

EXTENSIONS OF REMARKS

A TRIBUTE TO JERRY EAVES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Jerry Eaves. Jerry, who has played a leadership role in California's Inland Empire for years, will be the recipient of the Boy Scout's 1993 Distinguished Citizen of the Year Award at a dinner in his honor.

Jerry first moved to San Bernardino as a teenager, graduated from San Bernardino High School, and received an associate of arts degree from San Bernardino Valley College. After a 25-year career at Fontana's Kaiser Steel Mill and attending California State University, San Bernardino, Jerry was elected to the Rialto City Council. He was reelected to the city council in 1978 and subsequently elected mayor of Rialto in 1980. In 1984, Jerry was elected to the California State Assembly and served there for 8 years. In 1992, he was elected to the fifth district of the San Bernardino County Board of Supervisors.

Over the years, Jerry has been actively involved in our community. He currently serves as cochair of the Inland Valley Development Agency [IVDA] and chairman of the Aqua Mansa Industrial Growth Association. In addition, Jerry serves on the board of directors of the California State Association of Counties and is a delegate to the Southern California Association of Governments [SCAG] Executive Committee and the Southern California Regional Airport Authority. He is also a member of the San Bernardino Associated Governments and County Transportation Committee [SANBAG].

Jerry has also taken a keen interest in the young people of our community for many years. During this time, his involvement in Scouting has encompassed a number of capacities including Cubmaster, council board member, and service on various committees.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing the fine contributions and selfless service of Jerry Eaves. The Boy Scout's 1993 Distinguished Citizen of the Year Award is a fitting honor for Jerry and his longtime dedication to our youth and his commitment to our community. It is fitting that the House of Representatives pay tribute to him today.

HELP FAMILIES HELP CHILDREN
LEARN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to assist schools in raising the academic achievement of their students through the coordination of health and social services for both students and their families.

No matter how high the quality of an educational program, a child's ability to learn can be greatly diminished by the quality of their life outside of the school setting. If a child is homeless or living in a home without heat or electricity, if he or she does not receive proper nutrition and medical care, and if a child is abused or lives with a parent or parents who use and abuse drugs and alcohol, it has an impact on the child and his or her ability to focus their attention on what is going on in the classroom.

My bill addresses this problem by authorizing \$20 million in startup funds for the development of model programs by schools and school districts in high poverty areas which are interested in coordinating health and social services to meet the needs of students and families in the school community. It does not mandate any particular services nor does it create a new bureaucracy to oversee coordination efforts. Rather, it allows schools to reach out to the local community to coordinate existing services which they determine are necessary to meet the needs of the school community—or to develop new programs if services aren't otherwise available. Funds can be used to hire a coordinator, renovate space, purchase equipment, or to support other activities essential to the initiation of a coordination program.

Schools throughout the United States are already coordinating services for students and their families, but there are others which just don't have the funding necessary to develop and establish coordination programs. Unfortunately, without such programs, many young students will not be able to take advantage of the education they will need to succeed when they become adults.

The national education goals establish high expectations for all children. The legislation I am introducing today will not only assist schools in helping to meet the basic needs of the students and families they serve, it will assist them in their efforts to allow each child to reach their full potential in accordance with the national education goals. I urge my colleagues to support this legislation.

SOUTH GLENS FALLS, NY,
MOURNS LOSS OF RESPECTED
TEACHER, SHIRLEY M.
NAPOLITANO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, 18 years ago, a rather remarkable lady from South Glens Falls, NY, was cited by the American Chemical Society. The citation in part read:

She knows that a trained mind and critical judgment are essential to success. Teaching, to be effective, cannot be divorced from full professional competence in the subject matter taught.

The citation was to Shirley M. Napolitano, who I regret to say passed away on March 25, leaving a large void for her many friends as well as for her family.

That same citation, made when Mrs. Napolitano was selected by the American Chemical Society as the first woman recipient of the high school chemistry teachers award, also pointed to the excellent record of her students in the New York State Regents examinations. That praise was echoed by many college chemistry professionals who later taught her well-prepared students.

Mrs. Napolitano was born Shirley B. Betar in South Glens Falls. She was the valedictorian of her high school class, and graduated from Hobart and William Smith Colleges with honors. She received both a master of arts degree in education from SUNY-Albany and a master of science degree in chemistry from Simmons College.

During World War II, Mrs. Napolitano was a research chemist for General Electric in Schenectady, where she was part of a team that developed refinements in the cathode ray tube, among other projects.

With her late husband, S. George Napolitano, she raised a family and helped run the newsroom-grocery business in South Glens Falls. When her children entered school, she began teaching at South Glens Falls High School until she retired in 1984.

Her innovations in teaching materials have been adopted throughout the State. She was selected by the State education department to revise the chemistry regents examinations.

Among her awards is the New York State United Teachers Award for excellence in teaching. Twice, the students of South Glens Falls High School dedicated the yearbook to her.

Mr. Speaker, Shirley Napolitano was a woman of accomplishments who will be sorely missed by her son, George P. Napolitano; her daughter, Shirley Banker; her sister, Marion E. Betar; her brother, Harry J. Betar; and other surviving family members, indeed, by every one who knew her.

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

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

Mr. Speaker, I ask you and other Members of this body to rise in a moment of silence in memory of Shirley M. Napolitano, whose teaching excellence and dedication touched the lives of countless people.

HONORING THE RETIREMENT OF
COL. GERALD POSANKA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor Col. Gerald Posanka, an outstanding individual who is retiring from the Air Force after 33 years of distinguished service to his country.

Colonel Posanka, of East Setauket, Long Island, is a native of Illinois who entered the Air Force in 1958 and was commissioned second lieutenant in 1959. Throughout his career he served as a navigator, with extensive service in reconnaissance aircraft. Colonel Posanka flew combat missions over Vietnam and received the Armed Forces Expeditionary Medal for his conduct during the dramatic Pueblo incident in Korea. Among his many other decorations are the National Defense Service Medal, Republic of Vietnam Gallantry Cross, and the Outstanding Unit Award for Valor while assigned to the 552 Early Warning Wing.

Upon his release from the Air Force in 1971, Colonel Posanka entered the New York Air National Guard. He continued to serve with distinction through his final assignments as resource manager of the 106th Air Rescue Group and commander of the 106th Resource Management Squadron. He has also maintained a position as navigator for the C-130 Hercules.

Colonel Posanka has been married to his wife Mary for the past 30 years and they have 5 children. Two of his children have followed their father's footsteps by pursuing careers in the Air Force. His daughter Elaine is a second lieutenant. I am proud to have recommended his son William to the Air Force Academy, where he is currently serving in his first year.

Colonel Posanka has distinguished himself in service to his country on the national level and he has brought that same dedication to service to his community. He is the troop leader of Boy Scout Troop No. 70, also of East Setauket.

The Air Force will surely miss one of its most loyal and talented airmen but I am confident that Colonel Posanka's family and community will continue to reap the rewards of his tireless sacrifice and devotion. It is my privilege to applaud his accomplishments and to join with my colleagues today in saluting him as a great American.

CONGRESSMAN YOUNG SALUTES
KATHLIN ADREA RALSTON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I rise in recognition of my constituent, Kathlin Andrea Ralston of Fairbanks, AK, the State winner of the Veterans of Foreign Wars of the United States and its ladies auxiliary Voice of Democracy Broadcast Scriptwriting Program. This year 53 Alaskan students were among the 136,000 secondary school students who participated in the contest competing for the 29 national scholarships totaling \$87,500. The contest theme this year was "My Voice in America's Future."

Kathlin, daughter of Robert and Ina Ralston, is a senior at Monroe Catholic High School and hopes to attend the University of Maine to study pre-law. Mr. Speaker, I include for the RECORD Kathlin's "My Voice in America's Future" to which I referred.

MY VOICE IN AMERICA'S FUTURE

The United States of America is still the greatest country in the world. However, we face serious challenges in the future to retaining that greatness and to making our country an even better place to live, prosper and raise a family.

We constantly read in the newspapers and hear on television that the United States is in danger of becoming a second-rate power. We are told: Our standard of living is no longer the highest in the world. Our infant mortality rate is higher than many smaller nations. The next generation should not expect to live as well as their parents' generation. Owning a home, we are told, will be more difficult in the future. We are told we must lower our expectations of life in the twenty-first century.

I, for one, am not ready to do that. I think we must identify the problems and find solutions. We must also, and this is very important, identify what is right about America, and not only retain these things, but strengthen them.

Over-population is probably the biggest problem facing the world today. Over-population breeds poverty, disease, starvation, and the potential for political instability and armed conflict. The United States must become a world advocate of limited population growth. We must be willing to provide education and training that enable countries to understand and mitigate the disaster of population explosion.

Our country's national debt must be retired over the next twenty to thirty years. A great part of our federal budget goes simply to pay the interest on this monstrous debt, with nothing going to reduce the principal. The net effect of this is less money to spend on worthwhile government projects and services, and less money available to citizen borrowers at higher interest rates.

The welfare system must be completely overhauled to eliminate the dependency it fosters in recipients. Third and fourth generation welfare families are the greatest indictment of current social programs. Whenever possible, able-bodied people should be provided with the opportunity to work in return for benefits. We must get away from a system that destroys initiative, and move toward a system that rewards work and personal ambition.

Adequate medical care should be available to all Americans. A national medical insurance plan is one idea that warrants attention. A corollary program, much like the one used by the military, would trade healthcare students an education in return for a period of national medical service. This would have the effect of increasing the number of medical professionals, while bringing down the cost of health care.

Our military forces must be kept the strongest in the world. Although the cold war is apparently over, harmony has not suddenly descended upon the planet earth. We must maintain vigilance. As in the past, the best deterrent to aggression is a strong military.

America is a great country because her people have made her great. Our freedoms have not come easily, but have been earned with the blood and sweat of those that built her and defended her. We must realize that, along with the opportunities of this great land, comes equally great responsibility. We must work to ensure that the America we make for our children is as great as the America our parents have given to us.

BUD GRIEVES DEVOTION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MICHEL. Mr. Speaker, the award for true entrepreneurial spirit and dedication to the betterment of Peoria, IL went to Lowell "Bud" Grieves this year.

Bud is an extremely successful stockbroker nationally and has contributed greatly in the renovating of downtown Peoria real estate. He has helped Peoria obtain the beauty and vibrance it now displays.

He has been actively involved in the living conditions of the disadvantaged and continuously displays a true humanitarian spirit. He gives an outstanding amount of his time to our community and is well deserving of this award. All my congratulations are extended to him.

At this time I would like to insert an article by Debbie Hanson of the Observer, "Bud Grieves Wins for Years of Devotion to Peoria, Downtown," honoring Bud for his outstanding accomplishments and great service to Peoria.

Lowell "Bud" Grieves was named the 1993 Observer Enterprise award winner for his entrepreneurial spirit and his dedication to the betterment of Peoria.

Judge Martin Mini, vice president of the Economic Development Council for the Peoria Area; Bonnie Russell, owner of Ja Bo Enterprises; and Bob Viets, CEO of Cilcorp, selected Grieves—taking into consideration his community development and community activities.

Grieves has gained success in two fields. As a stock broker he has ranked in the top 3 percent nationally for the last 12 years with Dean Witter Reynolds Inc., where he is a senior vice president.

Also, as an entrepreneur involved in real estate, Grieves has renovated a dilapidated downtown hotel into the Mark Twain Hotel. He also remodeled the former Packard car dealership building into an attractive banquet and meeting facility.

"Bud is a creative, visionary person who wants to see the Peoria area develop into a vibrant place to live, work and raise a fam-

ily. His farsightedness has assisted the entire area to rebound significantly from the downturn of the 1980's" said LaVern Wilson, Mark Twain Hotel and Steamers restaurant sales director.

Another nominator, Rebekah Bourland, general manager of the Holiday Inn City Center, added that Grieves' "entrepreneurial spirit is evident in his development of the old Howard Johnson's into the Mark Twain Hotel, adding much-needed improved hotel rooms to the downtown area and cleaning up what had been a blighted corner.

"Using private capital and ingenuity, he has made a real difference to the corner of Adams and Fayette. In the same manner, he took hold of a building that had been in limbo for years, the old Packard Garage. Without any state, local or federal assistance, he took on his own urban renewal project," Bourland said.

For Grieves, making the old new again in Peoria began several years ago when he was one of the original investors in a partnership to renovate an old building in the 100 block of SW Adams Street. The new business, a restaurant called Eddie's, is now known as Sully's.

Grieves was also one of the original organizers of Jubilee Homes Inc., an organization that buys homes and then helps provide financing to buyers who are willing to contribute their own sweat equity to bringing the property up to standards.

"In my opinion and experience with Bud, his interest in the living conditions of our community's disadvantaged population have been active and long-term. He has been involved with Jubilee Homes long before any discussion of the Taft Homes site came forward. He has a true humanitarian spirit that goes along with his interest in private development and best-use land plans," Bourland said.

As a director of the Peoria Area Chamber of Commerce, Grieves also serves on the Downtown Development Council and its trying to secure a new "Peoria to Chicago" rail connection.

Grieves' other community contributions include: president and board member of Youth Farm; Sun Foundation board member; Big Brothers/Big Sisters; Downtown Rotary Club; Bradley University parents board member and Peoria Convention and Visitors Bureau board member.

"Bud is looked on within the community as a leader, and as a leader, he has been willing to get out in front of the pack and take the arrows in his back.

"Even those who do not always agree with him respect his business acumen and his unquestioned interest in this community," Bourland said.

Grieves attributes his success in the hotel/restaurant business to his own managerial philosophy. "I have been very open with people about the degree of risk and of debt I've taken on with these projects."

Grieves has instituted an extensive profit-sharing plan, whereby he distributed \$25,000 in profit sharing at the company's most recent employee Christmas party.

"I'm a firm believer in people having to buy into the concept. If the company does well, they benefit," Grieves said.

The staff is responsible for creating a feeling of intimacy and a personal touch, which hotel guests have appreciated, he added.

When he ventured into the hotel renovation project, Grieves said he felt the need to invest in the outside physical appearance of the building, in order to dispel any feelings of the neighborhood being a high crime district.

The parking lot was also improved, with better lighting and a nearby vacant building was demolished.

"We've had absolutely zero problems with theft. The whole image of that part of town has improved," not only because of the hotel and banquet facility, but also because of the new Hamilton Square building, he said.

"The best investments are made when you see something great that others don't," Grieves said. When he decided to renovate at the corner of Adams and Fayette, he took into consideration the river front development and the proximity to Caterpillar world headquarters.

"It just made sense to me."

REBUILD AMERICA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my strong support and to clear up any misconceptions Members of Congress may have in regard to the Historic American Buildings Survey and the Historic American Engineering Record [HABS/HAER]. I am sure that if my colleagues take the time to visit these offices and familiarize themselves with their projects, as I have, they would see that both HABS and HAER clearly deserve to be included in the Clinton economic stimulus package.

HABS/HAER was initiated in 1933 to employ unemployed architects. Since then, their mission has been expanded to develop a comprehensive graphic and written record of this Nation's architectural and engineering heritage. Over the last 60 years, HABS/HAER has documented 28,000 historic structures through the use of measured drawings, large format photographs, and histories. These documents are deposited in the Library of Congress Prints and Photographs Division where they are made accessible to the American public. It is the most widely used special collection in the Library of Congress.

In the debate over the economic stimulus supplemental appropriations, a news report stated that this initiative, called "Rebuild America," contained \$1.4 million, to draw pictures of old buildings. The news report was referring to a \$1.4 million request by the HABS/HAER, a small division of the National Park Service, U.S. Department of the Interior. The request for appropriations would fund 30 HABS/HAER projects across the Nation to draw "significant structures and engineering achievements." These projects cannot be funded through donations or reimbursable funding, the normal manner in which HABS/HAER gains funding.

Normally appropriations from Congress to HABS/HAER are used for the expenses of permanent HABS/HAER staff in Washington, DC, and not for projects. This has been true for over 15 years. HABS/HAER is one of the few Federal agencies which receives extensive private and other public funding for its work. HABS/HAER solicits donations and reimbursements for its projects. Two-thirds of its annual budget comes from these sources. The White House project, for example, was half paid for by the American Institute of Architects

and half by the National Capital Region, NPS. Monticello, as another example, is entirely paid for by the Thomas Jefferson Memorial Foundation. The projects included in this appropriations request are those projects for which HABS/HAER sought donated or reimbursable funding but couldn't locate such funding. But inclusion of these structures in the HABS/HAER collections are considered critical. All projects work with local project cosponsors who provide additional funding and/or services to the HABS/HAER teams and who will utilize the products of these teams to forward preservation in their locale. The product of these teams are used to preserve these nationally significant structures. The documentation is produced to a 500-year service life and is included in the HABS/HAER collections in the Library of Congress.

I urge Members not to overlook or disregard the valuable work of HABS/HAER. America is rich because of her history. How better to learn her history than by documenting it.

THE ENDANGERED SPECIES ACT PROCEDURAL REFORM AMENDMENTS OF 1993

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. TAUZIN. Mr. Speaker, on March 25, I along with the distinguished gentleman from Texas, Mr. FIELDS, and a number of our colleagues from both political parties, introduced H.R. 1490, the Endangered Species Act Procedural Reform Amendments of 1993. This legislation reauthorizes and makes procedural improvements to the Endangered Species Act of 1973. I would like to thank and commend our colleagues from the States of California, Oklahoma, Mississippi, Texas, New York, Missouri, Washington, Georgia, Utah, Alaska, Nevada, and Louisiana for demonstrating strength, courage, and foresight by joining in our efforts.

In the last days of the 102d Congress, I introduced H.R. 6134, legislation resulting from debate and discussion among a bipartisan group of House and Senate Members. During the last 6 months, I discussed improvements to that legislation with private individuals; representatives of environmental organizations; industry; local governments; and U.S. Fish and Wildlife Service. H.R. 1490 is the product of those discussions.

Mr. Speaker, let me make clear that, as one who strongly supports the goals of the Endangered Species Act and has supported reauthorizing this law, I am not proposing legislation that will weaken this crucial act. The goal of my legislation is to strengthen species protection as the current emergency room application of the law can not achieve the goal of recovering endangered and threatened species. I believe that we must adopt a proactive approach to conservation that increases species populations before listing becomes necessary.

In the early years of the act's history, conflicts over its implementation were few. Mr. Speaker, this fact is no longer true. In recent

years, conflicts over the impacts of the Endangered Species Act have increased substantially. The number of listed species has increased from a few hundred to almost 700 listed species—an increase of almost 400 percent in the 20 years. Approximately 4,000 candidate species from every State await listing. It defies human reason to argue that an act that managed several hundred species can successfully manage several thousand species without revision.

Mr. Speaker, it is time to make needed procedural changes to the Endangered Species Act to make it work better for species and people. I resist suggestions, as we all must, that the act is perfect and should not be changed in any way. Congress deliberately authorizes legislation for finite periods of time so a law can be modified and improved when necessary.

During this reauthorization period, we must ensure that the Endangered Species Act encourages our citizens to be good stewards of our country's species. As our Nation changes in order to effectively compete in the global economy, we must ensure that the act provides an efficient and sensible mechanism to manage our resources both for humans and for species. A series of train wrecks occurring in different regions of our Nation, will eventually undermine public support for this crucial law. Mr. Speaker, my legislation is designed to avoid these train wrecks by better managing species before listing becomes necessary and by requiring that the economic effects of species conservation be considered after a species is listed.

Mr. Speaker, H.R. 1490 maintains the essential elements and purposes of the current Endangered Species Act. Our goal is to achieve the following:

The act should be reauthorized for 5 years with substantially increased funding and with meaningful management changes that should be given an opportunity to work;

The listing process should continue to be based solely on biological factors;

All segments of our society including State and local governments, industry, private individuals, and landowners should be encouraged to become active partners in species conservation before listing becomes necessary. These efforts can be encouraged through the use of active management programs, innovative cooperative management agreements, private species enhancement programs, and efforts to protect habitats containing more than one species;

When strict Federal mandates are necessary to conserve the species, the act should require greater consideration of the economic impact of these mandates on State and local governments, local businesses, schools, jobs, communities, and landowners; and

The act should be amended to recognize that species conservation should be a shared responsibility rather than a burden that is imposed upon only a small segment of our society.

Mr. Speaker, a final word. These are very serious issues affecting the lives of all Americans and the diversity of our plant and animal life. It is time to confront these issues and not one another. If Congress backs away from this debate, we will not have served the act, our constituents, or the Nation.

Mr. Speaker, I look forward to the forthcoming debate. I am confident, that with thoughtful discussion and with a spirit of good will, we will reauthorize an Endangered Species Act that will earn the broad support of the American public—an Endangered Species Act that will enable us to both protect species and promote prosperity in our country.

THE \$100 MILLION TAX SUBSIDY SPENT EVERY YEAR SENDING TIMBER JOBS OVERSEAS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. STARK. Mr. Speaker, I am introducing legislation today with Congressman DeFAZIO and Congresswoman UNSOELD which will end the taxpayer subsidy for the export of raw logs from the United States. This is an important element in helping to resolve the timber wars in the Pacific Northwest.

Current law is a good deal for profitable timber companies, but a losing deal for taxpayers, timberworkers, spotted owls, and ancient forest ecosystems.

Timber cut on private land can be exported as raw logs. Timber companies cut and export large volumes of raw logs. Timber on Federal land cannot be exported as raw logs and there are similar restrictions on timber cut on State land. These logs must be milled domestically.

By sending raw logs to the Pacific rim from their private land, timber companies leave the lumber mills without logs to process, forcing mill shutdowns and throwing workers out of jobs.

What is the effect of these exports on employment? Estimates from the Governor's Office of Washington State suggest that a diversion of 25 percent of raw log exports to U.S. mills would save roughly 3,000 mill jobs and 3,000 indirect jobs. Milling logs in the United States creates 6.56 more jobs than does their export as raw logs. 3

Raw log exports increase pressure to cut the few remaining ancient forests on Federal lands in order to keep the lumber mills open and workers employed. It forces a false battle between the interests of the spotted owl and millworkers.

