

EXTENSIONS OF REMARKS

NATIONAL INSTITUTE FOR
ELECTROMEDICAL EDUCATION
CELEBRATES 13TH
ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the Fifth Congressional District in extending a most welcome congratulations to the members of the National Institute for Electromedical Education [NIEE] in celebrating its 13th anniversary. Founded in 1984, by Stanley H. Kornhauser, Ph.D., the NIEE has diligently serviced the Borough of Queens as an advocate and educator of electromedicine and has been most effective as a medium for the exchange of information on advances in new diagnostic and therapeutic devices in all areas of medicine.

Since its founding, the NIEE has been an active source of informational distribution to the field of medicine and has emerged as a major facilitator in establishing training and seminar programs in electromedical education. Its impact has been guided and nurtured by the organization's advisory board. The board's strong interdisciplinary members have distinguished themselves in diverse fields of medical and scientific research significantly impacting on the field of health care.

Therefore, Mr. Speaker, I ask my colleagues to rise in recognizing the National Institute of Electromedical Education, its founder, Stanley H. Kornhauser, Ph.D., its advisory board and membership as leaders in enhancing the level of understanding and knowledge regarding electromedical education, electromedical technology development, and the effective use of electromedical technology throughout our Nation.

ON THE OCCASION OF THE
NATIONAL DAY OF GREECE

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McNULTY. Mr. Speaker, in the 1820's, when the Greeks fought for their independence—after 400 years of domination by the Ottoman Empire—they were inspired by the American Revolution.

In an 1821 appeal to the American people, a Greek Commander—Petros Mavromichalis—declared:

Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that

she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you . . . it is for you, citizens of America, to crown this glory.

Greek intellectuals translated our Declaration of Independence and adopted it as their own. And many Americans sailed to Greece to join in the Greek fight for independence.

However, in reality, it is we, the American people, who are indebted to Greece for their great contributions to American democracy.

Thomas Jefferson acknowledged this when he stated:

To the ancient Greeks . . . we are all indebted for the light which led ourselves [American colonists] out of gothic darkness.

American democracy was born in Greece. Two thousand years ago, Pericles declared:

Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law . . . And when it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability an individual possesses.

It was to preserve our mutual way of life that Greece stood shoulder to shoulder with the United States in every major international conflict in the 20th century.

We owe so much to Hellenic civilization, to the people of Greece and to the Greek American community for their contributions to virtually all aspects of American life.

In a broad sense, as the English poet Percy Bysshe Shelley put it:

We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.

To the people of Greece and to the Greek American Community, I extend heartiest congratulations on the national birthday of this great nation.

PUTTING AMTRAK BACK ON
TRACK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. WOLF. Mr. Speaker, in 1971, the National Railroad Passenger Corporation—Amtrak—began operations, taking over intercity passenger rail service from freight railroads. The freight railroads were eager to get out of the passenger rail service which had been unprofitable for many years. So eager in fact, that these freight railroads even donated equipment and provided financial assistance to help launch Amtrak. The Federal Govern-

ment agreed to assist Amtrak in starting intercity passenger rail service and provide financial help.

Amtrak currently provides almost 20 million intercity rail passenger trips per year in 45 States. While this sounds like an impressive number, these trips constitute less than 1 percent of all intercity travel in the United States. Automobiles account for the bulk of intercity travel, about 80 percent. Another 17 percent of travel between cities is on commercial or private aircraft. Even intercity buses provide more service—and have quadruple the ridership—than Amtrak.

How much assistance has the Federal Government provided to Amtrak for its 1 percent market share? Since 1971 and through fiscal year 1997, the Federal Government has provided over \$19 billion for Amtrak operating and capital expenses. That's \$19 billion to help this fledgling corporation take over intercity passenger rail service from the freight railroads and provide less than 1 percent of all intercity travel. What have we gotten for our money? Far too little, I'm afraid.

Despite this massive infusion of Federal dollars, Amtrak route miles have increased a mere 1,000 miles since 1971. Moreover, Amtrak has had an operating loss each and every year since it began in 1971, before paying to buy or maintain equipment. None, not a single one, of Amtrak's routes are profitable when equipment costs are included. And the outlook for the future is equally bleak.

The fiscal year 1996 budget resolution approved by Congress assumes a phaseout of Amtrak operating assistance by the year 2002. However, Amtrak is ill-prepared to operate without Federal assistance. In fact, according to the General Accounting Office, Amtrak needs increased operating assistance—above current levels—rather than decreased funding. In addition, \$4 billion is needed to replace worn out equipment. On top of the needed operating assistance, on top of the needed equipment assistance, Federal dollars will be needed to repair deteriorating track and signal equipment along the Northeast corridor.

As I mentioned previously, none of Amtrak's routes are profitable, when equipment costs are included. Amtrak's Northeast corridor—the 450 mile route between Boston and Washington, DC—which accounts for about half of the 20 million intercity trips, covers only about 65 percent of its operating and equipment costs. Other routes cover much less, on average, just about 50 percent of the operating and equipment costs.

In 1994, the GAO set off alarm bells about Amtrak's future. In its testimony to Congress, GAO warned that Amtrak's financial condition had deteriorated so significantly, that its projected future costs made recovery difficult. Since then, GAO has continued to warn of Amtrak's precarious financial position. Despite these dire predictions, over the past 2 years,

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

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

Congress and the administration have indicated that if Amtrak is going to survive, it cannot be dependent upon Federal operating subsidies beyond the turn of the century.

How can we reconcile Amtrak's enormous Federal assistance needs with the congressional mandate to eliminate its operating subsidies? How do we respond to the growing demands for capital assistance in the face of budgetary constraints.

Quite honestly, I don't know. Amtrak remains heavily dependent on Federal support for both its operating and capital needs. Amtrak developed a strategic business plan in 1995 designed to increase revenues, control costs, and eliminate its need for Federal operating subsidies by the year 2002. This plan has been revised several times, each time to reflect updated realities of its inability to raise additional revenues and/or control costs. According to GAO, in fiscal year 1996, Amtrak's net loss was \$764 million, and the gap between its operating deficit and Federal operating support was \$82 million. Clearly, Amtrak is ill-prepared to operate without massive help.

There is another important point to make. Amtrak has borrowed heavily since 1993. From fiscal year 1993 to fiscal year 1996, Amtrak's debt and capital lease obligations rose from \$527 million to \$987 million—nearly doubling in a 3 year period. Not only that, this debt does not include an additional \$1 billion Amtrak expects to incur beginning in 1999 to finance high-speed train sets and maintenance facilities for the Northeast corridor and the acquisition of new locomotives.

How has Amtrak been paying off its enormous debt obligations? By using Federal operating support. Over the last 4 years, GAO estimates that Amtrak's interest expenses have tripled—from a fiscal year 1993 level of \$20.6 million to fiscal year 1996 level of \$60.2 million. In fiscal year 1993, 6 percent of Amtrak's operating assistance was used to make interest payments on its debts but by fiscal year 1996, that percentage rose to an astounding 21 percent. Slightly less than a quarter of all of Amtrak's operating assistance is now going to pay for interest on its debt rather than covering costs associated with day-to-day running of the railroad. As interest payments on its debt consume an ever increasing portion of operating assistance, Amtrak has less and less subsidy agreement for current operating expenses.

What needs to be done to increase Amtrak's profitability? Amtrak will tell you that it has been trying very hard to survive in a competitive marketplace. Yet as a result of declining passenger revenues coupled with price competition from airlines and intercity buses, Amtrak passenger revenues have declined 14 percent in real terms since 1990, further exacerbating a bad financial situation.

Over the past 2 years, Amtrak has been able to restructure the company and route system, thereby making some productivity improvements and reducing annual costs by approximately \$400 million. However, restructuring has not always worked as Amtrak planned.

For example, in August 1996, Amtrak announced that it planned to eliminate five routes by November 10, 1996. Many States affected by these route terminations ap-

proached Congress, asking that we continue the routes until the State legislatures had an opportunity to meet and discuss whether they could fund these routes from alternative sources. Congress agreed and provided \$22.5 million to continue these routes for an additional 6 months.

However, because Amtrak did not correctly calculate the cost to run these routes, the railroad is predicting that it will lose \$13.5 million on these routes, even after the Federal subsidy. As a result, Amtrak may need to cut additional routes in order to make up for these losses. And while Congress provided money to give the affected States time to develop alternate funding to continue these routes, I understand that none of the States has taken action to continue these routes. Since I became chairman of the Transportation Appropriations Subcommittee 2 years ago, Amtrak has cut routes four times. It appears that this trend may continue.

Furthermore, for Amtrak to become a competitive railroad, it must complete upgrading and installation of high speed rail service along the Northeast corridor. After a 2-year delay on this program, Amtrak awarded a high speed rail contract and a new electrification contract in 1996. Once the corridor begins providing high speed rail service from Washington, DC to Boston, Amtrak estimates that it will receive an additional \$150 million in revenue per year. However, to electrify the corridor and modernize its fleet, Amtrak plans to invest \$5.5 billion by the year 2001—\$3.2 billion of which is expected to come from Federal capital grants.

I believe this expectation is far-fetched. In a time of declining Federal resources, it is simply unrealistic to assume that the Federal Government will be able to provide \$751 million per year in capital grants to Amtrak, when the most recent annual appropriations have been under \$400 million—\$345 million in fiscal year 1996 and \$398.45 million in fiscal year 1997.

What else can Amtrak do to improve its financial picture? Can it reduce its operating expenses by renegotiating labor agreements? Not so far. Amtrak recently renegotiated these agreements, but rather than getting some concessions from labor that would enable it to improve its financial position, Amtrak's labor costs are on the rise.

Amtrak has repeatedly asked Congress to provide it with statutory relief from the most onerous labor provisions which could hold some of its labor costs in check. However, Congress has refused to provide this relief. What is the relief Amtrak seeks? Relief from current law which requires Amtrak to pay unemployment for up to 6 years to any employee whose route has been terminated or reduced to less than three times per week. Of course, other rail providers have similar requirements and they also have sought relief without success. Would it be fair to allow Amtrak to reduce the employment benefits it provides its workers while other transit companies can not? This is an issue Congress must address.

Amtrak—and others—believe that to be free of Federal operating subsidies by the year 2002, it will need a dedicated source of capital funding. Amtrak has proposed receiving a half cent from the Federal gas tax, which would provide Amtrak up to \$750 million per year.

If these funds are drawn down from the current gasoline tax, not from the Federal portion allocated to deficit reduction, it will have a significant impact on whether the Federal Government can meet its current full funding grant agreements and other transit commitments, as well as its commitments for highway projects.

Beyond this, if Amtrak receives this half cent, will Congress reduce the Federal subsidy provided to Amtrak, even after the railroad ceases collecting operating assistance? In fiscal year 1996, Congress appropriated \$635 million for Amtrak grants and Northeast corridor development. This amount is less than what would be provided to the railroad by the gas tax. In fiscal year 1997, Congress appropriated \$763 million, not including a one-time charge for a maintenance facility. This amount is roughly equal to what Amtrak would collect under the half cent proposal.

What does all this mean? It appears that the half cent proposal is really a proposal addressing where Amtrak's money comes from rather than a proposal to wean Amtrak off Federal subsidies.

So, what do we do? Our approach to Amtrak is somewhat like applying a band-aid when surgery is required. The band-aid may provide a temporary fix, but the fix—no matter how many band-aids are used—never addresses the underlying problem. Amtrak needs more than an annual financial band-aid. It is crying out for critical attention.

Where do we go?

Are we committed to Amtrak?

If so, we must address Amtrak's needs in a comprehensive way in an effort to secure its financial footing and future viability. Amtrak is in a fragile state and cannot be expected to survive a piecemeal approach to addressing its problems and needs.

But Congress and the American taxpayers can no longer be asked to throw good money after bad. Instead, if we are committed to Amtrak, we must be prepared to do what is necessary.

I want Amtrak to survive. I believe America needs a national railroad passenger system as a vital part of a balanced transportation network for our nation. But we cannot continue the status quo with Amtrak. We must work to put Amtrak on sound financial footing and make it a viable mass transportation alternative for years to come.

In the 104th Congress I introduced legislation to revitalize Amtrak and today, along with my colleagues, Mr. PACKARD and Mr. DELAY, I am reintroducing the "Amtrak Route Closure and Realignment Act of 1997, a measure which I believe can work to help save intercity passenger rail service in our Nation.

Despite its efforts, restructuring has not always worked as Amtrak planned. Some of Amtrak's unprofitable routes have been mandated by Congress and this has stymied its efforts to operate in a business-like manner. I believe it is imperative that we enable Amtrak to better operate in accordance with business principles. Let's get out of the way and allow Amtrak to operate like a business—a profitable one at that.

My legislation would de-politicize Amtrak decision-making processes by removing from the political realm, painful route closure and realignment decisions, and placing them instead

in the hands of an independent commission modeled after BRAC, the Base Realignment and Closure Commission.

This Amtrak Commission—called TRAC or Total Realignment of Amtrak Commission—would conduct an independent, economic analysis of the entire Amtrak system and then make recommendations on route closings and realignments urgently needed for the survival of a passenger rail system in the United States. TRAC would hold public hearings around the country to ensure that the public and other stakeholders were given the opportunity to be heard and in this way make the realignment process as fair as possible.

In addition to economic data, TRAC would also review nonmonetary data such as the contributions made by certain routes toward alleviation of airport congestion, pollution abatement, and energy conservation. TRAC would also examine alternative modes of transportation in rural areas, as well as look at uses communities could make of abandoned rail lines.

Under my proposal, no segment of the Amtrak system would be exempt from review. All routes would be carefully scrutinized. TRAC would also examine ridership forecasts and other assumptions underlying the Northeast corridor, especially in light of on-going electrification efforts. This electrification project currently has a price tag of about \$3.2 billion, with nearly \$1.2 billion already appropriated.

There is, however, an important factor which I mentioned earlier that I must reiterate which affects Amtrak's costs and efforts to achieve profitable operations. The Rail Labor Protection Act mandates payment of 6 years of full benefits to any rail worker who loses his or her job due to a route closure. As a result, many of the most unprofitable routes would actually cost even more to close than to keep going, albeit limping along at a loss. In fact, under the "30-mile" rule—also part of current law—an Amtrak employee is entitled to demand the full 6 year severance package if he or she is merely relocated 30 miles or more. No union workers in the private sector are afforded such generous severance compensation, and these astronomical costs are one of the reasons that every trip on Amtrak costs American taxpayers \$25.

