taxes are regressive. Taxes are punitive. And without corresponding spending reductions—well, taxes are the shortest line from recovery to disaster.

Which brings me to the economic workhorse in this country—the great middle class. Not only will that class of Americans not get the tax break it was promised, it will get income tax increases. Add those taxes to increased consumption taxes, and *voila!* A certain percentage of our middle class will slide closer to the poverty line, and then we'll get less of the middle class, too.

While I'm willing to work with the new President for the sake of the country, I'm very disappointed in what I've seen so far in his economic recovery package.

Everyone seems to agree that the deficit is the biggest problem with our economy. Foreign investment in T-bills has essentially stopped. That means every dollar the Government borrows is one less dollar than American financial institutions will be able to loan to average citizens. Anyone who has been turned down for a loan in the last few years shouldn't blame the economy, but the staggering Federal debt which is swallowing up the available capital in the banks and savings and loans.

It is this private capital that builds houses, finances corporate reinvestment, and in the end, creates jobs. But when the Federal Gov-

ernment takes all the available money to feed its appetite for spending, the job creating side of our economy is left to starve.

President Clinton needs to pay attention to the deficit-increasing portions of his proposal that are hiding under the guise of economic growth. These meager efforts put forward by the President will take effect too late to help the recovery and cause too much damage to the deficit to do any good.

The other side of his proposal is raising taxes on the rich. During his campaign, President Clinton defined the rich as anyone making over $200,000. Then the figure dropped to $175,000. Then down to $100,000. Now they say anyone making over $30,000 will pay increased taxes, and that's not taking into consideration the energy tax which hurts everyone, rich or poor.

These tax increases never go to deficit reduction. History has proved this time and time again. In 1982, we raised taxes with the promise that for every dollar in new revenue, we would cut three dollars in spending. In reality, for every $1.00 raised,we spent $1.14.

In the 1990 budget summit, Congress promised once again to raise taxes and cut spending. But for every dollar in new taxes in that bill, we have seen $2.37 in new spending. In fact, since 1947, for every dollar raised in new taxes, the Government has spent $1.59. Forty years of proof should show the President that tax and spend is not the way to cut deficits.

We need a bolder proposal, one worthy of a person elected to change things. Capital gains cuts, line-item veto power, and tax changes to spur on business, not tempt increased Federal spending. I'm still willing to work with the new President, but I need proof that he has new ideas, not just the same old worn-out, won't work tax and spend programs that failed in the past.

THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. MATSUI. Mr. Speaker, I am pleased to join Ways and Means Committee Chairman ROSTENKOWSKI and Majority Leader GEPHARDT today to introduce President's the Emergency Unemployment Compensation Amendments of 1993. This very modest package will extend emergency unemployment benefits for an additional 7 months for those unemployed workers most in need.

While the unemployment rate has dropped somewhat since we last extended the emergency benefits program, the national unemployment rate still remains higher than it was when the recession began in July 1990. For some States, such as California whose unemployment rate was 9.5 percent last month, the end of the recession is nowhere in sight.

This recession has been different from those in the past, when layoffs were temporary and unemployed workers found reemployment in a fairly expeditious manner. This time, however, workers who have been laid off are being permanently let go because their jobs have been eliminated. This country's economy is undergoing a significant restructuring, and as a result the unemployed of this recession are unemployed for longer than their previous counterparts. The bill we have introduced today takes a step toward helping States identify these long-term unemployed workers and develop appropriate relocation and retraining services.

While fewer people are losing their jobs and applying for unemployment compensation, those who are unemployed stay unemployed for longer. The number of workers who have exhausted their benefits and still remain unemployed continues to be about 300,000 per month, and has yet to show any indication of dropping off. Many unemployed workers still have a long road to follow before they will see any relief.

The current unemployment crisis is far from over. Although last session Congress allowed States the option of triggering additional weeks of benefits for their long-term unemployed, no States have chosen to do so. In California the legislature passed a measure to do so and to provide some additional relief to unemployed workers, but the Governor, citing huge State budget deficits, vetoed the bill. California is not alone in its concern about the cost of triggering these additional benefits.

It is my hope that at a later date the President and Congress can take a closer look at the long-term health of the unemployment insurance program. We must takes steps to strengthen the unemployment system so that in times of emergency the system works for those who need it.