The Joint Committee on Taxation has estimated that raw log exports are subsidized by the taxpayer to the tune of \$100 million annually. This is primarily through the use of the foreign sales corporation tax provision and the title passage rules.

Mr. Speaker, workers and environmentalists have banded together to support this legislation. The United Brotherhood of Carpenters and Joiners of America endorse this legislation. The Wilderness Society, Sierra Club, the Sierra Club Legal Defense Club, and the Western Ancient Forest Campaign also support the bill.

Let's put \$100 million per year back in the taxpayers' pocket. Let's put millworkers to work. Let's take the needless pressure off our ancient forests. Let's end the outrage of subsidizing profitable timber companies' raw log exports.

THE HEALTH INSURANCE FAIRNESS ACT WILL STOP DISCRIMINATION BASED ON HEALTH STATUS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. DURBIN. Mr. Speaker, all of us have heard from constituents who either cannot obtain health insurance because of preexisting conditions or have suffered large premium hikes because of their own health history or the health care claims of their coworkers.

There was a time when health insurance treated everyone equally. All insured persons paid the same premium, received the same coverage, and gained the same assurance that if they were the ones who ended up with major medical bills, the insurance would pay.

But in the past two decades, we have moved far away from the community rating approach that originally opened the door to health insurance for so many Americans. In the words of John Burry, Jr., chairman and CEO of Blue Cross and Blue Shield of Ohio:

Commercial insurance companies learned they could undersell the community-rated market by insuring only healthy people to make healthier profits for their shareholders. This "cherry-picking" practice led to the demise of community rating. The result was we stopped taking care of each other and created a me-first system.

Currently, more than 81 million Americans under age 65 have a chronic health condition for which some insurers deny insurance, exclude coverage of the preexisting condition, or raise premiums by at least 50 percent.

While health care reform is expected to at least partially address this problem, it is not clear that the principles of community rating will apply throughout the health care system. I believe that everyone—regardless of the source of their insurance—should have the assurance that they will not face discriminatory premiums or unfair treatment because of their health status.

To highlight the importance of this issue, I am reintroducing legislation I proposed last year, known as the Health Insurance Fairness Act. This measure will stop the practices that have locked out the people who are most in need of health insurance.

The bill will prevent a health plan from excluding or charging higher premiums to an individual or to a single company just because of the health status of the individual or the company's employees. It will also end health-insurance-related job-lock and provide portability so that anyone who has health insurance coverage can obtain new coverage at a fair price if they are no longer covered by the old policy.

This measure will protect people regardless of whether their coverage is from a group policy or an individual policy, is provided by an insurance company or a self-funded employer, and is a renewal or a shift from one insurer to another. In all of these cases, my legislation will provide basic protection against discriminatory coverage.

Mr. Speaker, I would like to urge my colleagues to join me in cosponsoring this meas-

ure to give fair treatment to Americans who seek health insurance coverage. I ask that a summary of the legislation be printed in the RECORD following my statement.

THE HEALTH INSURANCE FAIRNESS ACT OF 1993 ALL GROUP HEALTH PLANS, INCLUDING LARGE AND SMALL GROUPS, SELF-INSURED, AND MEWAS

1. Group health plans shall not deny, limit, or condition coverage or benefits for an individual, nor charge higher premiums, based on health status or past claims experience, except that plans may impose a preexisting conditions exclusion of up to 6 months for conditions present during the previous 3 months if the person has not had health insurance within the previous 3 months. [Effective 1/1/94]

2. Insurers shall not offer group health plans that charge higher rates to employers based on employee health status or past claims experience. [1/1/95]

INDIVIDUAL INSURANCE

3. For individuals who were covered for at least 2 years by a group or individual health plan and applied for individual insurance within 3 months of the termination of such coverage, insurers shall not deny, limit, or condition coverage or benefits, nor charge higher premiums, based on health status or past claims experience. Premiums may continue to vary based on age, sex, and geographic area. [1/1/95]

4. For individuals who were not previously covered for at least 2 years, the same restrictions shall apply, except that insurers may impose a preexisting conditions exclusion of up to 2 years for conditions present during the previous 1 year. This 2-year waiting period shall be reduced by the number of months of continuous previous coverage, if any. An insurer may offer to waive the exclusion in exchange for a higher premium during the waiting period, but the individual may reject this offer and take the coverage at the normal premium with the exclusion. [1/1/95]

ADDITIONAL SMALL-GROUP INSURANCE REFORMS (2-50 EMPLOYEES)

5. Insurers shall not exclude any specific employees, or their dependents if dependent coverage is offered. (Guaranteed eligibility) [1/1/95]

6. If an insurer offers a plan to a small-group employer in an area, the insurer must offer the same plan to all small-group employers in that area, except that a state may implement an alternative approach for assuring the availability of private health insurance for all small employers if the alternative approach is certified by HHS as providing the same level of benefits and premiums. (Guaranteed issue) [1/1/95]

7. Insurers shall not terminate or refuse to renew a small-group plan unless the employer fails to pay premiums, commits fraud or misrepresentation, fails to maintain minimum participation of its employees in the plan, or leaves the geographic service area of the plan if it is a managed care plan. (Guaranteed renewability) [1/1/95]

8. Insurers shall not charge higher rates based on industry or occupation. Insurers may charge higher rates based on age, sex, and geographic area, but the highest rate shall be no more than twice the lowest rate. In addition, insurers may further adjust rates by up to 67% based on plan features that control costs through voluntary decisions of insured persons such as use of managed care and pursuit of healthy lifestyles. [1/1/96]

CONGRATULATING JAMES J. KENNEY, NATIONAL COMMANDER OF AMVETS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in order to congratulate fellow Long Islander, James J. Kenney on becoming national commander of American Veterans of World War II, Korea, and Vietnam, better known as AMVETS.

Since receiving its congressional charter in 1947, AMVETS has provided superior leadership to a great number of veterans in our Nation. Among AMVETS' goals are to protect the rights of those in uniform and assist their orderly transition to civilian life, to work with all duly recognized veterans organizations to further veterans' aims, to act as a liaison between veterans and the Government, and to keep alive the memory of the sacrifices made by American veterans. In addition, for the past 7 years AMVETS, along with Disabled American Veterans [DAV], Paralyzed Veterans of America [PVA], and the Veterans of Foreign Wars [VFW], has formulated and presented to Congress a detailed and very useful budget proposal designed to meet veterans' needs through programs administered by the Department of Veterans Affairs.

Mr. James Kenney of Long Island, NY, became national commander of AMVETS on August 29, 1992. A U.S. Air Force veteran, Mr. Kenney has been a member of AMVETS Post 18, located in East Islip, NY, since 1967. Throughout his membership, Mr. Kenney has shown his dedication and devotion to veterans and AMVETS by holding a variety of leadership positions on all levels of the organization. His long list of accomplishments for AMVETS include commander of post 18 and department of New York commander. He has served on the board of trustees of post 18 since 1970 and as its finance officer since 1975. In addition, Mr. Kenney has served as district commander, national executive committeeman, second vice commander for programs, and first vice commander for membership.

Judging by his many accomplishments, it is clear to see that Mr. James Kenney is well deserving of this honor. I commend him on a job well done, and I look forward to working closely with him and this outstanding organization during the 103d Congress and in the future.

ESSAY BY DAWSON SCHOLAR JOHN MULLOY EXPLAINS BASIS OF HOMOSEXUAL BAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, the present policy banning open homosexuals in the U.S. military is not an arbitrary policy that discriminates unfairly against an oppressed minority.

To the contrary, the ban is so rooted in our Judeo-Christian heritage that to lift the ban would suggest a rejection of those roots.

Perhaps the best explanation of those roots is the one mailed to me recently by John Mulloy of the President's home State of Arkansas. Mr. Mulloy is known as the premiere expert on cultural historian Christopher Dawson, and his depth of scholarship shows in the essay, which I place in today's RECORD.

I would advise all Members to read it.

HOMOSEXUALS IN THE MILITARY: A MORAL ISSUE

In arguments which are presented against the introduction of practicing homosexuals into the military, the emphasis is usually on sociological and psychological factors. It is pointed out how these will affect the strength and cohesiveness as an effective fighting unit of the Army, Navy, Air Force and Marine Corps. Now while these factors certainly deserve our careful consideration, there is a more fundamental factor which tends to be ignored. That is the issue of the moral character of the decision we are making, and of the moral principles which should govern our attitude toward homosexual behavior.

Morality, after all, is not something extraneous to the issue of homosexuality. It is at the core of what it means for a society to accept or to reject "the laws of Nature and of Nature's God" upon which the Declaration of Independence founded our Nation.

Moreover, the homosexuals themselves are involving moral principles, in order to justify their entrance into the American Armed Forces. They claim that it would be unjust to exclude them, and portray themselves as victims of irrational responses on the part of those who oppose their entrance. Since the moral issue has already been raised by the homosexuals, the whole scope of what is involved in homosexual behavior needs to be carefully examined.

It needs to be examined especially because the United States, in going to war, has always felt is to be important that it is fighting for a just cause. This in fact constitutes one of the chief elements in the morale of our armed forces. It leads to their willingness to make sacrifices, even to life itself, to obtain such moral objectives. If we now plan to renounce this, it is important for us to understand the sharp break with earlier tradition to which we are now committing our Nation.

In approaching this matter from a moral standpoint, the first thing to recognize is that the sources for our moral understanding of human conduct are to be found in the Old and the New Testament and in the Judeo-Christian tradition of teaching derived from those sources. Now, in the Bible, what is the picture we find given there of the nature of homosexuality? It is regarded as a moral evil of the greatest enormity, certain to call down destruction upon the city of the Nation that practices it. The whole story of Sodom and Gomorrah, for example, as given in Genesis, the very first book of the Bible, brings that fact home with great force. After Abraham has failed to stay the hand of God from punishing these two cities for their evil-doing, two angels are sent to Lot in the city of Sodom in order to save him and his family before they execute the orders of the Lord. After they have arrived and have warned Lot and his family to leave the city lest they share in its destruction, Lot offers the Angels his hospitality for the night. The following incident then takes place:

"But before they (the angelic messengers) went to bed, the men of the city beset the house, both young and old, all the people together. And they called Lot, and said to him:

Where are the men that came in to thee at night? Bring them hither, that we may know them."

Know is the Biblical term for carnal intercourse.

Lot pleaded with them not to do this, and even offered them his two daughters, so as to avoid having the law of hospitality violated in this way. But the tumult continued, since it was not women the crowd was interested in, but the angels who came in the guise of men. The biblical narrative continues:

"But they said: Get thee back thither. And again: Thou camest in, said they, as a stranger, was it to be a judge? Therefore we will afflict thee more than them. And they pressed very violently upon Lot: and they were even at the point of breaking open the doors."

The angels blinded the men seeking homosexual intercourse and pulled Lot back into the house away from them. The story continues:

"And they (the angels) said to Lot: Hast thou here any of thine? Son-in-law, or sons, or daughters, all that are thine, bring them out of this city"

"For we will destroy this place, because their cry is grown loud before the Lord, who hath sent us to destroy them."

When the morning arrived, the angels led Lot and his wife and daughters out of the city, so that the punishment of the Lord might be visited only upon the two cities of the Plain. The account from Genesis goes on:

"The sun was risen upon the earth, and Lot entered into Segor (a nearby city of refuge to him).

"And the Lord rained upon Sodom and Gomorrah brimstone and fire from the Lord out of heaven. And he destroyed these cities, and all the country about: all the inhabitants of the cities, and all things that spring from the earth . . .

"And Abraham got up early in the morning: and in the place where he had stood before with the Lord."

This is a reference to Abraham's walking with God toward Sodom and Gomorrah and beseeching the Lord that, if there were only ten just men in these cities, God would not destroy them. God agreed to Abraham's request, but there were not in fact the ten just men in the cities of Sodom and Gomorrah—a fact of which Abraham was unaware at the time he made this last request. The account in Genesis continues:

"He (Abraham) looked toward Sodom and Gomorrah, and the whole land of that country: and he saw the ashes rise up from the earth as the smoke of a furnace." Genesis: 10:4-5; 9; 12-13; 23-25; 27-28. (King James trans. of the Bible.)

Comment is unnecessary as to what is the judgment of God upon the vice of homosexuality and how severely He punishes it. This account of judgment is from the first book of the Bible, as found in both the Jewish and the Christian canon of Scripture.

In the laws which are to govern the Jewish people, those laws concerning sexual morality are set forth in the 18th chapter of Leviticus. After listing various grave sexual transgressions which are to be rigorously avoided, the Law contains this prohibition, and what will follow from its violation and from the committing of the other sexual sins which are mentioned:

Thou shalt not lie with mankind as with womankind: because it is an abomination . . . "Defile not yourselves with any of these things with which all the nations have been defiled, which I will cast our before you, "And with which the land is defiled: the

abominations of which I will visit, that it may vomit out its inhabitants. Keep ye my ordinances and my judgments: and do not any of these abominations . . . Every soul that shall commit any of these abominations, shall perish from the midst of his people." Leviticus 18:22; 24-26; 29. (King James trans.)

The basic principles of Christian sexual morality will be found in the words of Christ in the Sermon on the Mount. While homosexuality is not mentioned as such, indulgence in lust on the part of a man for a woman is dealt with in most severe terms. If this is the case, it is obvious that even more severe would be the condemnation in which they engage. Here are the words of Christ:

"You have heard how it was said: You must not commit adultery. But I say this to you: if a man looks at a woman lustfully, he has already committed adultery with her in his heart.

If your right eye should cause you to sin, tear it out and throw it away; for it will do you less harm to lose one part of you than to have your whole body thrown into hell." Matt. 5:27-29 (New Jerusalem Bible tran.)

Homosexuality was more widespread in the Graeco-Roman world than in Judea, so it was St. Paul who spells out the Christian teaching with regard to this grave violation of God's moral law and the consequences it brings upon those who practice it. He does this in the first chapter of his Letter to the Romans:

"That is why God has abandoned them to degrading passions; why their women have turned from natural intercourse to unnatural practices and why their menfolk have given up natural intercourse to be consumed with passion for each other, men doing shameful things with men and getting an appropriate reward for their perversion."

So it is quite clear that in giving sanction to homosexuality and making it part of our American way of life, we are rejecting the moral teachings of the Judeo-Christian tradition. If that is our choice, we must face up to the reality of what we are doing by this rejection of God and His commandments. We must not try to bury it beneath lengthy discussions of sociological and psychological factors. No doubt certain adverse consequences will follow in society and in psychology for human life; but it is upon the moral decision which we make that everything else depends.

One of the psychological results of this indulgence in homosexual activity is that it will never allow the homosexual individual to find rest. Because his conscience oppresses him with a strong sense of guilt, God speaking to him in this manner, he will always be a source of social disturbance. He will be seeking to gain approval from society for what he is doing, to counteract what his conscience continues to tell him. As a result, there will never be a time when the homosexual will be satisfied with what society decides to grant them. They must always be asking for something more in order to still the gnawing sense of guilt which is ever eating away at them. This fact must be recognized, so that those inclined to appease the homosexual lobby can have a clear understanding that there is no real solution in such a course of action. Society cannot reassure the homosexual that everything is going to be all right, when in fact he is acting contrary to the basic law of his being. And that fact is brought home to him every time he engages in those homosexual actions which no one is to be allowed to describe, because they are truly unspeakable. But

whether or not society tries to cast a veil over them and the reality of what they involve, the homosexual is faced with that reality, and the guilt it carries with it, by the very nature of the "lifestyle" to which he has committed himself. This the Nation which has departed from God in order to accept homosexual practices as normal, tries to do so, in pursuing a phantom that will never let it rest. And in the objective order of things, the Nation which has rejected God has assured itself of its own destruction.

TESTIMONY BY THE LIBRARIAN OF CONGRESS

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ROSE. Mr. Speaker, as chairman of the Joint Committee on the Library I am particularly interested in legislation that affects the Library of Congress.

On February 16, 1993, the Copyright Reform Act of 1993 was introduced in both Houses. This legislation contains a number of salutary features but also may have an unforeseen effect on the great and universal collections of the Library of Congress. This would, in turn, affect libraries throughout the Nation, which have come to depend upon the Library of Congress to collect, catalog, and make available the largest collection of materials in the world. The Nation's libraries rely upon the Library of Congress as the library of last resort for the safekeeping of our cultural and literary heritage, which would otherwise be lost to history. The Library has been able to accomplish this monumental task because of the opportunity to select from works deposited for copyright registration for the last 120 years.

James Billington, the Librarian of Congress, testified at a March 4, 1993, hearing before the House Subcommittee on Intellectual Property and Judicial Administration of the Judiciary Committee, and I hope my colleagues will take the time to read his remarks about this very important legislation.

STATEMENT OF JAMES H. BILLINGTON

Mr. Chairman and members of the Subcommittee, I wish to thank you and your staff for the opportunity to testify before this committee on an issue that gravely concerns me as Librarian of Congress and thus as custodian of America's creative and intellectual heritage. The Library contains almost 100 million items—not just books, but maps, manuscripts, pictures, prints, photographs, musical scores, and radio and television programs.

The copyright registration system, created by Congress, has brought free deposit copies of these materials to the Library for us to preserve and for future generations to study and learn from. Since 1870, the system has worked efficiently for the Library and for the nation. Without it, we could never have built up the world's most comprehensive collections in all formats, used by scholars every day and available to all comers.

Now this system, created by Congress, appears to be in jeopardy. On February 16, the Copyright Reform Act of 1993 (H.R. 897; S. 373) was introduced in the House and Senate. There was widespread surprise.

The proposed bill, whatever its intent, effectively eviscerates the copyright registra-

tion system and eliminates the statutory incentives that bring the Library free deposit copies. It severs the historically close ties between the Library and the Copyright Office.

These disruptions would gravely harm the unique ability that the Library of Congress has to collect and preserve unpublished works—television programs, musical scores, architectural drawings, photographs—for future generations. The bill's impact on the Library's future acquisition of books and other published materials, while less predictable, would probably involve considerably higher costs to the Library and the taxpayer.

The Library's role is indispensable to the purposes of Copyright legislation—that is, to promote the growth and exchange of ideas by making the nation's intellectual and creative output available for study.

This legislation endangers the ability of the Library to collect copyright materials as thoroughly, as quickly, or as comprehensively across all information formats as it does today. The result will be a less usable, less comprehensive, and more costly record of the nation's cultural and intellectual heritage. Even if adequate measures are taken to ensure that the Library's collections are not diminished by the proposed changes, the bill, in the long run, is likely to cost the nation much more than its sponsors say it will save.

In these times of already restricted budgets, I fear the bill will drastically deplete the Library's collections by forcing the Library to purchase (or forego) the broad range of materials that could not efficiently be demanded. Moreover, by removing the Librarian's authority over deposit regulations issued by the Copyright Office and over the staff of that Office, the bill seriously undermines the Library's ability to control the flow of works that constitute the nucleus of our specialized collections.

Although I take no position on moving the functions of the Copyright Royalty Tribunal to the Copyright Office, I note that the Congressional Research Service's legal experts advise that it is not a constitutional requirement that the Register of Copyright be a presidential appointee in order to perform the arbitration functions contemplated by the Copyright Reform Act.

Finally, I am convinced that no major change of the Copyright Law should be undertaken without a full study of its projected impact on the Library of Congress.

The answers to these important unresolved questions could only be gained from careful study. The consequences of this measure should be fully known, before implementation, by the Congress and by all interested parties.

These points are discussed more fully below:

INTRODUCTION: THE LIBRARY OF CONGRESS AND THE COPYRIGHT OFFICE

Copyright functions were placed in the Library of Congress by an act of Congress more than one hundred and twenty years ago. Since that time, the copyright deposit and registration system has not only enhanced the collections of the Library but has permitted greater access to timeless literary and artistic treasures.

The flow of copyrighted material to the Library of Congress encompasses both published and unpublished works. The sweeping range of materials that are copyrighted, has made the permanent collections of the Library of Congress unique in this nation, unrivalled by even the greatest scholarly and public libraries. Because of copyright reg-

istrations, the library has been able to assemble in one national collection materials that would otherwise escape preservation or study. To take just one example, the Library's collections of self-published local histories and genealogical works have made the Library a focal point for research in the history of American families, cities, and immigrant communities. The collections of the Library testify to the cultural diversity so important to this nation's strength.

The commitment of the Library to transform what would otherwise be a vast warehouse into an organized, accessible panorama of the nation's intellectual and cultural life, makes the Library not just a beneficiary, but a full partner and vigilant supporter of the creative community.

The mission of the Library of Congress underscores the significance of this partnership. The Library's duties are to assemble "universal collections, which document the history and further the creativity of the American people," and "to acquire, organize, provide access to, maintain, secure, and preserve these collections" in order to "sustain and contribute to the advancement of thought and knowledge throughout the United States and the world." Without the copyright deposits acquired as a result of the present statutory incentives to register, the quality and universality of the Library's collections would be severely compromised.

I. CONTRIBUTION OF COPYRIGHT REGISTRATIONS TO LIBRARY OF CONGRESS COLLECTIONS

According to current copyright law, the demand provisions function in collaboration with the registration system. The Library of Congress is entitled to demand for deposit two copies of all published U.S. works in which a copyright is claimed, but there is no legal basis for demanding the deposit of any unpublished materials. Rather, the Library relies on the copyright registration process to acquire unpublished materials. Unpublished works are those works which, by definition, are generally not available for purchase, by this or any other library.

For these reasons, if the Copyright Reform Act of 1993 were to be enacted, the Library would no longer be able to acquire unpublished copyrighted materials at all. Not only would the distinctive nature of the Library's collections be suddenly truncated, but the nation would lose, both for present and future generations, the right of access to the full range of the nation's cultural and intellectual history and its expression.

Since the collections that would be lost are of incalculable value, the impact of this provision of the Copyright Reform Act of 1993 can therefore be demonstrated only by offering examples of what might have been lost to the nation, if incentives for registration did not exist. The Library's collections would be diminished had the following types of materials not been registered: First, broadcast media, that is, all television and radio programming, which are considered unpublished (and would not be subject to mandatory deposit). Second, rare performances of artists such as Martha Graham captured on videotape. Third, important American photographs of such masters as Richard Avedon and Diane Arbus. Fourth, original music scores of major American artists such as Scott Joplin. And fifth, architectural drawings, which together form an unparalleled record of all aspects of American building design.