After conducting a thorough, system-wide economic review, TRAC would make its recommendations to Congress. These recommendations would then be considered by Congress under an expedited procedure—an accelerated time frame for consideration, with no amendments permitted, and an up-or-down vote.

TRAC would be comprised of 11 members. The President would appoint three members including the Secretary of the Department of Transportation, one representative of a rail labor union and one member of rail management. The majority leadership in the House and Senate would each appoint four members, in consultation with the minority leadership in both bodies. Members serving on this commission would offer expertise in rail finance, economic analysis, legal issues, and other relevant areas.

Saving passenger rail service requires objective analysis and urgent remedies. If Amtrak is to survive, and I want to emphasize my

support for its survival, we must get out of the way and allow it to be run in a manner consistent with sound business practices. We must allow objective, business principles to govern Amtrak operations rather than outside considerations or constraints. Finally, we must be able to justify to taxpayers, whatever decisions we make regarding Amtrak and this is best accomplished based on sound assessments and recommendations.

I believe the TRAC legislation can help move Amtrak into the next century as a viable part of the Nation's transportation system and I urge my colleagues to support this legislation.

THE MEDICARE MEDICATION EVALUATION AND DISPENSING ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STARK. Mr. Speaker, today, I am reintroducing a bill that could dramatically improve the quality of medical care received by our Nation's elderly. This legislation calls for implementation of an online prescription drug information management program for Medicare beneficiaries. This system, referred to as the Medicare Medication Evaluation and Dispensing System [MMEDS], would provide beneficiaries and their health care providers with tools and information that are necessary to reduce instances of adverse drug interactions, over-medication, prescription drug fraud, and other problems that plague the elderly related to prescription drug use.

BACKGROUND

The inappropriate use of prescription drugs is a health problem that is particularly acute for the elderly. The elderly not only use more prescription drugs than any other age group, but are more likely to be taking several drugs at once—thereby increasing the probability of adverse drug reactions.

In July 1995, the General Accounting Office reported that 17.5 percent of almost 30 million noninstitutionalized Medicare recipients 65 or older used at least one drug identified as generally unsuitable for elderly patients. In a study published by the Journal of the American Medical Association [JAMA], researchers concluded that nearly one in four noninstitutionalized elderly patients take prescription drugs that experts regard as generally unsuitable for their age group. Accounting for other scenarios, such as incorrect dosage levels, the number of Medicare patients affected by the inappropriate use of prescription drugs would far exceed 25 percent.

Several studies featured in the January 1997, issue of JAMA demonstrate the consequences of adverse drug reactions and errors in medication prescribing. One study found that adverse drug events [ADE's] lead to longer lengths of hospital stay, increased costs of hospitalization, and an almost twofold increase in the risk of death.

Inappropriate use of prescription drugs has been proven expensive as well as dangerous to the health of the elderly. The Food and Drug Administration estimates that 6.4 percent of all hospital admissions are caused by inappropriate drug therapy—imposing costs

of \$20 billion; others estimate costs to be as high as \$77 billion. JAMA also recently reported that drug-related morbidity and mortality have been estimated to cost more than \$136 billion per year in the United States. Researchers found that a major component of these costs was ADE's which may account for up to 140,000 deaths annually. The study analyzed one hospital in Salt Lake City and found that a total of 567 ADE's caused direct hospital costs of over \$1 million in 1992 alone.

Moreover, another JAMA study concluded that the costs of ADE's are underestimated since they exclude malpractice as well as injuries to patients. The researchers concluded that the high cost of ADE's economically justify investment in preventive efforts. Therefore, the researchers recommended a solution similar to MMEDS—reduction of system complexity, improved education, expanded use of the expertise of pharmacists, and computerization and standardization of the drug prescribing process.

MEDICAID MEDICATION EVALUATION SYSTEM

The concept of using computer-based systems to improve patient care and identify potential problems is not new. Advanced online computer technology that permits prescriptions to be screened before they are filled is available. Thirty States currently operate automated drug utilization review information systems for their Medicaid populations.

In response to widespread knowledge of the high costs of adverse medical reactions, Congress required States to establish prospective prescription review for the Medicaid program. This MMEDS-like system reviews prescriptions before they are dispensed. In June 1996, the General Accounting Office studied five States using an automated prospective drug utilization review [PRODUR] system. Medicaid's online system screens the prescription against the patient's known medical and prescription history and sends the pharmacy a message stating whether any potential drug-therapy problems exist. Over a 12-month period, the automated systems for five States alerted pharmacists to over 6.3 million prescriptions that had a potential to cause ADE's—including drug-drug interaction, preventing overutilization, and pregnancy conflict; over 650,000 (10 percent) of these prescriptions were subsequently canceled.

COST EFFECTIVENESS

The 1996 GAO study found that automated prospective drug utilization review, like that called for in MMEDS, is cost-effective to implement and to operate. The GAO concluded that in addition to increasing patient safety, PRODUR's reduced Medicaid program costs by over \$30 million over the course of 1 year. Savings were from rejecting early refills (preventing overutilization), cancellation of potentially wasteful prescriptions, and denials due to ineligibility; yet, a majority of savings were a result of using low-cost technology to avoid hospitalization due to drug reactions. Overall, the GAO found that program savings can more than offset the costs of relatively inexpensive online systems.

Moreover, in 1995, in the State of Tennessee, the GAO observed a reduction of over \$4 million in Medicaid drug costs in just a 6-month period, representing 3.9 percent of the total cost of claims processed. In Maryland, over 7,000 prescription doses considered excessive for elderly Medicaid patients were modified, resulting in \$385,252 in savings in just 10 months, and a total of \$6.7 million in claims were reversed as a result of their online system, accounting for 7.1 percent of the cost of Medicaid claims processed overall.

The GAO recommends implementation of an automated drug utilization review system on a nationwide basis. There is no doubt that if Congress acts to approve this bill, the taxpayer's investment will be saved and Medicare beneficiaries will be healthier as a result.

PRESCRIPTION DRUG FRAUD

The August 18, 1996, edition of the Los Angeles Times featured an article on the massive amount of prescription drug fraud in the United States and the deaths and illnesses that are the result. The abuse of prescription drugs is believed to rival the estimated use of cocaine and crack. Hundreds of millions of prescription pills reportedly enter our Nation's illicit drug market each year. The abuse involves physicians who illegally prescribe drugs, patients who illegally obtain prescriptions, and a double standard of leniency toward doctors and the wealthy who may overuse prescription drugs.

Medicaid's PRODUR system can alert for early refills and therapeutic duplication—providing tools needed to detect potential fraud and to prevent abuse before it occurs. When the GAO analyzed data from five States over the course of a 15-month period, over 2,200 Medicaid recipients were each found to have obtained a 20-months' supply or greater of controlled substances in the same therapeutic drug class. By employing a drug management monitoring program, the MMEDS program would help end prescription drug market abuse, save lives, and avoid billions of dollars in medical injuries and expense.

GOALS

The goal of this legislation is to provide a comprehensive outpatient prescription drug information system available to all Medicare beneficiaries which educates physicians, patients, and pharmacists concerning: instances or patterns of unnecessary or inappropriate prescribing and dispensing practices; instances or patterns of substandard care with respect to such drugs; potential adverse reactions and interactions; and appropriate use of generic products.

MMEDS PROGRAM

The Medicare Medication Evaluation and Dispensing System will build on the existing Medicaid infrastructure. MMEDS will give all Medicare beneficiaries and their health care providers the medication management tools needed to identify the direct threats posed by inappropriate medication. In the process, hospital and other medical costs otherwise absorbed by Medicare as a result of these adverse reactions will be reduced.

The program would provide online, real-time prospective review of drug therapy before each prescription is filled or delivered to an individual receiving benefits under Medicare, as well as retrospective review. The review by a pharmacist would include screening for potential drug therapy problems due to therapeutic duplication, drug-drug interactions, and incorrect drug dosage or duration of drug treatment.

ASSURING APPROPRIATE PRESCRIBING AND DISPENSING PRACTICES

While the MMEDS system will be operated under contract with private entities, the Secretary of DHHS would be responsible for overseeing the development of the program to assure appropriate prescribing and dispensing practices for Medicare beneficiaries. The program would provide for prospective review of prescriptions, retrospective review of filled prescriptions, and standards for counseling individuals receiving prescription

drugs. The program would include any elements of the State drug use review programs required under section 1927 of the Social Security Act that the Secretary determines to be appropriate.

As part of the prospective drug use review, any participating pharmacy that dispenses a prescription drug to a Medicare beneficiary would be required to offer to discuss with each individual receiving benefits, or the caregiver of such individual—in person, whenever practical, or through access to a toll-free telephone service—information regarding the appropriate use of a drug, potential interactions between the drug and other drugs dispensed to the individual, and other matters established by the Secretary.

The Secretary would be required to study the feasibility and desirability of requiring patient diagnosis codes on prescriptions, and the feasibility of expanding prospective drug utilization review to include the identification of drug-disease contraindications, interactions with over-the-counter drugs, identification of drugs subject to misuse or inappropriate use, and drug-allergy interactions.

The Secretary, directly or through subcontract, would provide for an educational outreach program to educate physicians and pharmacists on common drug therapy problems. The Secretary would provide written, oral or face-to-face communication which furnishes information and suggested changes in prescribing and dispensing practices.

In addition, the Secretary is instructed to, directly or through contract, disseminate a consumer guide to assist beneficiaries in reducing their expenditures for outpatient drugs and to assist providers in determining the cost-effectiveness of such drugs.

PHARMACY PARTICIPATION

Participation by pharmacies would be on a voluntary basis. Participants would be required to meet standards including, but not limited to, maintenance of patient records, information submission at point-of-sale, patient counseling, and performance of required drug utilization review activities. Participating pharmacies would be required to obtain supplier numbers from the Secretary. Supplier numbers would only be provided to pharmacies that meet requirements specified by the Secretary. Beneficiaries would be notified of which pharmacies are designated Medicare participating pharmacies.

PAYMENT OF SERVICES

Within a 2-year period after the initial operations of the MMEDS system, the Secretary would be required to submit to Congress an analysis of the effect of MMEDS on expenditures under the Medicare Program and recommend, in consultation with actively practicing pharmacists, a payment methodology for professional services provided to Medicare beneficiaries. The payment methodology would be designed in a manner that generates no net additional costs to the Medicare Program, after accounting for the savings to Medicare as a result of demonstrable reductions in the appropriate use of outpatient prescription services. The Secretary would submit a report to Congress regarding such recommendations as the Secretary determines appropriate.

PRIVACY OF PRESCRIPTION INFORMATION

Standards would be established to maintain the privacy of protected health information. Protected health information means any information collected in any form under this provision that identifies an individual and is related to the physical or mental health of the individual, or is related to pay-

ment for the provision of health care to the individual.

CONCLUSION

As the number of elderly in our society increases, the number and proportion of drugs used by these older Americans will also grow. It is true that drugs, when used appropriately, can reduce or eliminate the need for surgical and hospital care, prevent premature deaths, and improve quality of life. Unfortunately, a good deal of drug use among older persons is inappropriate, and often results in hospitalization. While some drug-related hospital admissions are unavoidable, many can be attributed to errors in prescribing. Utilizing an online prescription drug management program to reduce the cases of adverse drug reactions is clearly cost effective. Although the primary goal of MMEDS is safety, dollar savings are also a result. Most importantly, by implementing the Medicare Medication Evaluation and Dispensing System Act, we stand to greatly improve the quality of medical care received by our Nation's elderly.

THE AMERICAN HEALTH SECURITY ACT OF 1997

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. McDERMOTT. Mr. Speaker, I rise today to once again introduce the American Health Security Act. The single payer plan I propose is the only plan before Congress that will guarantee health care universality, affordability, security and choice.

While this Congress lacks the political will to enact comprehensive health reform, the underlying needs for reform remain prevalent: health care costs are more unaffordable to more people and the number of people without health insurance continues to rise. These problems are compounded by increasing loss of health care choice and autonomy for those people who have insurance leading to disruptions in care and in relationships with providers.

The American Health Security Act I am introducing today embodies the characteristics of a truly American bill. It will give to all Americans the peace of mind—the security—to which all citizens should be entitled. It creates a system of health care delivered by physicians chosen by the patient. No one will have to leave their existing relationships with their doctors or hospitals or other providers. It is federally financed but administered at the state level, so the system is highly decentralized. And it provides new mechanisms to improve the quality of care every American receives.

The American Health Security Act (the bill) provides universal health insurance coverage for all Americans as of January 1, 1999. It severs the link between employment and insurance. The Federal Government defines the standard benefit package, collects the premium, and distributes the premium funds to the states. The States, through negotiating panels comprised of representatives from business, labor, consumers and the state government, negotiate fees with the providers and

the government controls the rate of price increases. The result is health care coverage that never changes when your personal situation does, never requires you to change the way you seek health care, and never causes disruptions in your relationships with your providers.

The bill provides the coverage under a mechanism of global budgets to achieve controllable and measurable cost containment that will yield scorable savings over the next five years. Unlike other single-payer proposals of the past, it provides for almost exclusive State administration provided the States meet federal budget, benefit package, guarantee of free choice of provider, and quality assurance standards. This bill explicitly preserves free choice of provider by providing a mechanism for fee-for-service delivery to compete effectively with HMO's. It will not force Americans into HMO models.

The insurance mechanism of the American Health Security Act is easy to use and understand. Quite simply, a patient visits the doctor or other provider. The provider then bills the State for the services provided under the standard benefit package and the State pays the bill on the patient's behalf, just as insurance companies pay medical bills on the patient's behalf now. The difference is that complicated and expensive formulas for patient co-payments, coinsurance, and deductibles in addition to premium costs are eliminated.

The standard benefit package is in fact extremely generous. It covers all inpatient and outpatient medical services without limits on duration or intensity except as delineated by outcomes research and practice guidelines based on quality standards. It provides for coverage of comprehensive long-term care, dental services, mental health services and prescription drugs. Cosmetic procedures and other "frill" benefits such as private rooms and comfort items are not covered.

The extent of State discretion is substantial. The Federal budget is divided into quality assurance, administrative, operating, and medical education components. The system is financed 86% by the Federal Government and 14% by the States. That Federal pie is then apportioned among the States. For example, States with large elderly populations can be expected to require a larger volume of higher intensity services and will receive a larger Federal contribution. However, the States are free to determine how that money is allocated among types of providers and to negotiate those allocations according to the State's individual needs, provided Federal standards are met. The ability of HMO's to operate and compete on a capitated basis is preserved.