The Emergency Unemployment Compensation Amendments of 1993 proposed by President Clinton is a step in the right direction to helping the Nation's long-term uninsured. I urge my colleagues to join me in supporting this very important legislation.

TRIBUTE TO MRS. ALMA WALTERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. TOWNS. Mr. Speaker, I rise today to salute Mrs. Alma Walters, one of my constituents who has lived in my district in East New York for the past 30 years at 399 Miller Avenue. On February 22, Mrs. Walters will celebrate her 90th birthday. Her life exemplifies service to others.

Mrs. Walters' lifetime achievements include service as a former employee of Community Hospital where she worked as a nurses aide, and distinguished herself as a tireless member of Local 1199. In her retirement she continues to serve 1199 by participating in the senior citizens program.

As a mother, grandmother and great-grandmother, she has passed on her wisdom and experience by serving as a member of the Christian Mothers Society at St. Michael's Catholic Church.

It is my honor and privilege to have a constituent like Mrs. Walters. Her lifetime is a shining example of dedication to family and community service. I am pleased to introduce my colleagues and the Nation to Mrs. Alma Walters as she and her family prepare to celebrate her 90th birthday. May your future be as bountiful as your past.

U.S. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. DE LUGO. Mr. Speaker; I am introducing a bill today which would authorize the elected Resident Representative of the Commonwealth of the Northern Mariana Islands to nominate a candidate to each U.S. military academy after consulting with the Governor of the Northern Mariana Islands.

The bill would also require, by way of a technical correction to existing law, that the Delegate from American Samoa, along with the Resident Representative of the Commonwealth, be notified of vacancies in any of the military academies, as is done with Members of Congress, Delegates, and the Resident Commissioner from Puerto Rico.

As you know, the Commonwealth of the Northern Mariana Islands became the newest member of our American political family in 1978 pursuant to Public Law 94–241, the Covenant to Establish a Commonwealth of the Northern Mariana Islands in political union with the United States.

The people of the Commonwealth have been U.S. citizens since 1986 and are eligible for appointment to any of our military academies. Because of the special position of the Commonwealth's Representative to the United States in Washington, DC, however, they alone among U.S. citizens do not have a locally elected official authorized to nominate them.

Those interested in attending the academy have and continue to depend on the Delegate from Guam, its neighbor in the South, to nominate them.

This bill would enable a Commonwealth official to participate in the nomination process.

Let me also say that this proposal is not a new one. The Northern Mariana Islands' Commission on Federal Laws, a presidential panel and special representatives of the President of the United States and the Governor of the islands in consultations—required by the Covenant—urged the enactment of this legislation. Last Congress, I cosponsored an omnibus bill, H.R. 2575, which included this proposal, and held a hearing on it. H.R. 2575, which was intended to implement recommendations made by the special representatives to the 902 talks, was, however, not reported out of the Subcommittee on Insular and International Affairs partly because it was referred to four other committees and would have impacted other insular areas. Since then, Commonwealth officials have urged the Congress to enact this nomination proposal on its own.

Please join me and other members of the subcommittee that I am privileged to Chair in supporting this proposal.

THE BARNUM MUSEUM CELEBRATES ITS 100TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SHAYS. Mr. Speaker, today I am pleased to congratulate the Barnum Museum as it celebrates 100 years of exemplary service and dedication to the community. For a century, the Barnum Museum has been preserving the heritage of Bridgeport, CT and its extraordinary citizen, P.T. Barnum; an entrepreneur, politician, journalist, impresario and showman.

The Barnum Museum is housed in a Victorian structure that was placed on the National Register of Historic Places in 1972. It showcases the life and times of P.T. Barnum; tells the story of Barnum's most famous creation, the circus; and chronicles the growth of the city of Bridgeport.

One of the museum's more extraordinary displays is a 1,000 square foot multi-media presentation of a five-ring circus with 3,000 miniatures, including everything from the Big Top to the small tents where the troupe ate its meals.

The museum is planning two major exhibits for the Centennial. One will explore a century of advertising in America, citing the ingenious contributions of P.T. Barnum, one of the greatest promoters of all time. The other exhibit, The Kid's Bridge, will explore multiculturalism.

I am proud of the Barnum Museum's commitment toward preserving a significant segment of American culture. The people of Bridgeport and neighboring communities are fortunate to be able to enjoy all the Barnum Museum has to offer. I wish the museum great success on its anniversary today and throughout the next century as well.

