

## EXTENSIONS OF REMARKS

H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will be rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led by the Science Committee has embraced the importance of technology transfer to our Federal laboratories and to our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96-480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory developments.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986, Public Law 99-502; the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418; the National Competitiveness Technology Transfer Act of 1989, Public Law 101-189; and the American Technology Preeminence Act of 1991, Public Law 102-245, among others. In addition, Congress enacted the amend-

ments to the patent and trademark laws, also known as the Bayh-Dole Act of 1980, Public Law 96-517.

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995, Public Law 104-113, which I introduced, was enacted into law. Public Law 104-113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Government and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. This bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnership with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this

second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in a CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a R&D partner—it simply takes too long to complete a deal. Requiring a half-year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of Federally-funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities for a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies to the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the

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

uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

TRIBUTE TO COURT STREET  
SCHOOL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to call attention to an open house celebration for the Court Street School Education Community Center, Inc. [CSSECC] in Freehold, NJ.

The Court Street School was established in 1915 for the sole purpose of educating the African-American children in the area. The school remained open until 1974. In April 1990, the CSSECC began the planning and renovation of the school. Now, the CSSECC is ready to open the doors of this historical landmark for the entire Freehold community to see. This new community center will provide needed programs and support to area youth and their families.

Community centers, like the one in Freehold, are important infrastructures that help facilitate a stronger, compassionate community. It is in this spirit that the CSSECC has stated its mission: "To inspire hope in our children with a team of parents, teachers, volunteers, and CSSECC support staff, singularly dedicated to instill in each child the belief that he or she is a unique gift of perfect love."

Mr. Speaker, it is my honor to announce the Open House Celebration for the new Court Street School Education Community Center on Saturday, September 27, 1997.

SUPPORT OF THE 21ST CENTURY  
STUDENT FINANCIAL AID SYSTEM  
IMPROVEMENT ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the leadership efforts of Mr. MCKEON in moving the Department's management of the student aid delivery system into the 21st century. After 18 hearings on the upcoming authorization of the Higher Education Act, it is safe to say that there is a clear consensus on the need for improved management of the student aid delivery system, except in the minds of the people currently managing those systems.

Currently, the Department of Education has a dozen or so computer systems and contracts which aid in the delivery of more than \$40 billion in student financial aid every year. Timely delivery of these funds are vital to ensuring that every American has the ability to pursue a postsecondary education. We all recognize that this is no small task. However, the

concerns that the Department's computer systems are out of date, vulnerable to fraud and abuse, and inordinately expensive to run cannot be ignored. The General Accounting Office, the Department's inspector general, the Advisory Committee on Student Financial Assistance, and a majority of the higher education community have all called for a fundamental restructuring of the way the Department manages the current student aid delivery system. Yet incredulously, the Department seems to think that it is on the road to becoming the Microsoft of the higher education community, at least that was the opinion of one senior Department of Education official at a hearing before Mr. MCKEON's subcommittee.

It's time to stop talking about delivery system improvements and system integration and to start doing something about it. Last year, students and parents suffered through horrendous processing delays when the Federal student aid application processing system failed. Earlier this year, students wishing to consolidate their student loans submitted applications only to encounter lengthy delays in processing. Now students wishing to consolidate their student loans are told not to bother applying, since the Department has shut down the entire processing system. And just last week, our colleague, Representative HORN, chairman of the Subcommittee on Government Management, Information and Technology, gave the Department a failing grade for its efforts to address the year 2000 computer changes needed to keep the financial aid systems running after the Office of Management and Budget included the Education Department on its list of troubled agencies. Less than 2 months ago, in testimony at our system modernization hearing, a Department official stated "I would probably disagree if you say there are major bugs or problems because we have been able to continue to keep the trains running." Well, the train just stopped and it's the students who suffer as a result of the poor system management structure currently in place at the Department.

It's clear to me and the others here with us today that it is time to try a new approach. The bill that Mr. MCKEON has put together gets things moving in the right direction. I sincerely hope that the Department of Education sees this effort as a positive step forward which will benefit students, parents, and institutions of higher education across the country.

SIXTY YEARS OF SERVICE: THE  
LADIES' AUXILIARY OF THE  
DELAWARE VOLUNTEER FIRE-  
MEN'S ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CASTLE. Mr. Speaker, I rise to salute and pay tribute to an outstanding and caring volunteer association in the State of Delaware. The Ladies Auxiliary of the Delaware Volunteer Firemen's Association.

This weekend, the ladies auxiliary will celebrate its 60th year of service to the citizens of the First State. Their history of volunteerism

began on September 9, 1937, when the first president, Nan Laws Woods of the Five Points Fire Co. Ladies Auxiliary, struck the first gavel establishing the ladies' auxiliary of the Delaware Volunteer Firemen's Association. The auxiliary encompassed many of the fire companies in Delaware and pledged their combined efforts to help the firemen of Delaware as well as those whose homes had been damaged by fire. Organized efforts included contributions to burn centers, food, and clothing to burn victims as well as financial support.

During the war years, the auxiliary assisted the Red Cross by sending Christmas packages to soldiers. The members also encouraged the purchase of war bonds. Returning to peacetime, the auxiliary focused on fund raising efforts to assist local fire companies. Throughout their years of service, tired firefighters have come to rely on the meals and beverages served by the auxiliary during fires and emergencies. When the gavel falls to open the 60th annual meeting in Rehoboth Beach, it is fitting that Mrs. Barbara Lewis, the current president will preside. President Lewis is also from the Five Points Fire Co., the home of the Mrs. Nan Woods.

I offer my congratulations not only as a Member of the House of Representatives but as a former Governor who appreciates the leadership, teamwork and commitment of this association in their service to the people of Delaware. I wish them many more years of success in their endeavors as they continue to assist volunteer fire and emergency services throughout Delaware.

TRIBUTE TO "THE BIG HELP"  
NICKELODEON PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CLYBURN. Mr. Speaker, this year, the Presidents' Summit for America's Future brought well-deserved attention to volunteers and volunteer programs throughout the country.

Six months later, a number of news organizations are reviewing the results the summit brought about in corporate America. One volunteer initiative that is especially interesting to me is Nickelodeon's "The Big Help." This is a volunteer program that began 4 years ago and focuses on motivating and inspiring kids aged 6 to 14 to volunteer.

"The Big Help" distinguishes itself because it involves not only Nickelodeon's corporate pledge to the summit, but also young Nickelodeon watchers' pledges to volunteer annually. This program is effective because it teaches children at an early age the value of giving back to their communities.

As part of its public responsibility, Nickelodeon created "The Big Help"; in 1994 after their research discovered that kids wanted to help make the world a better place, they just didn't know how. Combining on-air messaging, school and community outreach, and partnerships with 23 national volunteer organizations, "The Big Help" provides kids with tools to actively volunteer and participate in real helping activities.

This Sunday, September 28, Nickelodeon is inviting Members of Congress and their families to a celebration of kid volunteerism and "The Big Help." This event will also showcase Nick, Jr., Nickelodeon's award-winning preschool programming block, and its new online offerings including "nick.com" and "teachers.nick.com," the Internet component to Nickelodeon's "Cable-in-the-Classroom" programs.

In addition to dedicating 10 percent of its airtime to "The Big Help," Nickelodeon also provides substantial off-channel resources for outreach, including curriculum for elementary and middle schools and volunteer planning kits. In 1996, during the third annual "Big Help-a-Thon," over 8.5 million kids called in and pledged over 92 million hours to making a difference in their communities.

To further reach kids on a grassroots level, Nickelodeon will kick-off "The Big Help-on-the-Road," this Sunday in Washington. This mobile Big Help headquarters features video-based interactive kiosks, on-site volunteer activities, and information about local volunteer opportunities. "The Big Help-on-the-Road" will travel to local communities across the country—urban and rural, large and small—to champion the spirit of kid's voluntarism.

I hope you will join me in saluting Nickelodeon and its partner organizations in "The Big Help." These include: 4-H, American Camping Association, The American Humane Association, Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, the Caption Center, Earth Force, Easter Seals, Feed the Children, Girl Scouts of the USA, Girls Inc., Habitat for Humanity, Keep America Beautiful, National P.T.A., National Wildlife Federation, Points of Light Foundation, Ronald McDonald Charities, Safe America Foundation, Second Harvest, The U.S. Department of Education, Youth Service America, YMCA of the USA, and YWCA of the USA.

I'd like to commend Herb Scannell, president of Nickelodeon, for his corporate leadership and commitment to empowering kids to make a difference. I would also like to commend Marva Smalls, senior vice president at Nickelodeon, and a constituent of mine, for organizing "The Big Help" program.

Finally, I would like to salute the millions of kids across the country who are volunteering their time and efforts to make their world a better place. They should serve as an example to all of us.

#### OHIO CITIZENS AGAINST LAWSUIT ABUSE

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to acknowledge a group of Ohioans who have come together to speak out on the issue of lawsuit abuse. Because of their ongoing concern, local citizens have volunteered their time to organize Ohio Citizens Against Lawsuit Abuse [OCALA] and to undertake a public awareness campaign about what they perceive as the problems of lawsuit abuse.

Based in Columbus, Ohio Citizens Against Lawsuit Abuse focuses their efforts in inform-

ing and educating Ohio residents about an issue that has statewide and national implications for all Americans. The costs of lawsuit abuse can include higher costs for consumer products and services, higher medical expenses, greater taxes, and fewer jobs due to lost business expansion and foregone product development. This is not a new concern for many of us in the House of Representatives, but one which must be addressed.

OCALA wants to help prevent unnecessary lawsuits that do more harm than good and bring balance, fairness, responsibility, and restraint to our court system. OCALA supporters believe that through education, there will be change in public understanding, attitudes, and behavior, and they have the opportunity to play a vital role in reforming the legal system.

This nonprofit grassroots organization has raised local funds to run educational media announcements and provide speakers for other organizations and citizens' groups across the State. They hope these actions will raise awareness of the lawsuit abuse issue and help legislators arrive at fair and equitable legislative solutions.

Gov. George Voinovich has declared September 22–27 as Lawsuit Abuse Awareness Week throughout the State of Ohio. I want to commend all the individuals who are involved in Ohio Citizens Against Lawsuit Abuse for their dedication and commitment. They are helping elected Federal and State officials address serious issues. I commend their work on behalf of our State.

#### TRIBUTE TO VIRGIL MURPHY

### HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to Virgil Murphy, an honored leader and public servant from Bowler, WI.

Virgil is currently the president of the Stockbridge-Munsee Band of Mohican Indians in northeast Wisconsin and he is retiring at the age of 77, after a lifetime of service and achievement. He is a stalwart fixture in the community, having held the positions of vice president, tribal treasurer, tribal council member, housing director, and chairman of the Mohican Elderly Steering Committee.

Even in retirement, Virgil will continue to be an honored elder and his advice and leadership will be relied upon for the tribe's future endeavors.

His concern for the tribe's economic well-being and unity is well-known. His devotion for his family is plain to all who know him. His service to his tribe and to his country as a U.S. Army veteran will always be remembered.

Please join me in thanking Virgil Murphy for his years and years of dedication and wishing him the best in the future.

U.S. ARMY RESEARCH LABORATORY ANNOUNCES SCIENCE AND TECHNOLOGY ACADEMIC RECOGNITION SYSTEM [STARS] FELLOWS

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CLAY. Mr. Speaker, recently, Dr. John Lyons, Director, U.S. Army Research Laboratory [ARL] announced the first recipients of ARL's Science and Technology Academic Recognition System [STARS] fellowships for students enrolled in historically black colleges and universities and other minority institutions. I am pleased to congratulate this year's recipients: LaDonna Nettles from Gautier, MS, Makeda Smith from Birmingham, AL, and Theodore Anthony from Baltimore, MD. Both Ms. Nettles and Ms. Smith are students at Xavier University and Mr. Anthony is a student at Morgan State University.

The STARS initiative is designed to increase the number of minority scientists and engineers as we enter the millennium. It provides tuition and expenses for the senior undergraduate year and 2 years of graduate school. STARS awards can total \$100,000 each of the 3 years. Information about the program may be obtained by writing: Betty Irby, Senior Analyst of ARL, U.S. Army Research Laboratory, 2800 Power Mill Road, Adelphi, MD 20783, ATTN: AMSRL-SP. I encourage all interested parties to learn more about this valuable program.

#### THE CREDIT UNION AUDIT IMPROVEMENT ACT

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today in support of legislation, the Credit Union Audit Improvement Act of 1997, I am introducing with my colleague, Mr. BACHUS of Alabama. As Members of this body know, our Nation's insured credit unions are a vital part of our financial services system. Therefore, the accuracy of their financial records is of utmost importance. It is important to the people trusting their money with these institutions, to the regulators doing their job and to the taxpayers who actually ensure these institutions.

It is with this in mind that I introduce the Credit Union Audit Improvement Act. My legislation would do several things. It would amend the Federal Credit Union Act [the act] to require each federally insured Federal and State credit union to: prepare financial statements in accordance with generally accepted accounting principles [GAAP] and to have an independent audit performed by an independent licensed accountant in accordance with generally accepted auditing standards [GAAS]; prepare an annual written assertion about the effectiveness of the credit union's internal controls over financial reporting; obtain a written

report—or attestation report—from an independent licensed accountant regarding management's report on internal controls; and prepare an annual written assertion about the credit union's compliance with specified laws and regulations.

Under the legislation, the National Credit Union Administration [NCUA] would be able to exempt smaller credit unions with less than \$10 million in assets. The bill would also specifically require credit unions to engage only those external persons who meet applicable state licensing requirements to perform services subject to these requirements.

This legislation is in response to a final ruling by the NCUA on financial audits of credit unions. The final rule, effective December 31, 1996, allows compensated, nonlicensed persons to audit a credit union's financial information and internal controls. This is in direct contravention to most State accountancy statutes, which require auditors to be licensed. Several State boards of accountancy, including the one in my home State of Florida, have written in protest of this rule. Florida State law states that only certified public accountants can attest as an expert in accountancy to the reliability or fairness of presentation of financial information. The NCUA, in response to several States' inquiries, has made clear its intention to preempt these State laws, support a credit union's right to hire anyone it deems qualified to perform the audit. This seems odd—after all, who is going to be a better judge of who is qualified? A credit union supervisory board made up of volunteers who may or may not have any background in financial statements or the State accountancy boards?

Frankly, Mr. Speaker, I was a bit surprised to learn that the act lacks clear objectives and standards for audits and external auditors. The safety and soundness of untold numbers of credit unions—and therefore their insurance—could be jeopardized if credit union management and regulators do not have a reliable financial picture. Section 115 of the act says only that each Federal credit union's supervisory committee shall make or cause to be made an annual audit. NCUA rules require—in substance, though not in form—an audit of financial statements. But what does not make sense is that the audit does not have to be based on professional auditing standards followed by independent professional auditors.