The States must demonstrate the efficacy of their methodologies or Federal models will be imposed. However, States are not required to seek waivers in advance. While the Federal Government will not make separate allocations to states for capital and operating budgets, the states are free to allocate capital separately to assure adequate distribution of resources throughout the State and to develop their own mechanisms for doing so.

The financing package reflects the CBO scoring of this bill's predecessor, H.R. 1200, in the 103d Congress. The numbers were provided by the Joint Committee on Taxation

[JCT] on the basis of the CBO scoring. Accordingly, the Bill is fully financed. In fact, JCT estimates that the American Health Security Act will lead to deficit reduction approximating \$100 billion per year by the year 2004.

Everyone will contribute to the health insurance system, except the very poor. Employers will pay 8.7 percent of payroll and individuals will pay 2.2 percent of their taxable income. A tobacco tax equal to \$0.45 per cigarette pack is also imposed. These payroll deductions are lower than current insurance costs for most businesses and individuals, even while providing universal coverage and a more generous benefit package than exists in the private market today. The key is that the money necessary to provide coverage to people who cannot afford it comes from the administrative savings achieved through the elimination of the insurance company middle man. Americans are freed from the hassle of obtaining and keeping their insurance and have a federal guarantee that their health care costs will be paid for, regardless of who their employer is, where they move, or how their personal or family situation changes.

In addition to providing realistic and affordable financing, the Bill provides quality assurance mechanisms that enhance systemwide quality and truly protect the consumer. It attempts to end the interference between doctor and patient. It establishes a system of profiling practice patterns to identify outliers on a systematic basis. Pre-certification of procedures and hospitalization—getting permission from insurers before your doctor can treat you—is prohibited except for case management of catastrophic cases.

Practice guidelines and outcomes research are emphasized as the main quality and utilization control mechanisms which gives physicians latitude to deviate from cookbook medicine where required for individual cases without going through intermediaries. Only if practitioners consistently deviate are they subject to review to ascertain the basis for the pattern of practice. This system includes mechanisms for education and sanctions including case-by-case monitoring when the review indicates serious quality problems with a specific provider.

The need for a 1:1 ratio of primary care physicians to specialists is explicitly set forth. Federal funding to graduate medical education is tied to achieving this ratio. Funding to the National Health Service is also provided to achieve this goal.

Special grants are provided to meet the needs of underserved areas through enhanced funding to the community health centers, both rural and urban, to enable outreach and other social support mechanisms. In addition, states have discretion to make special payment arrangements to such facilities to improve local access to care. It is anticipated that the revenue streams established for the public health service, community health centers, and education of primary care providers will double the primary care capacity of rural and other underserved areas in this country.

In summary, the American Health Security Act will provide all the citizens with the health care they need at a price both they and their country can afford. It is clear that we cannot afford the price of doing nothing.

WILLIAM J. "BUD" FLANAGAN
ADMIRAL, U.S. NAVY, RETIRED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. PICKETT. Mr. Speaker, I rise today to recognize and applaud the career of Adm. William J. "Bud" Flanagan, Jr. Admiral Flanagan retired on February 1, 1997, after 29 years of service, having successfully served in several of the Navy's most demanding jobs and concluding that service as the Commander in Chief of the U.S. Atlantic Fleet. "Bud Flanagan", the private citizen, has moved on to new and exciting challenges. "Admiral Flanagan", Naval career officer, left a legacy of unique accomplishments and an impact on the Atlantic Fleet, Southeastern Virginia, and the Navy at large that invites our praise and deserves our applause.

I first came to know Admiral Flanagan in 1987, when he served as Navy's Deputy Chief of Legislative Affairs to the House of Representatives. He worked tirelessly to represent the U.S. Navy and facilitate the Department's liaison with the Congress. After successfully meeting his responsibilities as Commander of Destroyer Squadron Five, he returned to Washington and served from 1988 to 1991 as the Department of the Navy's Chief of Legislative Affairs. Following that tour, in 1992 Bud was assigned command of the U.S. Second Fleet. In 1994, he was nominated to the rank of Admiral and assigned Commander in Chief of the U.S. Atlantic Fleet.

I have had the pleasure of working with and knowing some of this nation's finest military officers in all branches of the armed forces, and I include Bud Flanagan in that honored company. He is a noted operational strategist, an "operator's operator", who brought a distinctive combination of vision, strength and humanity to the various responsibilities he carried out, in and out of Washington. I worked with him on many issues impacting the second district of Virginia and the Tidewater region. Bud was unfailing in his genuine concern for the welfare of the communities where he commanded and the Navy he led and loved. Admiral Flanagan developed innovative solutions to community needs, most especially for the Tidewater region, as our community moved to address the changing demands of the next millennium. Admiral Flanagan's initiatives, all of which were innovative, ranged from working intermodal transportation issues; housing initiatives for sailors and marines that would facilitate home ownership, public/private ventures to facilitate local economic development and modernization of Naval Base Norfolk, and the application of business practices in the management of the fleet. Bud's innovative ideas saved taxpayers and the Department of the Navy millions of dollars. These were just the latest in a series of contributions that have been the hallmark of Admiral Flanagan's career.

Today I say congratulations to an outstanding career that made a real difference in the lives of many Americans. I extend my sincerest best wishes to the Admiral and his family in the next phase of their life's journey. I

know whatever Bud Flanagan decides to accomplish, he will be successful. Fortunately, despite retirement, the Admiral remains a true Virginian, maintaining a home in Eastville, VA. Fair winds, following seas and Happy Birthday.

MIDDLE EAST PEACE DEPENDS ON ECONOMIC DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise to express my support for more projects like the new Marriott Hotel to be built on the beachfront in Gaza. I offer the recent essay by my constituent, Mr. Ralph Nurnberger, from the Christian Science Monitor (3/6/97), as an excellent recognition of the need for more targeted economic aid to the West Bank and Gaza. As Mr. Nurnberger states, "... the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed." He is absolutely right. Only the development of a strong economic infrastructure will ensure that progress and peace will succeed.

[From the Christian Science Monitor, Mar. 6, 1997]

NOT A HEARTBREAK HOTEL

(By Ralph Nurnberger)

The day before he left for his official visit to the United States, Yasser Arafat presided over the groundbreaking ceremony for a Marriott Hotel to be built on the beachfront in Gaza.

This project says, symbolically, that the Middle East peace process might, finally, produce tangible benefits for the people in the area, especially through direct involvement of the private sector. The construction and later operation of this hotel will provide employment for hundreds of Palestinians. It will contain a modern commercial center to enable international visitors and Palestinians to conduct business as it is done elsewhere in the world. The project will include a self-contained telecommunications center for international calls, faxes, and e-mail as well as excess telephone capacity for the local market.

This project will be the first major American private sector involvement in Gaza. The total investment will be approximately six times more than all other American investments in Gaza—combined!

While diplomatic achievements are essential, the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed. For the majority of Israelis, the key element is security. Israelis must feel safe riding buses, shopping in malls, and sending their children to schools. If random acts of violence occur, they must be assured that the Palestinian Authority will work with Israeli officials to find and prosecute the terrorists.

PEACE DIVIDEND: LOWER INCOMES

Although more Israelis have been killed through terror attacks since the Sept. 13, 1993, signing than in any comparable period, it appears that the Palestinians finally un-

derstand their responsibility to work with Israelis to enhance security concerns. The test for most Palestinians is whether the peace accords will result in an improved quality of life. Developing a thriving economy that provides new employment opportunities will not only minimize hatreds and tensions, but will also bring about the promise of a new life.

Rather than growing to absorb these workers, the Palestinian economy has declined over the past two years. Thus, workers have fewer opportunities to find employment within Palestinian areas. The unemployment rate in Gaza, always high, is now estimated at approximately 50 percent, with the rate in the West Bank estimated at 30 percent. Unemployment is highest among young, single men—the most likely recruits for terror-oriented groups.

BIG AID PLEDGES, LITTLE FOLLOW-THROUGH

The US hosted an international meeting on Oct. 1, 1993, at which \$2.4 billion in assistance to the West Bank and Gaza was pledged. Most of these funds have not been delivered or have been diverted from long-term projects to emergency programs and costs of running the Palestinian Authority.

The United States committed \$500 million, of which \$75 million annually for five years is managed by the Agency for International Development (AID). The other \$125 million was to come from the Overseas Private Investment Corporation (OPIC) to assist American investors through a combination of loans, loan guarantees, and political risk insurance.

AID has assisted a number of worthwhile projects, including \$12 million for construction of six housing units with 192 apartments in Gaza called Al Karam Towers. AID is also helping to improve uses of scarce water resources and assisting private sector economic growth through technical assistance, training, loans to local firms, and establishment of industrial parks. But AID funds have been diverted from long-term projects to help in establishing Palestinian self-rule. For example, AID committed \$2 million to support local elections in the West Bank and Gaza, and to assist Palestinians in promoting more responsible and accountable governance.

AID has minimized help for the agricultural sector, the one area where Palestinians could immediately develop profitable exports, especially under a new Free Trade Agreement with the US. Allocating additional funds to farm exports would be cost efficient.

OPIC made a major effort to seek private sector projects to assist or insure. But most private investors have avoided Gaza, so OPIC funds committed to date have been modest.

Mr. Arafat would be wise to stress the solving of such economic problems as a prime way to reduce tensions, improve the quality of life, and enhance opportunities for peace. He should build on momentum from the hotel project and stress the need for private sector involvement in the Palestinian economy.

THE IMPORTANCE OF ORPHAN DRUG RESEARCH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to introduce today, along with

my distinguished senior colleague from the Ways and Means Committee, ROBERT MATSUI, the orphan drug tax credit of 1997, legislation to extend this credit permanently. Similar legislation was recently introduced in the Senate by Senators ORRIN HATCH and MAX BAUCUS.

In 1983, the Congress enacted legislation that granted a 50-percent tax credit to biomedical research companies for the clinical testing of drugs used to treat rare diseases with limited commercial potential, commonly referred to as orphan drugs. Because the process of research, development, and approval for new pharmaceuticals is so costly, the small market for a drug discourages drug companies from undertaking it. Often, drugs designated as orphan drugs are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decisions to develop drugs that treat these diseases.

This legislation, in conjunction with orphan drug market exclusivity, has been successful in encouraging the type of narrow research critical to finding answers to the many questions posed by rare diseases. Currently, there are approximately 600 drugs that have received orphan drug designation and more than 100 of those have been approved for marketing. Because of the orphan drug legislation, we now have drugs to treat such diseases as cystic fibrosis, hepatitis B, multiple sclerosis, renal cell carcinoma, and pituitary dwarfism.

The bill we are introducing today would make the orphan drug tax credit, which is set to expire May 31, 1997, permanent. Uncertainty over the future of the tax credit has caused a significant decline in the investment of capital in the biotechnology industry. The bill would also maintain a change made to the credit in last year's legislation to allow companies to carry the tax credit back or forward pursuant to section 39 of the Internal Revenue Code. Most of the companies engaged in research or orphan drugs do not qualify for the tax credit. Under current law, a company can only claim a credit against their current year tax liability. Since most companies involved in orphan drug research are biotechnology firms that are still developing and have yet to market a product, they have no tax liability against which to claim the tax credit. This structural change would allow a developing company, such as a biotechnology firm, to use the tax credit at such time that it had a tax liability.

I am pleased to note that this bill is endorsed by leading patient groups and national organizations including; the Biotechnology Industry Organization, the National Organization for Rare Disorders, Inc. [NORD], the National Multiple Sclerosis Society, and the Leukemia Society of America.

I urge my colleagues to support this important legislation and I look forward to its prompt approval by the Congress.

FRANCHISE BILL OF RIGHTS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. ACKERMAN. Mr. Speaker, I am calling to the attention of the Congress today legislation that I have introduced which would ensure that franchisees be guaranteed their fair and equitable rights for the franchises that they have developed through extraordinary work and sacrifice. Our main streets through out America are populated by a wide variety of franchises today. They are a significant component of businesses for working families and in middle-income communities. These businesses are also threatened due to the inequitable balance of power between the franchisee and franchisor.

Franchisors should not be allowed to simply pull the rug out from under franchisees who have been working diligently and successfully in promoting the parent company's product. Some value must be assigned to the years of hard work, expertise, and equipment that has been invested in the franchise business. Current law, both at the State and Federal level, does not sufficiently address this problem.

The current crisis facing the Canada Dry and Coors distributors in the New York metropolitan area is a very clear illustration of this problem and over 300 jobs could be lost for our region if the rights of franchisees are not protected. After building up distribution routes for Canada Dry and Coors over many years, and investing up to \$250,000 per distribution route to buy the equity rights to their franchises, these distributors now face the termination of their livelihoods. The parent companies in New York have now taken the position that the distributors own nothing, despite their prior commitment to the distributors that they had equity ownership. The distributors deserve much of the credit for making these routes more profitable. This legislation would make it unlawful for franchise companies to sell franchises and distributorships, and then take back those franchises without fair compensation.

Franchises employ more than 8 million people nationwide, and account for more than 35 percent of U.S. retail sales. Current trends suggest this explosion will continue, providing a certain urgency to our cause to correct inequities and unfair trade practices sooner, rather than later.

Many issues deserve exploration such as proper disclosure by franchisors and parent companies. Our basic goal, however, should be to prevent unfair practices that do not properly recognize or compensate for the equity ownership rights that many franchisees and distributors have in their franchises, and ultimately devalue franchising as a successful way of conducting business.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. O.C. SMITH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. DIXON. Mr. Speaker, on Saturday, April 19, the men's club of the City of Angeles Church will sponsor a roast of church pastor, Dr. O.C. Smith. Dr. Smith, better known to many as the multiple Grammy nominee and singer of the million seller standard, "Little Green Apples," is the founder of the City of Angeles Church of Religious Science. In recognition of his numerous contributions to the church and to the Los Angeles community, and in appreciation of his lasting contributions to the music industry, I am pleased to have this opportunity to recognize Dr. Smith today.

Prior to embarking on his legendary musical career, O.C. attended and graduated from Southern University in Baton Rouge, LA, earning a degree in psychology. Following graduation, he entered the U.S. Air Force and Special Services, where as an entertainer he toured bases all over the world. Looking to break into the music business after his tour with the Air Force had ended, O.C. settled in New York City. During the winter months, he made the rounds in many of the small clubs in the city, giving nightly performances. In the summer months, he would travel to the renowned "Borsch Belt" hotels in the Catskills, where he entertained audiences with some of his most soulful hits.