THE GUN-FREE SCHOOLS ACT OF 1993

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. MILLER of California. Mr. Speaker, today, one of the most dangerous things we ask schoolchildren to do is to go to school. Our Nation's schools have fallen victim to increasing gun violence, and thousands of schoolchildren, teachers, and school personnel are too often the innocent victims.

According to a 1990 survey by the National Center for Disease Control [CDC], one in five high school students carries a weapon at least once a month for self-protection or for use in a fight. U.S. Justice Department statistics from 1991 show that approximately 100,000 of the Nation's 45 million students bring guns to school daily.

The Center to Prevent Handgun Violence compiled the following statistics for academic years 1986–90 in its recent report, "Caught in the Crossfire: A Report on Gun Violence In Our Nation's Schools."

At least 71 people—65 students and 6 school employees—were killed with guns at schools during the 4-year period reviewed in the study; another 201 were severely wounded; and 242 individuals were held hostage at gunpoint;

Shootings or hostage situations in schools have occurred in at least 35 States and the District of Columbia;

Males were most frequently the offenders, 93 percent as well as the victims 76 percent; and

Schoolchildren ages 14–17 are most at risk of gun violence at school.

We can no longer stand idly by while our schools and our schoolchildren are under siege. If, as a Nation, we are committed to school reform and in meeting the education goals by the year 2000, we must be equally committed to providing students and teachers who want to learn with safe schools.

While I am a strong supporter of violence prevention programs, I believe that we also must take stringent measures to protect students and teachers in our schools. We must send a clear message to our communities, to students, and to families that we will not tolerate guns and weapons in our schools. Students who bring them to school should not be permitted to remain in the schools, endangering the lives of students and teachers trying to further their education. Schools must once again become safe havens, free of violence.

Today, I am introducing the Gun-Free Schools Act of 1993 which will require schools, in order to receive Elementary and Secondary Education Act [ESEA] funds, to expel for 1 calendar year any student caught bringing a gun or weapon into the school.

My bill also creates a $100 million competitive grant program to be administered by the U.S. Department of Education for schools to purchase metal detectors and provide training for school security personnel.

Students in my district and across the country say they are afraid to go to school. Just as we learned with hunger, children cannot learn properly if they are afraid. Teachers cannot perform their jobs if they constantly fear for their safety. No parent, no adult, can simply let that fear go unanswered.

My legislation will make schools a safe place again for our children. I hope that my colleagues will support me in this important endeavor.

TRIBUTE TO MR. ARTHUR J. D'ANNIBALLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to one of my exceptional constituents, Arthur J. D'Anniballe, who retired from the board of trustees of Jefferson Technical College on August 31, 1992.

Mr. D'Anniballe devoted 26 years of service to the board of trustees, including 15 years as the chairman of the board. During his tenure at Jefferson Technical College, he was instrumental in expanding the college's annual budget from $1 million to $7 million due to his expertise as an accountant. Also, Mr. D'Anniballe guided the school through two accreditation periods and was instrumental in increasing student enrollment. Therefore, Jefferson Technical College has recognized his excellent work by designating him a trustee emeritus.

In addition to exemplary efforts on the board of trustee's, Mr. D'Anniballe has been a well-respected member of the community in Steubenville, OH. He has served on the boards for the Steubenville Housing Authority, the Steubenville Area Chamber of Commerce, J.C. Williams Charitable Foundation, and Miners and Mechanics Bank.

Mr. Speaker, it is with pride that I rise to recognize Mr. Arthur J. D'Anniballe, and I ask my colleagues to join me in saluting him for his outstanding contributions to Jefferson Technical College and the community of Steubenville, OH.

TRIBUTE TO WADE BLANK

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mrs. SCHROEDER. Mr. Speaker, today I wish to pay tribute to the man many Americans acknowledge as the father of disabled rights, Wade Blank.

Wade Blank's distinguished career placed emphasis on civil rights for those people with disabilities. Wade recognized a need to focus light on a community that had long been ignored in social, political, and economic circles.

In 1975 Wade cofounded the Atlantis Community in Denver that served as the resource center for people with disabilities. The Atlantis Community also taught those without disabilities the importance of judging people not by their physical capabilities but by their character.