This makes no sense. I believe that such an audit should be performed only by independent licensed professional public accountants as virtually every State accountancy statute requires. Audits are important to ensure that financial data used by a credit union's members and by Federal and State regulators are reliable as well as to identify potential control weaknesses. But the audit loses its effectiveness when not performed according to the rigors of professional standards by persons who have had to demonstrate their competence and independence in auditing.

Allowing nonlicensed individuals to perform audits poses a direct threat to the public interest by legitimizing work that is inadequate, lacks uniformity, and is void of definitive standards.

Mr. Speaker, I am not alone in believing this. When talking to credit union managers, I was told that many credit unions already have

audits performed by licensed professionals. When asked why, the purpose was clear: fiduciary reasons. The supervisory committees have an obligation to their depositors to ensure that the credit union is properly audited since an audit can pick up things that even the most thorough NCUA examination would not. But credit union managers are not alone in their thoughts. The GAO also recommended that credit unions above a minimum size should be required to obtain annual independent certified public accountant audits and to make annual management reports in internal controls and compliance with laws and regulations in a 1991 report. In 1993, the NCUA itself proposed requiring credit unions with more than \$50 million in assets to obtain annual independent audits of their financial statements. The NCUA not only cited the 1991 GAO report, but it also said that the requirement was necessary due to the increasing complexity of credit unions' financial statements. This proposal was modified into today's form due to pressure from the industry.

In response to my request for comment on this bill, the NCUA gave several reasons, none satisfactory in my opinion, why unlicensed people should be allowed to perform audits outside of GAAP standards. Among them, it was pointed out that the NCUA would like to preserve the occasional GAAP/RAP differences. RAP standards proved ineffective long ago, most notably in the savings and loan failures. Elimination of RAP standards alone may be a good enough argument for this bill.

The bottom line, Mr. Speaker, is that we cannot allow nonlicensed persons to do external auditing at insured credit unions. After all, what's the point if they do not provide the reliability that one performed by a licensed individual? There is no good reason why we should not ensure that credit union audits are as reliable as possible. I urge my colleagues to support this legislation.

#### RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Nebraska [Mr. BEREUTER] for introducing this resolution which pays fitting tribute to our many outstanding citizens who take pride in their Austrian heritage. In order to highlight the very close ties between Austria and this country, Austrian President Dr. Thomas Klestil has taken an initiative through the Austrian-American community to observe Austrian-American Day on September 26, 1997. This is an initiative which I believe we can all support.

This resolution reminds us that we should be thankful for the many contributions made to this country by such great Americans as Joseph Pulitzer, Felix Frankfurter, Arthur Burns, Billy Wilder, and Arnold Schwarzenegger all of whom are of Austrian descent. I should add to this list our distinguished colleague DOUG BE-

REUTER whose forebears also hailed from Austria.

I urge my colleagues, by way of acknowledging their contributions to America, and offering our thanks and congratulations to our friends and fellow citizens of Austrian heritage, to adopt this measure.

#### THE PROSTATE CANCER RESEARCH STAMP ACT

**HON. SHERROD BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. BROWN of Ohio. Mr. Speaker, today, I am proud to introduce the Prostate Cancer Research Stamp Act. This legislation would authorize a special first class stamp to be priced at up to 8 cents above the cost of normal first-class postage. The additional money from this voluntary purchase would be earmarked for prostate cancer research.

Earlier this year, 422 Members of the House voted for similar legislation to increase funding for breast cancer research by allowing Americans to voluntarily purchase specially issued U.S. postal stamps. My legislation would extend this effort to helping the hundreds of thousands of men who suffer from prostate cancer.

More than 334,000 American men will be diagnosed with prostate cancer in 1997, making it the most commonly diagnosed form of cancer in the United States. More than 41,000 men will die from the disease this year. Despite these staggering statistics, prostate cancer has received a fraction of the resources dedicated to other forms of cancer. The Prostate Cancer Research Stamp Act would support research into the prevention, detection, and early diagnosis of this deadly disease. I hope you will join me in this effort.

#### TRIBUTE TO FRANK HOLMGREN

**HON. MICHAEL PAPPAS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. PAPPAS. Mr. Speaker, fifty-five years ago, we were engaged in a terrible conflict that cost over 250,000 American lives. The service and dedication of our Nation's World War II service men and women laid the cornerstones to the greatness our Nation experiences today.

Today, I would like to call attention to one of the heroic Americans who fought in this war. On Friday, September 26, 1997, the Eatontown Elks Lodge No. 2402 will be holding a testimonial dinner honoring Frank Holmgren at Gibbs Hall at Fort Monmouth, NJ. Mr. Holmgren, retired from the U.S. Navy, is one of two surviving crew members of the U.S.S. *Juneau*, a light cruiser that played an integral part in the war.

The U.S.S. *Juneau* was commissioned on February 14, 1942, under the command of Capt. Lyman K. Swanson. After a valiant effort at the Battle of Santa Cruz, the ship and Mr.

Holmgren were then sent to protect transports and cargo vessels at Guadalcanal. After being struck by a torpedo to the port side by enemy aircraft, the U.S.S. *Juneau* and her crew continued to fight enemy planes and Japanese ships at close range. At 1100 hours, November 13, 1942, three torpedoes were fired from a Japanese submarine toward the U.S.S. *Juneau*. She managed to avoid the first two, but the third struck the hull in the same place the first one from the plane did. The U.S.S. *Juneau*, in a terrible explosion, broke in two and sank within 20 seconds. Of 700 heroic crew members, only 10 survived, and 1 of those was Frank Holmgren. I stand here today to honor Frank Holmgren, as well as those who did not escape the U.S.S. *Juneau*, for their unselfish, dauntless courage under fire, for which we are forever grateful.

Mr. Speaker, it is sailors of the U.S.S. *Juneau* and specifically men like Mr. Holmgren that epitomize the endurance and perseverance of the American people. We must never forget the valiant efforts of our wartime veterans and those who have made the supreme sacrifice. Our Nation owes these veterans the greatest degree of gratitude. It is my great privilege to acknowledge Mr. Holmgren and the great service he has made to our country.

CONGRATULATIONS ON THE 77TH  
ANNIVERSARY OF THE DELAWARE  
VOLUNTEER FIREMEN'S  
ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the fine work of an outstanding, dedicated, and caring group of Delawareans: The Delaware Volunteer Fireman's Association. For myself, and on behalf of the citizens of the First State, I would like to thank them for their tireless service.

This weekend in Rehoboth Beach, firefighters from all across Delaware will gather and celebrate their 77 years of outstanding leadership and unselfish devotion to their communities and State. These dedicated men and women train in preventing and fighting fires and perform emergency medical services for our citizens. It is because of this training and commitment that Delaware's volunteer fire and emergency medical services are ranked as one of the best in the country. This type of commitment to public service is uncommon among individuals.

I commend these volunteers for their exemplary record of public and community assistance. They are truly a model for all of us who serve in public life. Their commitment to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history. As the Delaware Volunteer Fireman's Association and Ladies Auxiliary gather to celebrate its 77th anniversary of leadership and service, I hope they will realize how deeply their efforts are appreciated.

IN SUPPORT OF THE EMERGENCY  
STUDENT LOAN CONSOLIDATION  
ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the Emergency Student Loan Consolidation Act of 1997. I appreciate the leadership efforts of our colleague from California, Mr. MCKEON, in moving this vital legislation forward. I would also like to recognize the efforts of our colleague from Ohio on this issue, Mr. BOEHNER.

As my committee moves forward with updating and improving the Higher Education Act, our goals are: Making higher education more affordable, simplifying the student aid system, and stressing academic quality.

Today, we are faced with a crisis in the consolidation of direct student loans. Unfortunately, it dramatically points out the difficulties we will face as we try to move our system of financial aid into the 21st century.

For direct loan borrowers, the situation is bleak. Earlier this year, students wishing to consolidate these loans submitted applications only to face lengthy delays in processing. Now students wishing to consolidate these loans are told not to bother, as the Department has shut down the entire processing system.

The Department claims that this action was taken to ensure that its current consolidation customers would receive proper service. However, the Department's direct loan consolidation contractor is currently facing a backlog of 84,000 applications, and as we heard in testimony on the direct loan consolidation process last week, a process which should take 8 to 12 weeks to complete is actually taking 8 to 12 months.

I want to take a moment to look at this. There seems to be a disconnect between the Department's evaluation of their performance and the customer's view of the Department's service. Last week we went back and reviewed the statements made by the Department before Mr. MCKEON's subcommittee in hearings on the Higher Education Act. The Department referred to itself as the Microsoft and Citibank of higher education. Dr. Longanecker said "the Direct Loan Program provides a simpler, more automated, and more accountable system to borrowers \* \* \* students have witnessed the development of a level of customer service not previously experienced in financial aid delivery." Well, at least one student who testified at our recent hearing described the Department's customer service as "beset by chronic mistakes which range from incompetence to malfeasance."

I've also noticed that there appears to be a good deal of time spent finger pointing by the Department. They seem to be looking for others to blame. Blame was being placed by the Department with students and bankers for the problems with loan consolidation. "A delay by any of these parties in submitting information required for consolidation or erroneous, incomplete, or late information from any one of these parties results in additional time needed to complete the consolidation," was one response received from the Department.

Such information problems do not stop those in the private sector. Many banks and Sallie Mae experience these problems as well, yet their financial services and systems expertise allows them to process loan consolidations in a timely fashion. The Department stated three major problems which have caused a huge backlog of consolidation loans: Inherent complexity of student loan consolidation; Higher volume than anticipated; and Transition from one contractor to another.

I agree that the inherent complexity of the student loan program and running a financial program larger than Citibank is tremendously difficult. I have been repeatedly pointing this out since 1991 when direct lending first came under consideration, and it's been my greatest concern with the Federal Government taking on such a huge task, particularly when there are private organizations already doing the job.

For example, I vividly recall pointing out these concerns to my colleagues on the floor of the House in May 1993, as we considered a move to abandon the guaranteed loan program as part of the 1993 budget reconciliation bill. In my floor statement at that time I said:

I have serious doubts over whether or not the Department of Education can efficiently manage this program. If they fail to run it properly, and all of the evidence suggests the Department will not suddenly develop the administrative finesse that they have lacked for so long, it will be students and schools that will suffer.

Incidentally, while I've been critical of direct lending, I may have given the Department too much credit. I have always felt that it would be easy for the Department to give money out. However, I've been worried that it would be difficult to collect it. Now it appears that giving the money out is proving to be tremendously difficult where consolidation loans are concerned.

Second, it's too late to complain about higher volume than anticipated. The Department from day one has been actively promoting the benefits of direct loan consolidation. They should have anticipated high volume and been able to handle such volume, or they should have refrained from the marketing blitz they conducted.

Last, the transition from one contractor to another is a poor excuse. At the time of the transfer one year ago, the new contractor should have been required to provide its ability to manage the consolidation program before ever receiving the monetary benefits of a Federal contract.

On September 11 there was an article in Education daily related to this problem which I found revealing. It is entitled, "Student Loan Checks Really Are in the Mail." It describes some of the problems the Department has created for the lending community. In this case, Southwest Student Services Corp. received 4,300 loan payoff checks from the Department of Education on one day. Most disturbing is that each check was sent in a single envelop—and some of the checks were reportedly as small as 7 cents. In these cases, the cost of issuing and mailing a check must exceed the value of the check by 5 or 600 percent.

Additionally, I would note a letter from the Student Loan Fund of Idaho Marketing Association. They received 41 checks from the Department. Of that number, only five were accurate payoff amounts. That's an error rate of over 88 percent. Clearly performance is not at a level that is even minimally acceptable. This presents some very major concerns. With the Department sending out tens of thousands of checks, how can we tolerate error rates that are as high as almost 90 percent? How can this program be audited by the Inspector General?

The Inspector General's testimony last week makes clear that most of the fault for the delays and the problems with the financial accuracy of the Department's payment transactions lies with a misplaced reliance on technology. Misplaced confidence seems to pervade the Department's contracting for student aid delivery systems. We need only remember the electronic imaging debacle of 2 years ago when the Department contracted for electronic imaging of the FAFSA. The mistakes made with that contract caused more than 1 million students to be delayed in making their college decisions.

Mr. Speaker, the Department of Education is clearly undergoing a severe crisis in management. These problems are hurting students, former students, and parents. Later in this Congress, the Gentleman from California, Mr. McKEON and I will undertake a concerted effort to fix those problems. However, in the near term it is absolutely essential that we allow student loan borrowers with direct loans to consolidate those loans and reduce their monthly payments.

The legislation we are introducing today will allow that, and it will accomplish it without any increased costs to the borrower. It will: Allow borrowers with direct loans to consolidate them immediately, rather than having to wait months for the Department and its contractor to sort out their difficulties; Allow students to retain their interest subsidy benefits on all subsidized loans included in the consolidation loan as is currently allowed in the direct loan program but not the FFEL Program; and provide students with the interest rate currently applicable to direct consolidation loans—T-bill plus 3.1 percent capped at 8.25 percent—the FFEL rate is the weighted average of the loans consolidated rounded up to the nearest whole percent.

This legislation is revenue neutral and the right thing to do. Incidentally, there are some bureaucrats at the Department of Education, or at the Office of Management and Budget, or at the White House, who will complain about the \$25 million cost of this legislation being paid by reducing the mandatory administrative funds for the direct loan program. I would remind them that students are suffering in the program they promoted with these funds, that obviously the money they have for administration has not been wisely spent to date, and that fixing this problem is the right thing to do.

I strongly urge my colleagues to support us in this effort, and to cosponsor the Emergency Student Loan Consolidation Act of 1997.

### SISTER HARRIET OF CORTLAND NAMED NATIONAL DISTINGUISHED PRINCIPAL

**HON. JAMES. T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating Sister Harriet L. Hamilton of Cortland, NY, on the occasion of being named one of the National Distinguished Principals for 1997.

Sister Harriet is principal of St. Mary's School in Cortland. She will be honored with the other recipients September 25 and 26 here in Washington at a ceremony sponsored by the nominators, the Private School Recipients Selection Committee.

Other honorees include representatives from each State, the District of Columbia, and the Departments of Defense and State overseas schools.

Sister Harriet is the kind of inspirational, loving educator who wears many hats. She is an administrator, cafeteria monitor, custodian, bookkeeper, medic, and counselor.

She responds nurturingly to students' hugs. On snowy days she is there to take calls from parents who want to know if school will be open. When parents cannot pick up their children at school, Sister Harriet drives them home.

Sister Harriet has a special gift for motivating volunteers. She is an educator, friend, civic leader, and a woman of great faith in God. I applaud the decision to award her this great honor. And I want to publicly state that Sister Harriet is the kind of selfless individual who makes America the great country it is.

### FORT SOUTHWEST POINT'S 200TH ANNIVERSARY

**HON. ZACH WAMP**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WAMP. Mr. Speaker, I rise to bring the House's attention to the 200th year celebration of Fort Southwest Point, located in Kingston, TN, on Oct. 5, 1997.