O.C.'s big break occurred when he learned that the great Count Basie was looking for a replacement for the legendary Joe Williams. O.C. was selected and for the next 3 years, he toured with the "Count" developing a huge, loyal following throughout the United States. He left Basie's orchestra to pursue a solo career and struck gold with his memorable hits of "Little Green Apples," "Hickory Holler's Tramp," and "Daddy's Little Man." He sang the theme song from the motion pictures, "The Learning Tree," and "Shaft's Big Score." Other well known hits of his include "Help Me Make It Through the Night," "For the Good Times," "That's Life," "Don't Misunderstand," "Dreams Come True," and "What 'Cha Gonna Do."

Several years into his highly successful musical career, Dr. Smith opted to redirect his career focus to the ministry. He felt a great need to assist humanity and with his background in psychology, determined that the ministry would be the perfect place to impact the lives of his fellow brothers and sisters. After years of studying the ministry, he emerged to found the City of Angeles Church of Religious Science in 1985. Shortly thereafter, he founded the Children's Charities and Scholarship Foundation, thereby fulfilling a lifetime commitment to creating a viable organization dedicated to helping children. In the ensuing years, the church and its foundation have made innumerable contributions to the Los Angeles community.

Dr. O.C., as he is affectionately known by his congregation, continues to give concert performances and ministers to people throughout the world. Because of his commitment to humankind, he serves as a perfect role model

for individuals—both young and old. I am proud to have this opportunity to commend him for his distinguished contributions to our society, and on behalf of the citizens of the 32d Congressional District, I salute him and wish him many more years of sweet, soulful music and fellowship as he continues to provide outstanding leadership as the spiritual head of the City of Angeles Church of Religious Science.

COMPREHENSIVE HIV PREVENTION ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation, along with Congresswoman NANCY PELOSI and more than 100 of our colleagues, to provide a comprehensive approach to HIV prevention.

Our country faces 40,000 new HIV infections each year. The HIV epidemic is leaving no population untouched, and it is spreading particularly rapidly among our young people, women, and people of color. Women are the fastest growing group of people with HIV; AIDS is the third leading cause of death in women ages 25 to 44. Low-income women and women of color are being hit the hardest by this epidemic. African-American and Latina women represent 75 percent of all U.S. women diagnosed with AIDS.

Our bill authorizes funding for family planning providers, community health centers, substance abuse treatment programs, and other providers who already serve low-income women, to provide community-based HIV programs. These provisions were part of my women and AIDS prevention bill from the last Congress. Our bill also creates a new program to address concerns about HIV for rape victims.

The legislation also authorizes programs to build on the HIV Prevention Community Planning Process implemented by the Centers for Disease Control and Prevention in 1994. Similar provisions were included in previous legislation introduced by Congresswoman PELOSI, who worked to reform the CDC prevention programs and to develop the community planning process. This process has ensured that States and local health departments, in partnership with community planning groups, make the decisions on how best to target their prevention dollars. The epidemic varies from State to State, and from locality to locality. What works best to prevent HIV infections in San Francisco may not be what is most effective in Baltimore. This local approach is consistent with efforts to place decisionmaking in the hands of states and localities, rather than pursuing a one-size-fits-all solution.

In my work focusing on the needs of women in the HIV epidemic, the effectiveness of community-based prevention programs has been demonstrated time and time again. Providers with a history of service to women's communities understand that prevention efforts must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of

domestic violence, and other factors which are barriers to empowering women.

Our bill is a comprehensive approach to HIV prevention. I urge my colleagues to join us as cosponsors of this important legislation.

HONORING JOSIE POITIER FOR 39 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO THE COMMUNITIES WITHIN DADE COUNTY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to recognize Josie Poitier, from Liberty City, who has contributed greatly to the communities of my district. For 39 years, Ms. Poitier has volunteered her time, effort, and hard work creating many programs that have helped unite the community. She is an outstanding individual who has generated respect, helped shape community pride, and manifested hope that was once lost.

The Miami Herald recognized Josie Poitier in an article titled "Building Bridges Between Communities," published January 20, 1997, which commemorated her honorable civic service. I would like to submit a portion of this inspiring article for the RECORD.

"Every morning," says Josie Poitier, "I go outside to pick up my paper and I look up at the sky and pray. 'Lord, let me help somebody today.'"

For the last 39 years, Poitier has found plenty of people to help—from senior citizens who had never been on an airplane until she took them to the Bahamas, to the people from a myriad of heritages she invites to her now famous Good Friday/Passover brunch to share in a spirit of community.

And that's only two of the projects of her page-long list that includes: coordinating a holiday turkey meal for the elderly at St. Mary's Towers, pulling together an anti-drug workshop for 18 inner city schools, making sure her neighborhood's lights are all working properly and promoting scholarships and a college education for black youth.

Ask her why she does it, why she runs so hard, and Poitier will tell you it's because the elderly are lonely and their children are too busy to visit, and because, in South Florida, there's a need to build "a bridge between people."

"This opened a lot of avenues," she says of the brunch that started at her Liberty City home 11 years ago and has grown to 200 people who gather at Holy Redeemer Catholic Church. "Everyone comes together as one, like a family."

Poitier, 52, a volunteer specialist with the Miami Police Department, plunged into activism when she was 12 and the Youth Club was formed in Overtown to keep kids busy and off the streets. She became a member and as a result, Poitier says, she developed "respect" and a commitment to help the police department improve relations with the community.

Throughout the years, Poitier has served on several city boards and today is president of her neighborhood Crime Watch. Beyond that, friends say, it's the small things Poitier does for other people that make a big difference, like remembering the loss of

someone's loved one when she is leading a prayer

"It's my business to remember," Poitier simply says.

Her goodwill doesn't stop at home.

She helps her daughter Vandetta, who is working on a master's degree in business, and son-in-law Harold Scott care for their twins, Harold and Vaniecia. "My Josie," the children call her. Whenever she can, Poitier takes the children to her volunteer work.

"And they help," she said. "I make sure they know what I do. It enriches them."

Josie Poitier has demonstrated her commitment to strengthening and linking the communities in Dade County. Her enthusiasm and exceptional service to the community are special qualities. By any standard, she is a remarkable individual who is greatly appreciated by so many. Mr. Speaker, on behalf of our entire community, I offer Josie Poitier my deepest thanks for her outstanding service and our best wishes for her continued success.

TRIBUTE TO PENINSULA HIGH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to the Palos Verdes Peninsula High School's Academic Decathlon team, which took fourth place statewide and first place in its division during last weekend's California Academic Decathlon held in Pomona, CA.

This nine-member team earned 44,540 points in events designed to test academic knowledge in areas ranging from economics to science. They came away with 29 gold, silver, and bronze medals for various events and overall performance. In addition, one of the team members, Chris Luhrs, scored the most points of any student in Peninsula's division.

I am proud to represent these intelligent and talented students, and I ask my colleagues to join me in congratulating them and their families for their achievements.

HONORING MARK NICHOLS

HON. DALE E. KILDEE

OF MICHIGAN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. KILDEE. Mr. Speaker, it gives my colleague, Mr. TORRES, and me great pleasure to pay tribute to Mr. Mark Richard Nichols of the Cabazon Band of Mission Indians, who will be recognized on April 12, 1997, as man of the year by the East Valley Jewish Community Center of Palm Desert, CA.

Mr. Speaker, it is truly fitting that Mark Nichols is being honored for all of his work as a tireless advocate in his community. For almost two decades, Mark Nichols has worked for the Cabazon Band of Mission Indians, helping the tribe become self-sufficient and maintain a strong cultural heritage. Since 1989, Mark has served as the chief executive officer of the

tribe, where he had earned a national reputation as an outspoken advocate on behalf of Native American sovereign rights.

It is the work of people like Mark Nichols that reminds us of the importance of being involved in one's community. Mark understands that an investment in education of a person, is an investment in the future of our country. In his service on the University of California chancellor's executive roundtable, Mark has worked to make sure education is accessible and affordable for every person that desires to learn. Mark has also dedicated himself to helping those who are the most vulnerable in our society. He is the president of the Desert Chapter of the American Diabetes Association, he volunteers at Martha's Kitchen/Food and Shelter for the homeless, and he serves as the telethon sponsor for the Arthritis Foundation.

What Mark Nichols has accomplished, and what this award represents, is the recognition of the difference one individual can make if they put their mind to it. It is the devotion, dedication, and spirit of Mark Nichols that makes him such a unique person. We are proud to call him our friend.

Mr. Speaker, we respectfully request that the Members of the U.S. House of Representatives join us in honoring the work and life of Mr. Mark Nichols. The community of Palm Desert, CA, is truly fortunate to have a person like Mark Nichols as a community leader. His commitment and dedication has improved the quality of life for so many people in our country.

**LEGACY OF LEADERSHIP
REMEMBERED**

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a member of my community who passed away this week after a long bout with cancer. Judge Thomas M. Burns will leave a great void, not only to his family who mourns this loss, but to the City of Saginaw, the State of Michigan and our Nation.

Thomas Burns was a unique spirit in many respects. His dedication and deep commitment to public service distinguished his career. He graduated from St. Stephen's High School in 1932, attended Bay City Junior College and graduated from the Detroit College of Law in 1939. From the beginning of his long career, he dedicated his life to the community.

Almost 60 years ago, Thomas Burns started his career as an assistant prosecuting attorney in Saginaw, MI. He served in that capacity from 1939 to 1952. His civilian service, as with so many of our citizens, was interrupted by World War II. From 1942 to 1946 he exchanged the front lines of prosecution for the battlelines of war.

As Captain in the Armored Infantry Battalion, 14th Armored Division under General Patton, he served his country admirably. Mr. Burns was recognized for his valor not once, but several times. He was awarded many honors including the Combat Infantryman Badge,

the Bronze Star, three Battle Stars and earned the Purple Heart for wounds sustained in battle. When the war was over, he put his legal background to work as a special prosecutor in the Nuremberg Trials.

Six years after his military service, Thomas Burns became interested in politics. He was elected to the Michigan State House of Representatives and served honorably from 1952 to 1956. Following his term, he was appointed to the Michigan Public Service Commission and eventually became its chairman in 1962.

In 1962, Mr. Burns found his final calling. This time when he ran for office it was for the Michigan Court of Appeals. Elected appellate judge in 1968, Judge Burns served honorably in that capacity for the next 18 years. In 1981, he was elected Judge of the Year by the Michigan Trial Lawyers Association. He was a member of the Society of Irish American Lawyers and the Michigan Supreme Court Historical Society.

Thomas M. Burns was predeceased by his son Thomas, who, as a lawyer and brewmaster, founded one of the first micro breweries in Michigan. Judge Burns is survived by his wife, Alice, and his daughters, Bridgett Spence and Mary Neer.

Mr. Speaker, from his distinguished background it is easy, even for those who never had the pleasure of knowing Judge Burns, to envision his leadership. His résumé pays only partial tribute to his distinction as a man and as a public servant. Judge Burns was not distinguished solely by the titles he held, but by the manner in which he fulfilled his responsibilities.

Drawing from his vast experience, Judge Burns served as a vanguard of civil rights. His opinion always focused on the welfare of his community. One lawyer in my community remembered that Judge Burns "was able to simplify things, so much so that most complicated issues could be explained in layman's terms." And he did so without ever failing to lose his sense of humor.

Mr. Speaker, my community, and our Nation, would benefit if there were more outstanding individuals like Thomas M. Burns. He is an outstanding role model and a shining example of positive community leadership in our complicated and often cynical world. In all of his various roles as prosecutor, legislator, judge and father, Judge Burns instilled in others a devotion to life and service that was deeply evident in his words and deeds.

Judge Thomas M. Burns enriched our lives, bettered our community and showed the rest of us, by example, what public service is all about. I urge my colleagues to join me in paying tribute to an outstanding individual who will be missed by his family and all those whose lives he has touched.

DR. MARGUERITE HUNG: A LIFETIME COMMITMENT TO A HEALTHY COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor the outstanding contribu-

tions of Dr. Marguerite Hung to the community of San Diego and to the acupuncture community of California and the Nation.

Dr. Hung was born in Taiwan, graduated from the Doctor Tsao Acupuncture Institute, and taught at the Taipei Acupuncture and Moxibustion Clinic until 1978. She then joined the staff of the Tri Service General Hospital in Taipei as an Acupuncture Practitioner—treating Army, Navy and Air Force personnel and their families. She was also a research member of the Research and Training Center for Acupuncture Science.

In 1979, Dr. Hung moved to California. As a private practitioner, she has been an active member of the acupuncture profession, giving generously of her time and experience. She has served as vice president of the American Association of Acupuncture and Oriental Medicine and was chosen by this group as Acupuncturist of the Year in 1994.

In 1992, she was appointed by the Governor of California to the Medical Board of California, Acupuncture Committee. She represented this board at the International Acupuncture Conference held in Italy and hosted by the World Health Organization.

Dr. Hung helped to found the Acupuncture Institute for Addiction-Free Life, a statewide, non-profit corporation organized to make a difference in our communities in the area of drug and alcohol abuse. She continues to serve as the president of this organization. She is a volunteer for the Holistic AIDS Response Program [HARP] in San Diego County. She also volunteers at the University of California, San Diego Medical Center.

She has traveled to Washington, DC to successfully persuade the Food and Drug Administration on behalf of acupuncture issues.

Her active role in the community and her lifetime contribution to Chinese medicine is being recognized at the 68th Annual Chinese Medicine Day celebration on Sunday, March 23, 1997. Chinese Medicine Day is historically a day of celebration of the unique place that traditional Chinese medicine has in the health care system and the benefits it bestows on the health and quality of life of our citizens.

It is truly fitting that the House of Representatives join in this recognition of Dr. Marguerite Hung. I appreciate this opportunity to call attention to the lifelong work of Dr. Hung toward making this world a better and healthier place.

CONGRATULATIONS TO PAT COLLINS FROM A SOUTH BAY FRIEND

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Pat Collins, a long-time activist, community leader, and champion of family planning in the 36th District. She is being recognized on Sunday, April 6, by the South Bay Friends of Planned Parenthood Los Angeles which she successfully cofounded in 1989.

Pat has worked tirelessly for the combination of education, advocacy, and clinical services that define Planned Parenthood Los An-

geles' mission. South Bay Friends has complemented this mission by establishing a speakers bureau for high schools, attending health fairs, planning fundraising efforts, and monitoring public policy concerning reproductive issues.

Furthermore, Pat's enthusiasm and dedication were strong forces in expanding clinical services through the opening of the Planned Parenthood Los Angeles South Bay Center in 1993 which provided family planning services to 5,200 clients last year.

Applying her "big picture" approach, her work in 1995 became international in scope. While serving on the board of the Population Communication Committee, Pat attended a collaborative meeting at the United Nations preceding the Cairo Conference on World Population.