Wade fought countless battles. I stood beside Wade in many of these battles to erase injustice and ignorance. I recall back in the late 1970's when Wade led the effort to have wheelchair lifts installed in buses throughout Denver. Wade and company surrounded two city buses at a busy intersection in downtown Denver to make their point. I attended this rally in support of Wade's effort. We won that battle. Today wheelchair lifts are a reality.

Wade Blank, a man with many dreams and visions, made Denver, CO, and the United States a better place to live. He will be greatly missed.

SALUTING BELLEVUE HOSPITAL

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to an outstanding hospital in my district, a hospital that has just completed an ambitious renovation project that will benefit many of my constituents.

For more than three-quarters of a century, Bellevue Hospital has provided quality health

care with a tradition of compassion, service, and competence. Since 1914, the people of Bellevue Hospital have not only met the community's need to care for the sick, but they have also continually strived to do better, to do more, to touch the lives of as many people as possible when age or illness makes them vulnerable.

In reading about Bellevue Hospital while preparing this statement, I came across a quote by Dr. J.C. Morrow that really says it all: "The Bellevue Hospital recognizes neither creed, color, nor station of life. Its mission on earth is to care for the sick and injured."

Mr. Speaker, it is this sense of purpose and decency that I salute today. On Sunday, February 21, Bellevue Hospital will have a grand opening celebration to commemorate the completion of a $3.7 million construction project that includes the following: First, a major surgery addition, and second, a new hospital wing to house an intensive care/coronary care unit and other hospital departments.

I know that these improvements will allow Bellevue Hospital to continue to labor in its fine tradition. I know my colleagues here in the House of Representatives join me in saluting the people of Bellevue Hospital for all of the fine work that they do every day.

GOOD LUCK, CHARLIE BECK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. MYERS of Indiana. Mr. Speaker, I want to acknowledge a member of the community in Terre Haute, IN, who has become a familiar figure around that city in his quest to find clovers; that is four, five, and other multiple-leaf clovers. Charlie Beck began his rapidly growing hobby over 2 years ago after finding a five-leaf clover by accident. He has developed his own preservation strategy and now hundreds of clovers are displayed beautifully in frames. At any given time he has close to a thousand clovers in his collection. He is trying to find out from the Guinness Book of World Records what the record is for a collection of multiple-leaf clovers. As he says, "If I didn't give so many away, I'd have thousands more."

And so Charlie also passes on good luck. As Charlie says, "Maybe the clover does not have anything to do with it, but they believe it does." He gave a four-leaf clover to a woman on a Monday and the following Friday she won $3,500 in a lottery game. With that kind of luck, a lot of people are going to want to be seeing Charlie. "Maybe a lot of people would not have taken the time to speak with me if it hadn't been for the clovers," Charlie has remarked. Everything is coming up clovers for Charlie Beck. Good luck, Charlie.

ST. PATRICK'S HIGH SCHOOL WINS MICHIGAN CLASS D FOOTBALL CHAMPIONSHIP

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. HENRY. Mr. Speaker, on November 27, 1992, the small city of Portland, MI was brought statewide attention when St. Patrick's High School's varsity football team, the Shamrocks, captured the Class D State Championship title on the Astroturf of the Pontiac, MI Silverdome.

This small-town America story of victory stunned not only the defending State champions from Frankfort, but the entire State. The Shamrocks started out trying to close the gap between them and the Frankfort team, who were named State champions after defeating the Shamrocks last year. And close the gap they did. To quote newspaper reporter Bob Gross, who wrote in the Lansing State Journal the day following St. Patrick's victory, "You learn to appreciate what goes into the making of a State champion when you watch the guys from the little town go to the big city and play their hearts out." And as coach Chris Schrauben added in the same article, "Today was the day to celebrate for our team, our community and our league."

The St. Patrick's team has consistently shown tremendous zeal and fortitude. They have a 2-year record of 25–1, making them the school with the best record over the last two seasons. The Shamrocks' 13 straight wins also ties the State's longest current winning streak.