Military activities at Southwest Point began in 1792 with the establishment of a blockhouse post for territorial militia troops under the command of Gen. John Sevier who later became the first Governor of Tennessee. During the 1790's, most of the many settlers traveling to the Nashville area passed Southwest Point, and parties of such travelers were often accompanied along the Cumberland Road by guards supplied from the militia post.

Subsiding hostilities with the Indians contributed to a change in the role played by Southwest Point and by 1797 the militia had been replaced by Federal troops under the command of Lt. Col. Thomas Butler. From this point until the removal period, the Federal troops preserved the peace primarily by preventing illegal settlers on the remaining Cherokee lands. Fort Southwest Point's role in the peaceful coexistence with the Cherokees was

enhanced in 1801 when Col. Return Jonathan Meigs was appointed to be military agent for Federal troops in Tennessee and principal agent to the Cherokee Nation.

In 1807 the garrison was removed farther into the Indian territory, and Fort Southwest Point served as a supply depot for other forts until about 1812.

Archeological work at this site began in 1974 when crews from the University of Tennessee began to uncover the site of the original fort. In 1984 a cooperative endeavor between the Department of Conservation and the city of Kingston, owner of the site, continued the investigation, and began to rebuild the fort on its original foundations. Now the fort is open as a museum staffed by city-employed agents and volunteers. Work continues on the research and rebuilding and many historically and militarily oriented events take place there. Currently celebrations are in order for the commemoration of Fort Southwest Point's 200th birthday.

### INTRODUCTION OF LEGISLATION

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation which would adjust the rules for deducting military separation pay amounts from veterans' disability compensation.

The National Defense Authorization Act for fiscal year 1997—Public Law 104-201—reduced the required offset by the amount of Federal income tax withheld from separation pay for payments received after September 30, 1996. My legislation would make the tax withholding provision retroactive to include all payments to those who were separated from the military after December 31, 1993.

This bill would reduce the offset between veterans' disability compensation and certain bonus payments for early retirement received by former members of the military services. It is important that we correct this inequity in the law that unfairly penalizes many of our Nation's veterans' who have served their country honorably.

I urge my colleagues to join me in cosponsoring this legislation.

### ABERDEEN, MD, VOTED AN ALL-AMERICAN CITY BY THE NATIONAL CIVIC LEAGUE

**HON. ROBERT L. EHRLICH, JR.**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. EHRLICH. Mr. Speaker, it is my great privilege and honor to recognize a quiet town in the Second Congressional District that has been singled out for a tremendous honor.

The town of Aberdeen, MD, is probably best known for two things: being the home town of Cal Ripken, Jr., and the location of Aberdeen Proving Ground—one of the best military installations in the Nation. This summer, Aberdeen received another distinction that will

bring it additional notoriety in the future: it was named 1 of 10 "All-American Cities" by the National Civic League.

Each year, NCL selects 10 American cities for this designation. As you can imagine, the competition for this honor is keen, routinely attracting applications from cities big and small across the United States. In 1997, 150 cities filed applications. Of these, just 30 were selected as finalists. The finalists traveled to Kansas City, MO where they made presentations to a panel of NCL judges.

Aberdeen was selected based upon a number of factors, particularly its innovative programs to help disadvantaged youth. Mayor Chuck Boutin and other Aberdeen city government officials are thrilled to have received this honor. On September 20, I had the honor of visiting Aberdeen and participating in a celebratory breakfast. I know the folks of Aberdeen will be celebrating for months to come, just the way they did when their town's favorite son became the "Iron Man" of baseball. I look forward to joining them in their revelry.

Mr. Speaker, every town would like to think of itself as an "All-American City," but only a precious few have earned this designation. Aberdeen is one of them. I hope all of my colleagues will join me in congratulating the good folks of Aberdeen during this special time.

#### TRIBUTE TO STANLEY M. UMEDA

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to an outstanding member of the Sacramento community, Mr. Stanley M. Umeda. Today, Mr. Umeda's many friends and colleagues are gathered to commemorate his 40 years of exemplary service to the State of California and the Sacramento County Welfare Department.

A graduate of California State University, Sacramento, Mr. Umeda has forged a long and distinguished career in the fields of social work and mental health. His service in the public sector dates back to 1955, when, as an undergraduate at Sacramento State University, Mr. Umeda worked for the California Department of Motor Vehicles.

Upon completing his education with a master of social work degree in 1966, Mr. Umeda continued his State service as a psychiatric social worker in the California Department of Social Welfare. In that capacity, Mr. Umeda provided invaluable support and guidance to State hospital convalescent patients and their families.

From 1969 until 1973, Mr. Umeda administered all phases of local mental health services for his assigned region as a Community program analyst with the California State Department of Mental Hygiene. In this role, he designed programs and budgets for a variety of local mental health services.

As the executive secretary of the Conference of Local Health Officers, the Conference of Local Mental Health Directors, and the Citizens Advisory Council from 1973 until 1976, Mr. Umeda worked on the coordination

#### EXTENSIONS OF REMARKS

of staff services for these organizations. He also assisted in the formulation of important regulatory changes in the California Administrative Code.

Mr. Umeda's State service continued when he was appointed chief of the Office of Advisory Liaison within the California State Department of Health in 1976. For the next 2 years, he played a key role in coordinating health advice emanating from a wide variety of advisory boards and conferences to the Department of Health. Mr. Umeda fulfilled similar duties within the Department of Mental Health until 1979.

#### BUDDY ROTHSTEIN TRIBUTE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a community leader and close personal friend from my district in Pennsylvania, Alvin "Buddy" Rothstein. This week, Buddy will be honored by the Ethics Institute of northeastern Pennsylvania, and I am proud to have been asked to participate in this event.

A businessman in the northeastern Pennsylvania community for over 50 years, Buddy graduated from Wharton School of Business at the University of Pennsylvania. Serving in the U.S. Army Air Corps, Buddy was shot down four times during World War II. Following his tour of duty, Buddy returned home to begin a soft drink manufacturing and distributing company in 1945.

His business flourished, and he expanded to the ice cream franchise business covering 31 States, Canada, and Puerto Rico. In 1963, Buddy began Rothstein Inc., a realty company and Rothstein Construction, Inc., a development company, both of which he operates to this day.

Mr. Speaker, Buddy Rothstein's business accomplishments are well known in our area; his community involvement is also to be highly commended. He is extremely active in Rotary International, chairing several important committees and served as president of Wilkes-Barre Rotary from 1988-89.

Buddy also sits on the executive committee of B'nai B'rith Housing for the elderly. Buddy has also been president of the Wilkes-Barre Board of Realtors. He has served the local Jewish community by being involved with several organizations. Along with his service to the Jewish Community, Buddy has also been involved with the Economic Development Council of northeastern Pennsylvania. His love for and dedication to improving the quality of life for the people of northeastern Pennsylvania are evident in everything he does, and we are, indeed, fortunate to have him as a member of our community.

Mr. Speaker, I am pleased to join with the community and the Ethics Institute in honoring my good friend, Mr. Alvin "Buddy" Rothstein, and I am extremely proud to bring just a few of his many accomplishments to the attention of my colleagues.

September 25, 1997

IN RECOGNITION OF MABEL  
ZIRKLE AND JOHN IRVIN

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. WOLF. Mr. Speaker, there's a special event held every year in the Shenandoah Valley town of Edinburg where friends and neighbors get together to celebrate the good things about living in small town America. And every year the Edinburg Ole Time Festival dedicates its celebration to memorable people from their community.

I want to share with our colleagues an article from the Shenandoah Valley-Herald of September 17 which honors two of Edinburg's finest citizens: the late Mabel Zirkle and the late John Irvin. Mrs. Zirkle and Mr. Irvin both passed away earlier this year, but their legacies live on in the foundations they laid to make their native Edinburg a better place. It is a fitting tribute that the annual Edinburg Ole Time Festival honored their years of dedication to their hometown.

[From the Shenandoah Valley-Herald, Sept. 17, 1997]

FESTIVAL HONORS ZIRKLE, IRVIN FOR  
DEDICATION TO TOWN

(By Lisa G. Currie)

For the past two years the Edinburg Ole Time Festival has dedicated the annual weekend celebration to memorable people from their community.

Last year, the late Louise Evans and the late Milt Hoffman received the honor.

Evans was a local artist who created the art show which remains part of the festival today. Dedicated to teaching and art for art's sake, Evans is remembered as the beloved and faithful art teacher who offered adult classes for years.

Hoffman was a Woodstock citizen with Edinburg roots. His Edinburg-based Christmas tree farm was one of the first in the county and his "Jackson Stew" was a favorite during Edinburg Ole Time Festival events. Hoffman is remembered as the flavor and character of the annual festival.

This year, the committee has selected two long-time and well-loved community members for dedication—the late Mabel Zirkle and the late John Irvin.

Zirkle, selected to be the 1995 grand marshal at age 100, lived in her family home next door to the former Edinburg Middle School.

She watched, listened and participated as a century of events changed Edinburg from a one-horse town to a thriving community adjacent to a major interstate highway.

She was the symbol of small town Edinburg—a familiar face among the people. She taught school at Pine Woods School, a one-room schoolhouse in town at the turn of the century. She was active in her church and concerned about the welfare of her community.

Her daughter Rosemary McDonald said her mother would be very pleased at the honor bestowed in her memory.

She remembers her mother as being very concerned about her Edinburg homeplace, dedicated to making it a better place.

"She would love this," said her daughter of the dedication.

McDonald said while her mother would be honored, Zirkle balked at being in the center of attention and was hesitant to step forward—even when she deserved the credit.

Zirkle was born Mabel Stoneburner, the middle child of Rosa Grandstaff and Robert Edward Lee Stoneburner. At one time she was the oldest living native in Edinburg, a town she grew up in and lived as a young adult.

It was the same town she grew old in, enjoying the views from her window as the town continued to change.

She lived to be 101 years old, dying May 26, 1997.

Sharing the honor with Zirkle is John Irvin.

Irvin was a man who helped prepare Edinburg for the next century while paying attention to the past.

President and owner of Irvin Inc., Irvin will long be remembered in Edinburg for his loyalty and perseverance concerning the town.

He was a man with a smile, known to most everyone in the community. He is remembered as one willing to fight for what he wanted.

Irvin was well-versed on local history, enjoying the debate of historical and controversial issues for debate sake. He kept abreast of community issues, always maintaining a smile and working for an outcome which best suited the community.

He helped establish and support the former Edinburg Library. He was instrumental in establishing the Madison District Recreation Authority and the Edinburg park and swimming pool which are in place today.

He played an active role in the development of the town museum and served on both the planning commission and the town council.

An Edinburg native, Irvin is the second son of Mary Grove and the late George Robert Irvin. He grew up in Edinburg, leaving only long enough to obtain an education and serve in the United States Navy. He returned to teach school and work in the family business, where he was later made president.

When he died in April, his funeral drew a crowd unprecedented for the Edinburg community.

"I know he would be proud," said his mother Mary Grove Irvin. She was the 1996 Grand Marshal, riding in the parade in a horse drawn carriage.

She said her son loved the festival, always taking time to visit the stands and watch the parade.

"He would have been very honored," she said.

TRIBUTE TO SIR JOHN KERR

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, today, I rise to pay tribute to Sir John Kerr, Her Majesty's Ambassador to the United States, who will be departing soon to assume the post as the new Permanent Under Secretary of State and head of the diplomatic service—the top official at the Foreign and Commonwealth Office.

Sir John's distinguished career in Great Britain's Foreign Service includes representing the British Government in Moscow, Rawalpindi, Brussels, and most recently, in Washington, DC. As the new Permanent Under Secretary of State, he will direct the

Foreign and Commonwealth Office in accomplishing its mission "to promote the national interests of the United Kingdom and to contribute to a strong world community."

Sir John and his accomplished wife, Lady Elizabeth, have faced many challenges during their tenure in Washington, DC. They have met each challenge with a grace, skill, and diplomacy that few possess. These accomplishments are the reasons for his promotion to even more responsibility not only to the British people, but to the people of the world. I have mixed feelings upon his departure because although I am happy that he is finally able to return home to such a prestigious post, Washington is losing two of their greatest dignitaries with their departure. Please join me in recognizing Sir John's contributions to the relationship between our two nations, and wish he and Lady Elizabeth Godspeed.

TRIBUTE TO AMBASSADOR JASON HU

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. ROHRBACHER. Mr. Speaker, I wish to join many colleagues in paying tribute to Ambassador Jason Hu, who is leaving Washington to return to Taipei. For the last 15 months, Ambassador Hu has very ably served as the Republic of China's representative in Washington. While there have been many issues, both highly significant and pro forma, between Washington and Taipei, Ambassador Hu has played a positive role in reducing differences between our two countries.

Ambassador Hu is a first class diplomat. In his outgoing and warm manner he has helped us greatly in understanding Taiwan as a democratic nation with a strong commitment to a free-market economy. He has also earned the support, confidence, and respect of President Lee Teng-hui, who has given Ambassador Hu a new assignment as the Republic of China's Foreign Minister.

Ambassador Hu's new responsibilities will place him in the forefront of the continuing diplomatic, political, and economic development of Taiwan. Ambassador Hu's experience in Washington will ensure that he will continue to be a trusted friend of the United States and to all nations that maintain official or unofficial ties to Taiwan.

Congratulations, Ambassador Hu. Please convey my best wishes to the people of Taiwan on their forthcoming National Day.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOSS. Mr. Speaker, my previous submission to record how I would have voted on rollcall Nos. 403-415, when printed in the Record, did not include my stated position on rollcall Nos. 403 and 404. Had I been present,

I would have voted "nay" on both 403 and 404.

DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT 1998

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2287) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of the Norton amendment.

The ban on Federal funds for abortions for women in prison is one more step in a long line of rollbacks on women's reproductive freedoms.

The Norton amendment seeks to correct one of the more shameful attacks on American women.

Despite clear legal authority establishing the right of American women to choose abortion as a viable health option, many women prisoners are denied equal access to choose whether or not to terminate their pregnancies.

Federal prisoners must rely on the Bureau of Prisons for all for their health care, yet without this amendment women will be prevented from seeking needed reproductive health care.

Prisoners have a constitutional right to health care. Congress should not interfere with this right.

It is too easy to attack women inmates, women who are often poor, uneducated, isolated, and beaten down. Women who are often victims of physical or sexual abuse.

Most women prisoners are poor why they enter prison, and cannot rely on anyone for financial assistance.

These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison closes off their only opportunity to receive much needed care, it denies them their constitutional rights, but most importantly, it denies them their dignity.

We must stop this assault on women's right to choose. Mr. Chairman, I urge my colleagues to support the Norton amendment.

DEDICATION OF THE LAWRENCE H. COOKE COUNTY COURTHOUSE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GILMAN. Mr. Speaker, this month the people of Sullivan County, NY, bestowed a

deserving honor on a revered man who has selflessly served all of our best interests throughout his life. In renaming the Sullivan County Courthouse after Judge Lawrence H. Cooke, the people of Sullivan County take pride in the accomplishments of its native son. Judge Cooke has nobly exemplified what being a public servant means.