It is said that, "If you want something done, ask a busy person"—and that certainly applies to Pat Collins.

In addition to her exceptional work with South Bay Friends and issues of population control, Pat has raised three daughters with her husband Richard, served as PTA President, church school director, Girl Scout leader, and vice president of the South Bay Law Wives. She directed 100 teachers aides in the schools, developed a peer counseling program at Miraleste High School, earned two masters degrees, and had a private practice as a marriage, family, and child counselor for several years.

Mr. Speaker, I wish to join South Bay Friends of Planned Parenthood in honoring Pat Collins whose tireless contributions have enriched our community. She will be moving from Rancho Palos Verdes to northern California and our loss will be their gain.

CALIFORNIA FLOODS EMERGENCY REPAIR ACT OF 1997

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. FAZIO of California. Mr. Speaker, today I have introduced the California Floods Emergency Repair Act of 1997.

California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars' worth of damages to homes, businesses, and property. Agricultural losses are estimated to exceed \$150 million, and losses to our national forests exceed \$100 million.

Eight national parks in California were damaged including \$176 million in damage to one of the National Park System's crown jewels—Yosemite National Park.

More than 100,000 Californians were evacuated from their homes.

Fortunately, the President, at the urging of the California delegation, has submitted a dire emergency supplemental appropriation request to assist the many emergency agencies who have been working night and day both during the catastrophe and during the recovery period. We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture among

many agencies who have provided skilled and timely assistance to many Californians.

During January, flood-fights were a common occurrence in California as the Corps of Engineers worked with State and local officials to repair breached levees, strengthen weak spots, and ensure that further lives and property would not be lost.

The Fish and Wildlife Service announced on January 23 that emergency natural disaster provisions of the Endangered Species Act of 1973 [ESA] are in effect for 42 California counties and will remain in effect throughout the 1997 flood season. Interior Secretary Babbitt has reiterated this pledge to suspend the ESA during this year's flood season.

The purpose of my bill is to give this decision the force of law and to make it crystal clear to those involved in maintenance and repair of our flood control system that Congress stands behind this pledge.

Emergency repair work should go forward without normal ESA consultation and without the specter of costly mitigation once the repairs are made and the Sun is shining.

The bill makes it clear that any work performed by FEMA, the Corps of Engineers, the Bureau of Reclamation, or the National Resources Conservation Service under their emergency authorities, are exempt from provisions of ESA.

My bill also goes one step further. The Corps of Engineers has been directed to do a complete assessment of the flood control system throughout California in order to identify short-term and long-term plans for strengthening the existing system. Such a study may point out the need for maintenance or repairs to damaged facilities that are necessary to bring the facilities to substantially the same condition that existed prior to the floods.

My bill would ensure that the exemption to ESA covers such necessary repairs as well, even if the repairs are pushed past this year's flood season.

Unfortunately, some have seen the catastrophe of the California floods as an opportunity to allow sweeping changes in the Endangered Species Act that would alter it dramatically. Although I believe that some refinements in the ESA may be in order based on our experience base in California and elsewhere, our catastrophe is not the time to consider a major policy overhaul. My bill is a simple exemption linked to the emergency, a concept already given credence by the actions of Interior Secretary Bruce Babbitt and the Fish and Wildlife Service.

I urge my colleagues on the Appropriations Committee and in the House to move the President's request forward with all deliberate speed. California is not the only State affected by winter disasters, and Americans in many parts of the country need this assistance immediately. It is my intention to offer this bill as an amendment to the dire emergency supplemental appropriations bill to put the authority of Congress behind these important considerations.

In short, California faces a significant challenge in assessing and repairing our flood control system, and in restoring the level of confidence of our citizens as the same time we restore our system. While lives and property remain at risk, our normal procedures

under the Endangered Species Act must, temporarily, stand aside.

The California Floods Emergency Repair Act of 1997 will ensure that the lives and property of our people will continue to be paramount.

RECOGNIZING THE INTERCOMMUNITY CHILD GUIDANCE CENTER ON THE OCCASION OF ITS 40TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the Intercommunity Child Guidance Center of Whittier, CA, which will celebrate its 40th anniversary on April 10, 1997. I ask my colleagues to join me in congratulating the staff and volunteers who have worked diligently to provide counseling and treatment to the children and families of greater Los Angeles County.

The Intercommunity Child Guidance Center is a nonprofit agency, founded in 1957 by members of the Whittier Coordinating Council to provide low-cost quality mental health services for children, adolescents, and families who could not afford care elsewhere. Any family in need of services, regardless of income, is eligible if they reside within the County of Los Angeles.

Services provided include individual, family, and group treatment to children and adolescents with serious emotional problems. In 1994, a crisis intervention program was implemented to address the needs of children and families who have experienced recent crises, which includes follow up care to help alleviate serious emotional trauma. Also offered are parenting classes, which are provided free to the community, in both Spanish and English. These classes have become an essential part of client treatment plans in many cases. Psychological testing is available, when necessary, to assist in the treatment of a client, and medications are prescribed when needed.

The Intercommunity Child Guidance Center is a model public-private partnership committed to serving the mental health care needs of area families. Funded in part by the Los Angeles County Department of Mental Health, the State Short-Doyle Program, and the United Way, the center also receives support from the communities it serves.

Mr. Speaker, I ask my colleagues to join me in recognizing the staff and volunteers at the Intercommunity Child Guidance Center as they gather to celebrate 40 years of providing mental health services to the greater Los Angeles County.

HONORING BOB BROWN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. HINCHEY. Mr. Speaker, I wanted to take a moment tonight to recognize the ac-

complishments of Robert T. Brown who will soon be retiring after 23 years as president of the Ulster County Community College. Bob Brown embodies a rare combination of qualities: visionary and doer; philosopher and achiever.

As Ulster County Community College's leader, he has planned for and overseen important campus expansions during times of growth and developed innovative and bold programs and partnerships to respond to economic downturns. He is an educator who has never lost his commitment to putting students first.

Bob has been recognized locally, regionally, and nationally for his strong advocacy on behalf of 2-year colleges and the importance of their academic and community-based missions. He has been honored to receive the Northern Arizona University Distinguished Alumni Award, the Americanism Award from the Anti-Defamation League of B'nai B'rith, and the University of Texas at Austin's Outstanding Community College President Award, among many others.

Mr. Speaker, tomorrow night I will be with Bob Brown and his family and his many friends to celebrate his life and his achievements, and most of all to thank him for being there for me and for our community. He is someone who has truly made a difference.

IN HONOR OF A GREAT MAN OF THE BENCH: FRED BORCHARD

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man of great distinction from Saginaw, MI—the Honorable Fred J. Borchard, who is celebrating 50 years in the judicial profession. Saginaw is extremely lucky to have a man like Fred Borchard serve on its bench. He has a great judicial mind, believes in the values of hard work and education, runs a disciplined and efficient courtroom, and tempers his decisions with compassion and common sense.

Fred Borchard grew up in Saginaw and put himself through the University of Michigan Law School by working at boiler and iron metal companies. Upon graduation, his law practice was put on hold almost immediately by World War II. Fred signed up with the U.S. Naval Reserve as an ensign, and then became a forward observer, where he went ashore in search of enemy gunfire and then signaled naval guns for fire power. He participated in landings at Leyte and Luzon, and then Okinawa where he was wounded by sniper fire. Fred received the Purple Heart Medal for his courage and commitment to this country.

Upon returning to Saginaw 3 years later, Fred won the seat of municipal judge, which he held for 7 years until he ran and won the position of probate judge. In 1958, 4 years later, then Governor G. Mennen Williams appointed Fred to the Saginaw circuit bench, making Fred one of few to serve in all three judicial posts.

Fred's long and auspicious career ended on January 1, 1989 at which time he was the oldest judge in the State of Michigan, a distinction he still holds since he continues serving

on assignment. Fred also has the honor of being considered the Lou Gehrig of the bench, as he has the longest term of service.

In addition to his professional involvement with the Saginaw County and Michigan Bar Associations, and the Michigan Judges Association, where he served as president, Fred makes it a priority to be involved in civil organizations. He served as president of the University of Michigan Club, and belonged to the Kiwanis Club of Saginaw and the Arthur Hill Letterman's Club. He has served on the board of directors of St. Luke's Hospital and on the board of directors for the Saginaw County Chamber of Commerce and the Alcohol Information Center. He also involves himself with Big Brothers of America, the Lutheran Children's Friend Society, and numerous veterans organizations.

Fred Borchard is a credit to the legal profession and to the community. I am extremely proud to know him and to say that we have both represented the people in Saginaw.

A SPECIAL SALUTE TO JOSEPH S. KREINBERG

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STOKES. Mr. Speaker, I am honored to salute today a very distinguished individual who resides in my congressional district. On April 22, 1997, Mr. Joseph S. Kreinberg will be celebrating his 95th birthday. Mr. Kreinberg has devoted much of his life to improving the quality of life for citizens in Cuyahoga County. Today, I rise to pay tribute to this outstanding American. I also want to share with my colleagues and the Nation some of the many achievements made by this remarkable citizen.

Joseph S. Kreinberg obtained his undergraduate and law degrees from the Ohio State University. He began the practice of law in Cleveland in the late 1920's with his brother, Herman. After World War II, Joseph began practicing law with A.E. Bernstein, whom, according to Joe, had a major impact on his legal career and served as Joe's professional mentor.

Mr. Kreinberg's distinguished career has enabled him to interact with prominent politicians such as Robert Taft and William Saxbe. Mr. Kreinberg was also afforded the opportunity to work with former U.S. Supreme Court Justice Harold Burton when Justice Burton served as mayor of Cleveland. As mayor, Mr. Burton appointed Mr. Kreinberg to the Cleveland Board of Zoning where he diligently served for 39 years. Mr. Kreinberg has also worked with public servants such as the late Senator Bricker, mayor and U.S. Senator Thomas Burke, and Mayor Frank Lausche. Mr. Kreinberg also had the privilege of working under my brother, the late Carl B. Stokes, former mayor of Cleveland, on many important issues. This extraordinary gentleman remains one of the most respected and vital members of the Cleveland community.

Certainly, Mr. Kreinberg's long and productive tenure as a public servant will forever re-

main in the hearts and minds of many citizens in Cleveland. However, for one to truly understand and appreciate the impact that Mr. Kreinberg has made in the city of Cleveland, they need only to talk to a few citizens in my congressional district. Mr. Kreinberg's peers describe him as a highly ethical and moral man. Mr. Kreinberg's character and integrity serves as a portrait of what a public servant should be. To celebrate Mr. Kreinberg's birthday and many contributions to his community, his family has graciously created an endowed scholarship at the Levin College of Urban Affairs at Cleveland State University to assist students who desire a career in public service and urban development.

Mr. Speaker, I take a tremendous amount of pride and honor in saluting Joseph Kreinberg, whose entire life stands as a picture of achievement. Today, I along with his family, friends, and colleagues, would like to take this opportunity to applaud Mr. Kreinberg's strong leadership and desire to improve his community and our Nation.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. OXLEY. Mr. Speaker, I will be unavoidably absent from the House Chamber during today's proceedings. If I were present, I would vote "yea" on both H.R. 1122, the Partial-Birth Abortion Ban Act of 1997, and House Resolution 91, a resolution providing amounts for the expenses of certain committees of the House of Representatives in the Congress.

SALUTING THE SANTA MONICA MOUNTAINS PLAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BERMAN. Mr. Speaker, 20 years ago this month the Santa Monica Mountains Planning Commission produced its comprehensive plan. There are few dates more important in the history of the environmental movement in southern California.

The plan that commission produced had many valuable components, including calling for the establishment of a Santa Monica Mountains Conservancy. As a member of the California Assembly, I carried the bill that implemented the plan and established the conservancy. In the past two decades the performance of the conservancy has exceeded even my high expectations. Anyone who cares about the environment and the need to maintain the natural beauty of southern California is in the organization's debt.

While I do not necessarily subscribe to the "Great Man" theory of history, it seems evident that the conservancy would not have come this far without the superb leadership of Executive Director Joe Edmiston. I have known Joe a long time, and count him as one

of my close friends. Putting aside friendship, however, I can say without bias that Joe knows how to get things done and get them done right. His utter commitment, his boundless energy, his no-nonsense style and his clear sense of direction have provided guidance to the conservancy and are responsible in large measure for its success.

Indeed, the conservancy has many accomplishments in which its friends and supporters can take pride. For example, the organization administers programs designed to serve minority and disadvantaged groups and those who otherwise can never get to southern California's mountains. The quiet, cool and serene setting is a welcome contrast to the often grim realities of urban living. The conservancy has also acquired over 21,000 acres of parkland in 20 years, which has increased the opportunities for people of any background to enjoy nature.

The work of the conservancy to preserve the environment, especially in an area growing with the speed of southern California, is of monumental importance. I ask my colleagues to join me today in saluting the 20th anniversary of the Santa Monica Mountain comprehensive plan, which has proven to be a most effective weapon in the arsenal of environmentalists. I applaud the conservancy's efforts, and wish it the best of luck for all the decades to come.

HONORING ROCK GROUP LOS LOBOS FOR THEIR CONTRIBUTIONS TO OUR YOUTH

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. TORRES. Mr. Speaker, I rise today to honor the internationally acclaimed rock group, "Los Lobos", for their commitment to the youth of our community. On April 11, 1997, Los Lobos will donate their time and talent to raise funds for the Broadoaks Children's School of Whittier College in Whittier, CA.

Los Lobos has received numerous distinctions for their innovative style of music, including two Grammy Awards, seven additional Grammy Award nominations, and was designated as having released the "Album of the Year" in 1992 by the Los Angeles Times, the Chicago Tribune, the Chicago Sun Times, and the Nashville Banner. Since 1978, Los Lobos has released over 48 film, television and commercial works. Their broad appeal has allowed them to perform for royalty in England, and for audience at Carnegie Hall.

What makes Los Lobos bandmembers truly exceptional, however, is their commitment to the education of our community's youth. In the last 4 years, Los Lobos has performed for three sold-out benefit concerts, each in the name of education. Proceeds from April's concert will enable Broadoaks to expand its services to children, families, teacher preparation, and professional development programs throughout the greater Los Angeles area.

To acknowledge the band's commitment and dedication to this endeavor, Broadoaks has named a building in the group's honor.

The "Los Lobos Learning Center" includes two classrooms for fourth through sixth grade students, many of whom require special educational services. All students in the Los Lobos Learning Center are required to participate in volunteer service projects to instill the value of giving something back to our community. Los Lobos' generosity enables these young children to attend a school where volunteerism is part of the curriculum.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring Los Lobos bandmembers, Cesar Rosas, Louie Perez, David Hidalgo, Conrad Lozano, and Steven Berlin, for their generous spirit and contributions to our community. These truly exceptional musicians have become lifelong friends of our community through their commitment to promoting the welfare and education of our children.