II. SUFFICIENCY OF MANDATORY DEPOSIT PROCESS

The proposed legislation would not change current requirements for mandatory deposit

of published works. However, the vast majority of materials received now by the Library through Copyright are not obtained by mandatory deposit, but through voluntary registration stimulated by the statutory incentives of recovering statutory damages and attorney's fees. The success of this voluntary registration procedure shows up not only in the high rate of compliance, but in the very low rate of litigation over copyright infringements. In FY 1992, over 85 percent of books received via the Copyright Office were registered.

The impact on the quality of the Library's collections of the proposed radical shift in the source and processing of copyright receipts, is bound to be great. But we would have to determine (1) the extent of voluntary compliance which the Library could anticipate from publishers; (2) the timeliness of voluntary compliance; (3) the costs to the Library, including the cost of identifying and demanding publications, and the ability of the staff to identify smaller publishers and their publications; and (4) any increased resistance on the part of publishers to the Library's demands, along with the need for increased judicial enforcement of these demands.

For example, based on the latest available data, there presently exist 14,000 publishers of machine-readable works and 48,500 products. Because the Library has already experienced difficulty in claiming these materials, it would be possible to build a collection of machine-readable materials for the Library and the nation only at greatly increased expense, if all the terms of the proposed legislation were enacted.

Extent of compliance. The very existence of a staff at the Copyright Office now dedicated to placing demands with noncompliant publishers indicates that some noncompliance is, and will be, a factor. A scenario of 100% compliance is unrealistic. Increasing the workload of the current staff handling deposits and demands, to cover the full range of published materials that are now being registered, would increase costs significantly. Additional expenditures should also be anticipated to cover the cost of employing additional bibliographers, subject specialists, and others whose jobs it is to ensure the universality and high quality of the collections. The cost of enforcement would also increase.

Cost to the Library of new procedures. In addition to the actual costs of supporting an expanded operation to secure increased deposits and issue demands, there are other costs associated with unknowns such as extent of compliance and timeliness. To give just one example, the Library has recently instituted group registration for serials, which allows publishers to register many individual issues of a serial for a single \$20 fee. In the Law Library, this has resulted in such timely registrations that the Library will be able to cancel its subscriptions to many expensive looseleaf services without compromising service to Congress. If deposits are not received as timely registrations, the costs of acquiring materials needed for immediate service to Congress can only escalate.

Another important area where new costs to the Library can be anticipated is the Library's extensive foreign acquisitions program. The Copyright Law contains provisions which specifically authorize the Library to exchange duplicate materials received via Copyright for other materials needed by the Library. In 1992, the Library sent out approximately 38,000 copies of publi-

cations received through Copyright and not needed for the Library's collections, to international exchange partners; in exchange, the Library received foreign publications determined to be needed by the Library, with an estimated value of between \$1.3 and \$1.9 million. If compliance with mandatory deposits is anything less than current voluntary compliance with registration, the Library's international exchange program would also suffer greatly. A few recent examples of how copyright duplicates have been exchanged for valuable materials for the Library's collections are: First, publications of political opposition parties such as Taiwan's once outlawed Democratic Progressive Party, not available through regular channels; second, documentation of new developments in foreign science and technology, including a complete set of publications of the European Space Agency (NASA receives only a fraction of these); third, opposition publications from the former Soviet bloc; new literary output of the former Soviet Republics and the new republics of Eastern Europe, including hundreds of works from the new republic of Croatia; and other foreign cultural treasures such as 74 videos from the State Theatrical Library in Moscow; and fourth, materials otherwise unavailable for purchase, such as works by the Japanese Imperial Household Agency, and a rare first edition of Dvorak's opera *Armida*.

Legal challenges and resistance to mandatory deposit. The proposed legislation places reliance for copyright acquisitions on mandatory deposit without having examined all possible legal outcomes of doing so. By relying exclusively on the mandatory deposit program, instead of balancing this program with the incentives that exist under the current voluntary registration program, the Library's legal experts anticipated at least some increased resistance to demand deposit, and increased need for judicial enforcement. Should a publisher successfully challenge the constitutionality and the legality of mandatory deposit as the principal means of copyright acquisition, the Library would be left without even the ability to acquire those materials now being registered. This outcome would do great damage not just to the Library, but to the creative community at large, since it is in the overall interest of that community that the Library collect, record, and preserve this national heritage.

III. OTHER PROBLEMS

A decreased ability of the Library to acquire published materials would also crimp programs where the Library redistributes published materials to the National Library of Medicine and the National Agricultural Library.

Copyright registration records are de facto the U.S. national bibliography, because they are the most complete, unedited entries of the products of American creativity, ingenuity, and artistic expression. Diminished voluntary compliance will severely devalue this catalog and hamper future scholarly research.

IV. IMPACT OF MAKING THE REGISTER OF COPYRIGHTS A PRESIDENTIAL APPOINTEE

The Library's ability to collect copyrighted materials is integrally related to the regulations and legal interpretations of the Copyright Office. Under the present Act, as under the 1909 Act, the Copyright Office is part of the Library of Congress, not an independent agency. As a consequence, the Register of Copyrights is an employee of the Library, appointed by the Librarian, and ad-

ministers the Office under the Librarian's general direction and supervision. Thus, all regulations established by the Register to administer the Copyright Act are by law subject to the approval of the Librarian.

At this time, those regulations and interpretations are initiated, reviewed, and approved by the Librarian of Congress. For example, the Library, rather than the Copyright Office, presently determines the format in which various genres of published works must be deposited.

The Copyright Reform Act of 1993 would make the Register of Copyrights a Presidential appointee. The amendment would remove the authority of the Librarian to approve regulations established by the office. The Library would still have the authority to "consult" with the Register before he/she issues regulations with respect to the acquisition of transmission programs.

However, in most cases, the Librarian would have no authority over regulations in this most important area of the law which governs the deposit of copies for the Library. This legislation could compromise the commonality of interests between the Copyright Office, the Library, and their constituents, possible to the detriment of all. At a time when publishing and communication are experiencing technological breakthroughs, it is particularly critical that the interests of the Library, the Copyright Office, and their constituents, be treated as mutual and complementary. The Library must be able to work hand in hand with the Copyright Office to ensure the continued collection, preservation, and protection of published and unpublished material, including the new electronic information media that are making an increasingly important contribution to the nation's intellectual heritage.

The Library has made many reasonable accommodations in response to the needs of the creative community. A good example is the agreement arrived at by the Library in response to problems encountered by professional photographers in registering their photographs individually. Several months ago, the Library and the photographers confirmed that collections of photographs may be registered using a single registration application and fee, with copies provided to the Library in videotaped form.

It is important that the Library continue to participate in accommodations that are reasonable and workable from the perspective of copyright owners, but which would not compromise the Library's unique collections or its ability to fulfill its mission. To assure continuity, the Copyright Office should remain under the authority and supervision of the Librarian of the Congress. We see no constitutional necessity to alter the present statutory scheme of appointment in order to vest the proposed arbitral functions in the Register as proposed in the Copyright Reform Act of 1993. (I have attached a discussion of this particular issue in Appendix A to this statement.)

V. NEED FOR STUDY PRIOR TO MAJOR CHANGES IN COPYRIGHT LAW

The nation's copyright laws have undergone several major revisions in just the last twenty-five years. Each of these revisions has been preceded by thorough study and planning by many parties in anticipation of expected impacts.

The Copyright Reform Act of 1993 recommends a major revision of the Copyright Law, but its assessment of potential impact on the Library of Congress collections (as well as on the Copyright community generally) is largely speculative. Before this leg-

islation is enacted, its possible impact should be examined fully and openly with all affected parties.

In our view, any study of the potential impact of the proposed legislation should examine the following subjects: anticipated loss of deposit of unpublished materials, anticipated loss of deposit of published materials, anticipated levels of compliance with mandatory deposit, anticipated costs of enforcing increased numbers of demands, comparative timeliness of compliance with mandatory deposit and voluntary registration, legal and constitutional soundness of mandatory deposit requirement as the principal means of copyright acquisitions, increased costs to the Library, including staffing, of purchasing additional materials for collections or for use in exchange and of increased staff, analysis of other national legal deposit systems, future of copyright, including electronic registration and/or deposit of published and unpublished materials, impact on the Librarian's authority over the regulations and staff of the Copyright office, and other financial implications: could the Library expect to be reimbursed for the costs of Copyright Office overhead and space, once it lost copyright deposits?

In short, this legislation, from the Library's point of view, gravely threatens a system which over 120 years has admirably served the Library, the Congress, the creative community, and the public interest. At the very least, serious study of its potential impact is required so that the public and the Congress may be fully aware of the probable costs. We look forward to working with the committee in any problems in copyright registration that the bill attempts to address. Thank you.

APPENDIX A—NON-NECESSITY OF RE-ESTABLISHING THE OFFICE OF THE REGISTER OF COPYRIGHTS AS A PRESIDENTIAL APPOINTEE IN ORDER TO VEST IT WITH ARBITRAL FUNCTIONS

In remarks accompanying the introduction of H.R. 897, the Copyright Reform Act of 1993, 139 Cong. Rec. E337 (daily ed. Feb. 16, 1993), Rep. William J. Hughes indicated that in order constitutionally to accomplish one of the proposal's chief purposes, abolition of the Copyright Royalty Commission, and have its present functions be performed by *ad hoc* arbitration panels convened by the Register of Copyrights, it is necessary that the Register be appointed by the President with advice and consent of the Senate in order to avoid conflict with the principles established by the Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976). At present, the Register is appointed by the Librarian of Congress who is in turn appointed by the president with Senate advice and consent.

We conclude that the proposed change in the current appointive scheme is not constitutionally required. *Buckley* simply requires that any person exercising substantial executive functions pursuant to the laws of the United States must be an "Officer of the United States." While direct appointment by the President would certainly qualify the Register to perform the contemplated arbitral duties, the Present appointment scheme is also legally sufficient. A brief summary of the legal basis for this conclusion follows.

The Copyright Act, 17 U.S.C. 1, *et seq.* (1976), contains various compulsory licensing provisions which permit the use of copyrighted works without copyright owners' permission upon the payment of a fee. The compulsory fees were originally set by stat-

ute in 1976, 17 U.S.C. 11, but subsequently have been adjusted by the Copyright Royalty Tribunal (CRT), 17 U.S.C. 115-116, 801(b). The CRT also determines the formula for distribution of royalty fees paid under the compulsory licenses, 17 U.S.C. 118.

The CRT is an independent agency in the legislative branch composed of three members appointed by the President with the advice and consent of the Senate for seven year terms, 17 U.S.C. 801(a), 802. The CRT is provided with certain support functions by the Library of Congress, 17 U.S.C. 806, and performs functions which dovetail with those of the Copyright Office, see e.g., 17 U.S.C. 111(d)(2) and (3), 119(b). The Library of Congress and the Copyright Office, which is a constituent part of the Library, 17 U.S.C. 701(a), are also in the legislative branch. The Librarian of Congress is appointed by the President with Senate concurrence, 2 U.S.C. 136, and the Librarian in turn appoints the Register of Copyrights, the head of the Copyright Office, 17 U.S.C. 701(a).

In 1988, Congress created a new compulsory license for secondary transmission of copyrighted works by satellite, 17 U.S.C. 119. The initial royalty fee is established by the statute, 17 U.S.C. 119(b)(1)(B). Thereafter, adjustments are to be made by voluntary negotiation or, on failure to agree, through binding arbitration by panels convened by the CRT. Panel decisions must be made "on the basis of a fully documented written record" and in conformity with factors set forth in the statute, 17 U.S.C. (c)(3)(C) and (D).

The panel's report may be adopted or rejected by the CRT. If rejected, the CRT sets the rate. The CRT's decision is subject to limited review by the Court of Appeals for the District of Columbia, i.e., the appeals court may modify or vacate the decision of the panel or the CRT only if it finds that either acted in an "arbitrary manner." 17 U.S.C. 119(c)(4).

H.R. 897 would abolish the CRT and, adopting the arbitration mechanism of the 1988 amendment for resolution of all contested fee and distribution questions, place supervisory and review authority in the Register, who would be an advice and consent presidential appointee. The arbitral functions are executive duties that may be performed by an officer of the United States. See, e.g., *Thomas v. Union Carbide Agricultural Products Co.*, 473 U.S. 568 (1985); *Sunshine Anthracite Coal Co. v. Adkins*, 310 U.S. 381 (1940); *Todd & Co. v. SEC*, 557 F.2d 1008 (3d Cir. 1977); *United States v. Frame*, 885 F.2d 1119 (3d Cir. 1989), cert. denied, 110 S. Ct. 1168 (1990); *Cospito v. Heckler*, 742 F.2d 72 (3d Cir. 1984), cert. denied, 471 U.S. 1131 (1985). The only question, then, is whether the Register of Copyrights can remain as he is now, an appointee of the Librarian of Congress, and be constitutionally capable of exercising the review and other executive functions that would be vested in that office by H.R. 897. It appears apparent that no alteration in the status quo is necessary to effect such a change in function.

In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court held that any person "exercising significant authority pursuant to the laws of the United States" must be appointed in accordance with article II, sec. 2, clause 2 of the Constitution, the Appointments Clause, 424 U.S. at 126. See also *Bowsher v. Synar*, 478 U.S. 714, 721-27 (1986). That is, Congress may vest the appointment of officers in the President, with the advice and consent of the Senate, or, alternatively, it may vest the appointment of inferior officers in the President alone, in the heads of departments, or in the courts of law. See *Freytag v. Commissioner*, 111 S.Ct. 2631 (1991).

Congress has provided that the Librarian of Congress must "be appointed by the President, by and with the advice and consent of the Senate." Act of February 19, 1897, ch. 265, sec. 1, 29 Stat. 544, 546, codified at 2 U.S.C. 136 (1988). The law makes no provision with respect to the tenure of the Librarian and as to whether and by whom he might be removed from office. The legislature's silence in this regard, however, raises no serious legal question as to where the power to remove the Librarian resides. The long established rule is that in the face of statutory silence, the power of removal is presumptively incident to the power of appointment. *Myers v. United States*, 272 U.S. 52, 161 (1926); *Shurtleff v. United States*, 189 U.S. 311, 318 (1903); *Regan v. United States*, 182 U.S. 419, 426-27 (1901); *In re Hennen*, 38 U.S. (13 Pet.) 230, 259 (1839). This presumption, coupled with the legislative history of the 1897 amendment, which indicates a congressional awareness of the executive nature of the Librarian's functions, establishes beyond peradventure that the present appointment process was enacted with the understanding that presidential appointment, and the concomitant power of at-will removal, was constitutionally compelled. See, e.g., 29 *Cong. Rec.* 316 (1896) (statement of Rep. Quigg) ("Once appointed, he will remain, as now, until removed by the President"); *Id.* at 318-19 (statement of Rep. Dockery) ("This Library of Congress is a department of the Government. It is an executive department and should be under the control of the executive branch . . . It is a great national Library . . . and is an executive bureau, and as such should be presided over by some executive officer with authority to appoint and remove its employees"); *Id.* at 386 (statement of Rep. Cannon) ("This library is practically a great department, embracing not only the National Library, but covering the copyright business and the care of that great building . . . [A]s a general proposition, appointments must, under the Constitution, be made by the President, by the courts, or by the heads of Departments . . . I do not think that Congress has any right to devolve this duty upon the House and the Senate; and I think that when our fathers adopted such a provision as a part of the Constitution they acted wisely, because it is not best—it never has been found best in the history of governments—to invest in the legislative power the administrative function. Hence any such mingling of authority has been expressly prohibited by the Constitution"). As a consequence, anyone the Librarian appoints similarly has the constitutional capacity under *Buckley* to exercise executive duties.

While no case has directly dealt with the question of the removal power of the president with respect to the Librarian, the views of the framers of the 1897 legislation that the Library performs executive functions and thus must be headed by an "officer of the United States" appointed in conformity with requirements of the Appointments Clause, was forcefully supported and confirmed by the Fourth Circuit's 1978 decision in *Eltra Corporation v. Ringer*, 579 F.2d 294 (4th Cir. 1978). There the appeals court affirmed a lower ruling dismissing a mandamus action brought to compel the Register of Copyrights to register a proposed copyright as a "work of art." Among the contentions of the appellant was the claim that the Register of Copyrights is a legislative office and cannot perform executive functions since it is part of the Library of Congress which, through the Congressional Research Service (CRS), performs exclusively legislative functions as

a support agency for the Congress. As a consequence of this activity, it was urged, the Library as a whole must be deemed legislative in character and its copyright functions cannot be lawfully exercised, citing the Supreme Court's then recent decision in *Buckley v. Valeo*, supra, as controlling authority. The appeals court unequivocally rejected the argument in an opinion in which it delineated the executive character of the Library despite the unique presence of CRS, the constitutional necessity of presidential appointment of the Librarian, and the appropriateness of the appointment of the Register by the Librarian.

The registration of copyrights cannot be likened to the gathering of information "relevant to the legislative process" nor does the Register perform a function "which Congress might delegate to one of its own committees." The operations of the Office of the Register are administrative and the Register must accordingly owe his appointment, as he does, to appointment by one who is in turn appointed by the President in accordance with the Appointments Clause. It is irrelevant that the Office of the Librarian of Congress is codified under the legislative branch or that it receives its appropriation as a part of the legislative appropriation. The Librarian performs certain functions which may be regarded as legislative (i.e., Congressional Research Service) and other functions (such as the Copyright Office) which are executive or administrative. Because of its hybrid character, it could have been grouped code-wise under either the legislative or executive department. But such code-grouping cannot determine whether a given function is executive or legislative. After all, the Federal Election Campaign Act of 1971, under which the Federal Election Commission reviewed in *Buckley* was appointed, is codified under the legislative heading and its appropriations were made under that heading . . . Neither the Supreme Court nor the parties in *Buckley* regarded that fact as determinative of the character of the Commission, whether legislative or executive. It is no more permissible to argue, as the appellant did in the article in the *George Washington Law Review* . . . that the mere codification of the Library of Congress and the Copyright Office under the legislative branch placed the Copyright Office "within the constitutional confines of a legislative agency" than it would be to contend that the Federal Election Commission, despite the 1974 amendment of the Act with reference to the appointment of its members, is a legislative agency unconstitutionally exercising executive administrative authority.

The Supreme Court has properly assumed over the decades since 1909 that the Copyright Office is an executive office, operating under the direction of an Officer of the United States and as such is operating in conformity with the Appointments Clause. The challenge of the appellant to the constitutionality of the 1909 Act and to the Register's power thereunder, would, if properly before us, be without merit.

579 F.2d at 301 (footnotes omitted).

In sum, then, there can be no legal doubt that in placing the appointment power of the Librarian in the President, Congress was legislating with knowledge and understanding that the method of appointment was constitutionally mandated and that it was because the Librarian was to exercise executive functions that the power of removal resided in the President. Further, there is no evidence in the legislative history or structure of the act establishing the presidential

appointing authority that would supply the necessary clear and express rebutting indicia of a congressional intent to override the presumption of removability. Thus there can be little doubt that a reviewing court would find that the supervisory role contemplated for the Register in the proposed arbitral scheme would pass constitutional muster. As the *Ringer* court makes clear, "[t]he operations of the Office of Register are administrative and the Register must accordingly owe his appointment, as he does, to appointment by one who is turn appointed by the President in accordance with the Appointments Clause," 579 F.2d at 301. The Librarian clearly is a "head [] of department []" under the clause capable of appointing "inferior officers" such as the Register. See *Silver v. U.S. Postal Service*, 951 F.2d 1033, 1037-40 (9th Cir. 1991) (Postal Service is a "department" capable of receiving appointment authority, the nine governors of the Postal Service are the head of the department, and the Postmaster General and his deputy are "inferior officers" appointed by the Governors). As a consequence, the Register in turn may exercise the supervisory and review functions contemplated by the proposed arbitral mechanism. Thus there is no constitutional necessity to alter the present statutory scheme of appointment in order to validly vest the proposed arbitral functions in the Register.

INTRODUCTION OF AVIATION SAFETY LEGISLATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LIGHTFOOT. Mr. Speaker, today I am reintroducing two important pieces of aviation safety legislation.

The first piece of legislation will require the use of child safety restraint systems on commercial aircraft.

For years now we have recognized the need to require additional precautions for children traveling in automobiles yet we have failed to translate that valuable lesson to airline travel, even though adults have been required to wear safety belts for years on commercial aircraft. The lack of specific airline regulations can have tragic consequences. Many remember the Sioux City, IA, airline crash or the Avianca crash in New York City, where infants were killed.

Another incident occurred as recently as this past January. An American Airlines jet flying from Miami to San Francisco encountered turbulence so severe that 26 people were injured. Nine people were hospitalized as a result of the turbulence including one person who suffered a broken leg. Sadly, two infants seated on their parents' laps were among the injured. These children could have been spared injury with the use of a simple child safety restraint.

The National Transportation Safety Board, the Air Transport Association, the Aviation Consumer Action Project, and the Association of Flight Attendants, AFL-CIO, all support the legislation.

Sadly, the only group that does not support this legislation is the Federal Aviation Administration. But with my colleagues' support, I am sure we can convince the FAA to follow their mandate to maximize aviation safety.

The second bill I am reintroducing today will raise the mandatory commercial pilot retirement age from 60 to 65.

Age discrimination is something about which all of us feel strongly and we all believe should be halted. The Federal Government continues to practice age discrimination on our Nation's airline pilots with no medical evidence to support such action. We must put a stop to this practice.

In 1959, the Federal Aviation Administration [FAA] adopted a rule prohibiting persons over 60 years of age from serving as pilots on commercial air carriers. This age was chosen arbitrarily, with no scientific or medical studies to support the rule.

In fact, a recent report by the FAA's own Civil Aviation Medical Institute [CAMI] has concluded there is no medical evidence to support any age restrictions on commercial airline pilots.