I had the privilege of attending this notable ceremony. Despite being a cold, blustery day, there was a genuine warmth that came from the 600 audience members who participated in honoring their esteemed colleague, friend, and neighbor, including: Congressman HINCHAY, State assemblyman Jake Gunther, Monticello mayor Jim Kenny, Sullivan County legislators Robert Kunis and Rodney Gaebel, Albany Law School professor Vincent Bonaventure, Sullivan County historian Joan Conway, and the Reverends Robert H. Pinto and Robert Ginel. Among the distinguished members of the judiciary who were present included: New York State Court of Appeals Chief Justice Honorable Judith Kaye, Supreme Court Judges William Richardson (Hawaii) and Anthony Kane (Sullivan County).

The generous ovations bestowed upon Judge Cooke, truly symbolized how important, valued, and beloved a public figure he has become over the years.

In meritoriously serving the people of Sullivan County and New York State, Judge Cooke built a legacy of compassion and concern. The extent of his outstanding judicial career is a tribute in itself to Judge Cooke's outstanding legal, philosophical, and ethical character. Starting his public career as a town supervisor, Judge Cooke was subsequently elected to the county court and thereafter was elected to the Supreme Court, and the appellate division, and finally was selected chief judge of the Court of Appeals of New York State—the highest judicial position in New York State. Judge Cooke duly deserves the honors and accolades given by the people of his beloved Sullivan County.

Andrew Jackson said in 1796: "I am of the opinion that a good judiciary lends much to the dignity of a state and the happiness of the people." Two centuries later, Judge Lawrence H. Cooke personifies what Andrew Jackson proclaimed.

I am honored to have known and worked with Judge Cooke and I was pleased to have joined in with the people of Sullivan County and from throughout the State in celebrating the career of this great public servant.

As Judge Cooke stated: "While the name of the courthouse has changed its title, its purpose in serving the people remains the same." It is a place of justice, and, as Daniel Webster proclaimed, justice "is the ligament which holds civilized beings and civilized nations together."

I ask my colleagues to join me in saluting Judge Lawrence H. Cooke, and in wishing him and his wife, Alice Cooke, good health and happiness in retirement.

## EXTENSIONS OF REMARKS

HONORING JOE R. REEDER

**HON. THOMAS M. DAVIS**

OF VIRGINIA

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. DAVIS of Virginia. Mr. Speaker, my colleague, Mr. MORAN of Virginia, and I rise today to pay tribute to Mr. Joe R. Reeder who is retiring as the 14th Under Secretary of the Army.

Joe has long served his country and been involved in public affairs. A native of Washington State who has lived in the metro area for the past 20 years, Joe calls himself a transplanted Texan from his time spent in school there.

Joe married the former Katharine Boyce in 1983. Katharine is also an attorney. Together, they have raised four wonderful daughters. They currently live in Alexandria.

After graduating from West Point in 1970, Joe completed training at the Airborne, Ranger and Artillery basic school. Joe then served in the 82nd Airborne Division until he entered law school in 1972. At that time, he relocated to his beloved Texas to attend the University of Texas where he earned his juris doctorate degree while working as a prosecutor at Fort Sam Houston, TX.

Joe completed a 1-year Federal clerkship before moving to Washington, DC. When Joe came to the Nation's Capitol, he returned to school and earned his master of laws from Georgetown University. He also continued his work for the military by serving as a trial attorney in the Army's Litigation Division. This position required that he represent the Department of Defense in Federal court actions pending throughout the United States. He was soon promoted, and moved to the Army's Contract Appeals Division where he represented the Department of Defense in a wide range of Government contract-related litigation.

Joe left the Department of Defense in 1979 when he moved to the Washington, DC based law firm of Patton, Boggs, & Blow. By 1983, he had made partner at this distinguished firm and was widely respected by his colleagues for his knowledge of complex commercial litigation including litigation involving Government contracting law and legal ethics.

In 1993, Joe was sworn in as the Under Secretary of the Army. He is the principal civilian assistant and Deputy to the Secretary of the Army. Joe acts with the full authority of the Secretary in general management of the Army. He is responsible for the long-range planning, material requirements, readiness, acquisition reform, infrastructure reduction, and financial management. Joe has spent the past 4 years preparing our Army for the 21st century and helping to shape its continued international leadership role. He serves as one of the Army's top officials for international affairs and has worked tirelessly on issues involving NATO and Panama. In that capacity, Joe has served as the Chairman of the Panama Canal Commission's Board of Directors. In addition, he oversees the military support to local, State, and Federal agencies related to

September 25, 1997

civilian law enforcement, civil disturbance, disaster relief, and emergency planning. Joe has managed these many tasks during his tenure with ceaseless energy and an innovative style.

Mr. Speaker, we know our colleagues join us in honoring and thanking the Honorable Joe Reeder for his devotion to the U.S. Army. We appreciate all the hard work he has done in preparing our Army for the next century. Joe's vision and spirit are truly remarkable.

## A TRIBUTE TO THE WEST VALLEY SOCCER LEAGUE

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend the West Valley Soccer League and its president, Mitchell Hyams for contributions in promoting youth soccer. In recognition of 25 years of community service by parents and friends dedicated to youth soccer and the development of children from varied backgrounds and athletic abilities it is a great honor to rise in behalf of all of those involved in youth soccer.

The West Valley Soccer League improves the education of our volunteer coaches, referees, and administrators in the areas of child development, human behavior, sports psychology, ethics, and sportsmanship. All of this training with our volunteers and athletes leads to a healthy competitive atmosphere for youth soccer players and increases concern for the development of caring, responsible citizens for our community and our country.

Finally, the success of the West Valley Soccer League would not be possible without its wonderful volunteers and the leadership of Mitchell Hyams. I commend the patience and dedication of all of those who are involved as players, coaches, referees, and spectators.

Mr. Speaker, I ask you and my distinguished colleagues to join me in recognizing the contributions the West Valley Soccer League has made to our community. The West Valley Soccer League serves as an example for other youth soccer leagues across our Nation.

## THE MEDICARE HOSPITAL OUTPATIENT PAYMENT FAIRNESS ACT OF 1997 AND THE HOSPITAL OUTPATIENT DEPARTMENT TRUTH-IN-ADVERTISING ACT OF 1997

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce two bills today. The first would modernize Medicare's payment policy for ambulatory care by the year 2000. The second would immediately stop hospitals from egregiously gaming the current, outdated policy.

Medicare pays more for ambulatory care provided in a Hospital Outpatient Department

[HOPD] than it does for the same care provided in a doctor's office or freestanding ancillary facility. This means that the same medical personnel for the same patients are reimbursed differently based on the name on the door of a clinic that provides ambulatory care. If a hospital owns a clinic, it can call it a HOPD and charge Medicare and its beneficiaries more, no matter where the clinic is actually located.

Hospitals are purchasing, leasing, and building doctors' offices and ancillary facilities in farflung locations. They are changing the names on the doors to HOPD to take advantage of Medicare's more generous payment rates. Meanwhile, they are pushing out independent competitors who cost less and provide the same services.

Most importantly, beneficiaries pay more, because their copayments are based on what the hospital charges, and not on the amount Medicare ultimately determines is a fair cost. The Balanced Budget Act takes over 20 years to fix this overcharge, so beneficiaries pay much more than the normal 20 percent copayment for HOPD costs.

Under current law, a hospital might purchase a physician group practice located 5 miles away from its campus. Before the purchase, services to Medicare beneficiaries were billed as physician office visits and paid according to a fee schedule. Now, the hospital labels the same services, in the same office, by the same physicians, as HOPD visits. It bills Medicare for the fee schedule amount the independent physicians used to get. But in addition, it bills Medicare for hospital overhead costs. Beneficiaries also get bigger bills than before. And, there is one less independent physician practice to compete with the hospital by offering lower-cost services.

There are a thousand variations on the theme: chemotherapy clinics, radiology clinics in towns without any hospitals, and new clinics next to retirement homes. You name it—hospitals are acquiring or building whatever freestanding facilities they can and inappropriately labeling them HOPD's. They are driving out the healthy competition and profiting by overcharging Medicare and its beneficiaries.

Medicare and its beneficiaries should not pay more for the same services just because they are called something different. The Medicare Hospital Outpatient Payment Fairness Act of 1997 would limit Medicare payments for HOPD services to the amount that Medicare would pay for those services if they were provided in a freestanding clinic or ancillary facility that was not labeled a "Hospital Outpatient." The hospital would receive no additional Medicare payment for overhead costs, and it would not be allowed to charge beneficiaries more than 20 percent of its Medicare reimbursement. In order to give hospitals time to prepare for this change, these provisions would not take effect until January 1, 2000.

Hospitals are shifting costs for inpatient and emergency care onto outpatient care. While Medicare reimbursement rates are sufficient to cover hospital costs in most cases, they may not be sufficient to cover costs for emergent care. Since the first bill I am introducing today would prevent hospitals from shifting emergent care costs to the outpatient side, it would also ensure that hospitals are reimbursed suffi-

ciently to cover these emergency services. Specifically, the bill would require that MedPAC report to Congress by January 1, 1999, on whether the payments made for emergency room [ER] cases are adequate to cover the costs of ER use by Medicare patients, and that the Secretary adjust payments to ensure that hospital ER costs of Medicare patients are appropriately covered by January 1, 2000.

While giving hospitals time to prepare for a completely overhauled payment policy may be prudent, we should not allow them to continue abusing the current policy. The second bill I am introducing today, the Hospital Outpatient Department Truth-in-Advertising Act of 1997, would reduce hospitals' incentives to build, purchase, and lease freestanding clinics. Specifically, it would define as HOPD's only those facilities that are located on the same campus as an inpatient, acute-care hospital. Facilities reimbursed as HOPD's on or before September 25, 1997, would be exempted.

I urge my fellow Members of Congress to join with me in passing these crucial pieces of legislation. Together, we can modernize Medicare payment policy, lower our constituents' health care costs, keep healthy competition alive, and show the Nation that we will not tolerate abuse and waste of Medicare tax dollars.

#### THE IRISH POTATO FAMINE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. LIPINSKI. Mr. Speaker, today I am introducing a resolution that honors the victims of the Great Irish Potato Famine, honors the millions of brave emigrants who rose from the tragedy of the famine to make profound contribution to America, and encourages the British and Irish Governments to make a renewed effort for peace in Northern Ireland.

This year is the 150th anniversary of the worst year of the Great Irish Potato Famine, which began in 1845 and continued to 1850. Massive poverty, disease, and starvation plagued hundreds of thousands throughout Ireland. Even today, 1847 is still known to all people of Irish descent as Black 47.

By the end of the famine, an estimated 1.5 million people had died of starvation or disease. Millions more risked their lives on "coffin ships" to seek a new life in America. These brave emigrants paved the way for the millions of Irish-American descendants today.

Recently, a new British Parliament, led by Tony Blair, and a new Irish Government, led by Bertie Ahern, have been elected to office. Also, Prime Minister Blair expressed regret about Britain's role in the famine. With the healing of old scars and the promise of the new administrations, Ireland has a new opportunity for peace and prosperity. The people of Ireland deserve a future free from violence, religious hate, or famine.

Mr. Speaker, the American descendants of those brave emigrants have made tremendous contributions to our society and to the American way of life. Irish-Americans have worked

hard to become police officers, fire fighters, teachers, doctors, and even Members of Congress. I strongly urge my colleagues to support this important resolution.

#### FARMERS AGREE: TIERED PRICING PROMOTES WATER CONSERVATION

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. MILLER of California. Mr. Speaker, as the author of the Central Valley Project Improvement Act of 1992 [CVPIA] that modernized the purposes and operations of one of the largest water projects in the United States, I was delighted to read recently that some of those who have most vociferously opposed passage and implementation of that landmark law are coming around to the side of reform.

The objective of the law was to bring the Central Valley project into the modern age—when the massive subsidies, unlimited contracts, and indifference to environmental and fishery destruction that long characterized the CVP's operations were rejected in favor of managing the project in a more financially and environmentally responsible manner.

One of the key devices in that law is the use of tiered pricing in new water contracts to encourage the most efficient use of water resources. In the past, the CVP has provided millions of acre feet of water to irrigators at enormously subsidized prices—often to grow marginal or surplus crops on low-quality, high-polluting land. Indeed, some irrigators continue to launch litigative and legislative efforts to overturn the law so they can continue to enjoy these multibillion dollar subsidies at the expense of the taxpayers.

Tiered pricing charges users progressively higher—while still subsidized—prices based on the amount of water they use in order to encourage efficient use and minimize runoff that can contaminate groundwater, rivers, and streams. Irrigators denounced tiered pricing as unfair and predicted it would not work.

How gratifying it is then, to read the "Summary of Grassland Basin Drainers' Drainage Reduction Activities" for August 28, 1997, in which we learn that, within their own districts, many of these very same farmers have turned to tiered pricing—to achieve the same objectives as the CVPIA.

Most water districts in the drainage area have implemented tiered water pricing to encourage farmers to manage water deliveries carefully and to reduce drainage water volume and selenium load. Several districts have targeted drain water reduction, specifically, by implementing a separate tiered pricing structure for preirrigation.

The report then details some of the specific programs in the San Joaquin Valley drainage area which receives substantial CVP deliveries out of the Delta, and concludes as follows:

"All of these programs have encouraged farmers to select efficient water management practices that reduce surface and subsurface drain water in the 1997 crop year."

I am personally gratified, Mr. Speaker, to learn that the irrigators themselves have come

to accept the beneficial value of tiered pricing, and I look forward to their joining us in our ongoing efforts to implement other provisions of the CVPIA.

HONORING SISTER JOANNE  
FEDEWA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding humanitarian, Sister Joanne Fedewa. On October 5, 1997, Sister Joanne will be honored for her 50 years of dedicated service to God, the Catholic Church, and her community.

As a member of the Sisters of the Living Word, Sister Joanne obtained the foundation that led to her work as an educator, administrator, and spiritual advisor. For 30 years, Sister Joanne taught or served as principal at Catholic schools in Minnesota, Illinois, Louisiana, Arkansas, and Michigan. Sister Joanne spent much of her teaching career in predominately African-American communities. I know that she considers the establishment of a Catholic school in an African-American parish in Little Rock, AR, to be one of her finest achievements. Through teaching, Sister Joanne inspired thousands of children to further their education. More importantly she instilled in them the importance of faith and the joy of God's love.

In 1989, Sister Joanne was appointed pastoral coordinator of Christ the King Parish. In this capacity, Sister Joanne founded the Rite of Christian Initiation of Adults Program, programs for eucharistic ministers, and other parish education and sacramental programs. She collaborated with the ministers of service in developing a program for underprivileged youth in Flint.