IN MEMORY OF E.M. KNIGHT OF
HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a valuable member of the Houston community, E.M. Knight, who passed away on Saturday, March 8, 1997.

E.M. Knight was among Houston's most prominent community leaders, acting as a beacon for social justice and equality. He was a man of great character and great action, who gave Houston his all. Whether as a local chapter president of the NAACP or as Sunday school superintendent, precinct judge, or deacon at East Macedonia BC, E.M. Knight made a difference in so many lives. His legacy of service to the Houston community will be felt far beyond his passing. He was truly one of a kind who will be greatly missed.

E.M. Knight treated everyone in Houston as if they were family, and now that family mourns his passing. I ask unanimous consent to insert in the RECORD at this point an article and obituary which appeared in the Houston Chronicle on March 13, 1997.

E.M. KNIGHT

Ellis M. Knight (E.M.) departed this life on March 8, 1997, at the age of 84 years, 9 months and 5 days. He was born in Odenburg, Louisiana to Mary Smoot and Ellis M. Knight Sr. The family moved to Houston after devastating floods. He was preceded in death by his parents, 14 brothers and sisters, and his wife Elese. He leaves to mourn his passing his wife Janet, sons Ellis III, Ronald and Alan Wayne Knight, sisters Mary Harris and Loys Davis Gatterson, daughter-in-law Edna, grandchildren Sharmene Stewart, Andre and Terrian Knight, great-grandson, Quentin Ellis Stewart, 4 stepdaughters, 9 stepgrandchildren, brother-in-law Cleve Gatterson, 6 sisters-in-law, a host of cousins, nieces and nephews and many, many friends.

He served in the United States Army. He retired from Southern Pacific Railroad after 37½ years of service, and since has been actively involved in community service, church activities and the political arena.

During his lifetime he served in many capacities: as NAACP local chapter president,

president of HCCO, founding and life member of NCNW Elsie J. Knight section, chair of Gulf Coast Community Services Board of Directors, coordinator for Operation Big Vote, chair of Martin Luther King Health Center Council and chair of the Council-at-Large (HCHD), PTA president and VIPS at Fairchild Elementary, chairperson of the Keenage Klub, Sunday School Supt. and deacon at East Macedonia BC, and chair of deacon board, benevolence and building committees at South Park Baptist Church.

In spite of serious health problems, he remained active as Precinct Judge in Pct. 0240, a position he held faithfully since 1966; deacon at South Park BC, director for the Houston Food Bank Pantry at South Park BC, and chair of Community Services for the church. He was a Mission Service Corps Volunteer under the Home Mission Board of the Southern Baptist Church. He was a member of Magnolia Lodge #3. He was a mover and a shaker who wanted to see things accomplished for his country, state, city, community and church.

His motto was Matthew 25:34 "For I was hungry and you fed me." His will be "hard shoes to fill" and he will be missed by many. Visitation at the funeral home on Thursday from 8 to 10 p.m. Body will lie in state at South Park Baptist Church, 5830 Van Fleet, 10-11 a.m. Friday followed by the funeral at 11:00 a.m. with Rev. Marvin C. DeLaney officiating. He will join his beloved Elese at Houston National Cemetery.

INTRODUCING THE 21ST CENTURY
CLASSROOMS ACT FOR PRIVATE
TECHNOLOGY INVESTMENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. CUNNINGHAM. Mr. Speaker, today, I introduce the 21st Century Classrooms Act for Private Technology Investment.

Our children and our country's future depend upon the investment we make today in their classrooms. We know that advanced technology has improved America's economic competitiveness, transformed commerce and communications, and improved the quality of life for millions of Americans. By the year 2000, some 60 percent of American jobs will require technological skills.

Unfortunately, the revolution in technology has not yet transformed the education of our children. Our classrooms lack the technology our children need to succeed. More big Government is not the answer; I believe that only by harnessing the power and ingenuity of private enterprise will we bring our classrooms into the 21st century.

We can hasten that work through my new proposal: The 21st Century Classrooms Act for Private Technology Investment. It provides new, expanded incentives for businesses to invest equipment and cash to prepare 21st century classrooms. By taking advantage of employers' constant need to update computer systems, schools, and certain nonprofits can vastly multiply the technology available to our young people.

First, it encourages employers to donate computer technology, equipment and software for K-12 education. It does this by expanding

the incentive that encourages donations to scientific research institutions to also include donations to schools and nonprofits involved in K-12 education.

Second, it provides employers a 110-percent tax credit for cash contributions to K-12 education to purchase computer technology, equipment and software. Every dollar contributed for this purpose reduces the employer's taxable income by \$1.10, up to the usual limits.

And third, and most importantly, these new incentives will increase private involvement in our local schools. That's something everybody agrees we need more of.

Members of the House have already received a packet of information and the text of the 21st Century Classrooms Act. It is also available on my Internet website, <http://www.house.gov/cunningham>, on my "What's New" link.

America is confronted with three possible solutions to the gap in technological literacy. First, we can do nothing, which has a huge cost in terms of our future competitiveness, our well-being as a nation, and the lives of our young people. Second, we can create more Federal programs and increase Government spending. Or third, we can harness the power and energy of private enterprise to create true 21st century classrooms, which is the motivation behind my 21st Century Classrooms Act.

As a former teacher and coach, as one who once trained the Navy's Top Gun fighter pilots, and most of all as a father, I am tremendously excited by the potential of this initiative. I welcome Members' support.

SECTION-BY-SECTION ANALYSIS 21ST CENTURY
CLASSROOMS ACT

(By Representative Randy "Duke"
Cunningham, R-CA)

SECTION 1: SHORT TITLE

"21st Century Classrooms Act for Private Technology Investment."

SECTION 2: FINDINGS AND PURPOSE

The purpose of the legislation is "to direct the innovation and energy of private enterprise to the education of our young people, expand technological literacy, and bring the education of our young people into the 21st Century."

SECTION 3: CONTRIBUTIONS FOR COMPUTER
TECHNOLOGY AND EQUIPMENT FOR ELEMEN-
TARY OR SECONDARY SCHOOL PURPOSES

This section establishes tax incentives for corporations to donate equipment or cash to help bring classrooms into the 21st Century.

(a) Section 170(e) of the Internal Revenue Code of 1986 is amended by creating a new special rule (6) for contributions of computer technology and equipment for elementary or secondary school purposes.

(A) When a corporation contributes computer technology or equipment to a qualified recipient, it may deduct from its taxable income an amount to one-half the market value of the donated material, not to exceed twice the cost of producing it.

(B) A qualified contribution is a charitable contribution of computer technology or equipment by a corporation that is:

(i) Made to a public or private elementary or secondary school, or to a non-profit 501(c)(3) organization that is "organized primarily for purposes of supporting elementary and secondary education;"

(ii) Made within two years after the property to be donated was either acquired or produced;

(iii) To benefit K-12 education;
 (iv) Donated free of charge, except for shipping and installation;
 (v) Productive to the recipient's education plan;

(vi) Beneficial to K-12 educational and donated free (except for shipping and installation), in the case of a recipient that is a non-profit that is not a school.

(C) A corporation's contribution of computer technology or equipment to its own private foundation, particularly if the foundation is not "organized primarily for purposes of elementary and secondary education," is eligible for the tax deduction in (A).f.

(1) The contribution is made within two years after the property to be donated was either acquired or produced, and donated free of charge, except for shipping and installation;

(ii) The recipient foundation forwards the contribution to an eligible school or non-profit within 30 days, and notifies the corporate donor.

(D) Applies a technical definition relating to the determination of contributors' stake in the donated property.

(E) Applies current law definitions of computer technology and corporations into the Act.

(b) Amends Section 170(a) of the Internal Revenue Code so that corporate contributions of cash for schools and qualified non-profits to purchase computer technology and equipment are provided a 110 percent credit against the corporation's taxable income.

(c) The Act takes effect at the beginning of the taxable year following enactment.

A TRIBUTE TO CHARLES E. YOUNG

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and far-reaching accomplishments of Charles E. Young who is retiring on June 30, 1997 after 29 years as chancellor of UCLA. The country's longest serving university chief executive, he has been a powerful force in UNCLA's ascent to the ranks of the nation's most comprehensive and distinguished universities. Three-quarters of the diplomas held by UCLA's 285,000 living alumni bear his signature. Chancellor Young's leadership is reflected in innumerable contributions to the UCLA campus, to the broader community, and to higher education.

Dr. Young's association with the University of California dates to 1953 when he enrolled as a transfer student at UC Riverside. After graduating with honors in 1955, he pursued doctoral studies in political science at UCLA, earning his M.A. in 1957 and Ph.D. in 1960. He participated in the creation of the master plan for higher education in California while working on the staff of UC President Clark in 1959. Dr. Young returned to UCLA in 1960 to serve in a series of executive posts in the administration of Chancellor Franklin D. Murphy. Following Chancellor Murphy's resignation, Dr. Young was named his successor by the UC Regents on July 12, 1968.

Under Chancellor Young's leadership, UCLA has become an internationally renowned cen-

ter of scholarship and discovery. Building a university for the future, he has guided UCLA to dramatic advances in every facet of its enterprise: recruitment of outstanding students and award-winning faculty, acclaimed programs in the visual and performing arts, development of a world class medical enterprise, a doubling of library holdings and of campus facilities, and an unparalleled tradition in intercollegiate athletics.

Chancellor Young is respected throughout academe as a passionate spokesman for educational opportunity, inclusiveness, and the intellectual richness born of diverse perspectives. Unwavering in his commitment to academic freedom, he has cultivated at UCLA an open and stimulating environment in which the pursuit of knowledge thrives without limits or boundaries. His advocacy resonates in the classroom, in the laboratory, and every corner of the campus where a theory can be tested, a point of view expressed, an idea challenged, or a concept debated.

In the belief that its home city is UCLA's foremost partner and greatest resource, Chancellor Young has engaged the university in myriad ventures and partnerships with the surrounding community. Furthermore, just as Los Angeles has emerged as a world city, UCLA, too, has become a world university and a magnet to students and scholars from around the globe under the leadership of Chancellor Young.

As he prepares to retire, Chancellor Young deserves recognition for shepherding UCLA toward academic greatness, founded on the cornerstone of intellectual freedom. On this occasion we salute Charles "Chuck" Young, his wife, Sue, and his two children and seven grandchildren in celebration of a splendid legacy to American higher education.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce legislation limiting adverse impacts of commercial air tour operations on national park units in the State of Hawaii. Natural quiet is as much an experience in our parks as enjoying the beauty of treasures the parks were established to protect and preserve.

A decade ago, Congress recognized that noise problems within our parks nationwide created by overflights had reached a point critical enough for congressional intervention, by passing the National Parks Overflights Act of 1987.

Not much happened since then to solve the problem until President Clinton on Earth Day 1996 called upon the Transportation and Interior Departments to issue regulations to restore quiet to our parks. As a result of this action, new regulations were released in January of this year for Grand Canyon National Park. To take effect May 1, these regulations would double the current flight-free area, limit the

number of tour aircraft that may overfly the park, ban flights from sunset to sunrise, and develop rules requiring quiet aircraft technology.

The National Park Service and Federal Aviation Administration are currently constructing regulations for overflights above Hawaii's parks. However, I understand these could be years in coming and, in the meantime, air tours are operating under voluntary agreements that have not been effective in controlling overflight noise. I continue to receive complaints from hikers and visitors to Hawaii's parks, as well as residents living next to the parks. My bill is necessary to enforce noise controls on these operations.

Main provisions of my bill include prohibitions of flights over Kaloko Honokohau, Pu'u honua o Honaunau, Pu'u kohola Heiau, and Kalaupapa National Historical Parks, as well as sections of Haleakala and Hawaii Volcanoes National Parks. A minimum 1,500-foot altitude restriction is enforced for all other parts of Haleakala and Hawaii Volcanoes National Parks.

The need for restrictions on Hawaii's commercial air tour industry for safety reasons was made clear in July 1994 with two helicopter tour crashes near the Island of Kauai and on the Island of Molokai, the former resulting in three fatalities. In response, the FAA put in place SFAR 71 emergency regulations applying to Hawaii's commercial air tour operators. As a byproduct, these regulations worked to partially alleviate noise problems in Hawaii's parks. However, the SFAR 71 will expire in October. My legislation is necessary to continue controls on Hawaii's air tour industry.

I strongly urge my colleagues' support of my legislation.

FOR THE RELIEF OF GLOBAL EXPLORATION AND DEVELOPMENT CORP., KERR-McGEE CORP., AND KERR-McGEE CHEMICAL CORP.

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to right a longstanding wrong involving the Federal Government and Global Exploration and Development Corp. and Kerr-McGee Corp. Global and Kerr-McGee became embroiled in an ongoing dispute with the Department of the Interior more than 20 years ago. In January 1991, I introduced legislation for the relief of Global and Kerr-McGee for any damages incurred due to wrongful governmental actions. That bill was successfully referred to the U.S. Court of Federal Claims in July 1992.

The U.S. Court of Federal Claims ruled in September 1994 that the Government had, in fact, committed a wrongful act against Global and Kerr-McGee and that they would be entitled to equitable relief once damages were proven. After an evidentiary hearing, but before the court reached a decision, the parties reached a settlement, the terms of which are embodied in this legislation.

Mr. Speaker, I am hopeful that successful passage of this legislation will bring long-

awaited, and long-overdue, relief for the parties involved. If we are truly to be a government of the people, we must be ever vigilant in protecting private rights and rectifying public wrongs. I urge all my colleagues to support this legislation.

STATEMENT OF THE HONORABLE STENY H. HOYER COMMENDING THE DEPARTMENT OF THE TREASURY FOR THEIR PARTNERSHIP WITH THE D.C. PUBLIC SCHOOLS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. HOYER. Mr. Speaker, I want to commend the Department of the Treasury and Secretary Rubin for their efforts to support students of the District of Columbia Public Schools.

We have all read about the significant challenges the students in our Nation's Capital face daily, including substandard buildings and less than adequate education. I am pleased that, with the support of Treasury and its employees, some students are benefiting.

In 1995, Treasury established a Partnership in Education program with two high schools in the District, Eastern and Woodrow Wilson. They initially offered internships for students after school, providing many of them their first exposure to a professional office setting. During the summer of 1996, they employed more than 100 students.