Pacific rim countries now allow pilots to fly beyond age 60. The European Community will, by April, ratify a final rule raising the retirement age from 60 to 65. Soon, the United States will be the only major nation to practice this form of age discrimination.

As a certified flight instructor, I know pilot experience is an important factor in air safety and the traveling public should not be deprived of the skills of these very capable older pilots. If pilots can pass the rigorous airline certification test, they should be allowed to continue to pilot commercial aircraft.

Mr. Speaker, these are two needed pieces of aviation legislation and I urge all of my colleagues to join as cosponsors.

WORLD POPULATION CONTROL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MEEHAN. Mr. Speaker, during consideration of the fiscal year 1994 foreign aid bill this year, I encourage my colleagues to pay heed to the consequences of our burgeoning population, deteriorating environment, and rapidly depleting natural resources.

After spending \$1 billion on humanitarian aid in Somalia, we have clear evidence of what dire circumstances can occur when we ignore or neglect the impact of unchecked population growth. As Ambassador Madeline K. Albright said in her testimony before the Foreign Operations Subcommittee, preventative diplomacy is the long range solution for success. A vital element of preventative diplomacy could be to encourage the poor countries of the world, which account for more than 90 percent of world population growth, to voluntarily reduce their fertility rates.

The Population Institute is the largest non-profit grass roots organization dedicated solely to creating a more equitable balance between world population and the environment. I commend to my colleagues the following article that appeared in the March 25 issue of the *Christian Science Monitor* by Werner Fornos, the president of the Population Institute.

U.S. URGED TO HELP POPULATION CONTROL

(By Werner Fornos)

Two months before receiving his party's nomination for president, then-Gov. Bill

Clinton declared his belief that the fate of the world will be determined by its upwardly spiraling population growth. "The protection of the environment—as well as the daunting challenges of development, human rights, refugees, and world health—are all related to the vital issue of global population," he stated. On an earlier occasion he said: "A Clinton administration will restore United States funding for the UN's population stabilization efforts and allow aid to Planned Parenthood."

Congress, in the fiscal 1994 budget, has an opportunity to help Mr. Clinton fulfill his promise to restore US leadership in this crucial field by providing sufficient funding of international population programs. The US now provides \$350 million for population assistance in the form of bilateral programs and support to private organizations. However, the United Nations Fund for Population Activities (UNFPA) has requests for population assistance that exceed its budget by some \$500 million.

In testimony before Congress recently, I recommended appropriation of \$700 million for international population assistance, 16 percent of it going to UNFPA. The US cut off all funding to UNFPA in 1985.

The Population Institute's recommendation is consistent with the recommendations of the International Forum on Population in Amsterdam. The Forum was comprised of experts from 79 countries, including US government representatives. It concluded that a high priority must be given to leveling off of world population at the UN medium projection for population stabilization—11 billion people.

The objective will be reached if voluntary family planning users can be increased from the current 381 million to 567 million by the end of the century. The Amsterdam conference calculated the price tag for this at \$9 billion, double the amount presently spent worldwide on family planning. If, in the remaining years of this century, family planning can be provided to the approximately 500 million couples who need and want such services, population can be stabilized at 8 billion rather than 11 billion. With the focus shifted away from the cold war and the arms race, the US can be instrumental in preparing the world so that future generations will not have to deal with such crises as dwindling resources and environmental hazards.

Because pharmaceutical companies have virtually ceased contraceptive research, Congress should designate a portion of the international family planning budget to improving current modern family planning methods and developing new ones. The US government should lead the effort to ensure that existing contraceptives are more efficient, effective, and safe, and to develop a greater variety of family planning methods. The more methods available, the greater the likelihood of acceptance.

Congress should also seriously consider transferring oversight and liaison responsibility for UNFPA from the Agency for International Development (AID) to the Department of State, which handles these responsibilities for all other international organizations.

Perhaps the most critical global population challenge is elevating the status of women. It should be noted that women do two-thirds of the world's work, yet earn only one-tenth of the world's income and own less than 1 percent of its property. Several studies from developing countries have shown that where no females are enrolled in secondary schools, the average woman has seven children.

However, in regions where 40 percent of all women have had a secondary education, women average only three children. Congress should send a strong message for international family planning agencies to include women in the design, planning, and implementation of programs directed at their improved health.

HOUSE RESOLUTION 107, FUNDING
RESOLUTION FOR 1993

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HAMILTON. Mr. Speaker, I rise in support of House Resolution 107, as amended, which provides funding for the committees of the House of Representatives in the first session of the 103d Congress.

I commend and applaud the successful efforts of the chairman of the Subcommittee on Accounts, Mr. FROST, and the chairman of the Committee on House Administration, Mr. ROSE, in guiding a thoughtful and well-crafted resolution under difficult conditions to the House floor today. I also commend Congressman GILMAN, the ranking Republican on the Committee on Foreign Affairs, for his cooperation up to now in this process.

This resolution represents a significant reduction in committee funding, and it means for the Committee on Foreign Affairs that not all staff which leave can be replaced. I support the belt tightening that the resolution will require. I believe the committee can work within the amount allocated to us in the resolution, even though I am disappointed that the amount authorized in this resolution for the Committee on Foreign Affairs falls short of my original request. Our tough budgetary environment dictates that we all must find ways to streamline operations and reduce staff. I will continue to try to find ways to reduce expenses.

Mr. Speaker, this resolution strikes a reasonable balance between fiscal austerity and funding allocation priorities. Under the resolution, I expect to be able to update the committee's antiquated computer system starting this summer. I am also committed to staff a seventh subcommittee on the Foreign Affairs Committee—the Subcommittee on Africa—pursuant to instructions from the Democratic caucus.

I would view any attempts to seek greater cuts as shortsighted. For me, any further cuts will at this time mean that staff will be fired and committee operations will have to be reduced.

I see it as unwise at this time, given the global problems we confront, to reduce further the strength of committees, which are the backbone of the Congress and the legislative branch. House Resolution 107 is a responsible piece of legislation that enables us to get on with the important business we were sent here to do.

I urge a "yes" vote on the previous question, "yes" on the committee substitute, and "yes" on final passage.

NATIONAL STUDENT ATHLETE
DAY CELEBRATIONS HOSTED BY
THE NATIONAL ORGANIZATION
OF ARTISTIC AND ATHLETIC
DEVELOPMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CONYERS. Mr. Speaker, I am pleased to bring April 6 to the attention of my colleagues. This is a day when Americans as legislators, public officials, teachers, mothers, and fathers encourage our youth to put the student back into the athlete.

National Student-Athlete Day [NSAD] is a day to highlight the achievements of student athletes and recognize those who help student athletes find the balance between academics and athletics. Now in its sixth year, NSAD has become a tremendous success thanks to the Center for the Study of Sport in Society at Northeastern University, the NCAA Foundation, the hundreds of NSAD community outreach activities held all around the country involving tens of thousands of young people and the proclamations signed by Governors in all 50 States.

The National Organization for Artistic and Athletic Development [NOAAD], established 1985, was formed to provide comprehensive educational and character building programs which will ensure the inclusion of greater numbers of minorities, disadvantaged, and culturally deprived young people in sports where they are currently under-represented. NOAAD will lead Washington, DC, ceremonies by honoring six area elementary and junior high schools whose students have participated in NOAAD's DC Youth Soccer and Sports, Inc. [DCYSS] on Wednesday, March 31, at 12:30 p.m. in the House Government Operations Committee hearing room—2154.

Mr. Desmond Armstrong, member of the National Soccer Team, will join Mr. Kenneth Lee, professional tennis player, and the George Washington University student athletes in commending the hard work and discipline exhibited by these young soccer, volleyball, and martial arts students.

Two hundred students from Washington elementary and junior high schools of Leckie, Amidon, Jefferson, McGogney, Birney, and Terrell, MC will be honored not solely for their ability to run, dunk, or shoot, but for their ability to read, write, add, and subtract.

Wednesday will be a day when these student athletes stand together with their coaches and mentors to thank them for showing them that the meaning of success is to excel in their academic careers in conjunction with their athletics.

I urge my colleagues to join me in commending the following principals, athletic directors, and students, who are working together to tell the world that the day of the "dumb jock" is over, and are working to put the student back into the athlete.

Harold Comfort, President, NOAAD.
Dwight Mosley, President, Washington, DC chapter of NOAAD.

Mr. QT Jackson, DCYSS.
Coach August Wooter, DCYSS.

Dr. Pauline Hamlet, Principal, Amidon Elementary.

Dr. Vera White, Principal, Jefferson Junior High.

Dr. Reuben Pierce, Principal, Leckie Elementary.

Mr. William Pitts, Assistant Principal, Leckie Elementary.

Ms. Patricia Ashton, Physical Ed Instructor, Leckie Elementary.

Dr. Dennis C. Johnson, Principal, Terrell, MC.

Ms. Cecilia Ford, Physical Ed Instructor, Terrell, MC.

Dr. Yvonne Morse, Principal, Birney Elementary.

Ms. Dillie Ragsdale, Physical Ed Instructor, Birney Elementary.

Dr. Martina Matthews, Principal, McGogney Elementary.

Mr. Cedrick Lynch, Assistant Principal, McGogney Elementary.

Mr. Bob Mebane, Physical Ed Instructor, McGogney Elementary.

Vanessa Gonzales, Samantha Grant, Sadie Wheeler, Renarda Roberts, Nicole Prince, Cokeisha Cofield, Sharonda Sullivan, Sabrina Anderson, QuiovaLee Jones, Jessica Gamble.

Brandi Tate, Kelly Wright, Latoya McElhaney, Jennifer Mack, Tiffany Williams, Heida Lolley, Nakia Brown, Jacqueline Towns, Natolya Thomas, John Royar.

Anthony Manning, Antonio Cruz, Joseph Eyley, Christopher Ray, Damien Gross, Ricardo Dixon, Robert Gleason, Paul Royar, Fank Burke, Corey King.

Alquin Chapman, Derrick Jones, Jhataris McKnight, Steven Becker, Teddy Garvin, Calvin Malone, Maurice White, Lawrence Hawkins, Reggie Bradshaw, Fernando Shephard.

Deon Smith, Ikisha Walker, Brittany Burge, Lakita Hall, Johnnece Mayo, Shonda Holmes, Tiana Logan, Tearra Taylor, LeMetrious Phillips, Leslie Baptiste.

Mondane Brown, Maurice Kinard, Eric Ginyard, Ron Herdon, Patience Butler, Roger Souder, Dennis Thompson, David Mitchell, Cecilia Thomas.

Brandon Thompson, Brooke Cole, Tanika Deal, Keith Williams, Harrison White, Steven Anderson, April Bravard, Yajschs Hall, Kianna Sims.

Stephanie Sims, Renceka Ross, Deshon Carter, Tiffany Morris, Vioncia Buckson, Shamcka Chavis, Gwendolyn McLean, Anndrian Walker, Lakesih Millard, Angel Waters.

Monique Anderson, Richard Graham, Dartanian Stephens, Charmika Carmichael, Nathan Adams, Robert Graham, Naim Alexander, Albert Dubose, David Mitchell Thompson.

Ramano Flowers, Kevin Mitchell Thompson, Mikail Abdushakar, Jonthan Mitchell, Lawrence Boston, Derek Williams, James Ladd, Andrew Roach.

Lolita Moore, India Peterson, Carrier Evans, Kellie Day, Emoni Carey, Deven Jackson, Johnnece Mayo, Ikisha Walker, Brittany Burge.

Tiana Logan, Lakita Hall, Shonda Holmes, Quiana Johnson, Quastarcella Johnson, Sheena Scott, Kenard Robinson, Nathaniel Bias, Tashika Murray.

Mubarak Albetuttateel, George Colter, Nickeela Holston, Anthony Koch, Terrance Cook, Tamara Wingo, Tandra Tarvers, Randall Germany, Brooke Matthews.

Chandra January, Ricky Robertson, Shamere Waddy, Jeffrey Mosig, Kim Williams, Randall Hughes, Crystal Bugtai, Jason Camero, Andrew Belton, Micheal Barnes.

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. TAUZIN. Mr. Speaker, today I am introducing the Panama Canal Commission Authorization Act for fiscal year 1994 on behalf of Merchant Marine and Fisheries Committee Chairman GERRY STUDDS, ranking member JACK FIELDS, Coast Guard and Navigation Subcommittee ranking member HOWARD COBLE, and myself. In my 12 years in Congress, this is the fifth Commission authorization bill that I have introduced as chairman of the subcommittee with canal jurisdiction. I have enjoyed being a part of his hard-working and dedicated effort to operate a 79-year-old, 24-hour-a-day, bicoastal waterway.

In less than 7 years, the United States will turn over the Panama Canal to the Government of Panama as required by the Panama Canal Treaty of 1977. The Panama Canal Act of 1979 established the Panama Canal Commission as the U.S. agency responsible for operating the canal until its transfer on December 31, 1999. A major responsibility of the Commission is the training of Panamanian nationals in the operation of the canal; currently 79 percent of the Commission's approximately 8,500-person workforce are Panamanians.

The Commission is, as required by the treaty, slowly turning over canal property, known as reverted areas, to the Government of Panama to culminate in the complete transfer of the canal at the end of this century. Recently, the Panama Legislative Assembly authorized the creation of its own canal governing body to be known as the Inter-oceanic Regional Authority. This authority will be responsible for planning the best use of reverted areas and consider the operation of the canal in the next century.

Currently, there are three studies required by law considering the future of the canal. One study requires the Panama Canal Commission to develop recommendations for establishing a dissolution office to handle United States responsibilities and liabilities relating to the canal that will exist at the time of transfer to the Government of Panama. A second study requires the President and the Cabinet to review Commission structure and operations to determine if the Commission, as the role model for the Panamanian Government to follow in its future operation of the canal, is the best such role model possible. The third report is being conducted by the General Accounting Office to specifically review Commission technical and accounting operations to also make recommendations for improving the Canal Commission to present the best possible role model for the Government of Panama to follow.

The bill which I am introducing today is a straightforward authorization bill. Public Law 101-203 converted the Panama Canal Commission from an appropriated-fund agency to revolving-fund agency. Canal tolls and revenues are deposited in the Panama Canal Revolving Fund at the U.S. Treasury. This bill au-

thorizes withdrawals from the fund for the maintenance, operation, and improvement of the Panama Canal. No taxpayer funds go toward canal operation. The bill would authorize the purchase of up to 35 passenger motor vehicles but places limits on their purchase price. The bill would limit amounts which may be spent on official representation expenses.

Tomorrow, the Subcommittee on Coast Guard and Navigation will conduct its first Canal Commission oversight hearing for the 103d Congress. I welcome any of my colleagues who wish to learn more about the canal and become involved in working toward its improved operation over the next 7 years. This period, post-Noriega and pre-transfer, is a critical time that will determine whether the canal will continue to serve the international maritime community.

Mr. Speaker, I urge my colleagues to support this measure when it comes before the House of Representatives for consideration and I urge my colleagues to become more aware of and involved with the Panama Canal and the U.S. Panama Canal Commission.

RECOGNITION OF JANINE UTELL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy Broadcast Scriptwriting Program. The program is now in its 46th year and requires high school student participants to write and record a 3- to 5-minute script on an announced patriotic theme. This year's theme was "My Voice in America's Future." Over 136,000 students participated in the program nationwide.

Janine Utell, a senior at Patchogue-Medford High School on Long Island, has been named the 21st-place national winner. She will become the recipient of the \$1,000 Department of Alabama Scholarship Award. Janine is the daughter of Mr. and Mrs. John Utell, and she plans a career as a teacher or an editor. Janine was sponsored by VFW Post 2937 and its Ladies Auxiliary in Medford, NY.

Mr. Speaker, it is my great pleasure to congratulate Janine Utell on her 21st-place finish in the 1993 Voice of Democracy Broadcast Scriptwriting Program.

A TRIBUTE TO JEROLD
SIPERSTEIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Jerold Siperstein. Jerry, who has served the field of education with pride and distinction since 1959, is retiring in June and will be recognized at a dinner in his honor.

Jerry Siperstein came to San Bernardino upon the recommendation of Dr. Donald Wheeler who first interviewed Jerry in Minneapolis, MN. Dr. Wheeler thought Jerry a rare bird for his degrees in chemistry and mathematics, and a minor in physics. The San Bernardino school board hired Jerry to teach chemistry, algebra, and physics at the new Eisenhower High School in Rialto in 1959.

Jerry's impact was felt almost immediately. In 1960 and 1961, he received two National Science Foundation grants to do research to study the chemical bond approach to teaching chemistry. Several years later, he received a Ford Foundation grant for teaching special science classes to gifted students. In addition, Jerry began a series of special classes for elementary school-age students to introduce them to the many wonders of science. A year after the Rialto School District unified in 1965, Jerry began teaching at San Geronio High School. Since 1980, he has taught all the honors and advance placement chemistry classes, as well as college prep classes, at San Geronio.

Jerry's work has not gone unrecognized. In 1983, he was selected by his peers and administrators as a mentor teacher for demonstrating excellence within the teaching profession, and has served in this capacity since that time. He also received a certificate of recognition from the California superintendent of education in 1984. Upon his nomination for the 1990-91 Tandy Technology Award as an outstanding teacher in the field of math and science, an award which he received, Jerry was described as "expert enough to earn the respect of teachers, creative enough to catch and hold the interest of students, innovative enough to lead our school into the use of computers, and humane enough to gain the trust of students and colleagues."

Mr. Speaker, such praise is common when it comes to describing Jerry Siperstein. I ask that you join me, our colleagues and friends in recognizing him today for his many years of commitment and selfless service to education. He has touched the lives of many and is certainly worthy of recognition by the House of Representatives.

HONORING THE ACHIEVEMENTS OF
THE STUDENT CHAPTER OF THE
SOCIETY OF HISPANIC PROFESSIONAL
ENGINEERS AT THE NEW
JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate the student chapter of the Society of Hispanic Professional Engineers [SHPE] at the New Jersey Institute of Technology [NJIT] for coming in first place at the SHPE Regional Academic Olympiad in Washington, DC, and second place at the SHPE National Academic Olympiad in Chicago, IL.

Their honors are well deserved. The contest consisted of questions from engineering in

training exams, historical information about SHPE and geographical and current events from several Hispanic countries. The four students from NJIT, Carlos Miranda, Luz Vega, Monica Castillo, and Mario K. Medina devoted long hours of study, practice, and teamwork to achieve their goal. After the competition, one of the students, Luz Vega, stated that even though they did not win the final competition, "I learned so much since the team started from scratch; I learned about myself and a lot about teamwork."

As Congress debates the future of public education, we should remember the experience of these students. We should remember that all students, whatever their ethnic background, can reach a level of excellence if excellence is the standard, and if they are given the tools to achieve that standard. We should also remember that learning should not be viewed as the grueling process of stuffing a person with knowledge, but rather a process, like these SHPE students experienced, of teamwork, adventure, and fun.

Again, I congratulate these four students on their achievements, and with no regional prejudice intended, next year the NJIT team is going to win.

CONSTITUENT LETTER

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I received the following letter from Ms. Nancy L. Gay, who is one of my constituents. I would like to share her comments to the President with my colleagues:

CONSTITUENT LETTER

DEAR MR. CLINTON: That's it. That's enough. I've had it. The gays are getting what they want (God help us, are the alcoholics and drug addicts and psychotics going to achieve the celebrated "minority status" too?); maybe if I start yelling, those like me will too and we will be heard. There must be more like me out there, those of us who have worked hard all our lives, have embraced the old work ethic, work hard and play fair and prosper. Can it really be all so much B.S.? I'm glad I remembered to register to vote after moving here. I had the satisfaction of helping to vote Wyche Fowler out of office. So when you came up with your "plan" the other night, I took great satisfaction in calling Coverdell and registering my opposition. I called Sam Nunn's office too. But I get the feeling my voice doesn't count much (read that AT ALL). I feel helpless and powerless and very frustrated. This sentiment is shared by many who feel their once benevolent government has become an out of control monster trying to gobble them up. I know you are thinking "sour grapes" but remember, you got less than half of the popular vote.

Let me tell you a little story. What I can remember of growing up is macaroni and tomatoes with some blackeye peas for dinner. My mother made my clothes. Bikes were second hand, especially for me, as the younger, most everything was "Hand me Downs". I can remember my mother saying she would pick oranges (we lived in Florida) before she would go on welfare. We shared our house with mice and giant cockroaches. We were to

study hard, work hard, do our best and stand on our own two feet. Be responsible. Be self-sufficient. Does any of this sound familiar? I was raised Southern Baptist too. I got to go to college because my mother worked at the University and I got free tuition, and could qualify for loans for the rest. I did not attend the school I would have preferred, but even then I could realize when you can't have what you want (most of the time) take advantage of what you can get. And if you wait for someone to come up to you and hand you what you want, you better have your lunch packed and your jacket handy, because it will be a LONG and COLD wait. When I finished I went to work, not for a lot of money you understand, but I paid my own bills and paid off my school loans.

I was about 24 before I figured out what I wanted to do with myself and I enrolled myself in Med. College of Georgia's Physician Assistant Program. I had no money, so went into debt (again, no one is coming to me with a handout) but having worked hard and done my best previously, I had the grades and qualifications and could apply for loans and work study (notice that ugly word WORK again). I got married while there to a guy in medical school. (Medical School is hell to get through, but is wonderful preparation for the rest of your life.) Surprise, this guy isn't rich either—he went to undergraduate school on ROTC scholarships, for which he then owed 2 years of reserves and 4 years of active duty. Medical School—more loans. So we finish, thousands and thousands of dollars in debt, get a deferment of active duty, and go to a civilian residency. I can't get a PA job, and since he is making \$17,000, I found work as a secretary so we can begin our family and still eat (and of course begin to pay for the school loans).