In addition to her duties as pastoral coordinator, Sister Joanne serves on the Flint Catholic Urban Ministry Board which oversees ministry of the Dukette Intercultural Center in its mission to sponsor events in Flint's core city Catholic parishes. As a leader in the civil rights movement, Sister Joanne is widely credited with bringing to our attention the significant contributions of African-Americans to the Catholic Church.

As an advocate for those most vulnerable in our society, Sister Joanne regularly visits the homebound, hospitals, jails, and nursing homes. As busy as she is, Sister Joanne always has time for the parishioners of Christ the King Parish, encouraging them to use their gifts to serve others. Her tireless work on parish committees and in the day to day administration of the parish is appreciated by all. For those who cite a shortage of time, Sister Joanne serves as a remarkable role model.

Mr. Speaker, it is indeed an honor and a privilege for me to pay tribute to Sister Joanne Fedewa. She has served our Lord and our community with the greatest devotion and is deserving of our praise. This occasion provides me the opportunity to express my deep-

EXTENSIONS OF REMARKS

est gratitude to Sister Joanne. I know that I am a better person for having known her, and Flint is certainly a better place because of her presence.

TRIBUTE TO TEMPLE ADAT  
ELOHIM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the dedication of Temple Adat Elohim's new sanctuary and social hall. The people of this congregation have endured many sacrifices to make the construction of these new buildings possible. It is because of this congregation's overwhelming dedication to serving the Reformed Jewish community in the Conego that I am here today to extend my congratulations and express my gratitude for a job well done.

The history of the founding of Temple Adat Elohim begins in the spring of 1967. Several families tired of the long and laborious drive to Ventura to worship with Reformed congregation and attend Hebrew School. On August 22, 1967, 16 families formed the congregation at Temple Adat Elohim. Since that time, many more Conego families have joined the struggle to make the dream of a new sanctuary and social hall a reality.

By the early 1980's, the congregation had grown in size and the construction of a new sanctuary was no longer a desire, but a necessity. Instead, the congregation made a difficult decision and sacrificed their comfort for the safety of the children. They built the children a new school building. The new sanctuary would unfortunately have to wait.

Today, we come together to celebrate and honor those families who have endured both spiritually and financially for the benefit of Jewish people in the Conejo Valley. The new sanctuary and social hall accommodates more than 800 people and allows the congregation at Temple Adat Elohim to truly worship together.

This new sanctuary and social hall would not have been possible without the support and dedication of Temple Adat Elohim's Rabbi Alan Greenbaum and president Sandy Bistrow. I call upon this congregation and fellow members of our community to thank them for their efforts.

Theodor Herzl once said "If you will it, it is no dream." The construction of this new sanctuary would not have been possible without the strong will of their congregation. Mr. Speaker, distinguished colleagues, please join me in celebrating the dedication of Temple Adat Elohim's new sanctuary and honoring them for their hard work and sacrifice.

September 25, 1997

ON THE INTRODUCTION OF THE  
ABANDONED AND DERELICT  
VESSEL REMOVAL ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Abandoned and Derelict Vessel Removal Act of 1997. This act will provide the necessary tools to clean up a long-term public nuisance resulting from abandoned boats and barges found in the navigable waters of many communities.

Dozens of abandoned boats and other debris have accumulated along the Guadalupe Channel, which surrounds the community of Alviso, CA. This concern was first brought to my attention by members of the San Jose City Council, the Alviso Master Plan Task Force, and members of the Alviso community. These abandoned vessels are a public health and safety hazard to the community and to users in the adjacent public waterways. Unfortunately, Alviso is not the only community that suffers from this problem.

Abandoned vessels do not just sit harmlessly by—these vessels are often used as an illegal dumping ground for hazardous materials. Between January 1988 and September 1991, the Federal Government spent \$5.2 million to remove 282 abandoned vessels that blocked waterways. In that same time, Government spent nearly \$5.7 million to clean up pollutants from just 96 abandoned vessels.

This legislation will establish clear authority to remove vessels left unattended in a public waterway for more than 45 days unless the waterway has been designated as a harbor or marina. Vessels left unattended in an approved harbor or marina for more than 60 days would also be subject to removal.

This legislation empowers local authorities to keep public waterways clear while allowing boat or barge owners the opportunity to repair and remove vessels that are not actually abandoned. In addition, the removal of these derelict vessels will alleviate some concerns regarding water quality and its impact on the public health of the local community.

This legislation will promote cooperation between interested local citizens, community groups, and government agencies in their joint efforts to preserve and protect the navigable waters of the United States. It will hold boat owners accountable for their vessels. Under this bill, a community can instigate action by petitioning a local elected official to notify the Secretary of the Army. Proceedings to notify the boat owner, and ultimately to remove the boat, would then be taken by the Secretary.

Many States and local governments are proposing solutions to the problem of abandoned and derelict vessels. This legislation will not supersede local initiatives with equal or greater cleanup impact.

I urge my colleagues to support this legislation.

## HONORING THE BRAGG FAMILY

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. RILEY. Mr. Speaker, years ago, in a little place called Possum Trot, AL, an amazing mother named Margaret Marie Bundrum Bragg protected her three sons. She guarded them selflessly against an alcoholic father's drunken rage; she shielded them from the hunger and poverty that often accompanies rural life; and she gave each of them the values of compassion, sensitivity, and self-esteem. She taught them that where they were did not determine where they could go.

Her middle child, Rick Bragg, has proven her right. After only a semester of college, this native of Alabama's Third District went to work at the New York Times. In 1996, he won the highest honor that can be bestowed on a journalist—the Pulitzer Prize for feature writing. Recently, Mr. Bragg wrote an autobiographical novel titled, "It's All Over But the Shoutin'", about his life growing up in rural Alabama. This book is already being praised by critics across the Nation and will likely become another jewel in Rick Bragg's literary crown.

And while I do not wish, and would never want, to take anything away from this great Alabama writer, it is his mother, Margaret Bragg, who I seek to exalt today. It has been said that the hand that rocks the cradle rules the world. I think anyone who knows of the Bragg family would agree. For it is these mothers and fathers, these unsung heroes behind our greatest leaders, poets, authors, and athletes, that should be commended. It is they who sacrifice for their children, teach their children, and love their children. And, in so doing, mold this country's future. If not for them and their influence, America would not be the proud and gifted nation she is today. And I think Rick Bragg would agree.

## TWO SHINING EXAMPLES

**HON. DONNA M. CHRISTIAN-GREEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to commend Tatiana Naboa and Alexander Prince, two young citizens of the District of Columbia, who voluntarily offered their services to my office, through my colleague Representative ELEANOR HOLMES NORTON's internship program.

They chose to turn a negative situation into a positive fulfilling experience for themselves as well as my Washington staff. They carried out all tasks assigned to them and were always ready to assist in any way they could.

Tatiana and Alex are products of the much-maligned D.C. school system. Obviously, there are some things wrong, but there are a lot of good things happening to our children when they attend the public schools in the District. From my experience with Tatiana and Alex, I know my colleagues who participated in the internship program, can support me when I

say that the students were respectful, knowledgeable, and inquisitive. This can only come through the school's reinforcement of values instilled by their families.

As we go about the daily business of instituting laws for our fellow Americans, we must continue to provide opportunities for our younger Americans. We must give them a reason to accept the challenges they will face, make it meaningful, and guide them to become productive members of our society. Tatiana and Alex are shining examples of what is possible.

My staff join me in wishing these two outstanding D.C. students continued success in the future.

## INTRODUCTION OF LEGISLATION

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of legislation to attack one of the most critical problems facing the residents of San Diego County and California—illegal immigration.

My Eliminating the Magnet for Illegal Immigration Act gets at the root of the problem. It will stop people from trying to cross the border in the first place by removing the attraction—jobs offered by unscrupulous employers that entice people to come to the United States.

My bill finally clamps down on employers that encourage illegal immigration by violating our laws and knowingly hiring undocumented workers.

In San Diego, I represent the district that runs along the border and has the most border crossings—both legal and illegal—in the world. I am acutely aware of the strain illegal immigration puts on communities in my district, and I have always been a firm believer in gaining control of our borders.

In the last 2 years, we have made significant progress. We have increased the number of Border Patrol agents and have begun to give them the tools and technology to get the job done.

But these changes have had limited success in stopping illegal immigration. The critical next step in the fight to stop illegal immigration is to eliminate the magnet and enforce our laws against the hiring of illegal immigrants.

In 1986, Congress underscored the need to eliminate the job magnet and made it illegal to hire undocumented workers—but these laws have been largely ignored. The INS simply has not had the resources to do its job.

Some employers hire undocumented workers because their status makes them easy targets for exploitation and abuse. These employers know they can force them to work in substandard conditions. These employers know they can get away with paying them substandard wages. Is it any wonder that we have this problem?

My legislation gives the INS the resources it needs to aggressively enforce employer sanctions and gives the Department of Labor the resources to aggressively enforce wage and hour laws.

And most importantly, it directs the two agencies to combine forces and target those industries notorious for hiring undocumented workers and forcing them to work in unacceptable conditions.

My bill gets tough on employers who knowingly hire undocumented workers by imposing stronger sanctions and doubling those penalties against employers also caught violating labor laws. It also helps employers by reducing the number of documents workers can use to verify their eligibility.

I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against workers—and evidence shows that this has indeed been the case in some instances. Thus my bill will also stiffen the penalties against employers that discriminate and give the Department of Justice the resources it needs to thoroughly investigate incidents of discrimination. We will also provide programs to educate employers about their responsibilities in this area.

My bill takes a balanced, comprehensive approach to the problems created by illegal immigration. As a border Congressman, I am well aware of both the positive and the negative effects of immigration.

And I promised myself, and the people that I represent, that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world. I challenge Congress to get past the scapegoating that has become so politically profitable.

I urge my colleagues on both sides of the aisle to support this critically important initiative and show your commitment to truly stem the illegal immigration that affects so many of our communities. I ask you to join me and co-sponsor the Eliminate the Magnet for Illegal Immigration Act of 1997.

## TRIBUTE TO PEPPERDINE UNIVERSITY

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at Pepperdine University. This university was recently commended by the John Templeton Foundation in the 1997-1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The faculty at Pepperdine University have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and lectures given by theologians from the evangelical world. Additionally, students lead and manage community outreach programs, such as tutoring at a youth correctional facility as well as other special events.

Leon Blum once wrote, "Life does not give itself to one who tries to keep all its advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice." Students at Pepperdine University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

IN RECOGNITION OF MS. JUDY  
FLUM'S LITERACY EFFORTS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, I rise today to acknowledge Ms. Judy Flum, an individual who has provided 10 years of superior service to the San Lorenzo Library. Ms. Flum has consistently provided support for the youth in our community by encouraging them to use the library's resources. She also conducts programs throughout the year such as the summer reading game, pre-school storytime, young adult advisory group, and many programs for senior citizens.

Judy has been instrumental in bringing several grants to the San Lorenzo Library. The youth risk grant helped the library become better acquainted with the needs of young people and created a safe environment in which they can learn, study, and grow. The Spanish grant increased the size of the Library's Spanish collection and created a community outreach program for Spanish-speaking families. The learn-a-lot program was developed in conjunction with the San Lorenzo Unified School District to help children between the grades of kindergarten through fourth grade increase their reading potential. Without a doubt, Judy has been a remarkable asset to the growth of the San Lorenzo Library.

As a member of the American Library Association, Judy has served on many of its committees dealing with young adults. Her interest in technology has ensured our youth will be better prepared for the challenges of the 21st century. As the library manager, she has worked tirelessly to establish a training program to teach people how to use the Internet. She was also responsible for establishing an Alameda County Library homepage.

On September 25, 1997, the friends of the San Lorenzo Library will honor Judy for her

many years of service. I join with my neighbors as they thank Judy Flum for her valuable contributions to our community.

THE DEPENDENT CARE TAX  
CREDIT REFUNDABILITY ACT

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, quality child care is critically important to working families in every economic situation. Yet many working parents today simply cannot afford to pay the increasing costs of child care. Furthermore, affordable child care is critical to the success of moving women from welfare to work.

In the last Congress, I introduced legislation, H.R. 4154, to make the Dependent Care Tax Credit [DCTC] refundable. This bill was included in the Women's Caucus Economic Equity Act.

Today, along with Congressman TOM ALLEN, I am introducing an updated version of the same legislation. This legislation would help working families obtain high quality care. A major source of Federal support for families who rely on child care and dependent care is the Dependent Care Tax Credit. This tax credit is available on a sliding scale basis to taxpayers incurring expenses relating to the care of a child under age 13, a disabled spouse, or any qualifying dependent, many of whom are cared for by family caregivers.

Unfortunately, the tax does little for the working poor, many of whom are women working outside the home who are responsible for dependent family members but who do not make enough to pay taxes. Because the tax credit is not refundable, workers who owe little or no taxes do not receive the amount for which they would otherwise be eligible. This legislation would expand the current Dependent Care Tax Credit to offer increased benefits for lower and middle-income families, as well as make it refundable to low-income families who owe little or no income tax and would normally be unable to benefit from a tax credit.

The Dependent Care Tax Credit is also critically important to those who provide respite care for ill or disabled dependents. Such care is very expensive, and making the DCTC refundable would help caregivers provide for their dependents. I urge my colleagues to join me in forwarding this important legislation.

IRS ABUSES MUST STOP

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PACKARD. Mr. Speaker, I am appalled by the severity of abuses by agents of the Internal Revenue Service toward American taxpayers. The discovery of these abuses on American taxpayers proves, once and for all, that we need to shut down the intrusive IRS.

Yesterday I joined Congressmen BILL PAXON AND JOE SCARBOROUGH, and Senator

SAM BROWNBACK in calling for the end of the IRS because it has become too large and burdensome on the American taxpayer. Extensive abuses are being overlooked and the high standards that are expected from this Government agency are routinely not being met.

Yesterday, the Senate Finance Committee kicked off 3 days of hearings investigating IRS practices and procedures. Two witnesses that testified were taxpayers from California who vividly described their nightmare involvement with the IRS. They characterized their dealings with the IRS as abusive, terrifying, manipulative, and intimidating. Other panelists, including two former IRS employees that worked in California district offices, described the pressures that they were under from superiors to harass taxpayers and extort taxes and fines.

These hearings continue to expose the abuses leveled against average Americans by the IRS. Taxpayers do not want a Government that will harass and obstruct them. American taxpayers deserve a Government that will serve them. These hearings have illustrated that the IRS is too burdensome on the American people. It is crucial that we take this power out of the hands of the Washington bureaucrats and send it back to the taxpayer, where it belongs.

Mr. Speaker, the American people will not be satisfied until the IRS is dismantled and disarmed. I urge my colleagues to examine the reports of IRS abuse and take action. It is not unreasonable for citizens to demand a Government that is respectful of the people it serves.