Based on that successful experience, they decided to institutionalize the program, and in addition to internships have added workshops in career planning, resume writing, college admissions standards, and related topics. These workshops are conducted by local university professionals from Georgetown, Howard, American, and George Washington University.

Treasury's mission is a commendable one—to fill those gaps in education that can help students acquire the necessary tools and skills to go on to college or a profession after high school graduation.

In addition to this work, Treasury also manages the Academy of Law, Justice and Security, a program with 200 students at Anacostia High School. I want to note that the Department of Justice and the Department of Defense also support this effort to prepare students for careers in law and law enforcement.

In addition, Treasury bureaus, like the Internal Revenue Service, the Bureau of Engraving and Printing, the Comptroller of the Currency, the Bureau of Alcohol, Tobacco, and Firearms, and the Secret Service are supporting D.C. students and teachers with activities including tutoring, mentoring, equipment, and employment.

Overall, 150 employee volunteers are involved in these activities. This is a great effort and I look forward to Treasury expanding it to include schools in Maryland and in my district.

I commend the work of Secretary Rubin and his staff and encourage other Federal agencies to become more involved in supporting their local school districts.

EXTENSIONS OF REMARKS

TRIBUTE TO BENJAMIN REZNIK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHERMAN. Mr. Speaker, I am honored today to rise in tribute to Benjamin Reznik. Today Mr. Reznik is being recognized by the San Fernando Valley Interfaith Council for his outstanding work and enhancement of human relations within the San Fernando Valley.

Ben's parents were natives of Poland forced to leave their homeland under Nazi occupation. They were fortunate to escape to Israel, where Ben was born. As a 9-year-old boy his family overcame great obstacles and immigrated to America in search of a better life. As a young man Ben excelled in the public school system, and completed his undergraduate studies at UCLA. The culmination of his formal education came with his graduation from USC School of Law. Throughout his academic career Ben had to hold down jobs and take out loans to make ends meet. He has since served as a role model to those having to struggle through similar circumstances.

In 1976, upon graduation, Ben obtained a small loan from a local bank and opened his own law office. Six years later his wife, Janice, joined him in the firm and they established their professional partnership of Reznik & Reznik. The firm has grown steadily since and today is one of the city's most respected law firms.

When not working in the firm, Ben gives freely of his time and resources to those less fortunate than himself. It is well known throughout the community that Ben constantly lends a hand to others facing adversity. His altruistic nature manifests itself in the very personal responsibility he feels to our community.

His service ranges from his current position as president of the Valley Job Recovery Corp., a nonprofit economic development corporation assisting our community in job creation and retention, to his past chairmanship of the Economic Alliance, a nonprofit group developing an economic strategic plan for the San Fernando Valley. His expertise and hard work were noted by Mayor Richard Riordan, when he appointed Ben to serve on the development reform committee which recommended ways of streamlining the development process. Ben was also asked by the mayor to oversee implementation of a Federal grant aimed at producing an economic development strategy for the changing economy of Los Angeles. Beyond work and various philanthropic pursuits, Ben and Janice are dedicated parents to their three wonderful children.

Ben is held in the highest esteem within our community, and is frequently looked to for his sage advice. Ben Reznik's life is truly a remarkable story, he is living proof that dedication and hard work are still the formula for success.

March 21, 1997

HOME-BASED BUSINESS FAIRNESS ACT

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. SMITH of Washington. Mr. Speaker, I am pleased to join my colleagues, Representative TALENT from Missouri, and Representative PORTMAN from Ohio, in introducing the Home-Based Business Fairness Act. I also wish to compliment Representative TALENT for his unfailing commitment to relieving the tax and regulatory burdens affecting small businesses as chairman of the House Committee on Small Business.

With tax season upon us, most Americans are focused on one overwhelming problem: Our antiquated and complex Tax Code. There is growing consensus on the need to change and simplify our tax system. It penalizes hard-working, responsible Americans, and inhibits their ability to save for themselves and for their children and grandchildren. The time is ripe, Mr. Speaker, for a commonsense approach to providing tax relief to individuals and to small and women entrepreneurs. Home-based businesses, in particular, need our attention and commitment.

One of the most exciting trends in small business today is the burgeoning of home businesses. The majority of them are created and operated by women. There are now more than 9 million home-business owners, and, according to the Small Business Administration, an estimated 300,000 women in this country are starting home-based businesses each year. The entrepreneurial spirit of these men and women is breaking through existing barriers to work, and driving economic growth and jobs. These jobs give parents greater freedom and flexibility to balance and meet their families' needs, including those of their children, grandchildren, and aging parents.

While the technology explosion in our world is facilitating this new phenomenon, our Tax Code is hindering it. We must treat women-owned and home-based businesses more fairly. The Home-Based Business Fairness Act is a strong, commonsense approach to providing tax relief for this dynamic and vital sector of America's working families. It would allow small entrepreneurs to deduct their health insurance costs and the expenses of their home offices. It would give them the freedom to use independent contractors to grow and expand their operations without the fear of onerous back taxes, penalties, and interest small entrepreneurs too often face because of subjective and inconsistent reclassifications of independent contractors as employees by the IRS.

With this bill, Representative TALENT and I have tried to address the three problems which we believe are critical to helping self-employed men and women succeed in home business. I look forward to working with my colleagues in the House on this important legislation.

COMMITMENT TO EDUCATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STUMP. Mr. Speaker, in this very Chamber, during his State of the Union Speech, the President spoke to us of his commitment to education and his desire to increase its Federal funding. Many Americans support any effort that would improve our Nation's schools and our students' ability to meet the challenges of the future.

Mr. Speaker, many Americans also want to be certain that the educational bureaucracy does not waste the money that we seek to invest in our Nation's children. Too often when Members of Congress question the effectiveness of some of these costly Federal programs and mandates, we are accused of being against education. Frankly, that accusation is not true.

In fiscal year 1997, Congress appropriated \$14 billion for elementary and secondary education. What was the result? In one case, it was motivation for the Oakland, CA, school board to declare Ebonics as a language worthy of Federal bilingual education funding. While Oakland claimed it would not seek new Federal funds for this program, the school system is using Chapter I education funds for Ebonics classes.

There is a larger point to be made here, Mr. Speaker. When the American people hear that the Government will spend more money on education, they believe the money will be spent for needed items such as textbooks, computers, and new desks. Unfortunately, we squander the taxpayers' hard earned money on bureaucracy and social engineering schemes.

We have seen this done for 30 years in our bilingual education programs. We were told such programs would teach immigrant children English. Thirty years later, we are told that the research is still inadequate to determine whether these programs are successful. Meanwhile, the children and parents relying on us to help students learn English are cheated of a proper education. Now, through Ebonics programs, education bureaucrats want to rob African-American children of an appropriate education. They want to create what is effectively a program of bilingual education for English-speaking African-American children by declaring Ebonics their native language.

Supporters of Ebonics instruction claim that the children already speak Ebonics and that they are merely teaching the children the particulars of their chosen language. Evidently, they do not equate teaching Ebonics with teaching about Ebonics. Rather than learning the grammar of Ebonics, these children deserve to be learning math, science, and English. The parents of the children involved agree.

That is why I am introducing legislation that will get Washington out of the vernacular English instruction business for good. My bill assures the taxpayers that we will not waste their money and our students' time teaching regional dialects that are not recognized foreign languages. Every child deserves a chal-

lenging curriculum that prepares them for the 21st century rather than a feel-good program designed to enhance self-esteem. This legislation is simply common sense and merits all Members' support.

THE DEFENSE OF THE ENVIRONMENT ACT OF 1997

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. WAXMAN. Mr. Speaker, 2 years ago Congress adopted procedural steps that ensured that unfunded mandates and tax increases could not be enacted unless specifically considered and approved by the House. Today I am introducing the Defense of the Environment Act of 1997 with Representative GEPHARDT and Representative MILLER of California. This legislation would extend this same protection to environmental policies.

The Defense of the Environment Act is a commonsense safeguard that could dramatically improve the consideration of environmental legislation at virtually no cost. Nothing in the Act would prevent Congress from weakening or eliminating any existing environmental protection, even though a December 1996 Roper poll indicates that only 19 percent of our constituents favor rolling back environmental policies. Instead, the Act only takes the modest step of requiring a brief time for debate and a vote on any weakening legislation.

This is a practical measure which will simply ensure that environmental legislation receives adequate consideration before becoming law. I encourage my colleagues to consider the Defense of the Environment Act. I believe it is one environmental bill that we can all agree on.

REITSA FLOOR STATEMENT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHAW. Mr. Speaker, today I am introducing H.R. 1150, the Real Estate Investment Trust Simplification Act of 1997 ["REITSA"], a bill to amend portions of the Internal Revenue Code dealing with real estate investment trusts, or REIT's. The legislation responds to the need for simplification in the regulation of the day-to-day operation of REIT's. REITSA is cosponsored by Mr. MATSUI, Mr. CRANE, Mr. THOMAS, Mrs. JOHNSON, Mr. HOUGHTON, Mr. HERGER, Mr. MCCREY, Mr. CAMP, Mr. JOHNSON, Ms. DUNN, Mr. COLLINS, Mr. ENGLISH, Mr. ENSIGN, Mr. WELLER, Mr. STARK, Mr. LEVIN, and Mr. CARDIN. The Joint Committee on Taxation has determined that REITSA has a negligible effect on Federal fiscal year budget receipts.

In 1960, Congress created REIT's to function as the real estate equivalent of the regulated investment company, or mutual fund. As such, they permit small investors to participate in real estate projects that the investors could

not undertake individually and with the assistance of experienced management. Over time, the REIT industry has matured into its intended role with the greatest strides made in this decade.

This development of the REIT industry is a result of a number of factors. As important as any other were the changes Congress enacted in 1986 to the REIT rules themselves and the tax landscape in general. With respect to the general provisions, throughout the 1980's limited partnerships used the offer of multiple dollars of tax paper losses for each invested dollar to attract investors away from solid investments like REIT's, which seek to provide investors with consistent distributions from economically feasible real estate investments but provide no opportunity to receive a pass-through of tax motivated losses. Accordingly, the elimination of those tax loss loopholes led investors to look for income-producing investment opportunities.

Also included in the 1986 tax legislation were important modifications to the REIT provisions of the Code. Among the changes made as part of that modernization of the REIT tax laws (the first in a decade and the most recent comprehensive revision of the REIT laws), the most significant was the change allowing REIT's to directly provide to tenants those services customary in the leasing of real estate as had been permitted to pension plans and other tax-exempt entities engaged in the leasing of real property. Prior to that change, a REIT was required to use an independent contractor to provide those services.

These legislative changes and the lack of credit to recapitalize America's real estate produced a suitable environment for the substantial growth in the REIT industry and the fulfillment of Congress' original hopes for the REIT vehicle.

From 1990 to present, the industry has grown from a market capitalization of approximately \$9 billion to nearly \$100 billion. Fueling that growth has been the introduction of some of America's leading real estate companies to the family of long existing, viable REITs. As a result, the majority of today's REIT's are owners of quality, income-producing real estate. Thus, hundreds of thousands of individuals that own REIT shares through direct investment (plus the many more who are interest holders in the growing number of mutual funds or pension funds investing in REIT's) have become participants in the recapitalization of tens of billions of dollars of America's best real estate investments. Likewise, investors in mortgage REIT's have the opportunity to participate in the ever growing market for securitized mortgages, further contributing to the recapitalization of quality real estate.

The benefits of the growth in the REIT industry were addressed in a 1995 Urban Land Institute White Paper title The REIT Renaissance. That White Paper concluded that "[f]rom an overall economic standpoint, the real estate industry and the economy should be well served by the expansion of the REIT industry—the broadening of participation in real estate ownership, the investment in market information and research that the public market will bring, and the more timely responsiveness to market signals that will result from better information and market analysis."

To assist the continued growth of this important industry, H.R. 1150 was developed to address areas in the existing tax regime that present significant, yet unnecessary, barriers to the use of the REIT vehicle. The proposals represent a modernization of the most complex parts of the regulatory structure under which REITs operate, while leaving intact the basic underlying ownership, income, asset, and distribution tests introduced in the original REIT legislation. The proposals are supported by the National Association of Real Estate Investment Trusts, the National Realty Committee, the International Council of Shopping Centers, the National Multi-Housing Council, the Building Owners and Managers Association International, the National Association of Industrial & Office Properties, and other national organizations.

SUMMARY OF KEY PROVISIONS OF H.R. 1150

A. Title I contains three proposals to remove unnecessary "traps for the unwary." These proposals would address current requirements that are not necessary to satisfy Congressional objectives, that carry a disproportionate penalty for even unintentional oversights, or that are impracticable in today's environment. Title I's overriding intention is not to penalize a REIT's many small investors by stripping the REIT of its tax status as a result of an act that does not violate Congress' underlying intent in creating the REIT vehicle.

Section 101. Shareholder Demand Letter. The potential disqualification for a REIT's failure to send shareholder demand letters should be replaced with a reporting penalty. Under present law, regulations require that a REIT send letters to certain shareholders within 30 days of the close of the REIT's taxable year. The letters demand from its shareholders of record, a written statement identifying the "actual owner" of the stock. A REIT's failure to comply with the notification requirement may result in a loss of REIT status.

The failure to send so-called demand letters may result in the disqualification of a REIT with thousands of shareholders that easily satisfies the substantive test because of a purely technical violation. As a result of disqualification, a REIT would be compelled to pay taxes for all open years, thereby depriving their shareholders of income generated in compliance with all of the REIT rules. Fortunately, the Internal Revenue Service has not enforced any such technical disqualifications and instead has entered into closing agreements with several REITs. The proposal would alleviate the need to enter into such closing agreements on a prospective basis.

H.R. 1150 provides that a REIT's failure to comply with the demand letter regulations would not, by itself, disqualify a REIT if it otherwise establishes that it satisfies the substantive "five or fewer" ownership rules. But under these circumstances, a \$25,000 penalty (\$50,000 for intentional violations) would be imposed for any year in which the REIT did not comply with the shareholder demand regulations and the REIT would be required, when requested by the IRS, to send curative demand letters or face an additional penalty equal to the amounts related above. In addition, to protect a REIT that meets the regulations, but is otherwise unable to discover the actual ownership of its shares, the bill provides that a REIT would be deemed to satisfy the "five or fewer" share ownership rules if it complies with the demand letter

regulations and does not know, or have reason to know, of an actual violation of the ownership rules.