Now I know you have no experience of military life, so let me tell it is not particularly fun. You go where you are told, do what you are told, and if you have any other plans or ambitions, tough. No one cares about their jobs, they are living for their pay, or the day they can get out, so why should they care if they mess up your life in some way? But for all of that, there are wonderful, giving, caring, supportive conscientious people in the services and some of our best, and lifelong friendships, we formed in the Army. And some of the people I admire most among the leaders of this country are/were military, namely Colin Powell and Norman Schwarzkopf. Anyway, we did the best we could, and always gave our best to our job. I say "our" job, because an individual person is not in the military, the whole family is. We were at Ft. Bragg during Panama and Desert Storm/Shield. Ron did not go to Saudi, as department chief, someone had to stay home. But they would tell him he was going, then he wasn't, then he was . . . so his bags stayed packed and waiting for the call for the duration, not easy for 2 small kids to handle, but they were in it with most of the rest of their friends. In the meantime, every time a SCUD came toward Dhahran where our best friend Joe's EVAC hospital was, I was with Terry (his wife) on the phone just as she would have been in the reverse situation. Doesn't this sound like fun? If the war had lasted one more week, Ron would have been there, we found out. But hey, we had it very easy compared to others. And we are glad we could get out when we did. Morale is usually tenuous at best, and you just put a lot of stress on a lot of good people, not a good start for inspiring confidence in their new Commander-in-Chief. May they come through for you when you need them any-

way. Knowing them, they will—for their country. Why in the world would you have ignored all of your top military advisors, particularly in an area where you have no expertise? Makes one wonder what in the world you could have owed, and to whom.

A year and a half ago, we got out. At this point Ron had 20 years of school and 4 additional years of special training, plus 4 years job experience (what would a plumber, or an electrician, or a mechanic charge if he had to have that kind of training? Don't worry, it's a rhetorical question). We wanted to go home (Chamblee, GA) and raise our kids in a small town atmosphere, found Griffin, and are happy. Ron was employed by a corporation, working toward eventual partnership. We begin to think maybe we can get out of debt, put aside money for our two boys education, possibly build that house we always wanted. Teach our kids to have strong characters, take care of themselves, contribute to their communities, and guard their minds and their bodies, for no one sees the destruction that people visit on themselves as do we in the medical profession. You know, raise them the way we were raised.

This is not a sad story, this is a happy story—so far. It is a story of people who believe in themselves, in their country, who are patriotic, love their fellow human beings, and take pride in doing their best. It is a story of sacrifice and hard work and achievement. It says if we can do it, anybody can. Unfortunately it deteriorates at this point. We idealistic fools now have to live under a government that believes in taking instead to giving. One should be punished for sacrificing all your life. Kill free enterprise. Take it away from them, take their hard work, their education, their time, their skills, their dedication, their love of country and fellow citizens, and make them a slave of the system. Tax the hell out of them. Take away 1/3 of everything and, what? They still have a nice house? Sacrilege! How dare they have all this while there are people sitting on their asses with nothing? Destroy their motivation. Encourage people to view them as monsters bilking them of every penny that can be squeezed out. Never mind how much they contribute to their community, never mind the contributions to the United Way and Salvation Army, the time and money given to the Boy Scouts, the support of the children's hospitals and programs such as Habitat for Humanity and their community churches. Of course, no one knows about these things, because they believe in giving quietly, and not flaunting what they have. And they are even polite to the rude people who suggest it must be nice for their children to have everything. Sorry, but my children do not even get an allowance, and if I find they are not taking care of what they do have, it goes. If they need money, I can always find jobs for them to do to earn it. Raise my taxes and I can't afford to hire people to help me with my house and yard (even when I really could—I always have—lived without the help) and I can't afford to buy clothes from the dress shop my neighbor owns and I can't hire another neighbor to build the house I've always wanted. We "rich" people actively support our neighbors businesses—until we have to give it all to the government. And they have to lay off their employees because there is not enough work for them. I am not unique. Americans are big hearted, we love to applaud and celebrate others success. I am an average person, everyone has access to the chances I have had. I took my chances, and I paid, and I had hard times when all I had to eat in a day was

an egg in the morning and a can of soup in the evening. No exaggeration. This is in my adult life. I worked in a hypertension screening program and in V.D. clinics in rural Georgia Health Departments (there's a fun job), and what I saw there made me thankful to be able to go home to my one room efficiency and eat my egg and my soup. But I went on. Anyone can unless you kill the opportunities and stifle our desire to help others get ahead in favor of simple self-preservation.

What I want is for you to tell me why I should try to pass on my values to my children? What makes me think that they will look at their Dad, (who works 60-80 hours weeks, is on call a week at a time every other week, and gets 4 days off a month—every other weekend) and understand when I tell them that their Dad is doing the right thing. How can I look my children in the eye, when some days the only time they see their father is if we drop by the hospital, and tell them that this is a good way to live, afraid you will be human and miss something to another's harm. Would you like to have a job that prompts comments from lawyers, when you are closing on your house mortgage, reminding him that the odds are that he will be sued at some point? Would that make you feel comfortable and secure in your job? He gets snide remarks about being "rich", jokes about how he is trying to take away everyone's money, but he damn well better be there at any hour to put the pieces back together when you go drink too much and crack up your car, or OD on your drugs, or don't take care of yourself for 40 years and start falling apart. My children admire their father—he is an admirable man—and I will teach them values and morals and the old work ethic, because most of all I want them to grow up proud of themselves and know that they are valuable human beings. That the point in life is to give and the personal satisfaction that their father gets when a person's life improves and their pain abates and their disease goes away or is found and can be treated and they and those who care for them feel better and can live with less stress. Ron is not a doctor because he enjoys telling a mother on Christmas Eve night that her 5 year old has a brain tumor. He has a 5 year old too. I will teach my kids to love others and to give to those less fortunate, but I will also have to teach them that they cannot expect any great returns, maybe no returns at all. They can no longer expect to work hard and prosper. They can expect to work hard and support those who don't want to work. They can know that their Daddy gets up at the crack of dawn (as he did this morning) to do an arteriogram on a person who got shot in the neck while committing robbery. He probably will not be paid for it—but he has the satisfaction of knowing that guy has had excellent medical help. Maybe it will help us feel better when that guy gets well and tries to sell drugs to our kids, do you think? Every word I say here is God's truth. And I will tell you more. By doing that arteriogram, Ron will not have the time today to help our son finish his project so he can receive his Cub Scout Bear Badge tomorrow. He may not have the time to finish putting together the ceremony he is responsible for as Assistant Cub Master. But my kids will have self-respect—so that they can be happy. They may not have a pot to pee in though. Or perhaps they should join the crowd and go to work for the government, only not in the armed forces. Is getting a monetary return on you personal investment so bad in a system built on free enterprise

and equality? We have the greatest country in the world, because we encourage people to be the best they can be and because they will be rewarded, personally and financially. If people risk their lives coming to this country for the opportunity they can have, when they are not even citizens, why cannot the people who are citizens look for and take advantage of the opportunities that they are born to? I managed, I am not so different, I am just another person, but I went looking, and I seized my opportunities. Now you are penalizing those of us who did or would do that. And you are destroying the opportunities in favor of short term jobs and more government and, long term, greater debt for our children. And you are destroying the respect that people in this country should have for each other, regardless. You are creating a class system and building resentment and it stems directly from your efforts to curb just such a thing from happening. Don't get me wrong, I and probably everyone else applaud your ideas. Something has to be done about putting people to work and God knows the roads need repairing. Kids have to get an education, obviously we are going to 100% behind that. Teachers need to be paid more. But I question a plan that took you 30 days to come up with. You didn't inspire confidence when you told us you were cutting the deficit by \$500 bil, whoops, we forgot to subtract the \$270 bil we plan on spending (and maybe now is not a good time to mention the new taxes we are plotting over in the West Wing).

So, you tell me, why should Ron go to work every day, no, why should he get up at 3 a.m. having just gotten to bed at 1? It's not just the money. Money is not the central issue. Justice, equity, opportunity is the issue. He doesn't have time to enjoy "being rich". On a practical level, we believe in living below our means. Whatever you do will not effect us drastically financially. Besides, I know from personal experience there are worse things than being poor. My point is not that I personally should have more, but that we should not be penalized for working hard. Government should not foster dependency. Government should foster independence. Wake up—its not working and you are discouraging those who are the ones making your experiments in socialism possible. My father was in the navy, and always said that a ship is a reflection of its captain. It's true. When you have selfish, self-serving, greedy, amoral leadership—what do you get? Hopeless, helpless, drug dependent, ill, dying, poverty stricken people. Leadership should set the example, therefore they should sacrifice first and most. I haven't seen one congressman willingly give up one red cent. It looks from here like some group is deliberately subverting this country. Or maybe all we have is a bunch of children up there (I'll show you my list if you show me yours first). I am so sick of partisan politics. Maybe that is why Ross Perot did so well so quickly. Maybe the people want to be involved in their government instead of being treated as children who don't know how to manage their lives or their money. My husband graduated Summa Cum Laude with a major in biology and minors in Chemistry, Physics and Computer Science. Tell him to his face how stupid he is.

But don't try to do it through the media. I wish someone would do something about them. Of course, they are protected by freedom of speech, as they should be, so the only way to control them is to ignore them and don't buy the newspapers, or watch the news programs. So I don't. I watch headline news

because they don't have time to editorialize, and I get my local paper so I can find out what is going on in my community (enclosed is an example—notice both sides are represented). I am 37 years old. I have 2 degrees. I do not need anyone to tell me how or what to think, thank you very much. Just give me the FACTS. Look up "report". I am capable of forming my own opinion. Someone accused Rush Limbaugh the other day of brainwashing. Consider an alternative, maybe the "silent majority" has found a voice.

I bet if you follow the money trail we could find out where the problem is. What are you going to do when those of us who work hard get tired and refuse to go on? I wouldn't mind making less money if the money would stay in the pockets of the people. I personally pay \$215 a month for my family's health insurance policy. That's with a \$1500 per person deductible. My youngest is an allergic asthmatic, his medications are over \$50/mo, his shots \$100/mo and his medical bills are nearing the \$900 mark for the last few months. I haven't gotten the bill yet for his testing for learning disabilities stemming from his difficult birth. Weren't we fortunate to have good doctors handy. Bet those women in Florida wish they could get good medical help when they need it. But malpractice is so high who can afford to practice there. It comes out of my pockets too. And don't try to tell me that paying taxes puts money in the pockets of the people, unless they work for the government. Of course, more people work for government now than work in industry in this country as of a few weeks ago. How sad.

Now, you said if anyone can come up with anything that would work any better to let you know. Paul Harvey aired a report that the people of MIT put together. Rush Limbaugh can remember the name of a report that came out some time ago (I dare you to ask him about it, what was it—the Grace Commission?). This country has scores of brilliant people in it. Surely you can find someone who has fair, logical, workable ideas. People come from all over the world to study in our Universities. (Or will they only be good ideas if they come from Democrats? When you go to the doctor, do you care if he is a Republican?) A lady called in to talk show the other day and said, it's happening again. Congress will (1) spend money (2) raise taxes and (3) delay cutting spending forever. We all know of twice that has happened in the last 2 administrations. As I recall it was blamed on the President. When it doesn't work again, shall we blame you? Another called to say that they were going to have to cut back their business and lay off people because they could not afford to make more than \$150,000. They paid \$86,000 in taxes last year. You keep talking about "The Rich" paying their fair share. What a joke. They pay one-third to one-half (when you consider State and local taxes) of their income compared to maybe one-fourth or one-fifth of what others pay, proportionately. You are already soaking "the rich". And they don't give me that BS about it being the Republicans fault. The President does not spend the money (have you figured that out yet?) the Democratic Congress controls the money, and they have been doing a lousy job of it. How do they justify no cost of living raises for Social Security recipients, when Social Security is about the only program in the black, only it has no money because all of its revenues go to service the debt. And where is Congress getting the money (and the nerve) to continue with their personal yearly pay increases and their \$5 mil budgets

for their personal staff (and they call me rich?). Explain to me the specifics of our Congressional retirement program.

The only think I can come up with on a large scale that hasn't been mentioned (besides cutting personal budgets), is dump IRS. When you have a complicated system and complicating it further doesn't help, try simplifying it. Keep it simple (remember kiss?—keep it simple stupid?) Tax everyone (people, corporations, everything) 10% of all income or profits over \$30,000. No exceptions, no exemptions, no deductions. Or start out with 1 percent at \$21,000 and increase 1 percent/ thousand until you get to 10 percent so the \$30,000 mark doesn't hurt so bad. (How much did the Kroger Company pay in taxes last year, bottom line?) Let free enterprise have a chance. THAT is something that has worked. The government would have more income, fewer employees, less confusion and expense, people would have more of their hard earned dollars in their pockets to spend as they see fit and support their neighbors businesses, and you would get rid of a branch of the government that too many people cannot understand and even fear. Imagine, people in the United States actually afraid of their government. What happened to "Of the people, by the people and for the people" not perishing from the earth? The tax system is so messed up that the people who work there can't even figure it all out much less help us. Conduct a little experiment, call 2 different IRS offices in 2 different places and ask them the same questions. See if you get the same answers. (This has been done before.) Which one is right? Even if they give me wrong information, I will still be held responsible.

Limit congressional terms, use line item veto to get rid of some of this so called "pork". Tell us what is going on. Make us responsible. If we don't know what is going on up there, we can't call and write our congresspeople like I am doing (we'll see if it works). You are still responsible to the people, however you got there. And most of us did not vote for you. Think about it.

If you look hard enough, and be creative, I bet you could cut spending so much you would be able to cut taxes too? Put people who are trained in responsible fiscal management to work in the fiscal management jobs. Of course, my training is in Biology, not economics so asking my opinion is probably like asking Hillary to supervise health care reform, or does she have some training and experience that no one has yet heard of? Then again, maybe my ideas would work. If you are going to reform (and God knows, health care in this country does need help), if you truly care about the people of this country, get sound, logical, expert advice that will help, and simplify the system without just throwing money at it again. And when you get good advice, go with it, don't spit in their faces and do whatever you want.

By the way, when you talked to those kids in Ohio the other day and that young man asked you how you could justify killing an unborn child, you never answered his question. Does he not deserve an answer? You responded with a question and by God he looked you right in the eye when he answered you. I am proud of that child.

And next time you tell a kid to work hard, stay in school, get a good education since no one can take that away from you, don't forget to tell him the rest—so that he can be a success and pay his 40-50% fair share (excuse me, his contribution). I do not expect an answer to this letter. Frankly, depressingly, I realistically would be surprised if even one person this is sent to even READS it. I'm

willing to take a chance just to get it in words. But if you cannot answer any better than I have seen to date, I would prefer not to have an answer. I will not be impressed with Presidential stationary. My taxes paid for the stationary. The way I figure it, as a voting, tax paying citizen, you work for me. I can assure you I am not alone. I don't know who your pollsters are talking to, unless it's your staff, but everyone I talk to is upset. My mother told me a man in Florida said he would not mind paying \$10 more a month—as long as it did not go to pay for some damn limousine—a sentiment shared by many. I have friends in Pennsylvania whose families are staunch Democrats, but they are worried because they figured it out and the \$14/mo you said is all they would pay seemed to snowball when they figures it out on their own and they will have to start living on their savings and cashing in their CDs just to get by, never mind an emergency. They are wondering if they did the right thing in voting for you. A lot of people WANT to have funds for emergencies—they seem to LIKE to pay their own way. A man on a fixed income living in the midwest calculated that his taxes for next year will go from around \$500 to over \$1100. How well have you guys thought this through? No, Americans don't mind sacrificing, we keep proving it over and over, but I don't see anything getting better. Be careful, look close and you may find you are beating a dying horse. (Sacrifice: "a loss incurred in selling something below its value". Or "to surrender or give up, or permit injury or disadvantage to, for the sake of something else" The American College Dictionary.)

I'm worried for my kids. I'm worried for the health of Chelsea, and your grandchildren. Where will you find a good doctor when you need one? They are having trouble filling medical school slots, the quality of the applicants is such that those applying now would never have made it 15 years ago. It used to be an honorable, worthwhile profession. But who needs the grief? I keep re-reading this, trying to find a place to cut it down, but I just get more angry and add more, so I will stop here.

I don't envy you your job. Remember there are a lot of people praying for you, whether they agree with you or not. And I will certainly be one of them.

Sincerely

NANCY L. GAY.

THE HEAD START QUALITY IMPROVEMENT ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing the Head Start Quality Improvement Act of 1993, along with my colleagues Representatives MOLINARI, MCKEON, CUNNINGHAM, PETRI, GUNDERSON, and HOEKSTRA. This bill also is being introduced today in the other body by Senator KASSEBAUM, with whom I have worked closely in drafting this bill.

For years I have been one of the few voices in the wilderness on the issue of ensuring quality in Head Start. I always have held firm that we need to provide these children and their families with the highest quality program

that is possible, instead of providing as many children as possible with a mediocre program—in other words quality over quantity.

With the huge expansions that Head Start has seen over the last several years, and the even more dramatic expansion that President Clinton is proposing, it is absolutely vital that we put into place some necessary mechanisms and safeguards to ensure that any increases in funding are not wasted and that provide for a broad-based quality program.

The Head Start Quality Improvement Act of 1993 will make these structural changes to the law to guarantee a higher quality program for our Nation's low-income families. This bill uses a five-part approach:

First, it establishes minimum performance measures for all grantees, such as providing literacy and parenting skills training for Head Start parents. These measures identify specific goals to be achieved by grantees, which are quantified so that compliance can be effectively monitored and enforced. There also are incentives provided for grantees that exceed the minimum requirements.

Second, it strengthens program accountability mechanisms, training, and technical assistance support systems for Head Start grantees.

Third, it provides for more effective enforcement of Head Start policies and instills more competition into the program.

Fourth, it expands the current Head Start Transition Project to more effectively address the "fade-out effect" and,

Fifth, it assists families entering or reentering the work force in receiving Head Start services.

Recently, the media has caught on to some of the problems with Head Start. There have been several articles in the Washington Post, the New York Times, and Time magazine, and segments on the "MacNeil/Lehrer Newshour", "ABC News", and National Public Radio that have reported on such things as: the widespread loss of gains in Head Start children by the time they reach second or third grade—commonly referred to as the "fade-out effect"; comments by one of the founders of Head Start who said that if we were to close 30 percent of the programs, there would be no great loss; and, two HHS Inspector General reports that raise serious quality and management questions about many of the programs.

I am glad to see that some constructive criticism is finally being given the light of day, for I think that it has set the stage to make the necessary quality changes to Head Start that I have been talking about for a long time. That is why I have worked with my colleagues, both in the House and Senator KASSEBAUM in the other body, to come up with these constructive changes that will make a positive difference in the program, and for hundreds of thousands of children and their families.

I am encouraged by the initial reaction that the draft of this bill has received. I hope and expect that the Head Start Quality Improvement Act of 1993 will become a bipartisan effort by Congress to make Head Start the shining star of Federal antipoverty programs that people once thought it was. I strongly urge the leadership of Congress to hold hearings on this bill and to pass it this year.

OUR BLOOD ALL FLOWS THE
SAME

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BLACKWELL. Mr. Speaker, President Harry S. Truman was the first to issue an Executive order to allow African-Americans into the military.

Four star Gen. Douglas MacArthur led those who publicly disagreed with the President's decision.

Today, President Clinton faces similar opposition in his efforts to repeal the outdated ban on gays in the U.S. Armed Forces.

As a veteran of the Korean war, I can tell you that even after entering the Armed Forces, African-Americans faced bigotry. We fought in separate platoons. We slept in sparse living conditions. We faced the wrath of officers.

Women, too, have been forced to bear the burden of bigotry in the Armed Forces. They know how it feels to be limited in their ability to fully serve their country.

Yet, just as countless African-Americans and women have laid down their lives in defense of this great Nation, so too have gays. Our blood all flows the same.

The question we must soon resolve is clear. Do we believe in equal treatment under the law, or will we continue to sanction a policy of institutionalized discrimination?

Mr. Speaker, the answer is equally clear. A person's sexual orientation has nothing to do with his or her ability to serve this country with honor and distinction.

The time has come to end the contradiction of bigotry in the military, once and for all.

REGARDING THE APEX MUSEUM
IN ATLANTA, GA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am introducing legislation today that will authorize \$12.5 million for the rehabilitation and expansion of the African-American Panoramic Experience Center [APEX] and will include the APEX in the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA.

The APEX is at the gateway to the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA. The APEX has proposed to renovate and expand their present facility to establish a new national museum on African-American history and culture, the APEX II. This comprehensive museum will serve as an international center to showcase the historical, cultural, artistic, scientific, and athletic achievements of a diverse population of African-Americans, through galleries, multimedia presentations, and exhibitions that reflect African and American life.

In 1996, Atlanta will host the Centennial Summer Olympic games. Hundreds of thousands of people will visit Atlanta from all over

the world. They will spend much of their time in the downtown Atlanta area, where the APEX is located. The expansion of a national museum on African history and culture will enable all Americans, and those who visit our country from abroad, to better understand and appreciate the significant contributions made by African-Americans to American and world history.

In addition, the Fulton County African-American Research Library, which is under construction adjacent to the APEX, has been designated by Fulton County to serve as the primary location in the Atlanta region for conducting research related to African-American studies.

The location of the APEX is unique. The King Historic Site is the third most visited historic site within the National Park Service and the most visited attraction in Atlanta. The National Park Service has expressed an interest in establishing a visitors center on the first floor of this new structure.

I believe that the APEX will be instrumental in ensuring that the story of all Americans is told.

INVESTIGATIVE FUNDS OF THE
APPROPRIATIONS COMMITTEE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. FAZIO. Mr. Speaker, the Committee on Appropriations has an investigative staff—and a separate appropriation which provides funding for the operation of our investigative staff.

That is the comparable procedure to what is done in the committee funding resolution. That funding resolution creates funding authorization for standing committee studies and investigations—except for the Appropriations and the Budget Committees. This procedure complies with clause 5 of House Rule XI.

Investigative funds for the Appropriations and Budget Committees are included individually in the appropriations bill.

These funds go through the entire appropriations process. The budgets are presented in the Federal budget—they get reviewed by the Appropriations Subcommittee—reported to the full committee, and go to the floor. They are subject to the same public scrutiny and oversight as any other budget item.