TRIBUTE TO THE HONORABLE  
LAGRIMAS LEON GUERRERO  
UNTALAN

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. UNDERWOOD. Mr. Speaker, it is with deep regret and sympathy that I announce the passing of Mrs. Lagrimas Leon Guerrero Untalan. Mrs. Untalan was a longtime educator and former Guam Senator. She passed away in Honolulu, HI, this past Sunday, September 21, at the age of 86.

Mrs. Untalan started her career in education immediately upon her graduation from high school. At the time, Mrs. Untalan was one of several young and motivated individuals that began their professional careers as educators in the public school system of Guam, both before and after World War II. These educators became the main source of intellectual stimulation that was infused into the Government of Guam. Mrs. Untalan participated significantly and contributed in the development of our young government, and she brought with her a much-needed sense of respect and analytical thought.

Perhaps one of the greatest contributions she made in our political development was the mold she broke in getting elected to the 3d Guam Legislature. Both she and former Senator Cynthia Johnston Torres, were the first women elected to the Guam Legislature and became Guam's first female lawmakers. Although women were elected to the Guam

Congress, the predecessor of the Guam Legislature, the Guam Congress did not have the authority to make or pass laws.

Distinguished and celebrated as a bilingual educator, Mrs. Untalan was the translator of "Stand Ye Guamanian" better known as the Guam hymn. She translated the song into our Chamorro language and from then on, "Fanohge Chamorro" became the preferred version of the hymn. She was tireless in her quest to advance the teaching of the Chamorro language in the Guam schools and her innovation as an educator had a significant impact on my own commitment to the Chamorro language. Even after her retirement from the Department of Education in the mid-1970's, Mrs. Untalan continued her work in the community.

A pre-war resident of our capital of Hågatña, Mrs. Untalan then became a longtime resident of Barrigada where she volunteered at San Vicente Church. She was an integral part of that community and her commitment will be missed.

On a personal note, I worked with Mrs. Untalan in the Guam Bilingual Bicultural Education Project in the early 1970's. I was a curriculum writer who was unsure of my Chamorro writing skills and who had recently returned to Guam after college in the United States. She was a skilled and sensitive reviewer of the work which I submitted. Her encouragement, acceptance, and gentle correction of my elementary efforts contributed to my personal growth.

She was wonderful educator whose contributions to her homeland will be remembered every time we sing "Fanohge Chamorro." Her brilliance will continue to shine in the voices of our school children throughout Guam's schools every day.

Mrs. Untalan now joins her distinguished husband in eternal rest—Tun Luis Untalan. My condolences to her children, grandchildren, relatives, and friends. The people of Guam have lost a beloved leader, an educational pioneer, and most especially, a true Guam legend.

Si You'os ma'ase' Tal Lagrimas Pakitu put todou I che'cho'-mu para I minaolek I tano'-ta.

#### THE EQUAL SURETY BOND OPPORTUNITY ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Equal Surety Bond Opportunity Act [ESBOA]. The ESBOA will help qualified women and minority-owned businesses to compete in the contracting business by helping them obtain adequate surety bonding. In addition, the ESBOA is directed against barriers that many qualified small and emerging construction firms encounter in obtaining surety bonding. I have introduced this bill before. I do so again because it is a commonsense way to eliminate a serious form of discrimination without an additional enforcing bureaucracy.

A surety bond is issued by insurers for the purpose of guaranteeing that should a bonded

contractor default, a construction project will be completed and the contractor's employees and material suppliers will be paid. Surety bonding is mandatory for competing for all Federal construction work in excess of \$25,000, all federally assisted construction projects in excess of \$100,000, and most State and local public construction. However, surety bonding requirements are not restricted to government contracting. Increasingly, private construction contracts also require surety bonding. As surety bonding has become a widespread requirement, the inability to obtain surety bonding can cripple a construction firm, especially a small or a new one.

In 1992, Congress acknowledged the importance of this issue when it enacted the Small Business Credit Crunch Relief Act and included legislation to study the problem of discrimination in the surety bonding field, Public Law 102-366, that I had introduced. The survey provision required the General Accounting Office [GAO] to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms.

The GAO completed the requested survey in June 1995. The survey found that of the 12,000 small construction firms surveyed, 77 percent had never obtained bonds. In addition, minority- and women-owned firms were more likely to be asked for certain types of financial documentation. Further, minority-owned firms were also more likely to be asked to provide collateral and to meet additional conditions not required by others.

The ESBOA bill I am introducing today is modeled on the Equal Credit Opportunity Act of 1968, which prohibited discrimination in credit practices. The ESBOA requires the contractor to notify the applicant of the action taken on his or her application within 20 days of receipt of a completed bond application. If the applicant is denied bonding, the surety would also be required, upon request, to provide a written statement of specific reasons for each denied request. Furthermore, the bill would provide civil liability in the form of damages and appropriate equitable relief should a surety company fail to comply with this notice requirement.

This legislation would help all contractors to have a better understanding of the reasons behind the denial of their bond applications. Furthermore, the importance of civil penalties cannot be understated for minority applicants who currently have no recourse when they suspect that the denial of surety bonding was based on considerations such as gender, race, or religion.

The disclosure of pertinent information to rejected applicants is an equitable principle familiar throughout the Federal acquisition process. This is the case when a small business is turned down for a government contract and has the opportunity to demand a negative pre-award survey. With this information, the business can contest the award or use the information to be better prepared for the next award competition. The more a business knows about what is wrong with its proposal, the greater the likelihood that the next time the business will submit a better and more competitive proposal.

According to the National Association of Minority Contractors [NAMC], many minority contractors reported being turned down for a bond without an explanation. When explanations are not proffered, a perception of discrimination in the surety industry is created. This perception drives minority contractors to obtain sureties outside the mainstream, often at significant additional expense and fewer protections, placing themselves, their subcontractors, and the government at greater risk.

Civil penalties in this bill are necessary to compel surety bond companies to provide accurate and nondiscriminatory reasons for denial of surety bonding. This bill will provide the applicant with the necessary civil remedy should the surety bonding company refuse to provide this important information. In addition to providing essential information for future bond applications, a clear response will identify whether surety bonding companies are discriminatory or using fallacious criteria in making these decisions.

This legislation will create an environment in which small business firms, particularly those owned and controlled by minorities and women, can successfully obtain adequate surety bonding. This legislation will enable us to ferret out continuing biases in the industry. I urge my colleagues to support this bill and help abolish the artificial impediments to the development and survival of emerging small businesses.

#### TRIBUTE TO CALIFORNIA LUTHERAN UNIVERSITY

### HON. BRAD SHERMAN

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at California Lutheran University. This university was recently commended by the John Templeton Foundation in the 1997-1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The words on the seal of California Lutheran University read "Love of Christ, Truth and Freedom." The faculty at CLU have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and social

ministry programs. Additionally, students join efforts with faculty and staff to enrich the lives of those less fortunate in the community by working with developmentally disabled individuals, providing clothes for needy children and tutoring disadvantaged minority students.

Leon Blum once wrote, "Life does not give itself to one who tries to keep all its advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice." Students at California Lutheran University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

CARMEN FRANCO TRIMINO'S  
HEART IS STILL IN CUBA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. TORRES. Mr. Speaker, there is no subject which when brought to this floor invokes more passion and hostility than the question of United States-Cuban policy. My colleagues who support the current United States policy of embargo, vehemently denounce any effort to improve relations between our two nations, until and unless the current President of Cuba departs. Those advocating alternative policies and new relationships with the people and the Government of Cuba, have to face having their integrity, patriotism, and intelligence called into question. My colleagues who defend the current United States policy toward Cuba are loyal and persistent defenders of their beliefs, and yet the anger and fury which they invoke, many times prevents and inhibits an open and free discussion of this important national policy issue. I believe that this institution and this country desperately need an honest, open and fair discussion on the goals, achievements, and impact of our current policy of embargo. As a contribution to this end, I wish to enter into the RECORD, a recently published editorial from the Arizona Republic. This article tells a story about one woman's crusade to bring change, heart, and humanity to our country's policy toward Cuba. Its subject is Carmen Franco Trimino, a successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and southern California. She is in Washington today, trying to win over some hard hearts in the United States Congress, seeking support for a bill which I introduced, H.R. 1951, the Cuban Humanitarian Trade Act of 1997, which would permit United States trade with Cuba in the areas of foods, medicine, and medical supplies. I urge my colleagues to read Ms. Trimino's story, and I commend her for her valiant and tireless efforts on behalf of both the Cuban and the American people. I would leave my colleagues with a question to ponder which Ms. Trimino raises: "Does our hatred for

Castro and his Communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?"

Mr. Speaker, I believe that the United States is capable of a more enlightened, more humanitarian, more just policy toward the people of Cuba. I urge my colleagues to revisit this issue by reading the following story about Ms. Trimino, and then I urge my colleagues to join with me, and 69 other Members of the House of Representatives, in removing from United States policy the restriction over the sales of foods and medicine to Cuba.

[From the Arizona Republic, Aug. 17, 1997]

U.S. SANCTIONS ARE CRIPPLING HEALTH  
CARE—PEOPLE, NOT CASTRO, FEEL EFFECTS

(By James Hill)

It has been years since Carmen Franco Trimino moved body and soul to the United States. But her heart is still in Cuba.

A successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and Southern California, Trimino now devotes much of her time and seemingly all of her energies to win over some pretty hard hearts in the U.S. Congress on an issue that is breaking hers: the part of the U.S. economic embargo against Fidel Castro's regime that has essentially cut off the importation of foods and medicines into her native land.

She's not winning, yet. But she's not losing, either.

This summer, her lobbying paid off when 12 members of the House of Representatives, ranging along the ideological spectrum from Democrats Esteban Torres of California and Charles Rangel of New York to Republicans Jim Leach of Iowa and Ron Paul of Texas, agreed to sponsor a bill that would specifically exempt food and medicines from the embargo. Since the bill was introduced, 44 other members have signed on as co-sponsors, again representing the range of the ideological spectrum.

The Cuban Humanitarian Trade Act of 1997 would overturn a particularly insidious clause in the Cuban Democracy Act of 1992 that made the importation of foods and medicines technically not illegal, but so bureaucratically complex as to amount to a de facto secondary embargo.

The 1992 legislation was sold as a means of putting the squeeze on Castro and his Communist government after Cuba's long-time patron, the Soviet Union, had collapsed, wiping out more than 70 percent of the island nation's trade. Rather than constricting Castro, whose regime remains as unrepentantly communist as ever, it slowly began to sap the strength of average Cubans.

The Periodo Especial, as Cubans refer to the miserable hand that life has dealt them, strictly rationed everything, from food to gasoline to times when electricity and other utility services are available. Work schedules were altered to account for the breakdown in public transportation facilities, and school days were shortened. Bicycles became a principal way of getting about.

Then Castro pulled another fast one on his Yankee tormentors. He pegged the peso to the U.S. dollar, opened the doors to tourism (but for only a few Americans, thanks to the embargo) and allowed a measure of free enterprise to not only exist, but flourish.

When I accompanied a delegation led by Trimino last November to inspect the effect the embargo was having on health care fa-

cilities, I was stunned to find a country that was enjoying a 7 percent growth rate, a building boom in parts of Havana and in regions designated to handle the influx of tourists, and a general sense that the worst of the Periodo Especial, or special period, was over.

Yet, there were plenty of caution flags that it wasn't; indeed, that perhaps the worst was yet to come.

For one, a Foreign Ministry official confided that the 7 percent growth rate was relevant only when one gauged how far Cuba had fallen. Cubans with access to dollars could shop for food in well-stocked markets, including the supermarket once reserved for members of the Soviet diplomatic corps.

But those who were still in the internal economy, where the unofficial peso is little more than script, were at the mercy of the state-run systems, where shelves were empty save for rice and beans.

More telling, however, were my conversations with several doctors and other medical personnel throughout the island. Cubans take great pride in the medical system they built from scratch since Castro came to power in 1959. And discussions would always begin with the typical boasting about what type of services that medical system could provide.

Pressed, however, these practitioners would drop the hyperbole and cut to the chase: The embargo was denying them not only the medicines needed to administer to the sick, but the tools and the educational materials needed to keep up with their practices.

In a major Havana hospital, the lead physician in one ward took me into a room where ambulatory patients were being fed their noon meal, a concoction that appeared to be something near a rice and bean soup. All of the patients received the amount of calories needed for their recovery, he noted even if variety in their diet was lacking. Then he drove home another point: Patients were fed even if the staff had to forgo its minimum daily dietary requirements.

At another major medical center, this time in the southern port of Cienfuegos, the director admitted that he feared the outbreak of any epidemic, because the combination of the shortages of antibiotics and the limitations on nutrition would make it impossible for his doctors to put up a fight.

But that was November. Despite the Helms-Burton Act that vows to punish foreign corporations for doing business in Cuba, the re-election of President Clinton held the hope out to Cubans that a warming might be near. Clinton himself had fed this perception by his refusal to sanction the most draconian of Helms-Burton provisions, a decision he reaffirmed this summer.

If the president is squeamish about implementing those provisions, however, his administration has done little else to indicate that it is interested in patching things up, almost four decades since the U.S.-sponsored invasion to topple Castro went disastrously awry at the Bay of Pigs.

Meanwhile, Trimino reports, the situation has become graver, especially in the Oriente, or eastern provinces normally out of sight to tourists. In the provincial city of Holguin, she told of recently visiting with a young girl just out of the hospital who had been treated for severe malnutrition; her daily intake consisted of a biscuit made from sweet potatoes. She had been receiving a liter of yogurt, as a substitute for milk, every four days.

This is something I cannot independently corroborate, although I have no reason to

doubt it. While I did not see any starving people during my visit last November, I saw enough too-thin people, especially in the countryside, and emaciated livestock to convince me—the relative prosperity in Havana and other cities notwithstanding—that Cuba could be on the verge of a major health crisis. It might still be. Or worse, it might be sliding into the middle of one, the outcome of which could be too horrific to consider.

The question Americans have to ask is simple. Is this what we want? Does our hatred for Castro and his communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?

Over his long reign, Fidel Castro has survived numerous American attempts at removal, including those of assassination and the threat (almost to the brink, in fact) of nuclear war. Most experts who follow Cuba say only Castro's naturally appointed date with the Grim Reaper will allow Washington to say it has finally achieved its goal, and all reports are that for a man in his early 70s, he is much healthier (and better fed) than his average countryman.

That is not the point, though, insists Carmen Trimino as she makes her rounds of congressional offices, trying to enlist more representatives to her heartfelt cause. (Not one member of the Arizona delegation has been receptive.)

"It is my people who are facing starvation," she says indignantly.

Perhaps she will win the day. Embargoes are a favored tool of U.S. diplomacy, often in collusion with the United Nations, for use against recalcitrant regimes. Witness the fact that sanctions are being applied not only to Cuba but also in Iraq (where Saddam Hussein is allowed to sell oil to purchase foods and medicines), Libya and Myanmar (Burma). Limited sanctions still are applied to what is left of Yugoslavia (Serbia and Montenegro).