Mr. Speaker, each and every member of the team contributed in a special way to this victory. It gives me great pleasure to honor each of the following players, fine coaching staff, team managers, and their trainer: Tom Thelen, Burt Brown, Dave Fox, Aaron Schneider, Andy Carr, Ryan Channell, Jerry Simon, Matt Meyers, Brent Goodman, Jason Schrauben, Nick Weller, Dan Thelen, Jim Lansdell, Nathan Pung, Kyle Pline, Sam Fedewa, Matt Kahn, Andy Beech, Josh Meyers, Andy Trimmer, Travis Bennett, Justin Pung, Ken Gensterblum, Ben Cross, Jeff Simon, Eric Krieger, and Brad Russman; head coach Chris Schrauben; assistant coaches George Heckman, Dan Weller, Tony Kolarik, Dwayne Nickelson, Al Schrauben, and Mike Coyne; managers Jesse Weller, Mark Krieger and Kurt Pline, and trainer Russ Willemin.

Winning the State championship takes hard work, determination, spirit, and ability, but most importantly, a cooperative team effort. Putting forth their highest level of effort, the St. Patirck's Shamrocks succeeded in reaching the pinnacle.

Mr. Speaker and colleagues, please join with me in expressing heartiest congratulations to the 1992 Michigan Class D State Champions—the St. Patrick's Shamrocks.

TRIBUTE TO DAVID M. ZELDES

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. COPPERSMITH. Mr. Speaker, I wish to enter remarks in the RECORD to honor the memory and work of a recently deceased colleague and friend, David M. Zeldes. In 1985, David led a group of young Arizona lawyers, under the auspices of the State Bar of Arizona's young lawyers division, who formed a nonprofit corporation to provide pro bono legal services, at no charge, to community groups and economic development organizations in Arizona.

That organization, now known as Arizona Community Legal Assistance [ACLA], matches lawyers willing to provide tax, real estate, and business law expertise to qualifying organizations. ACLA helps train new attorneys through seminars, recruits experienced attorney's, and links volunteer attorneys with community-based groups which need legal assistance. ACLA helps attorneys fulfill their pro bono professional obligations while assisting groups that provide community and economic development services. ACLA has won awards from the American Bar Association for its efforts. It is not the first such program—others served as models—but it is one of the best.

David Zeldes stood at the heart of ACLA's extraordinary achievements. He served as a president, as a member of the board of directors, and as head of ACLA's Phoenix screening and referral committee. David led by example. For years he performed the unglamorous but necessary work that made ACLA function: reviewing application forms, ensuring proper monitoring and follow-up, and complying with the organizational duties. I served as a director and officer of ACLA and also worked as a participating attorney, assisting pro bono clients matched with me through the program. I know personally how ACLA's considerable success depended on the dedication, intelligence, and skill of David Zeldes.

In addition to his work with ACLA, David also served with other community groups. He helped establish a charity golf tournament, and received the Maricopa County Bar Association's Member of the Year Award in recognition of his efforts.

On December 11, 1992, David Zeldes died suddenly. He was 42 years old. During his life, he accomplished much for himself, his family, and his community. As his colleague and his friend, I mourn his passing and salute his achievements.

THE ORDER OF ALHAMBRA CELEBRATES ITS 89TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. MURTHA. Mr. Speaker, I'd like to take a moment to recognize the celebration of the 89th anniversary of the founding of the Order of Alhambra, which will take place this year on

February 28. In this era when it sometimes seems we hear nothing but news of destruction, greed, and unhappiness, it's a pleasure to salute an organization performing the critical work of the Order of Alhambra.

The Order of Alhambra works to assist physically and mentally challenged individuals in their efforts to overcome their disabilities. By participating in the Special Olympics and raising funds for the purchase of equipment such as wheelchairs and braces, the Order of Alhambra has improved the lives of countless physically and mentally challenged people.

I'd like to pay special recognition to Vigo Caravan No. 151 of Johnstown, PA, a part of the Order of Alhambra which has been providing these good services in the Johnstown community for the past 30 years. Their efforts on behalf of disabled individuals make our community a better place to live.

Congratulations to the members of the Order of Alhambra on your 89th anniversary. I wish you many more years of unselfish service to the physically and mentally challenged of our Nation.

SALUTE TO MEL STEELY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. GINGRICH. Mr. Speaker, I rise today to recognize the years of dedication shown by Mel Steely. Mel and I served together on the faculty at West Georgia College in Carrollton, GA, and through the years, Mel has served as a valuable friend, on both a personal and professional level.

His academic background brought a special perspective to his work for the residents of the sixth district, and his years of service will always be remembered by his family and friends.