As such, those funds are subject to an up-or-down vote at that time. Those investigative funds are not included within a larger total—they are not combined with other committees—they are presented to the House and can be voted on separately under the 5-minute rule when the appropriations bill comes to the floor.

Mr. Speaker, this procedure was established in the Legislative Reorganization Act of 1946. It was thought then—and it is still true—that the Appropriations Committee needed the ability to conduct examinations of the organization and operations of any executive agency.

We have a very small investigative staff which numbers about 20. They utilize experts—on a reimbursable basis—from GAO, the FBI, and other agencies—and some con-

sultants. These staff are used only temporarily until the particular study is finished.

All of our studies are requested by the chairman and ranking member of the subcommittee and approved and signed off by the chairman and ranking minority member of the Committee on Appropriations. All reports are distributed to each member of the appropriate subcommittee at the same time. This is a bipartisan procedure—and there are no exceptions.

I know of no abuse of this process. It is a longstanding process—and is done as authorized in the underlying statutes, 60 Stat. 834–835 which is codified at section 72 a.(b) of title II, United States Code.

I would argue that there is no reason to change the process—just for the sake of change.

The only difference between the way the investigative funds of the Appropriations and Budget Committees are handled in the ultimate funding consideration in the House and the investigative funds of all the other standing committees is that the investigative funds of Appropriations and Budget are more vulnerable to the amendment process in the House.

They are reported separately in the appropriations bill—as opposed to an omnibus resolution or appropriation which rolls all committees into one overall amount.

And I want to make one more distinction here, Mr. Speaker. In providing investigative funds for the other standing committees, under the rules there are provisions for majority and minority staff funding. That is the way the other committees are organized—and it gives rise to some controversy from time to time—and we all know.

There is no such distinction in the Appropriations Committee investigative funding. That staff is a professional staff—there is no majority/minority split. These staff work for all members of the committee—and that is the way it works.

We would take a step backward from the bipartisan nature of our staff process if we turned this into a majority/minority staff process.

That is a fundamental reason why I believe the Legislative Reorganization Act of 1946—and the House rules—established this process. They wanted the Appropriations Committee staff to be nonpartisan professionals.

We have maintained that policy—and it has served our Members well over the years.

This is no time to create problems, particularly by introducing a politicizing policy in the appropriations process.

I think the current procedure works. It's not broken. Let's not try to fix something that's not broken.

WACO, TX, AND WHACKO, FL,
MAKE THE NEWS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CLAY. Mr. Speaker, most everyone is aware of the recent event in Pensacola, FL, where a physician, Dr. Lamond Gunn, was

murdered by a religious fanatic who obviously had no tolerance for his victim's right to practice lawful medical procedures.

In Waco, TX, we are currently witnessing a heavily armed defiance of the law by a leader of a religious cult who uses his own interpretation of the Bible to justify the group's actions.

Throughout the Nation, health facilities that provide abortions are being threatened by bombs, chemicals, hate mail, and violent protesters. Abortion providers, their friends and family members are being attacked physically by unruly mobs of religious zealots. Perpetrators of these hate activities have set their own rules as to what is permissible conduct. The rhetoric of these fanatics is a chilling indictment of intolerant behavior: "Killing Gunn will save the lives of hundreds of babies"; "Women who have abortions regardless of circumstances are murderers"; "We will not condemn the murder of Dr. Gunn."

To compare today's acts of violence with the civil disobedience practiced during the 1960's civil rights movement is an act of gross hypocrisy. As an activist during many of those protests, I assure you there is no similarity between the tactics of the two.

We believed in peaceful protest. We did not bear arms, even though many of our leaders and followers were murdered. We did not condemn anyone's religion. We only asked that their religious beliefs show tolerance for others.

In our country, too many senseless, violent acts have been condoned in the name of religious freedom. Silence of the moral leadership in the face of such atrocities as that in Waco and Pensacola gives tacit approval to these acts of anarchism. Failure of government officials and the judiciary to discern a difference between seeking rights through peaceful demonstrations and imposing one's religious tenets through coercion and violence is abdication of official responsibility.

The stockpiling of arms and the condoning of murder by these religious fanatics cannot continue to go unanswered. Congress must enact legislation that will restrict the purchase of arms that can be used to terrorize communities, individuals, and yes, even health clinics.

The most serious mistake Congress can make is to dismiss these two recent occurrences as self-proclaimed messiahs or saviors as the actions of a few misfits or kooks. Many described Hitler in a similar fashion when he first came to power in spite of untold warnings. Common sense and common decency dictate that America, as an armed camp, must be dismantled quickly.

HOUSE SHOULD LEAD BY
EXAMPLE

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. KYL. Mr. Speaker, I rise in opposition to this committee-funding resolution, House Resolution 107.

Just a week and a half ago, this House passed a budget resolution that calls for the largest tax increase in the Nation's history. It

calls for higher taxes on Social Security and a new energy tax that will hit the middle income, elderly, and poor the hardest of all.

President Clinton and the majority in this House believe that hard-working and needy Americans must bear a heavier tax burden because Government spending cannot be cut. They are asking people to give up part of their income, whether it's the extra money they might have had for a dinner out once a month, to fix up their homes, or the money they've been trying to put away for their children's education. For some people, it's the money for basic necessities: food and shelter.

And, what sacrifice is the Congress going to make? Virtually none. After eliminating 4 select committees—which were set up as temporary committees between 8 and 18 years ago—this resolution cuts a mere \$57,746 from the remaining 21 standing committees of the House.

In fact, nine committees get funding increases under this resolution. Eight have their budgets frozen. And, only four committees are cut, some simply by the amount they did not spend last year. While the American people are being asked to make real and tough choices about how to live on less, there is no sacrifice on Congress' part whatsoever.

If the House were serious about cutting spending, it could find a way to reduce committee costs by 25 percent, or at least 10 percent, as the Republican side has proposed. Republicans were not even allowed to offer cost-cutting amendments; the best we will get is a motion to recommit to try to obtain the 25-percent cut.

I urge my colleagues to vote no, and keep this resolution from being railroaded through the House. Let's begin cutting our own budgets before the American people are asked to accept yet another tax increase.

TRIBUTE TO MELVIN CAESAR
BELLI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Melvin Caesar Belli. Mr. Belli is a partner of the world-renowned trial law firm of his father, Melvin M. Belli.

Caesar Belli has a long history of legal activism which was encouraged by his family. He was exposed at an early age to his father's groundbreaking work and to other top legal minds in the country. At the age of 7, he accompanied his father to Dallas for the trial of Jack Ruby, whom the elder Belli defended for the murder of John F. Kennedy's assassin, Lee Harvey Oswald. In addition, he traveled with his father to a variety of exciting locales in both the United States and across the globe. These unique experiences gave Caesar a deep appreciation for different cultures, international law, and the environment—themes which remain critically important to him today.

For example, Caesar Belli represented fishermen, cannery workers, and oilspill cleanup workers who were affected by the 1989

Valdez oilspill in Alaska. In 1992, Belli filed a class action suit on behalf of residents in Richmond, CA, who were exposed to a toxic chemical cloud emitted by an oil company. He won a \$1 million suit against a chemical company on behalf of farmers in Salinas Valley, CA, who lost their strawberry crops. As a strong supporter of consumer rights, Belli challenged the makers of defective pacemakers, breast implants, and other medical devices.

Belli is highly involved in the American Trial Lawyers Association [ATLA], and in particular, the environmental law section and the young lawyers section. He currently serves on the board of governors at ATLA, and the California Trial Lawyers Association. He is also a sustaining board member of the San Francisco Trial Lawyers Association and a board member of both the Marin County Trial Lawyers Association and the American Himalayan Foundation, a charitable organization operating in the Himalayas.

Caesar Belli earned his undergraduate degree at the University of California, Berkeley. As a law student at the University of San Francisco, he worked in the San Francisco Public Defender's Office. He currently lives in Sausalito, CA, with his wife, Gretchen, and their three children.

Throughout his life, Caesar Belli has worked to improve the situation of others who are less fortunate. On the occasion of his recent birthday, I am pleased to recognize Caesar Belli and his many contributions.

THE FORFEITURE EQUITY ACT OF
1993

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing the Forfeiture Equity Act, legislation requiring the payment of State and local taxes on property seized by the Federal Department of Justice through the asset forfeiture program. This act, if enacted, will protect local property owners who live in the taxing jurisdiction from having to pay those property taxes that are still due but not paid by the Federal Government under present law.

During the past several years, Department of Justice officials have increasingly relied upon the asset forfeiture program to punish and deter criminal activity by depriving criminals of property acquired through illegal activities. Additionally, revenues generated from the sale of forfeited properties netted Federal, State, and local law enforcement agencies close to \$550 million in fiscal year 1992. These revenues help strengthen law enforcement efforts.

Unlike the Resolution Trust Corporation, which pays State and local property taxes after taking control of the assets of failed savings banks, the Justice Department has no program for the payment of taxes on properties over which it assumes control. As a result, the almost 33,000 properties currently under seizure by the Federal Government, valued at \$1.85 billion, are no longer producing State and local property taxes which must be

shared by the other taxpayers in the area. Moreover, any back taxes owed on property seized from criminals are not being paid.

I believe existing law is burdensome on State and local taxing authorities, provokes wasteful litigation between Federal and local governments, and complicates the marketing and profitability of forfeited property.

The Forfeiture Equity Act requires the Justice Department to pay current and delinquent local property taxes on seized assets. Enactment of the Forfeiture Equity Act is a reasonable and necessary step to make sure that seizures by the Federal Government do not inadvertently harm State and local governments, and local taxpayers. Furthermore, the Department of Justice has informed me that it supports the payment of State and local taxes on seized property, but cannot proceed with these efforts without statutory authority.

Mr. Speaker, I urge my colleagues to join with me in supporting the enactment of the Forfeiture Equity Act.

**TRIBUTE TO MR. JOHN WELCH,
BAYONNE ELKS CLUB MAN OF
THE YEAR**

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Mr. John Welch on his selection as the Bayonne Elks Lodge's Man of the Year.

The Elks' selection is well founded. John's dedication as a community activist and leader serves as an example both to the Elks' membership and the community at large. John is a past exalted ruler of Bayonne Lodge No. 434, and continues to serve the youth of Bayonne through his lodge as chairman of the Elks' nationally recognized Youth Activities Committee. John's dedication to Bayonne's youth would be remarkable even if his service ended there, but it does not. John's involvement in the Scholarship Committee, Student of the Month, Hoop Shoot, Youth Day, and Youth Week programs are testament to his commitment to youth and to education.

John's service to his lodge is equally laudatory. As a member of the New Jersey State Elks Task Force and chairman of its tennis tournament, his contribution to the community has been, and I trust will continue to be, outstanding. In short, Mr. Welch's example truly demonstrates that service through the Elks Lodge is indeed a way to share.

**TRIBUTE TO THE STUDENTS AND
TEACHERS OF THE MARYVALE
FRENCH IMMERSION PROGRAM**

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the impressive achievements of the students and teachers of the Maryvale

French Immersion Program in Rockville, MD. The Maryvale French Immersion Program, a magnet program in the Montgomery County Public School System, was launched in 1974, and was the first program of its kind in the country. There are now 110 immersion programs nationwide, from California to Massachusetts, that instruct students in French, Spanish, Chinese, and Japanese.

On March 10, students from the Maryvale French Immersion Program, led by their teacher, Ms. Micheale-Anne Ebe, demonstrated their advanced language skills to the House-Senate International Education Study Group and the Joint National Committee for Languages. Fourteen exemplary students, including Rita Baghdadi, Julian Brunner, Sarah Colwell, Daniel Gambardella, Daisy Malouma, Rachel Menyuk, Ahmad Mines, Nathaniel Pancost, Nicholas Reifschneider, Caitlin Rummel, Karen Silver, Julia Treseder, Audrey Washington, and Melanie Weston, took part in the presentations in celebration of National Foreign Language Week, which honors students nationwide who are studying a second language.

Maryvale's 250 French Immersion students are exposed to the same curriculum as students in Montgomery County's 122 elementary schools, with the exception that all courses are taught completely in French. Immersion in the French language is complete as teachers speak to the students only in French from the very first day of kindergarten. By the middle of the first grade, students have acquired sufficient fluency in French so that it is the only language used by both teachers and students in the classroom. Immersion Program students achieve in academic areas at the same level as those who are learning them in English. This experience allows students to attain a high level of fluency in the French language in preparation for working with people of many cultures and customs.

As a former teacher, I recognize the urgent need to teach foreign languages to American students to prepare them to compete in a global economy and to allow them to participate more fully in an increasingly shared international culture. I am proud to honor the faculty and parents of the Maryvale Elementary School as they continue to forge ahead on the path of academic innovation, and I congratulate the students of the Maryvale French Immersion Program on their high level of academic accomplishment. I wish everyone involved with the Maryvale Elementary School success as they expand the boundaries of academic achievement.

TRIBUTE TO DAVID S. BRYANT

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. KLEIN. Mr. Speaker, I rise today to honor an outstanding citizen of New Jersey, David S. Bryant. Mr. Bryant will be leaving the Garden State for the Constitution State. The people of Connecticut are lucky to be getting him because his time, talent, and energy have made his community a better place to live.

Mr. Bryant was born in Brooklyn, NY. He attended Rutgers University, my alma mater, where he received his master of library science degree, as well as his B.A. and M.A. His first job was as principal librarian with the Passaic Public Library at which he served 9 years. In 1993 he moved his family to Belleville and became the director of the Belleville Library and Information Center.

Mr. Bryant once said, "I see the library as the gathering place of the accumulated wisdom of the ages. We encourage people to read, as the best way to learn." This quote eloquently illustrates his personal commitment to making the Belleville Library and Information Center a public gathering place, where all members of the community felt welcomed.

Under Mr. Bryant's directorship, 86,151 people visited the library facilities, 2,672 became members, 3,822 new books were added, and 15,760 telephoned information requests were answered during last year alone. Mr. Bryant has been with the Belleville Library and Information Center for a decade. Due to his leadership, an art gallery has evolved, there is a constant flow of the best reading available, and the facilities are fully computerized. Thanks to his devotion to his work, Belleville has a beautiful building that is the hub of culture and civic activity.

I wish Mr. Bryant the very best in his future endeavors. I hope that the people of New England enjoy him as much as the people of New Jersey have.

**SECOND ANNUAL AIDS
AWARENESS DAY**

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize a very important event in the First Congressional District of Connecticut. I speak of the Second Annual AIDS Awareness Day in Hartford, CT, on April 3, 1993, sponsored by Latinos/as Contra SIDA, Inc.—Latinos Against AIDS, Inc.

AIDS has reached epidemic proportions in Hartford's Latino community. The population of the city of Hartford is approximately 35 percent Latino. Hartford Latinos are one-third of the estimated 5,500 HIV infected persons in the city of Hartford. Over 40 percent of the Hartford area women diagnosed with AIDS are Latinos and an overwhelming majority of pediatric cases of AIDS are Latino children.

LCS was founded 5 years ago by concerned Latino volunteers who recognized a dire need for specialized services aimed at Latino individuals and families affected by AIDS.

Since there was no other agency at that time offering support group services, individual counseling, training and education services to the Latino community, LCS tried to fill the gap with volunteers. LCS was effective in dealing with the Latino community because of its culturally and socially oriented volunteers. The demand for services increased as a result of the volunteers' success. LCS became incorporated in 1988.

In 1992, LCS organized its first successful Annual AIDS Awareness Day. The purpose of the event was to advise the community of the AIDS problems in Hartford, CT, and to educate Latinos on how to protect themselves from AIDS and alleviate fears and misconceptions of HIV/AIDS.

LCS is comprised of many giving, caring volunteers whose special efforts make life better for HIV and AIDS infected Latinos. They have been very successful in providing services, organizing massive campaigns, and fundraisers like AIDS Awareness Day in the neighborhood, schools, and churches of Hartford.

The work of Latino/as Contra SIDA is a positive force in Hartford. I would like to applaud the excellent work of the three individuals who organized LCS, Clara Acosta, Ramonita Berrios, and Hector Seda, as well as the chairman and founder of LCS First Annual AIDS Awareness Day, Bobby Clark. I offer my sincerest gratitude and hope for LCS' continued success.

INTRODUCTION OF ASSISTANT SECRETARY FOR NATURAL GAS LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. RICHARDSON. Mr. Speaker, today I introduced legislation to create an Assistant Secretary for Natural Gas within the Department of Energy [DOE]. During the last Congress, we passed significant energy legislation that has now become law, the Comprehensive National Energy Policy Act. Although this bill represents a positive step forward, our task is not yet finished. Now it is more important than ever for the DOE to give the attention and support necessary to integrate adequately natural gas planning into the country's energy and environmental goals.

Expanded use of natural gas can be at least part of the solution to our Nation's looming energy generation shortfall. Natural gas is clean, safe, affordable, and readily available for use in energy generation applications across the country. As the Clinton administration begins to enforce new regulations mandated by both the Clean Air Act and the Comprehensive National Energy Policy Act, increased natural gas use will become a more viable option.

Establishment of an Assistant Secretary for Natural Gas in the Department of Energy could serve the following functions: Coordinate all departmental activities concerning natural gas policy; review current R&D funding for gas technologies such as NGV's, cofiring, reburn, emission controls, and various end-use technologies, and make appropriate recommendations; evaluate the potential for expanding research into improved drilling techniques and production of unconventional gas reserves; and evaluate the health of the Nation's gas production infrastructure and policies that could be pursued to sustain that infrastructure.

I invite my colleagues in the House to join me in supporting this important legislation. The time has come for a unified Federal policy on

natural gas as an integral part of our national energy strategy. This legislation is the first step in that process.

EXTENDING U.S. LABOR LAWS TO CERTAIN FOREIGN FLAGSHIPS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. CLAY. Mr. Speaker, American flagships are in a competitive battle that they cannot win. Subject to American labor laws, they must provide fair wages and humane treatment to their employees. Their competitors, however, though primarily engaged in U.S. commerce and, in many cases, American owned, are not only able to escape the requirements of American law, but are able to evade the requirements of any labor standards legislation whatsoever by adopting foreign flags of convenience. As a result, an already meager U.S. merchant marine is increasingly being run off the seas by vessels that are not subject to enforceable labor standards and do not provide either a living wage or humane conditions to those who have the misfortune to crew them.

The truly barbarous conditions to which many crew members on these vessels are being subjected deserves more than passing notice. In the two preceding Congresses, subcommittees of the Education and Labor Committee and the Merchant Marine Committee have heard testimony of workers being required to work 18 and 20 hours a day for less than a \$1 an hour. We heard of living conditions so unsanitary that they threaten life. We heard of sailors being forced to provide kickbacks to labor contractors for the privilege of being so abused. We heard of sailors being abandoned in foreign ports and blackballed for seeking to improve conditions that all would agree are intolerable and inhuman.

When such workers, though engaged in U.S. commerce, are without any practical or meaningful legal recourse, this Nation not only has the right, but the moral duty, to ensure that such vestiges of 19th century servitude are eradicated. Where such labor practices render it impossible for American flagships to compete and threaten the destruction of a merchant marine essential to our national interests, our own self-interests demand that we take action.

H.R. 1126 is a very modest bill that addresses a very real problem. It extends the protection of the Fair Labor Standards Act [FLSA] and the National Labor Relations Act [NLRA] to foreign flagships that are regularly engaged in U.S. commerce. Extensions of the NLRA will provide the workers covered by this legislation the right to organize and bargain terms and conditions of employment, while extension of the FLSA will provide minimum wage coverage to these employees. Specifically, the NLRA and FLSA would be extended: First, to vessels "regularly engaged in transporting passengers to and from the United States"; second, to vessels "regularly engaged in transporting cargo in the foreign trade of the United States"; and third, to ves-

sels producing or processing goods or services for sale or distribution in the United States, and to vessels transporting cargo between the United States and vessels in international waters. Foreign documented cruise ships and freighters that are otherwise regularly engaged in American commerce are exempted from NLRA and FLSA coverage if the 51 percent of the ship's crew are citizens of the ship's country of registry and if 51 percent of the ship's ownership is held by citizens of that country.

EARTH SUMMIT ENVIRONMENTAL LEADERSHIP ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. PELOSI. Mr. Speaker, the Earth Summit provided the world with an unparalleled opportunity to build a global consensus around critical environmental issues. Implementation of the Earth Summit agreements is the key to the summit's ultimate success.

Last year, the House passed the Earth Summit Environmental Leadership Act, which I introduced, along with all of the House delegates to the Earth Summit, upon my return from Rio. Yesterday, I introduced similar legislation, with 35 original cosponsors, to implement Agenda 21 and Senator PELL, chairman of the Senate Foreign Relations Committee, will join me in introducing identical legislation in the Senate.

The Earth Summit Environmental Leadership Act outlines a comprehensive national strategy for sustainable development, in accordance with the principles of Agenda 21, to be coordinated under the leadership of a specific office and the direction of a high-level Government official. It also urges the United States to identify and initiate further agreements to protect the global environment, and for the President to report to Congress on progress toward achieving a national strategy to implement Agenda 21.

It is critical that the United States set an example of sustainable consumption and production patterns. My legislation outlines a number of steps to achieve this goal, including the elimination or reduction of subsidies for the exploitation of natural resources, and to design a policy framework for sustainable consumption patterns.

Environmental protection is not only a national issue; it is a challenge for every individual to make a difference. The principles embodied in Agenda 21 present a framework for environmental action that should be pursued at all levels of society—in our schools, local communities, governments, and in our lifestyles. The concept of sustainable development should be realized in all the major decisions affecting the future of our environment and the preservation of its species. The Hopi Indians practiced a land-use policy based on the seventh generation—that their relationship with the land would not have adverse effects on future generations of Hopis. We should attempt to do no less.

Senator PELL has demonstrated a forceful leadership on global environmental issues and

I look forward to working in partnership with him on this important initiative to achieve sustainable development in the United States.

I urge my colleagues to join me in cosponsoring the Earth Summit Environmental Leadership Act to continue the progress of the Earth Summit.