But sanctions are rarely effective. Notice that the strongmen running the governments of the aforementioned countries are all still in power, even if their people are at the point of emotional and physical breakdown. Nor are sanctions even relevant; America's official fascination in maintaining a dialogue with the butchers of Tiananmen Square, who defiantly continue to keep more than 1 billion Chinese under Communist oppression, has made a mockery of U.S. efforts to use economic measures as a whip against lesser regimes.

Carmen Trimino only wishes that more members of Congress would see in their hearts the futility of denying foods and medicines; the bill she wants the House to consider takes no stand on other parts of the economic embargo. (Perhaps it should; Castro might last, but the communist system would likely collapse upon the rush of American goods). She will keep trying. Her Cuban-American heart is in it.

APPOINTMENT OF CONFEREES ON  
H.R. 2378, TREASURY, POSTAL  
SERVICE, AND GENERAL GOV-  
ERNMENT APPROPRIATIONS ACT  
1998

SPEECH OF

**HON. MAX SANDLIN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 1997*

Mr. SANDLIN. Mr. Speaker, I rise today as a founding member of the Missing and Exploited Children's Caucus. I rise as a father of four. I rise as a little league coach and a former county court at law judge. I rise today to say that I support every effort to protect our Nation's children and I support the motion to instruct by the Member from Maryland. As much as any Member on this floor, I support full funding for programs to safeguard, protect, and rescue our missing and exploited children. I cannot vote for the previous question because we should not vote on this motion to instruct conferees in its current form.

I will vote against the previous question because these instructions are incomplete. This motion to instruct should include instructions to adopt the Senate position on the Member of Congress cost of living increase. The Republican leadership has precluded an up or down vote on the Member pay raise, and forced me to vote against the previous question to voice my opposition to the pay increase. I support the motion. I will vote against the previous question not for what is included in the motion, but for what is not included in the motion.

The Member pay raise should be put to a straight vote with an honest, open debate. This Treasury/Postal appropriations bill was rushed through the floor with a rule that denied a vote on the pay raise. Members were denied the opportunity to cast a vote on the pay raise and denied a true forum to voice their opposition to the pay raise. The leadership of this House owe the people of America, the people we are here to serve, an honest debate and an honest vote on the pay raise.

I did not come to Congress to cut spending only when I am not affected by the cut. The American people deserve as much as we can give them. The American people deserve a balanced budget. The American people deserve tax relief. The American people deserve the assurance that Social Security and Medicare will be there to serve them when they retire. The American people deserve the best education this country can offer them.

If we are going to ask all American to sacrifice to balance the budget, we should expect the same of ourselves. I wish I did not have to vote against the previous question simply to voice my opposition to the pay raise, but I do. The protection of our children is an issue that is near to my heart, but so is my commitment to the people of east Texas to balance the Federal budget. I oppose this motion to instruct in its current form only because it is incomplete.

CAMPAIGN FINANCE REFORM

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. KIND. Mr. Speaker, it appears that after a long battle this House may be close to considering campaign finance reform. It is my hope that when we do that we will have a fair, bipartisan bill that contains no poison pills and offers real reform of the system.

I have been working with fellow freshman Members to create such a bill. We agreed at the very beginning to put aside any poison pills, items that would automatically put one party at a competitive disadvantage. The result was a bill that bans soft money, increases candidate disclosure, and requires organizations making independent expenditures to reveal who they are and how much money they are spending. It was not an easy process, but we learned to work together and trust each other and in the end drafted a fair bill that will make a real difference in the system.

There may be a great temptation to kill a reform bill with partisan amendments. I hope that we can avoid that fate. The only way a campaign finance bill can become law is through bipartisan cooperation. If we can reject poison pills, reject partisan attacks and reject the temptation to pass a bill without teeth, then we can see true campaign finance reform for the first time since the 1970's.

Today we are at a crucial time in this debate, I hope we don't blow it.

EXTEND SECTION 245(i) OF THE IM-  
MIGRATION AND NATIONALITY  
ACT

**HON. ROBERT A. WEYGAND**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 1997*

Mr. WEYGAND. Mr. Speaker, I rise today to discuss the importance of extending section 245(i) of the Immigration and Nationality Act.

Section 245(i) allows immigrants who are out of status, but legally eligible for visas, to pay a \$1,000 fee to adjust their status while remaining within the borders of the United States.

These immigrants are eligible to obtain legal status in the form of permanent residence in this country based on a family relationship or an offer of employment.

What naysayers must understand is that the 245(i) program does not alter U.S. immigration policy, or make entering our country any easier. What it does is assist a pediatrician who comes to this country to help care for our kids. It helps foreign students who have been educated at American universities and have chosen to utilize their new talents right here in the United States. It assists a wife who comes to America to join her husband who has built a solid career here. It allows all of these people to renew their status with a fee, rather than requiring them to take a return trip to their native country. In some cases they may not be able to return for 3 to 5 years.

But the dream of staying in the United States for many of these people may soon be just that—a dream. Next Tuesday, these people who have come here hoping to be reunited with a family member or hoping to provide their talents to the greatest nation on earth, may be forced back to their native land without a blink of an eye. On September 30, 1997, 245(i) is scheduled to sunset. If we do not extend this section, a mass deportation will occur—wives will be taken from their husbands' arms and valued workers will lose their jobs. Families will be ripped apart and businesses will be disrupted. We should not and cannot allow this to happen.

An extension of 245(i) would not only benefit immigrants currently living in the United States, their family members and their employers, but would benefit our country as a whole. For example, that fee these immigrants pay to renew their status goes straight into the U.S. State Department coffers, at a sum of \$200 million each year. 245(i) provides the Immigration and Naturalization Service with the funds necessary to carry out important enforcement and detention functions.

By allowing immigrants to change their status within the our Nation, the United States has also been able to reduce the applications at the consulate by 3 percent. This allows them to focus on their primary functions of enhancing foreign diplomacy and assisting United States citizens living or traveling abroad.

I ask you, as Members of Congress and representatives of the people, what is the benefit to our country of breaking up families and breaking down businesses? I urge my colleagues to support the extension of this necessary and beneficial provision.

#### THE NEED TO ELIMINATE THE MARRIAGE TAX

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. NORTHUP. Mr. Speaker, I rise today in strong support of eliminating the marriage tax. Although this Congress has made significant steps in reducing the tax burden on Americans we still have a long road ahead of us in restructuring our Tax Code and instill fairness to all taxpayers. As we travel down this road one of our first stops must be to eliminate the tax that penalizes the sacred institution of marriage.

My opposition to the tax on marriage is simply a question of fairness. Why should a man and woman who are married and living together be taxed more than a man and woman living together who are not married? CBO has estimated that 21 million couples have paid on average \$1,400 and some exceeding \$20,000 in surplus taxes as a result of having to change their filing status to married. This is a substantial amount of money that could be used toward a child's education, retirement savings, a new home or a car. Furthermore, a couple should not have to consider the IRS when deciding whether to enter into marriage. The marriage penalty blatantly contradicts

what this Congress has attempted to achieve in strengthening American families and providing significant tax relief.

Married couples are faced with numerous challenges and burdens. Let us not forget that married couples frequently are in the process of raising children—a wonderful and very expensive experience—and should therefore be afforded as much financial relief as possible. Let's not punish these couples for their love and commitment for one another, let's reward them for their willingness to strengthen our society through the sacred bond of marriage.

#### PERSONAL EXPLANATION

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PORTER. Mr. Speaker, I regret that I was unavoidably absent from the Chamber on Rollcall votes Nos. 410 through 415.

Had I been present, I would have voted no on Roll No. 410, no on Roll No. 411, aye on Roll No. 412, aye on Roll No. 413, no on Roll No. 414, and aye on Roll No. 415.

#### THE OCEANS ACT OF 1997

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. FARR of California. Mr. Speaker, I rise today to introduce the Oceans Act of 1997. I am pleased to be able to offer this bill with the support of the chairman of Resources' Subcommittee on Fisheries Conservation, Wildlife and Oceans, Representative JIM SAXTON; the ranking Democrat of that subcommittee, Representative NEIL ABERCROMBIE; and the ranking Democrat on the Resources Committee, Representative GEORGE MILLER, as well as Representatives GILCHREST, PALLONE, GEORGE BROWN, PORTER GOSS, PATRICK KENNEDY, and SOLOMON ORTIZ.

This is an exciting time in the history of man's relationship with the oceans. With this year as the International Year of the Reef, and next year as the International Year of the Ocean, more focus is being directed on the state of the world's coasts and oceans than ever before. And rightly so.

We are critically dependent on the oceans, and the resources we derive from them. Commercial and recreational fishing provides 1.5 million jobs and an estimated \$111 billion annually to the Nation's economy, and more than 30 percent of the United States GNP is produced in coastal counties. Americans love the ocean and beaches: they are our leading tourist destination, with 85 percent of tourist revenues being spent in coastal States. In 1993 more than 180 million Americans visited coastal waters nationwide, and in California alone the revenue generated by tourism is approximately \$38 billion annually. The beautiful coasts and ocean in my district are key to the areas's \$1.5 billion travel and tourism industry.

Yet we cannot ignore the evidence that our oceans and coasts are imperiled. Since 1950

production from world fisheries and aquaculture has increased by a factor of five. Food and Agriculture Organization [FAO] analysis of the world's fishing resources in 1995 concluded that most of the major fish stocks in the world can be classified as fully fished, overfished, depleted, or recovering. Approximately 45 percent of the Nation's threatened and endangered species inhabit coastal areas, and almost 75 percent of the endangered and threatened mammals and birds rely on these coastal habitats.

We are inundated every day with stories of marine, estuarine and riverine pollution, wetlands loss, algal blooms, coastal and marine habitat degradation, fishery over-harvesting, and the looming threat of sea-level rise. With all of the legislation, regulations, and Federal, State and local programs and policies, we somehow still seem to be failing in our mission to have healthy, sustainable oceans and coasts.

The situation will only get worse as coastal populations increase: Two-thirds of the world's cities with populations over 1.6 million are located in the coastal zone. By the year 2010 it is estimated that at least 75 percent of the United States population will live within 50 miles of the coast, with all of the attendant potential environmental consequences of having so many people concentrated in areas of diverse and fragile ecosystems.

Part of the problem is that we are not investing enough in learning about our oceans; for all of the money we have spent in space exploration, we know woefully little about the amazing characteristics of the 71 percent of our planet's surface that is the world's oceans. The fact is, we know less about the surface of our own planet than we do about that of Mars, Venus, or the Moon. I believe that we need to put our national ocean exploration programs on par with the space program, and our efforts to conserve the marine environment at least equal to that provided to the land portion of our country. Our efforts to protect our marine environment through our national marine sanctuary system provide only 0.7 percent of the funding we give just to our national parks.

The legislation I am introducing is patterned after the law which was enacted in 1966 to establish the Commission on Marine Science, Engineering and Resources, known as the Stratton Commission, after its chairman, Julius Stratton of the Ford Foundation. The Commission was given the task of examining the Nation's stake in the development, utilization, and preservation of the marine environment, to assess the Nation's current and anticipated marine activities; and, on the basis of this information, to formulate a comprehensive, long-term, national program for marine affairs with the goal of meeting current and future needs in the most efficient manner possible. In January of 1969, the Stratton Commission released its report "Our Nation and the Sea: A Plan for National Action."

The report and recommendations of the Commission led to the creation of the National Oceanic and Atmospheric Administration, supported the impetus for the enactment of the Coastal Zone Management Act in 1972, and provided the vision and structure for ocean and coastal policy for the past thirty years. Today, however, U.S. population has grown

from 196.5 million in 1966 to 265.6 million in 1996, over half of whom lives within 50 miles of our shores; ocean and coastal resources once thought inexhaustible are now seriously depleted; and wetlands and other marine habitats are threatened by pollution and human activities.

As the 30-year anniversary of the Stratton Commission's report approaches, it is of great importance that we again do a thorough assessment of the current state of our Nation's coastal and marine resources, programs, and policies, and that we create a new national ocean plan to lead us into the 21st century. The Oceans Act of 1997 contains similar provisions to the 1966 act. It calls for the creation of a Stratton-type commission, called the Commission on Ocean Policy, to examine ocean and coastal activities and to report within 18 months its recommendations for a national policy. In developing the report, the Commission would assess Federal programs and funding priorities, infrastructure requirements, conflicts among marine users, and technological opportunities. The Commission would then meet at a minimum of once every 5 years to assess the Nation's progress in meeting the purposes and objectives of the act. An appropriation of \$6 million over the course of fiscal years 1998 and 1999 would be authorized for the Commission to complete its work. In addition, such sums as necessary would be authorized for the Commission to meet in the 10 years following the submission of the report.

It would also call for the President, with the assistance of the heads of relevant agencies and departments, and on the advice of the Commission, to develop and implement a coherent national ocean and coastal policy that provides for protection against natural hazards; responsible stewardship of fisheries and other ocean and coastal resources; protection of the marine environment; resolution of conflicts among users of the marine environment; advancement of research, education and training in fields related to marine activities; continued investment in marine technologies; coordination and cooperation within and among governments; and preservation of U.S. leadership on ocean and coastal issues.

I believe that a comprehensive ocean and coastal conservation and management plan for our country is absolutely necessary. Our efforts have got to be coordinated, and we've got to act now to increase our knowledge of this critical area of our planet, and to ensure proper management of marine resources, and healthy, vibrant coastal and ocean ecosystems we all can enjoy.

H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications, if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will be rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning-off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led the Science Committee, has embraced the use of technology transfer from our Federal laboratories to help boost our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96-480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory development.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986 (Public Law 99-502); the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418); the National Competitiveness Technology Transfer Act of 1989 (Public Law 101-189); and the American Technology Preeminence Act of 1991 (Public Law 102-245), among others. In addition, Congress enacted the amendments to the Patent and Trademark Laws, also known as the Bayh-Dole of 1980 (Public Law 96-517).

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113), which I introduced, was enacted into law. Public Law 104-113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private-sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Govern-

ment and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. The bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf Federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnering with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a

R&D partner—it simply takes too long to complete a deal. Requiring a half year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of federally funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities or a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies would make the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

H.R. 2544

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1997".

#### SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, in a federally owned invention directly related to the scope of the work under the agreement," after "under the agreement,".

#### SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

##### "§ 209. Licensing federally owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

"(4) granting the license will not substantially lessen competition or create or maintain a violation of the antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—Licenses shall normally be granted under this section only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Licenses granted under this section shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

"(1) shall include provisions—

"(A) requiring period reporting on utilization of the invention, and utilization efforts, by the licensee; and

"(B) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(i) the licensee is not adequately executing its commitment to achieve practical utilization of the invention within a reasonable time;

"(ii) the licensee is in breach of an agreement described in subsection (b); or

"(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; and

"(2) may include a requirement that the licensee provide the agency with a plan for development or marketing the invention.

Information obtained pursuant to paragraph (1)(A) shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5, United States Code.