IN RECOGNITION OF CAPT. NEWL D. JUDD, USNR

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. SANTORUM. Mr. Speaker, I would like to take this opportunity to recognize Capt. Newl D. Judd of the U.S. Navy Reserve.

During a span of over 30 years of active and reserve duty in the U.S. Navy, Captain Judd has served his country and his community with the highest sense of duty and professionalism.

Captain Judd entered the Navy during World War II and his career spanned both the Korean and Vietnam conflicts. But his sense of obligation to the institution did not stop when he retired.

Upon retirement in 1975, Captain Judd began to volunteer his time and services to work as director, retired affairs at the Naval and Marine Corps Training Center in Pittsburgh on a daily basis. In this capacity, he has continuously served for 17 years without pay or benefits from the Government. He conducts all seminars on retired benefits and acts as liaison for any Marine separating from the corps. These liaison duties include helping Marines receive the latest information on benefits.

Captain Judd continues to volunteer his time and effort in serving as commanding officer of the Pittsburgh Sea Cadet Program, a U.S. Navy league youth organization. Since 1967 he has acted in this capacity without fail.

Captain Judd provides assistance, advice and a point of contact for all retirees, medically discharged veterans and any veteran from every branch of service requiring assistance on any military problem. This is an enormous job as Captain Judd is the only person providing this service for all of western Pennsylvania, West Virginia, and Ohio. Significantly, his extensive file system has resulted in numerous veterans being awarded benefits they were entitled to, but never offered.

Clearly, Captain Judd has demonstrated the highest qualities of duty, honor, and service. Countless servicemen and veterans, and indeed the American people are indebted and grateful.

TRIBUTE TO MR. WILLIAM FRANKLIN MARSHALL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1993

Mr. HALL of Texas. Mr. Speaker, I rise today to announce the unfortunate death of a dear man, William Franklin Marshall of Bonham, TX.

William (Bill) Marshall was born in Bonham on September 18, 1923, and celebrated his 69th birthday while touring Europe with his wife, visiting World War II battlegrounds and memorials. During the war, he served as a member of the 146th Engineer Combat Battalion, which was one of the first units to land on Omaha Beach in the D-Day invasion of France. He was cited for gallantry and received two Purple Hearts, E.A.M.E. Campaign Medal with five Bronze Stars, Good Conduct Medal, Distinguished Unit Badge, World War II Victory Medal, and Bronze Service Arrowhead with one Oak Leaf Cluster. It was a twist of ironic injustice that he died in Blois, France on September 22, 1992, while visiting the areas where he served his country 50 years ago during World War II.

He was the son of the late Bacon Saunders and Mary Cariker Marshall of Bonham, and the beloved husband of Nina Vansickle whom he married on December 19, 1945. The 55-year resident of Bonham and member of Boyd Baptist Church worked for the General Cable Co. for 23½ years before retiring in 1988.

Family and friends will remember him as a hard worker who always took time to share himself, his knowledge, and his experience with others. His favorite pastimes were gardening and attending events involving his children and grandchildren.

He is survived by his wife of 46 years, Nina; daughters and sons-in-law, Linda and Larry Scott of Sherman, Joy and Joe Reiner of San Antonio, Mary Ann and Terry Cody of Bonham, and Billie Gail and Charles Ratcliff of Greenville. He was the proud PaPa of three granddaughters, Lori Scott, Kelly Anderson, and Kilee Cody, and seven grandsons, Jimmy Reiner, Jerald Reiner, Kyle Anderson, Joshua Ratcliff, Daniel Ratcliff, Adam Ratcliff, and Elias Ratcliff. Also surviving are a sister, Juanita Toliver of Hugo, OK; a brother, L.B. Marshall of Bonham; several cousins and many nieces and nephews. A sister preceded him in death.

Services were at Cooper-Sorrells Funeral Home Chapel in Bonham on Saturday, October 3, at 11 a.m. with the Rev. Bill Beasley and the Rev. Morris Robbins officiating. Serving as pall bearers were his sons-in-law and grandsons. Memorials were made to the Bonham Council of Camp Fire and to the Fannin County Sports Hall of Fame in Bonham.

The death of this special man, William F. Marshall, is a great loss and may God be with his family and friends at this time of need.

Mr. Speaker, as we adjourn today, let us do so in memory of this great man who fought for his country and then came home to live for his family and friends.