VOTE TO PROTECT SOCIAL SECURITY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. ROTH. Mr. Speaker, one of the most pressing issues facing this Congress is the Social Security tax increase contained in the budget resolution which the Democrats passed March 18.

I believe raising taxes on Social Security is wrong for our country and harmful to our senior citizens. I urge my colleagues to read two pieces of research, which I include in the RECORD, before they cast their next vote to raise taxes on Social Security benefits.

Last month the Republican leadership asked me to chair a task force on Social Security. On February 10 we held a forum to explore the adverse impact of Social Security cost-of-living adjustment freezes and increased taxes on benefits. A report summarizing the forum follows. Our task force will continue to oppose cutting or taxing Social Security benefits.

As further proof of the damage of the Social Security tax hike, I urge my colleagues to study a research paper which projects the additional tax burden of the Social Security tax hike in all 50 States. I am indebted to Lloyd Duxbury and the National Committee to Preserve Social Security and Medicare for producing this excellent research.

I urge my colleagues on both sides of the aisle to weigh carefully the consequences of a Social Security tax hike. Raising taxes on senior citizens will erode popular support for the Social Security Program and will not reduce the deficit one penny. Let us reject higher taxes—let us vote to protect Social Security.

Following are the report summarizing the February 10 forum on Social Security and the research paper from the National Committee to Preserve Social Security and Medicare.

SUMMARY OF CONGRESSIONAL FORUM ON CLINTON ADMINISTRATION PROPOSALS FOR SOCIAL SECURITY COST OF LIVING ADJUSTMENT LIMITS AND INCREASED TAXATION OF SOCIAL SECURITY BENEFITS

The House Republican Study Committee sponsored a Congressional forum on February 10, 1993, to examine the impact of two proposals under consideration by the Clinton Administration to change Social Security: freezing or limiting cost-of-living adjustments and increasing the tax on benefits.

At the request of Study Committee Chairman Rep. Dan Burton (IN), Rep. Toby Roth (WI) chaired the forum. He was joined by Rep. John T. Doolittle (CA), Rep. Helen Delich Bentley (MD), and Rep. Bob Livingston (LA).

Five witnesses testified on the impact that the Clinton Administration proposals would have on the federal budget and on individual beneficiaries. The Administration declined

an invitation to send a witness. Witnesses included:

Robert Myers, National Academy of Social Insurance and former Chief Actuary of the Social Security Administration.

Paul Cullinan, Congressional Budget Office.

James Parmelee, The Seniors Coalition.
Lloyd Duxbury, National Committee to Preserve Social Security and Medicare.

Steven Allen, United Seniors Association.

REPUBLICAN STUDY COMMITTEE MEMBERS' OPENING STATEMENTS

Representative Toby Roth.—Noting that Social Security generated a \$47 billion surplus last year, Rep. Roth said it was unfair to blame the budget deficit on Social Security recipients. Rep. Roth reviewed news reports and statements indicating that "[f]or the new Administration and its allies in Congress, reducing the deficit means cutting Social Security." He expressed his opposition to cutting Social Security.

Representative John Doolittle.—Freezing COLAs or increasing taxes on benefits would not decrease the deficit, Rep. Doolittle said. Moreover, these actions would simply encourage more government spending and deprive recipients of their earned benefits.

Representative Helen Delich Bentley.—The Clinton Administration should not target Social Security recipients who earned their benefits after a lifetime of contributing to the program, Rep. Bentley said. The Congress should try to eliminate cases of fraud first, she said.

Representative Livingston.—Joining the opposition to cutting Social Security benefits, Rep. Livingston advocated eliminating the earnings test on working seniors. Calling the earnings test a disincentive to work, Rep. Livingston said that repealing the limit would increase government revenues by stimulating the economy.

WITNESSES

Robert Myers.—The fiscal year 1994 COLA should not be eliminated because it is an appropriate and desirable feature of the program, and adequate current funds are available for its implementation, Mr. Myers said.

Freezing the 1993 COLA would not reduce the budget deficit. Reductions in COLAs increase the balance in the Social Security Trust Funds, and do not reduce the deficit, because federal borrowing is not reduced.

Eliminating the 1994 COLA would affect about 41 million beneficiaries and reduce benefits by about \$9 billion per year. These reductions would accrue for several years and then gradually decrease, until becoming negligible about three or four decades from now, he said.

Mr. Myers supported increasing to 85 percent the portion of benefits subject to income taxation, but not for deficit reduction purposes. Whether increasing taxes would decrease the deficit depends on how the revenues are used, Mr. Myers said. If the current practice continues of crediting revenues to the Trust Funds, the deficit does not decrease because overall federal borrowing is not reduced. However, if the revenues were credited to the General fund of the Treasury, then deficit reduction would occur, he said.

Paul Cullinan.—Mr. Cullinan outlined deficit reduction options affecting Social Security, illustrating both the likely budgetary effects of such measures and their distributional impacts.

Eliminating the 1994 COLA would "save" about \$6.9 billion in 1994 and about \$49.4 billion over the 1994-1998 period, Mr. Cullinan said. Families receiving Social Security

would see a \$278 reduction in their after-tax income in 1994, or 0.9 percent of income. Families in the lowest income quintile would lose an estimated \$158, about 2.0 percent of their after-tax income; the recipients in the highest quintile are estimated to lose \$326 per family, about 0.4 percent of income. Families in the second highest quintile would feel the largest dollar increase—an estimated \$335 loss.

In regard to the Clinton Administration's suggestion to increase taxes on Social Security benefits, Mr. Cullinan said the Administration could either increase the fraction of benefits included in a recipient's adjusted gross income, or eliminate or reduce the thresholds. Current law includes in adjusted gross income (AGI) the less of one-half of Social Security benefits or one-half of the excess of the taxpayer's combined income (AGI plus nontaxable interest income plus one-half of Social Security benefits) over a certain amount. The thresholds are \$25,000 for single returns and \$32,000 for joint returns.

If the taxable percentage were increased to 85 percent while maintaining the current thresholds, federal revenue would increase by an estimated \$2.8 billion in 1994 and \$31.5 billion over the 1994-1998 period, Mr. Cullinan said. If the thresholds were eliminated and the taxable percentage raised to 85 percent, he said, the comparable estimates would be \$10.6 billion and \$112.5 billion, respectively.

Increasing the proportion of Social Security benefits subject to the income tax from 50 percent to 85 percent, for those people already having some portion of the benefits taxed, would reduce after-tax income by about 0.5 percent in 1994 for all recipients, Mr. Cullinan said. But it would lower by about 1.1 percent the after-tax income of those actually paying the increased taxes, he said.

James Parmelee.—The Clinton Administration should not cut Social Security COLAs or increase taxes on Social Security taxes, Mr. Parmelee said. Doing so would violate the compact between the government and senior citizens who contributed to the Social Security system in return for expected benefits, he said.

COLA cuts would drop approximately 500,000 people below the poverty line, Mr. Parmelee said. Moreover, freezing COLAs would not reduce the budget deficit, because any savings would be credited to the Social Security Trust Funds, not to the General Treasury Fund, he said.

Mr. Parmelee supported returning Social Security to a pay-as-you-go basis by cutting payroll tax rates, a proposal contained in legislation introduced by Sen. Moynihan. By adopting the Moynihan plan, Mr. Parmelee said that the Congress' temptation to use surplus Trust Funds to "hide" the budget deficit would be removed.

Lloyd Duxbury.—Cutting COLAs or increasing the amount of Social Security taxes subject to income taxation would plunge many senior citizens into poverty and would erode popular support for the program, Mr. Duxbury said.

Freezing the 1994 COLA would cause 289,000 beneficiaries to drop below the poverty line, Mr. Duxbury said. The average beneficiary, he said, would lose \$1,380 over five years and the average couple would lose \$2,364.

Increasing the amount of Social Security benefits subject to tax from 50 percent to 85 percent for those with income over \$25,000 if single and \$32,000 if a couple would also cause a sharp benefit reduction, Mr. Duxbury said. Raising the tax would reduce benefits paid by as much as 24 percent, he said.

Freezing COLAs would not reduce the deficit because savings would be credited to the Trust Funds, not to the General Treasury Fund, Mr. Duxbury said.

Steven Allen.—The Clinton Administration's proposal to increase taxes on Social Security would transform the program into a "welfare program" and destroy middle class support for the program, Mr. Allen said.

Citing a USA Today/CNN/Gallup poll conducted January 29-31 which showed widespread opposition to the COLA freeze and the greater taxation of benefits, Mr. Allen said that Americans oppose both Clinton Administration proposals. According to the poll, respondents oppose the COLA freeze by a margin of 70 to 27 percent. By a margin of 74 to 22 percent, respondents oppose "paying income tax on a larger share of Social Security benefits."

Before asking Social Security beneficiaries to bear the brunt of deficit reduction, the government should eliminate wasteful spending programs, Mr. Allen said.

These figures are the increased taxes per State caused by increasing the percentage of SS benefits subject to the Federal income tax from 50 percent to 85 percent. The amounts do not include the amount of tax paid under the present 50 percent rule. These are the resulting tax increases in addition to the tax paid under the 50 percent rule.

REVENUE FROM INCREASING THE TAXATION OF BENEFITS UP TO 85 PERCENT BY STATE, 1994-98

(In millions)

| State | 1994 | 1995 | 1996 | 1997 | 1998 | 1994-98 |
|----------------------|------|------|------|------|-------|---------|
| Alabama | \$29 | \$60 | \$67 | \$74 | \$83 | \$314 |
| Alaska | 5 | 11 | 12 | 13 | 15 | 55 |
| Arizona | 48 | 99 | 110 | 122 | 136 | 516 |
| Arkansas | 18 | 37 | 41 | 46 | 51 | 193 |
| California | 365 | 757 | 838 | 932 | 1,041 | 3,932 |
| Colorado | 27 | 57 | 63 | 70 | 78 | 295 |
| Connecticut | 50 | 104 | 115 | 128 | 143 | 541 |
| Delaware | 9 | 19 | 21 | 24 | 26 | 100 |
| District of Columbia | 6 | 12 | 14 | 15 | 17 | 64 |
| Florida | 249 | 516 | 571 | 635 | 709 | 2,680 |
| Georgia | 47 | 97 | 107 | 119 | 133 | 503 |
| Hawaii | 16 | 32 | 36 | 40 | 44 | 168 |
| Idaho | 7 | 14 | 16 | 18 | 20 | 74 |
| Illinois | 142 | 294 | 325 | 362 | 404 | 1,527 |
| Indiana | 49 | 101 | 112 | 124 | 139 | 524 |
| Iowa | 35 | 72 | 80 | 89 | 100 | 376 |
| Kansas | 28 | 58 | 64 | 71 | 79 | 300 |
| Kentucky | 22 | 45 | 50 | 55 | 62 | 234 |
| Louisiana | 24 | 50 | 56 | 62 | 69 | 261 |
| Maine | 12 | 25 | 28 | 31 | 34 | 130 |
| Maryland | 53 | 109 | 121 | 134 | 150 | 567 |
| Massachusetts | 71 | 148 | 163 | 182 | 203 | 767 |
| Michigan | 84 | 174 | 192 | 214 | 239 | 902 |
| Minnesota | 43 | 89 | 98 | 110 | 122 | 462 |
| Mississippi | 16 | 33 | 37 | 41 | 46 | 173 |
| Missouri | 51 | 105 | 116 | 130 | 145 | 547 |
| Montana | 8 | 17 | 18 | 20 | 23 | 86 |
| Nebraska | 19 | 40 | 44 | 49 | 55 | 206 |
| Nevada | 12 | 25 | 28 | 31 | 34 | 130 |
| New Hampshire | 13 | 26 | 29 | 32 | 36 | 136 |
| New Jersey | 119 | 246 | 273 | 304 | 339 | 1,281 |
| New Mexico | 13 | 27 | 30 | 33 | 37 | 141 |
| New York | 243 | 503 | 557 | 620 | 692 | 2,616 |
| North Carolina | 58 | 121 | 134 | 149 | 167 | 630 |
| North Dakota | 7 | 14 | 16 | 18 | 20 | 74 |
| Ohio | 93 | 194 | 214 | 239 | 266 | 1,006 |
| Oklahoma | 30 | 62 | 69 | 76 | 85 | 322 |
| Oregon | 29 | 60 | 66 | 74 | 82 | 310 |
| Pennsylvania | 123 | 254 | 282 | 313 | 350 | 1,322 |
| Rhode Island | 12 | 24 | 26 | 29 | 33 | 124 |
| South Carolina | 27 | 56 | 62 | 69 | 77 | 292 |
| South Dakota | 5 | 11 | 12 | 14 | 15 | 58 |
| Tennessee | 38 | 79 | 88 | 97 | 109 | 411 |
| Texas | 142 | 295 | 327 | 364 | 406 | 1,534 |
| Utah | 11 | 24 | 26 | 29 | 33 | 123 |
| Vermont | 6 | 12 | 14 | 15 | 17 | 64 |
| Virginia | 65 | 136 | 150 | 167 | 187 | 706 |
| Washington | 59 | 122 | 135 | 150 | 167 | 632 |
| West Virginia | 12 | 25 | 27 | 30 | 34 | 128 |
| Wisconsin | 44 | 92 | 102 | 113 | 126 | 478 |
| Wyoming | 5 | 10 | 11 | 12 | 13 | 49 |

Source.—National Committee to Preserve Social Security and Medicare. Based on Amount of Social Security Benefits included in AGI in 1988 by State as a percentage of total.

INTRODUCTION OF LEGISLATION REGARDING SOCIAL SECURITY BENEFITS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation to correct an unjust situation regarding Social Security benefits.

Did you know that when a Social Security recipient dies, the last month of Social Security benefits must be returned to the Social Security Administration? This is wrong because the recipient has already earned these benefits and places an undue hardship on the survivors in the case where a recipient dies near the end of the month.

My legislation seeks to prorate Social Security benefits across the month in which a recipient dies. The bill also allows survivors to receive Social Security benefits without penalizing or capping other benefits which a survivor might be entitled to receiving at that time.

This approach makes sense. For example, if an individual earned \$100 working at a department store on Wednesday and then died on Thursday, his survivor or estate is legally entitled to that \$100. There should not be a double standard for hard-earned Social Security benefits.

Mr. Speaker, I am urging all my colleagues to cosponsor my bill which is a fair approach to an intolerable situation.

TRIBUTE TO HON. CHALMERS P. WYLIE

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to pay tribute to our distinguished former colleague and Member from the State of Ohio, Hon. Chalmers P. Wylie.

First elected to the U.S. House of Representatives in 1966, Congressman Wylie had served the people of Ohio's 15th Congressional District for 26 consecutive years when he retired last year. During that time, he had risen to the position of ranking minority member on the House Banking, Finance and Urban Affairs Committee. In this leadership role, Mr. Wylie helped to craft numerous pieces of legislation affecting the competitiveness and well-being of the Nation's banking, finance, and housing industries, as well as their consumers.

In particular, Mr. Wylie was instrumental in writing the landmark savings and loan rescue bill, the Financial Institutions Reform Recovery and Enhancement Act of 1989. Title IX of that act, commonly known as the Enhanced Enforcement Powers Act of 1989, was the result of a bill he had introduced the previous year to strengthen the authority of savings and loan regulators to address the problems of failing thrifts. He also significantly influenced the passage of such essential bills as the Truth in Lending Act, the National Consumer Cooperative Bank Act, and the Competitive Equality Banking Act, to name just a few.

The fact that his constituents returned him to Congress on 12 consecutive occasions, each by a substantial margin, is a splendid testament to Congressman Wylie's dedication to and concern for the welfare of central Ohioans. Despite numerous achievements in several different areas, Mr. Wylie will long be remembered for his deep interest in affordable housing and his work to help Americans achieve their dreams of owning their first home.

In 1978, Congressman Wylie was one of the original sponsors of legislation creating the Neighborhood Reinvestment Program. A decade later, in 1988, he was one of the two lead sponsors of the Neighborhood Housing Services Expansion Act, which was later incorporated into the National Affordable Housing Act of 1990. Recognizing his commitment to housing issues, the National Association of Home Builders presented Mr. Wylie with the first-ever American Dream Award in 1988, symbolizing his ongoing efforts to make that home-ownership dream come true for more Americans.

However, Congressman Wylie's activities weren't confined to just the Banking Committee. He was also an integral player on the House Veterans' Affairs Committee, where he introduced and supported a variety of legislation designed to improve and expand the assistance provided to America's military veterans. His efforts on behalf of the Nation's veterans focused primarily on legislation to improve the delivery of disability and health care benefits, as well as on initiatives to enhance educational opportunities and to expand job training programs. Above all, Mr. Wylie wanted our Federal laws to reflect the gratitude of our Nation's citizens for the sacrifices made by veterans and their families.

Not surprisingly, Congressman Wylie's interest in the welfare of America's veterans was born out of his own service to his country. A decorated veteran of World War II, Mr. Wylie served with the 30th Infantry Division through five European campaigns. Along the way he was awarded the Silver Star, Legion of Merit, Bronze Star, Croix de Guerre, and the Purple Heart. Of special significance, Mr. Wylie took part in the first wave of brave American soldiers to storm the beaches of Normandy on D-Day, and thus to begin to liberate Europe from the terrible grip of Nazi occupation.

Closer to home, thanks to Congressman Wylie's efforts, \$4.8 million in Federal funds were earmarked in last year's energy and water development appropriations bill for constructing the west Columbus floodwall. These funds will help assure that the floodwall will be completed by the Army Corps of Engineers during the next decade. Securing these funds was the culmination of several years' work by Mr. Wylie and others to bring flood protection to a portion of Columbus which has been inundated by waters from the nearby Scioto River three times this century causing millions of dollars of damage and claiming nearly 100 human lives. More than 4,000 homes, 370 businesses, and 26 industrial and institutional sites, including Mount Carmel Medical Center and the Central Ohio Transit Authority, owe a debt of gratitude to Mr. Wylie for his diligence on behalf of this project.

Mr. Speaker, this institution is so often judged, or misjudged as the case may be, by

its actions as a whole or by the misdeeds of just a few. Seldom is this body judged by history or the American people on the record of service, the accomplishments, or the honor of its individual Members. When Chalmers Wylie retired at the close of the 102d Congress last year, the House bid farewell to a fine legislator, a solid leader among Republicans in the House, and a good friend. Without a doubt, Mr. Wylie left behind a legacy of which he and the citizens of Ohio's 15th District can be justly proud.

His quiet integrity and personal decency have left an indelible mark on the House of Representatives, and I am very pleased to be associated with him. I know many friends and colleagues here in the Nation's Capital and back home in Ohio join me in wishing Chalmers and Marjorie much happiness and success as they take up new, exciting challenges in the days ahead.

THE QUESTION OF LESBIANS, GAYS, AND BISEXUALS IN THE ARMED FORCES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BROWN of California. Mr. Speaker, distinguished colleagues, I rise to add my voice to those calling for an end to discrimination against lesbians, gay men, and bisexuals in the Armed Forces of our great country.

I have long opposed discrimination in our national life, and I have worked very hard to see the doors of opportunity opened for all our citizens, regardless of race, sex, group, or class. It is unacceptable to allow a class of individuals to be excluded or expelled from our military based on their status, here based on sexual orientation.

As chairman of the House Science Committee, I would like to bring attention to the fact that the latest scientific research dealing with homosexuality points to a genetic or other biological origin. Sexual orientation is intrinsic to the individual; it is not a matter of choice.

In the present debate, the crux of the matter to me is that many gay men, lesbians, and bisexuals have served and are now serving in the Armed Forces honorably, and often with distinction. The U.S. military is a strong and proud part of our Nation's heritage, and this is in part due to the fine service rendered by these citizens.

It is a waste of valuable human resources to exclude talented individuals from serving their country in the Armed Forces. Among our allies, we stand virtually alone in maintaining this kind of policy. The Canadians and the Australians have recently changed their policy in this regard, and by all accounts, there have been few if any repercussions.

Moreover, in these days of great budgetary limitations, we can ill afford to waste time, effort, and money to seek out and expel service members because of their sexual orientation. It is a remarkable and telling fact that expulsions on the basis of sexual orientation decline noticeably in time of armed conflict. Only in peacetime have the Armed Forces aggres-

sively pursued the expulsion of homosexuals and bisexuals.

Whether we are at war or in peace, service in the Armed Forces of the United States must be based on ability and behavior, and both of these must be of the highest order. Sexual harassment of any kind or sexual activity while on duty is not acceptable for homosexuals, bisexuals, or heterosexuals. But whatever standards of conduct are used, they should apply equally to all individuals, no matter what their sexual orientation.

I support President Clinton in his decision to end discrimination on the basis of sexual orientation in the military, and I urge the Congress and our military leaders to cooperate with the administration to ensure a speedy and smooth transition in implementing the President's policy.

NATIONAL ASSOCIATION FOR GIRLS AND WOMEN IN SPORTS REVERSING TRENDS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, when it comes to equity for women and their daughters in the sports arena—as hearings held by the Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness have shown—we are not even near first base.

I am pleased to call to the attention of this body one organization that is dedicated to "reversing the trend in the declining number of women in coaching and leadership positions and to increasing the participation opportunities for female athletes." That organization, Mr. Speaker, is the National Association for Girls and Women in Sports [NAGWS].

One of NAGWS' most significant endeavors has been educating and informing coaches, athletic directors, equity officers, and school officials about title IX of the education amendments of 1972, which prohibits sex discrimination in education programs that receive Federal financial assistance. NAGWS has published and disseminated Title IX Toolbox; Title IX at Twenty: Mature Programs or Still Toddling; and Title IX.

To get more women in the lineup for sports-related leadership positions, NAGWS, as part of a 4-year leadership plan, hosted a national leadership conference to bring together outstanding women leaders to discuss improving the number of women in leadership positions in educational institutions and the Olympics. State and local leadership conferences were born out of this initiative. Also, NAGWS is currently developing a leadership manual designed to teach girls and young women important leadership skills.

NAGWS' womentoring program serves to help young women professionals develop leadership skills by matching them with seasoned veterans.