"(e) PUBLIC NOTICE.—No license may be granted under this section unless public notice of the availability of a federally owned invention for licensing in an appropriate manner has been provided at least 30 days before the license is granted. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions."

A TRIBUTE TO FAUSTO A. ROSERO

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. VELÁZQUEZ. Mr. Speaker, today I rise to pay a very special tribute to one of my constituents, who after working for 30 years is now ready to retire. Mr. Fausto Anibal Rosero is retiring from United Airlines, where he is currently a lead in the Cabin Service Division. During his tenure at United Airlines, Fausto exhibited exceptional leadership skills as well as a commitment to excellence.

His dedication and commitment to excellence led to his designation as a lead cabin serviceman. Under his supervision, Fausto has a crew of eight cabin servicemen, whose responsibility is to ensure that United flights leaving LaGuardia Airport are fully supported and maintained. In an era of heightened awareness regarding airline safety measures and concerns his belief is to encourage his crew to review and follow all safety rules and procedures. This type of positive reinforcement to be safety conscious in the workplace reflects his concern about the passengers and crew that board his flights.

In 1993, Fausto was recognized by United Airlines and 80,000 of his fellow employees as he was nominated to receive the Cabin Service Employee of the Year Award. His dedication reflects a lifelong pursuit of happiness that he strives for every day. Fausto philosophy of life "Primero la obligacion despues la devocion."

Fausto Rosero's life here in the United States began like many others who came to the United States of America seeking a better life for themselves and their family. Throughout history, America has been known as the land of opportunity. We have welcomed people with great pride from all over the world and from all walks of life. The diversity of people and nations is our country's greatest strength. Immigrants have long been the lifeblood of this great city of New York, making it flourish because of their hard work and dedication.

On September 9, 1962, Fausto Anibal Roser emigrated from his native homeland of Quito, Ecuador, to pursue and begin living the American dream. Like the previous waves of immigrants, Fausto left his family to settle down in his new life. He soon sent for his wife, Ana Beatriz Medina, whom he married on April 20, 1959. Beatriz arrived in this country not only with great enthusiasm and ambition but also with their daughter, Amparito Rosero on May 9, 1962. The Rosero family settled in the same community in which they still call home, Corona, Queens. Having firmly planted the seeds in their new home, their family began to expand.

On September 27, 1963, Fausto Gerardo Rosero was the first American citizen born to the family. This not only represented the first generation of American citizens but also the beginning of a new culture.

In the fall of 1966, the Rosero and Moya families moved into a 102-25 46th Avenue,

Corona, NY 11368. This address represents the gateway, our families "Ellis Island" to all those who followed. Every single family member and friend has crossed through those doors staying until they could establish themselves and ultimately their own place in this country. We have always called Corona home, up until the present day. Growing up and living together represent the close emphasis placed on "La Familia." Together both families have struggled, prospered and stayed together throughout the years. Although Edgar and Maria Moya now live up the street, four houses away, at 102-11 46th Avenue. They continue to share in the joys of each others families. Their sons Francisco Paul Moya and Edgar Ivan Moya have just celebrated their graduations from St. John's University on September 21, 1997.

Francisco "Ponch" received his bachelor of arts degree in Asian Studies and Edgar his masters degree in Spanish Literature. Edgar is also a member of my staff. He is my congressional aide in my Corona office.

Fausto and Bachi saw three more of their children born; Alex Antonio Rosero born on October 20, 1968, Daisy Violeta Rosero born on January 29, 1970, and finally Luis Alberto Rosero born on December 8, 1972. All five children grew up in this household and in Corona. With a firm emphasis placed on education he sent his five children to St. Leo's Roman Catholic Elementary School. Prior to arriving in this country, Fausto was a teacher in Ecuador. He taught for 6 years in El Normal Catolico de los Hermanos LaSalles. He taught first thru fifth grades. In addition, he also taught music, including guitar and the accordion to the senior high school class. His love for music has been lifelong and is evident as he continues to play the piano. Fausto taught in the same school he received his own education and the same church where he married Beatriz Medina in over 38 years ago.

Their children are working and are in the process of beginning their own lives. Amparito Rosero attended Queens College, she now is married to Hector Raul Cadena and have two sons, Christopher Mark Alexander Cadena, who was the first born of the second generation, and Jonathan Gerardo Cadena, they above all represent his legacy as they begin the second generation.

Gerald Rosero, a former U.S. Marine, graduated from Queens College with a bachelor of arts in economic. He is now married to Elizabeth del Toro and has a beautiful daughter, Miranda Nicole Rosero, the first granddaughter of the family.

Alex Rosero, attended the State University of New York at Albany. He also graduated with a bachelor of arts in economics. He now lives abroad in Amsterdam, Netherlands, while working for Pepe Jeans International.

Daisy Rosero, also has attended Queens College concentrating on art history and Spanish secondary education. Daisy now works for Rainbow Chimes, a nonprofit child care organization.

Luis A. Rosero attended and graduated from the State University of New York, College at Purchase. He studied political science with a minor in Latin American politics. He currently works for my Washington office as my office administrator. He began his congressional ca-

reer as an intern in my office during college. Luis also worked in my Queens office before returning to SUNY Purchase for his senior year. He returned to Washington, DC, 6 days after graduation.

Their achievements and successes cannot only be attributed to Fausto but also to their loving mother Bachi. Beatriz is, has, and always will be responsible for them. She has worked and sacrificed her entire life to raise her children. It was her love and affection for her family throughout the years that kept them together. Their children should never forget the sacrifices and hard work that was needed for their upbringing. Fausto and Bachi have always stressed following the right path in life, no matter how difficult it may seem. If there is one lesson that should follow us for the rest of our lives and we should pass onto future generations, is the love and respect for one's family. Without having your family by your side one cannot stand alone. Loving your family for all their accomplishments is easy, loving them without their faults is what makes us one.

It has been a long road from Quito to Corona. The Rosero family has been granted a very special gift by an extremely special and devoted father. What has been achieved, what has been gained, what will be, is due to him. We will be his living legacy that he himself has planted many years ago. May we never let you down.

Mr. Fausto Rosero Basantes, you should be very proud of all your lifelong achievements and accomplishments. It is now time to sit back, relax, and enjoy yourself. Fly those friendly skies, let them take you places you have always wanted to visit. After 30 years of hard work at United Airlines you are entitled to sleep late and do whatever you please, but remember one of your sayings, "El Tiempo Es Oro" make the most of it.

#### HELPING OTHERS

#### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. COLLINS. Mr. Speaker, quite often as Members of this House, we need to take a moment to step back and look into the hearts of our communities. There, sitting on the steps of our schoolhouses and talking on our parkbenches are individuals working to help their neighbors in need. Such folk can be found in all parts of the country, and today I wish to honor a group of individuals who dedicate their lives to making others happy in Hattiesburg, MS. For it is there that the Civitan Camp for Citizens with Mental Retardation makes uncommon acts of kindness everyday occurrences.

Mrs. Abbie Rogers, director of the camp for more than 37 years, began working with handicapped children many years ago. She had a dream of providing the benefits of group recreation, crafts, friendships, and all the fun a camp can provide to these individuals who overcome adversity with tremendous human spirit and strength of heart. With the generous support of the Hattiesburg Civitan Club and the Ili Kana Girl Scout Camp, Mrs. Rogers' dream is now a reality for many children.

Her volunteers range from teenagers to business people and include doctors, nurses, musicians, craftsmen, and artists. These individuals give of their time and energy, yet benefit just as much as the campers in terms of the experiences they treasure for the rest of their lives. My daughter April has volunteered for many years beginning in high school. I believe that her experiences at the Civitan Camp truly epitomize the beauty of this magical place. The following is one such recollection.

Flashlight . . . check, raincoat . . . check, junk food . . . check. Definitely junk food, camp meals are always the pits. I am so excited I can hardly pack. OK, show down, April, or you're going to forget something important like your toothbrush.

Bright and early tomorrow morning I'll be "on the road again."

For two glorious weeks, I'll be roughing it in the great outdoors. Camp doesn't officially open until Monday, but counselors have to suffer through the long, boring orientation. You know, the stuff you already know, and if you didn't you wouldn't be here, right?

As I sit eagerly waiting to discover who my wild camper will be for this session, I try to catch up on all the missed time with my Mississippi friends. "April Collins," Becky shouts clearly over the loud rumble in the small room. She is the camp director's right leg.

"Here," I reply half worried and half relieved that I am at the beginning of the alphabet. I met Becky nervously midway across the room and receive the personal file on my mysterious camper.

Aha! I got a baby. The 14-month-old girl is blue-eyed Alicia Bounds. Oh, my goodness, I am certainly going to get a workout; she is 30 heavy pounds and can't walk. As I quickly and anxiously scan the rest of her file, I learn she is blind, 90 percent deaf, has no muscle control, and has a lot of other complications. It seems as if the list of disabilities goes on forever. I fear I am going to have a very challenging week.

But I can handle it. Last year I had a 9-year-old boy who had to be fed through tubes in his stomach. I'll never forget the night I was feeding him supper and his tubes eased out. The doctor had to insert the tubes back in, which wasn't the most pleasant procedure to witness.

It's about time Monday got here! I am on pins and needles with 50 other psychod counselors waiting for our campers to arrive. The moment I saw Alicia, my heart went out to her. Her eyes are bluer than blue, and her cute chubby cheeks are perfect for a Grandmother to pinch. Now my job begins. I am her so-called mother for a week. I bathe her, feed her, change her, comfort her, take her to arts and crafts, swimming, fishing, canoeing, music, and leisure. Alicia and I are going to be the best of pals for seven days. I can tell her parents are ready for a vacation, because her dad is giving signals to his wife to hurry up. I try to imagine the pain they have been through.

Alicia used to be the everyday normal child, until three months of age when she was diagnosed with having spinal meningitis. After all the treatment and medication, this is what has become of Alicia. She almost died during her illness, and sometimes even I wonder if it would have been better if she had.

First on "our" agenda was to take Alicia on a tour of the camp, ending with a dip in the pool. My ears are still ringing from her temper tantrum. I guess I would have been

pretty scared too, if I were blind. But by the end of the week, she enjoyed cooling off in the water. Alicia absolutely adored the outdoors. We'd stay outside from dawn to dusk. She quickly soaked up a savage tan.

Oh, and how Alicia loved to be rocked. I pampered her as though she was my first born. Sure I got frustrated at times, as when she would cry for almost an hour straight. But I drew in three big breaths and counted to 10 very slowly.

Alicia learned to sense my nearness to her. She would become upset when she felt my absence. I was one of the few who could comfort her. I can still picture her first and only smile. I don't recall what I did, but I had tried so hard all week to change her facial expression. And finally, a little smile.

We had a ball that week. Alicia was certainly a handful. I feel for her parents; I only had seven days of it. They have it the other 358 days.

Each year I have a feeling of accomplishment. But this past year I believe was the most challenging and rewarding. The fact that I could communicate and show my affection to her successfully has been my most satisfying experience.

Mr. Speaker, as the long hours of our days pass by at a blistering pace often leaving us with a sense of being totally overwhelmed, we need only take a moment to look at individuals such as Abbie Rogers or my daughter April, to put things in perspective and think in terms of what really is important—helping others. This can be done in many and varied ways, but I hope that at the end of the day, we in Congress share the sense of accomplishment that our efforts, though on a broader scale, are rooted in the very same goal, which is to help and serve the American people.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1998

SPEECH OF

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MARTINEZ. Mr. Chairman, the amendment which Representative RIGGS offered to the Labor, Health and Human Services, Education and related agencies appropriations bill regarding the enforcement options available to the Department of Education pertaining to youth with disabilities in adult correctional facilities under the Individuals with Disabilities Education Act (IDEA) is an ill-advised and inopportune amendment. As a member of the bipartisan working group which developed the IDEA amendments of 1997, I am strongly opposed to this amendment, as it would contravene the carefully crafted bipartisan, bicameral legislation signed into law only 3 months ago.

The IDEA ensures that all children with disabilities receive a free appropriate public education. During the bipartisan negotiations on the IDEA amendments, several provisions were added to the statute to give States increased flexibility in serving the portion of disabled youth who are incarcerated in adult correctional facilities. These provisions are: Through State statute or Executive order a State may assign any public agency in the State responsibility for ensuring compliance with the obligation to provide a free appropriate public education to youth with disabilities incarcerated in adult prisons; States are permitted to exempt the participation of youth with disabilities incarcerated in adult prisons on State-wide assessments; States are permitted to exempt youth with disabilities whose eligibility under part B will end, because of their age, before they will be released from prison from transition planning; and States may modify a youth's individualized education plan or the act's provisions related to least restrictive environment if the State has demonstrated a bona fide security or compelling penological interest.

In addition to the exemption of these planning and administrative requirements which will result in huge cost savings, States no longer have to serve those youth with disabilities, aged 18 through 21, who were not identified, or did not have an individualized education program, prior to their incarceration in an adult correctional facility. With these additional provisions there should be no obstacle to serving this population.

Despite the acceptance of these numerous provisions, Congressman RIGGS, having signed off on this deal during the bipartisan negotiations on this bill, has sought to reopen the debate over whether youth with disabilities in adult correctional facilities should be served purely due to political pressure from the Gov-

ernor of our State, Governor Wilson of California. The Riggs amendment would reduce the enforcement options of the Department of Education under the statute, thereby completely contradicting the bipartisan manner used to craft the amendments. Section 616(a) of the statute provides two enforcement actions available for use by the Department to ensure that States serve youth with disabilities in adult correctional facilities: The withholding of a pro-rata share of Federal funding attributable to the population of youth with disabilities in adult correctional facilities and the referral of the matter for appropriate enforcement action, including referral to the Department of Justice. This amendment would limit the enforcement action available to the Department to only the reduction of funds thereby ensuring that many States would forgo the vital funds, and violate the act, to avoid serving this vulnerable population.

Throughout the exchange of debate over this issue both prior to and during floor consideration, Mr. RIGGS asserted that the Department is overstepping its bounds by considering which option, reduction of funds or referral to Justice, to use in enforcing compliance with the statute. As Members can see, this assertion is clearly false. The statute clearly provides for the Department to use either option in ensuring that this population will be served. I will remind Members that since the act requires that all children with disabilities, including those incarcerated in adult correctional facilities, receive a free appropriate public education, the Department is required to use every means at its disposal to enforce the law. Congress should not be in the practice of limiting the enforcement options, especially through the appropriations process, of this vital civil rights legislation. For too long, disabled individuals have been left without assurance of educational opportunity. Now is not the time to turn the clock back and lessen our commitment.

The process used to reauthorize the IDEA during the early portion of the 105th Congress was strongly bipartisan and produced legislation which received nearly unanimous support because Democrats and Republicans worked together. I am strongly disappointed that Mr. RIGGS has sought to mischaracterize and undermine the bipartisan process we used to craft this historic legislation through the statements he has made regarding this amendment.