Through advocacy, leadership, and coaching, NAGWS continues to fight until the day when equity for women and their daughters in sport is a home run realization.

A TRIBUTE TO THE DR. MARTIN LUTHER KING, JR. COMMITTEE OF LAS VEGAS ON THE OCCASION OF THE GRAND OPENING OF THE NEIGHBORHOOD CENTER

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. BILBRAY. Mr. Speaker, it is my pleasure to rise before my fellow Members today to pay tribute to an outstanding community organization in southern Nevada. The Dr. Martin Luther King, Jr. Committee of Las Vegas through dedication to enhance and promote the work of Dr. Martin Luther King, Jr., has contributed significantly to the people of my district. This commemoration of the grand opening of the neighborhood center comes at a very unique time for our city.

The Dr. Martin Luther King, Jr. Committee of Las Vegas was founded as a nonprofit organization November 3, 1981. With a growing membership of over 125 active members and 600 honorary members, the Dr. Martin Luther King, Jr. Committee of Las Vegas has displayed leadership through the initiation of many community-based programs including senior health services, youth scholarships, crisis assistance programs, a Thanksgiving basket program for the needy, and the annual King week festivities.

Most importantly the Dr. Martin Luther King, Jr. Committee of Las Vegas has a proven track record of educating the youth of our community. Some of the educational enhancement the committee has provided are youth job training and tutorial services that will be made available with opening of the neighborhood center.

I am indeed honored to pay tribute to the Dr. Martin Luther King, Jr. Committee of Las Vegas. I applaud the efforts of the organization's president assemblyman Wendell P. Williams, and the executive board members Deloris Sawyer, Eddie Taylor, Annie A. Walker, Joanna Wesley-Lee, and Robert Smith.

I ask my colleagues to stand with me today in honoring these outstanding Nevadans and the fine work they are doing as part of the King committee's ongoing agenda to "Live the Dream."

COMMITTEE FUNDING RESOLUTION FOR FISCAL YEAR 1993

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to express my deep regret that House Resolution 107 omits funding for the Select Committee on Aging. I believe it is truly unfortunate that the committee will expire tomorrow without even the benefit of a floor debate or vote on the merits of its work.

All reports show that older Americans constitute the greater portion of those who come in contact with Federal agencies. Appro-

privately, then, the Federal Government must play a leadership role in identifying the ongoing and new needs of this vital sector of our populace. And likewise, we have a responsibility to continue to explore and create the best, most efficient, and most cost effective means of delivering the services that meet the needs of our senior citizens.

The Aging Committee has, with great success, helped the Federal Government meet this challenge. The committee—by nature of its mandate to work on problems faced by aging Americans—has played a key role in advancing solutions for seniors who have had problems with social security, Medicare, housing, retirement income, crime, consumer fraud, employment discrimination, and a wide variety of health care related problems.

Mr. Speaker, because the committee specializes on how these problems effect seniors, we also specialize in how to create solutions for seniors and how to make those solutions work.

Mr. Speaker, no other committee in the House specializes on this prominent group. In fact, jurisdiction for the types of problems seniors face is spread clear across-the-board of congressional committees. The Aging Committee isolates the effects these issues have on seniors and ensures that each of the legislative committees is made fully aware of how best to address the problems of seniors.

For instance, Mr. Speaker, just this past session, the subcommittee of which I am the ranking member, the Subcommittee on Housing and Consumer Affairs, focused on shortcomings in medical research as it pertained to older women and heart disease. Similarly, our subcommittee has focused on other problems older women as health care consumers face in the areas of breast implants, mammograms, and health care options at mid-life.

The subcommittee also worked to coordinate services to senior citizens by investigating the role of the Department of Housing and Urban Development [HUD] in delivering important services to seniors living in HUD facilities. Looking at HUD's performance from the perspective of seniors living in HUD facilities helped to identify gaps in certain Federal programs. The subcommittee has been working to remedy some of these deficiencies.

Additionally, Mr. Speaker, it's important to note that the Aging Committee has also conducted numerous field hearings across the country. In my own district, I held a hearing on health care reform, giving senior citizens who often do not have the means to travel or who may even fear to travel, an opportunity to provide their firsthand testimony. It is a grave injustice to eliminate this opportunity from such an informed and affected group of Americans.

Mr. Speaker, the hearings, reports, and investigative research assembled by the Aging Committee have all produced useful, helpful, effective data that Congress has converted into solutions for senior citizens. I urge the standing committees to work with us in ensuring that the mission of the Aging Committee is continued.

CHILD ABUSE: A PROBLEM THAT CANNOT BE IGNORED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. THOMAS of California. Mr. Speaker, an estimated 4 million children in the United States are victims of child abuse every year and 5,000 of those children die as a result of this abuse. In California alone, child abuse has steadily increased every year since 1985. As a State, California ranked second highest in the number of child deaths as a result of abuse.

These tragic statistics demonstrate the pressing need for us to continue to support innovative programs to end the cycle of child abuse. It is a known fact abused children become abusers themselves, proving that we must take action to break this endless cycle.

For this reason, I have cosponsored legislation proclaiming the month of April as Child Abuse and Neglect Prevention Month. This designation provides us all an opportunity to demonstrate how important it is to prevent child abuse from occurring in our lives.

It is essential that the community, as a whole, recognize the need for a support system to help eradicate this problem. Fortunately, the Kern Child Abuse Prevention Council and the Kern County children's network are there to help in this effort.

These groups help coordinate efforts between public and private agencies, as well as other involved groups, such as minority and religious organizations. They help not only with crisis intervention and daily prevention, but also understand the need for a supportive system for families and their children.

The victims of child abuse are usually silent; it is the community that must reach out to the child and let them know that they are not alone. It is also the community that can reach out to the family and assist them in receiving counseling.

Child abuse can be stopped if people are taught to think before they act. If we all take the time to look for the signals, we can prevent deaths. Let's all remember that April is Child Abuse and Neglect Prevention Month. We can reflect about the importance of the family and think about the future of the children.

THE RURAL COMMUNITY ENVIRONMENTAL ASSISTANCE ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. RAHALL. Mr. Speaker, I rise today to introduce the Rural Community Environmental Assistance Act. This measure is an attempt to address the problems incurred by small, economically disadvantaged communities as they try to meet environmental mandates which have been imposed on them over the past 20 years. Given the documented national need for sewage treatment system construction and

the increased focus on economic stimulus and job creation, this bill is very necessary and timely legislation.

Last year, in my State of West Virginia, there were over 40 municipalities which were out of compliance with Clean Water Act standards. These circumstances have an enormous impact on the quality of life, economic development, and environmental conditions of these towns. In fact, in West Virginia, lack of adequate infrastructure is often cited as the prime reason that an industry or company will not move into a particular area.

You may ask how has this state of affairs come to be? The answer is fairly simple. Small, rural communities cannot afford to build these facilities.

In 1987, the Congress began phasing out the Construction Grants Program under title II of the Clean Water Act. Under this program localities were originally able to receive grant money with a 20-percent non-federal match and later with a 45-percent non-Federal match. With the 1987 reauthorization, however, Congress initiated the State Revolving Fund Program. Under this plan, Federal capitalization grants are made to States—with a 20-percent State match—and low-interest loans are then made to local authorities.

Unfortunately, in West Virginia there are very few success stories related to the SRF. Loans are being made at a snail's pace because even with zero percent interest, many small communities cannot afford the cost. The move away from the Construction Grants Program has eliminated most small community projects in West Virginia.

To determine the extent of the funding problem, the West Virginia Division of Environmental Protection examined 20 communities which had received grant awards. During the review, zero percent SRF loans were substituted for the construction grants. Of the 20 communities studied, only 4 would have been able to afford their projects if they had to be financed using an SRF loan.

West Virginia is not alone in this problem. In the past, rural communities and small towns have had trouble getting a significant share of the funds available for wastewater treatment projects. Although localities with less than 10,000 residents make up 38 percent of the national population, they have received only 24 percent of the money loaned from the SRF's. Furthermore, it is estimated that more than \$110 billion will be necessary to meet national wastewater treatment needs over the next 20 years.

Mr. Speaker, the bill I have introduced gives States the flexibility that is necessary to address the needs of small towns. It reauthorizes the SRF until the year 2000 at levels up to \$4 billion. It also creates an account in which the States are required to set aside a portion of their Federal capitalization grant. The funds in the set-aside are to be used to make loans and grants to rural, economically distressed localities which have a drastic need for treatment facilities.

Additionally, this bill answers President Clinton's call for infrastructure investment and job creation. It is estimated that for every \$1 billion invested in infrastructure approximately 60,000 jobs are created. Such investment will also generate other jobs through economic development.

Mr. Speaker, it is unfair to continue to impose mandate after mandate on small communities but provide no means of achieving these standards. I want to implore my colleagues to join me in support of this important legislation.

WE MUST GUARANTEE PRIVACY OF PRESCRIPTION DRUG RECORDS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1993

Mr. STARK. Mr. Speaker, prescription drug freebies are a booming business practice aimed at luring consumers, doctors, and pharmacists to brand-name drug products. Whether you call them gifts, incentives, memory-joggers, newsletters, or coupons, it's clear that these enticements can cost consumers something they never realized—the privacy of their medical history.

A recent U.S. News and World Report article highlights current marketing techniques being used by the major drug manufacturers in their attempt to corner segments of the drug market. As a result of their marketing efforts, the drug manufacturers are compiling private medical history information. And according to current law, they have the right to sell it to the highest bidder.

Today, consumers are being targeted by pharmaceutical manufacturers to maintain, or change, loyalty to their brand-name drugs. The U.S. News and World Report article states:

In some of the latest promotions, patients are rewarded if they switch from one prescription to another.

The article continues:

Confidentiality could become an issue, too. Virtually all drug companies require patients to mail in a gift registration form. Besides name and address, some forms ask for drug dosage, the prescribing doctor's name and the location of the pharmacy that fills the prescription. You may not object to a manufacturer's market research or care who knows that you're using, say, a nicotine patch to help you quit smoking. But what if your prescription is for urinary-tract infections, prostate problems, or a heart condition?

Mr. Speaker, these records are a gold mine of personal information. Recently, individuals have been fired or not hired because their drug history was sold to their boss or prospective employer. This invasion of privacy must not be tolerated or continued.

The drug manufacturers might insist that patient privacy is respected, but how can we impart our privacy to them when they allow marketing firms to manage these lists?

I have recently introduced H.R. 1497, the Prescription Drug Privacy Act of 1993, which will make it illegal to circulate, buy or sell prescription drug information without the consumer's consent. This bill is an improved version of a bill I introduced last year. After receiving information that these giveaway schemes open the door to additional ways to invade consumers' privacy, I modified last year's legislation. The bill now protects consumers who participate in these promotional schemes. The

privacy of their prescription records will remain intact.

Following is the recent U.S. News and World Report article:

PRESCRIPTION PRIZES—DRUG MAKERS HOPE GIVEAWAYS AND DISCOUNTS WILL SNAG CUSTOMERS

(By Doug Podolsky and Richard J. Newman)

One August Sunday in 1991, ICI Pharma ran a two-page advertisement in *Parade* magazine touting free and discounted goods for anyone taking its prescription bloodpressure drug, Tenormin. Some of the incentives in ICI's "Wellspring Service," like low-fat recipes and decaffeinated coffee, made medical sense. Others, like Polaroid film and music CDs, were simply inducements, and the Food and Drug Administration didn't care for it. In the Jan. 22, 1992, issue of the *Journal of the American Medical Association*, FDA officials noted that ethics guidelines adopted in 1990 by both the American Medical Association and the Pharmaceutical Manufacturers Association stamped such gifts as off-limits for drug companies to offer and for doctors to accept. But as the FDA officials themselves noted, the guidelines did not explicitly prohibit gifts to patients.

Since ICI's ad ran, 8 of the top 10 U.S. prescription-drug manufacturers have started up patient giveaways. In some of the latest promotions, patients are rewarded if they switch from one prescription drug to another—and pharmacists get cash on the side for dispensing the gifts. The booty includes \$70 electronic blood-pressure monitors, \$10 electronic pedometers, price breaks on prescriptions and refills, coupons for \$50 off over-the-counter pharmacy products, newsletters and magazines—even telephone reminders to take your medicine.

None of this cornucopia is truly "free," of course. The money spent on promotion adds to prices—which have soared 51 percent since 1988, far outpacing inflation. And 23 cents of every prescription dollar goes toward marketing and advertising by manufacturers, against 16 cents for research, estimates the Prime Institute, a think tank at the University of Minnesota College of Pharmacy—a ratio that has remained roughly steady over the last decade.

The burst of patient promotions has spurred both the FDA and the AMA to wonder whether specific guidelines might be in order. Like other companies that offer such inducements, ICI says its intent is altruistic: to encourage patients on long-term drug therapy to take their medications faithfully and to adopt healthier habits. To that end, ICI and others promote their offerings mostly in ads that run in the *New England Journal of Medicine* and other publications that go to doctors and pharmacists, who then dole out the forms and coupons for the premiums. Many doctors eagerly cooperate after long frustration over patients who don't follow orders. Fully half of patients with chronic high blood pressure quit their medication after the first year, for example; 40 percent of the other half don't take their pills as often as they should. This gives drug makers and pharmacists an obvious incentive: Together they lose an estimated \$2.8 billion a year in revenues because patients forget to refill their prescriptions or just quit.

CHEAP LOYALTY?

Besides rescuing lost revenues, pharmaceutical manufacturers would like to boost them by creating brand-name loyalty. Surveys show that 4 out of 5 doctors will consider prescribing a drug if a patient requests it: drug companies hope that patient premiums will inspire patients to do just that.

But patients might wonder whether their loyalty to a pricey drug isn't being bought cheap. Some premiums are novel and may be genuinely useful, as indicated by several of the examples below. Others are neither. And generic versions of the drug promoted may be just as helpful—and cheaper. While a month's supply of ICI's Tenormin sells for about \$25, a number of generic versions—among them one made by ICI—go for about \$10. What's more, for some people with high blood pressure, a low dose of a generic diuretic such as hydrochlorothiazide, at a cost of about \$4 a month, controls blood pressure effectively.

Confidentiality could become an issue, too. Virtually all drug companies require patients to mail in a gift registration form. Besides name and address, some forms ask for drug dosage, the prescribing doctor's name and the location of the pharmacy that fills the prescription. You may not object to a manufacturer's market research or care who knows that you're using, say, a nicotine patch to help you quit smoking. But what if your prescription is for urinary-tract infections, prostate problems or a heart condition? Though drug makers insist patient privacy is guaranteed, it is unsettling that their lists are usually managed by marketing firms.

The value of some premiums may overcome any qualms. Lederle and Wyeth-Ayerst, for example, give an electronic home blood-pressure monitor worth about \$70 to patients on Verelan, a hypertension drug that the two companies jointly market. One ad in *Modern Medicine*, a journal for primary-care doctors, suggest that monitors motivate patients to take their medicine and that home readings may be more accurate than readings taken in the stressful atmosphere of the doctor's office. Indeed, the government's latest hypertension guidelines endorse home monitoring because it helps patients chart their progress. With Wyeth-Ayerst's Tenex, another antihypertensive drug, patients get electronic pedometers to track the pace and distance of their exercise walks. But placing value on a blood-pressure monitor or a pedometer assumes both that patients will actually use the devices and that doing so will encourage them to be faithful to their medical regimen. For added motivation, Verelan patients get a quarterly newsletter, a blood-pressure diary and a video about healthy lifestyles; Tenex users get a subscription to *Walking* magazine and a free two-week supply of the drug. The savings of about \$13 will pay for a pair of running shorts.

"HELLO, IT'S TIME."

Some drug makers will even nag patients to take their medicine. Hypertensive patients on Searle's Calan SR can sign up to a daily phone call the first week, five calls the second week, three the third week and one during the fourth week. Whether such short-term reminders translate to long-term compliance isn't clear.

Few drug companies, in fact, seem to have much interest in finding out whether their premiums help patients. ICI Pharma, an exception, has funded published research suggesting that premiums in its Wellspring Service do work. Patients who sign up get dose-counting medicine caps and other memory joggers, monthly refill reminders, newsletters and periodic packets with coupons for blood-pressure monitors health books and low-sodium cheese. A one-year, ICI-funded study of 985 members of health maintenance organizations in seven states founded that hypertensive patients who signed up for

Wellspring refilled their prescriptions 16 percent more often than those on the drug who were not given premiums. What's more, during the 12-month study, they range up to \$127 less in doctor's office and hospital bills than did those who did not sign up, according to the study, published last spring in the journal *Primary Cardiology*.

The content of even decent programs, however, tends to be superficial. The Wellspring premiums Marie Dolan of Kansas City received after being given a prescription for Tenormin left the 86-year-old former schoolteacher unimpressed. She thought her pharmacist provided more useful information than the Wellspring newsletter, and she didn't want any of the products the coupons covered. The next time her Wellspring Service representative called to remind her to refill her medicine, she informed him that she had switched to a generic form of Tenormin. That, she says, got her an earful: The man, unaware that both drugs were made by the same company, told her that the generic wasn't as good as Tenormin. An ICI spokesperson says its phone representative was "overzealous." The company later called to apologize to Dolan, who at the time was spending about \$300 a month out of pocket on prescriptions; ICI now sends out refill reminders by mail instead of phoning.

With drug costs soaring, the most attractive premiums go to the pocketbook, and some companies indeed are offering price breaks, rebates and money-back guarantees. Patients using Merck's Proscar, the new prostate-shrinking drug, receive a certificate for a 30-day supply—worth \$52.50—six months after they start the drug and annually thereafter—an 8 percent discount, in effect, on the yearly cost. Searle and Wyeth-Ayerst, marketers of the antibiotic Maxaquin, are so sure their drug will work against recurrent urinary-tract infections that if a patient develops another infection within six months, the next Maxaquin prescription is on the house.

A \$110,000 PROMISE

Searle, in fact, will refund out-of-pocket expenses for the latest prescription for any of its medications that don't work—a promise that has cost the company more than \$110,000 over the past five years. And patients who try Lederle's ProStep nicotine patches and don't stop smoking get rebates off future prescriptions. Another ProStep incentive—for pharmacists—has sparked an ongoing inquiry by four state attorney's general, however. Lederle pays pharmacists a bounty of

up to \$16 for each patient they "encourage" to quit smoking and instruct in using the patch. Investigators feel that the arrangement may violate statutes prohibiting deceptive trade practices if patients are not told of the deal. No charges have been filed as yet. Lederle denies any wrongdoing and asserts that patch users counseled by their druggist are most successful at quitting.

Financial incentives, whether to professionals or patients, have the best chance of catching the eye of federal and state authorities, so programs offering these perks tend to be the most restrictive. To guard against federal anti-kickback laws, many patient premiums exclude anyone on Medicaid; some bar Medicare recipients as well. Still, some perks have triggered FDA action.

Upjohn, for instance, drew an FDA warning letter last November after the company invited pharmacists to send diabetics promotional packets for Glynase, some containing coupons worth \$2 for switching from other blood-sugar-lowering drugs. (The pharmacists would pocket an \$8 bounty for each patient who switched.) The FDA charged that information sent to patients suggesting that Glynase was more effective than other drugs was baseless. What's more, said the FDA, switching to Glynase could involve "significant safety risks" that Upjohn had failed to communicate, such as temporary instability of blood-sugar levels until costly dosing tests were done. Upjohn halted the program and says it is working to comply with FDA regulations.

Aside from the details of the offer, the FDA stated that the pharmacists were expected to comb through information in their own pharmacy databases to come up with names of people and to send them promotional material. Sporadic reports hint at other privacy abuses, perhaps large-scale. Curt Barr, a former president of the Nebraska Pharmacists Association, says he received an anonymous call a year ago at the pharmacy he owns asking whether he would enroll his customers in a reminder program. After a year, the caller said, the customers would be solicited by a mail-order pharmacy—which presumably would have been given their names and addresses. "I refused," says Barr. William S. Katz, a Connecticut pharmacist and past president of the National Association of Retail Druggists, says a pharmaceutical company offered money to his assistant last year to cull his records for lists of patients who took the company's drugs.

Complying wouldn't have violated federal law. But Democratic Rep. Pete Stark of California will soon introduce legislation to make it illegal for pharmacists to circulate pharmaceutical records without customers' permission. His proposal, however, would not safeguard the privacy of people who sign up for drug companies' incentive programs.

Worries about the true worth of patient premiums and the potential for privacy abuse are easily resolved by avoiding giveaways in favor of a do-it-yourself approach. A good blood-pressure monitor, for example, costs as little as \$40 to \$60 (*Consumer Reports* rated the \$62 Sunbeam 7621 notably reliable last May). Some pharmacy chains, like Eckerd, offer their own compliance programs, such as reminder calls when a prescription needs refilling. Many drugstores sell a variety of programmable pill containers and bottle caps that buzz, blink or otherwise nudge you to take your medicine. Studies at Temple University and elsewhere have shown that they help.

INFORMATION ALTERNATIVES

For people who need to cut prescription costs because they are on a fixed income or lack health insurance, the Pharmaceutical Manufacturers Association has a list of medicines that drug firms will furnish free or at low cost to patients in need. (For information, a patient's physician should write the PMA at 1100 15th Street, NW., Washington, DC 20005.) As for the free newsletters and magazines, most are light on news, offering only general health and lifestyle rhetoric. Consumer magazines like *Health* and *American Health* may be more informative; for people who prefer their health information straight and in small doses, the *University of California at Berkeley Wellness Newsletter* covers a wide variety of health issues. The *Harvard Medical School Health Letter* offers in-depth articles for sophisticated readers. (Each monthly costs \$24 a year; PO Box 420235, Palm Coast, FL 32142.) Of course, nonprofit associations and societies, such as the National Psoriasis Foundation, offer newsletters free or for small donations. (For information on over 700 self-help support groups, call the American Self-Help Clearinghouse at 201-625-7101.)

Given the high cost of drugs these days, getting a perk with a prescription is hard to pass up. Yet patients who accept drug-company gifts might not be getting the best deal. Findings an affordable drug that works is the true payoff and the right prescription.