Section 102. De Minimis Rule for Tenant Services Income. The uncertainty related to qualifying services for a REIT should be addressed by a reasonable de minimus test. In 1986, Congress modernized the REIT's independent contractor rules to allow them to directly furnish to tenants those services customary in the management of rental property. However, certain problems persist. Under existing law, a REIT's receipt of any amount of revenue as a result of providing an impermissible service to tenants with respect to a property may disqualify all rents received with respect to that property. For example, if a REIT's employee assists a tenant in moving in or out of an apartment complex (a potentially impermissible service), technically the IRS could contend that all the income from the apartment complex is disqualified, even though the REIT received no direct revenue for the provided service. The disqualification of a large property's rent could seriously threaten, or even terminate, the REIT's qualified status.

Interestingly, at the same time a REIT could be severely punished for providing services to tenants or their visitors, the REIT rules properly provide that up to 5% of a REIT's gross income may come from providing services to non-tenants. Thus, under present law a REIT is better off providing services to nontenants than providing the same services to tenants.

In addition to the potential disqualification of rents, the absence of a de minimus rule requires the REIT to spend significant time and energy in monitoring every action of its employees, and significant dollars in attorney fees to determine whether each potential action is an impermissible service. The uncertainty regarding the permissibility of services also requires the IRS to expend considerable resources in responding to private ruling requests.

To lessen the burden of monitoring each REIT employee's every action and to eliminate unnecessary disqualification of tenant rents, H.R. 1150 provides for a de minimus exception. The exception would treat small amounts of revenue resulting from an impermissible service in a manner similar to revenue received from providing services to non-tenants, and protect the classification of rents from the affected property as qualifying REIT income. The de minimus exception is equal to 1% of the gross income from the affected property. The de minimus exception is based on gross income to be consistent with the REIT's income tests, and is set at 1% to reflect an amount large enough to provide the requisite safe harbor (note that it is 1% of the income from an affected property, regardless how small, and not all properties owned by the REIT), yet small enough not to encourage disregard of the independent contractor rule. Because many of the services in question would not result in a direct receipt of gross income, the bill provides a mechanism for establishing the gross income received relative to an impermissible service. The gross income would be deemed at least equal to the direct costs of the service (i.e., labor, cost of goods) multiplied by 150%.

For example, if the IRS determined that a REIT's providing wheelchairs at a mall is an impermissible service, the cost of the wheelchairs would be multiplied by 150% to achieve the gross income realized from the impermissible service. If that and any other gross income related to impermissible serv-

ices provided to tenants of that mall does not exceed 1% of the mall's gross income for the year, the impermissible service income would be classified as non-qualifying income. However, rents received from tenants of the mall would not be disqualified.

A REIT's actions are still policed under this change. First, if a REIT's gross income from impermissible services exceeds 1% of the gross income from the affected property, that income and the rents from that property would be disqualified as under current law. Second, as previously noted, a REIT's gross income from non-qualifying source is limited to 5% of total gross income. Accordingly, gross income from impermissible sources that does not exceed the 1% threshold would be included in that small basket, thereby placing a second check on the REIT's activities.

Section 103. Attribution Rules Applicable To Tenant Ownership. Unintended double attribution under section 318 should be minimized, while preserving the intended purpose of the attribution rule. The attribution rules of section 318 are interjected to ensure that a REIT does not receive rents from a 10% or more related party, in which case the rents are deemed disqualified income for the REIT gross income tests. While the intention of that rule is proper, a quirk in the application of section 318 to REITs as called for under section 856(d)(2) may result in the disqualification of a REIT's rents when no actual direct or indirect relationship exists between the REIT and tenant.

Under section 318(a)(3)(A), stock owned directly or indirectly, by a partner is considered owned by the partnership. In addition, under section 318(a)(3)(C), a corporation is considered as owning stock that is owned, directly or indirectly, by or for a person who also owns more than 10% (in the case of REITs) of the stock in such corporation. Those attribution rules may create an unintended result when several persons who collectively own 10% of a REIT's tenant, also own collectively 10% of the REIT. So long as those persons are unrelated, because their individual interests in both the REIT and tenant do not equal 10% the REIT is not deemed to own 10% of the tenant. However, if those persons obtain interests, regardless of how small, in the same partnership the REIT will be deemed to own 10% of the tenant. This results from the partnership's deemed ownership of the partners' stock in both tenant and the REIT. Further, because the partnership becomes a deemed 10% owner of the REIT under section 318(a)(3)(A), REIT is deemed the 10% owner of tenant under section 318(a)(3)(C).

In essence, the REIT becomes the deemed 10% owner of its tenant as a result of a variation of the partner-to-partner attribution that section 318(a)(5)(C) specifically was enacted to prevent. It is only through the combination of the partners' various interests in the REIT and tenant that a disqualification of the rents occurs. This is true regardless of the purpose for the partnership's existence. The partners may have no knowledge of the other's existence and may be partners in a huge limited partnership completely unrelated to the REIT.

H.R. 1150 addresses this problem by modifying the application of section 318(a)(3)(A) (attribution to the partnership) only for purposes of section 856(d)(2), so that attribution would occur only when a partner holds a 25% or greater interest in the partnership. This threshold presumes that such a partner would have knowledge of the other persons holding interests in the partnership, and

would have an opportunity to determine if those persons hold an interest in the REIT. By not suspending the double attribution entirely, the bill prevents the potentially abusive practice of placing a "dummy" partnership between the REIT and those persons holding interests in the tenant.

B. Title II of REITSA contains two proposals that would assist in carrying out Congress' original intent to create a real estate vehicle analogous to regulated investment companies ("RICs").

Section 201. Credit For Tax Paid By REIT On Retained Capital Gains. Current law taxes a REIT that retains capital gains, and imposes a second level of tax on the REIT shareholders when later they receive the capital gain distribution. H.R. 1150 provides for the REIT rules to be modified to correspond with the mutual fund rules governing the taxation of retained capital gains by passing through a credit to shareholders for capital gains taxes paid at the corporate (REIT) level. This modification is necessary to prevent the unintended depletion of a REIT's capital base when it sells property at a taxable gain. Accordingly, the REIT could acquire a replacement property without incurring costly charges associated with a stock offering or debt.

Section 202. Reduction in the 95% Distribution Requirement. H.R. 1150 calls for reducing the REIT distribution requirement of taxable ordinary income from 95% to 90%. RICs have a similar distribution requirement, which is set at 90%. The REIT distribution requirement was 90% from 1960 until 1976. As part of the Tax Reform Act of 1976, REITs were granted a special "deficiency dividend procedure" designed to protect their status in the face of a redetermination of distributable income pursuant to an IRS audit. In exchange for this decreased risk of inadvertent disqualification, REITs were asked to distribute a higher percentage of their income. However, when the deficiency dividend procedure was extended to RICs in 1978, no corresponding change was made to the RIC distribution requirement. Accordingly, H.R. 1150 calls for a reduction in the REIT distribution requirement to restore conformity between REITs and RICs.

C. Title III of REITSA would simplify several technical problems that REITs face in their organization and day-to-day operations. Many of these proposals would build on simplifications that Congress has adopted over the years.

Section 301. Modification Of Earnings And Profits Rules For Determining Whether REIT Has Earnings and Profits From Non-REIT Year. Only for purposes of the requirement that a REIT distribute all pre-REIT earnings and profits ("E&P") within its first taxable year as a REIT, a REIT's distribution should be deemed to carry out all pre-REIT earnings before shareholders are considered to be receiving REIT E&P. Under existing law, a REIT must not only distribute 95% of its REIT taxable income to shareholders, but it must in its first year distribute all pre-REIT year E&P. If the company mistakenly underestimates the amount of E&P generated while operating as a REIT it may fail to satisfy those requirements because the ordering rules controlling the distribution of E&P currently provide that distributions first carry out the most recently accumulated E&P. Thus, if a REIT distributes the pre-REIT E&P and the expected REIT E&P in its first REIT taxable year, the year-end receipt of any unanticipated income would result in the reclassification of a portion of the distribution intended to pass out the pre-REIT E&P.

While REITs have methods available to make distributions after the close of their taxable year that relate back to assure satisfaction of the 95% income distribution requirement (to be changed to 90% under REITSA), those methods can not be used to cure a failure to distribute pre-REIT E&P after the close of the REIT's taxable year. Accordingly, by allowing the REIT's distributions to first carry out the pre-REIT E&P, the REIT could satisfy both distribution requirements by using one of the deferred distribution methods to distribute the unanticipated income discussed in the example.

Section 302. Treatment of Foreclosure Property. Rules related to foreclosure property should be modernized. For property acquired through foreclosure on a loan or default on a lease, under present law a REIT can elect foreclosure property treatment. That election provides the REIT with 3 special conditions to assist it in taking over the property and seeking its re-leasing or sale. First, a REIT is permitted to conduct a trade or business using property acquired through foreclosure for 90 days after it acquires such property, provided the REIT makes a foreclosure property election. After the 90-day period, the REIT must use an independent contractor to conduct the trade or business (a party from whom the REIT does not receive income). Second, a REIT may hold foreclosure property for resale to customers without being subject to the 100% prohibited transaction tax (although subject to the highest corporate taxes). Third, non-qualifying income from foreclosure property (from activities conducted by the REIT or independent contractor after 90 days) is not considered for purposes of the REIT gross income test, but generally is subject to the highest corporate tax rate. The foreclosure property election is valid for 2 years, but may be extended for 2 additional terms (a total of 6 years) with IRS consent.

Under H.R. 1150, the election procedure would be modified in the following ways: (1) the initial election and one renewal period would last for 3 years; (2) the initial election would remain effective until the last day of the third taxable year following the election (instead of exactly two years from the date of election); and (3) a one-time election out of foreclosure property status would be made available to accommodate situations when a REIT desires to discontinue foreclosure property status.

In addition, the independent contractor rule under the election would be modernized so that it worked in the same manner as the general independent contractor rule. Currently, a REIT may provide to tenants of non-foreclosure property services customary in the leasing of real property. However, this previous modernization of the independent contractor rule was not made to the rules governing the required use of independent contractors for foreclosure property.

Section 303. Special Foreclosure Rules For Health Care Properties. In the case of health care REITs, H.R. 1150 provides that a REIT would not violate the independent contractor requirement if the REIT receives rents from a lease to that independent contractor as a tenant at a second health care facility. This change recognizes the limited number of health care providers available to serve as an independent contractor on a property acquired by the REIT in foreclosure, and the REIT's likely inability to simply close the facility due to the nature of the facility's inhabitants.

In addition, the health care rules would extend the foreclosure property rules to expira-

tions or terminations of health care REIT leases, since similar issues concerning a limited number of operators arise in those circumstances. However, foreclosure property treatment in these cases would be limited to a two-year period, unless the Secretary grants one or two possible two-year extensions.

Section 304. Payments Under Hedging Instruments. H.R. 1150 would extend the REIT variable interest hedging rule to permit a REIT to treat as qualifying any income from the hedge of any REIT liability secured by real property or used to acquire or improve real property. For example, this provision would apply to hedging a REIT's unsecured corporate debenture or the currency risk of a debt offering denominated in a foreign currency.

Section 305. Excess Noncash Income. H.R. 1150 would expand the use of the excess noncash income exclusion currently provided under the REIT distribution rules. The bill would (1) extend the exclusion to include most forms of phantom income and (2) make the exclusion available to accrual basis REITs. Under the exclusion, listed forms of phantom income would be excluded from the REIT 90% distribution requirement. However, the income would be taxed at the REIT level if the REIT did not make sufficient distributions.

Section 306. Prohibited Transaction Safe Harbor. H.R. 1150 would correct a problem in the wording of Congress' past liberalization of the safe harbor from the 100% excise tax on prohibited transactions, i.e., sales of property in the ordinary course of business. Involuntary conversions of property no longer would count against the permitted 7 sales of property under the safe harbor.

Section 307. Shared Appreciation Mortgages ("SAM"). In general, section 856(j) provides that a REIT may receive income based on a borrower's sale of the underlying property. However, the character of that income is determined by the borrower's actions. The SAM provision would be modified and clarified so that a REIT lender would not be penalized by a borrower's bankruptcy (an event beyond its control) and would clarify that a SAM could be based on appreciation in value as well as gain.

Section 308. Wholly Owned Subsidiaries. In 1986, Congress realized the usefulness of a REIT holding properties in subsidiaries to limit its liability exposure. H.R. 1150 would codify an IRS private letter ruling position providing that a REIT may treat a wholly-owned subsidiary as a qualified REIT subsidiary even if the subsidiary previously had been owned by a non-REIT entity. H.R. 1150 would allow a REIT to treat a corporation as a qualified REIT subsidiary when it acquires for cash and/or stock all the stock of a non-REIT C or S corporation.

The effective date would be for taxable years beginning after the date of enactment.

CONNECTICUT PAYS TRIBUTE TO SECRETARY RON BROWN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. DeLAURO. Mr. Speaker, on Monday, March 24, 1997 Connecticut will become the first State to participate in a State to State Day for the Ronald H. Brown Foundation. I am

very pleased to rise today to pay tribute to the life and work of Ronald Brown and his family's efforts to continue his work through the Ronald H. Brown Foundation.

Secretary Brown spent a lifetime working to improve and expand opportunities for Americans. He spent 12 years working for the National Urban League as Deputy Executive Director, General Counsel and vice president for its Washington organization. He will always be remembered for his tremendously successful tenure as chairman of the Democratic National Committee when he was instrumental in President Clinton's election. The President referred to Ron as "a strong and independent leader and a forceful advocate" when he nominated him to be the 30th United States Secretary of Commerce.

Dynamic and persuasive, Ron Brown used his position in the Commerce Department to be a tireless crusader for economic policies which build a partnership between the public and private sectors. While Secretary of Commerce, Ron made working with small business and minority entrepreneurs one of his priorities. However, Ron Brown's focus did not stop at the United States borders. He realized that America had to retain the lead in international commerce to continue to grow and provide economic opportunity for all of its citizens. To this end, he traveled the world to promote trade and the export of United States goods and services. Indeed, he will long be remembered for his far-reaching vision and unique style.

Ron Brown believed that economic opportunity would come from the integration of education, political development and international commerce. His legacy to us is the challenge of making his goals a reality. His family has taken on that challenge and founded the Ronald H. Brown Foundation to ensure that Ron Brown's lifetime of work will be carried on. The Foundation will focus on three areas: policy development, global commerce, and education.

I am proud that Connecticut is the first State to participate in the State to State effort to get the Ronald H. Brown Foundation on its way. I thank Ron Brown's wife Alma and his children, Michael and Tracy, for allowing me to be a part of this exciting new venture. We all have great hopes for the Foundation and I know that Ron Brown would be pleased to see that the vision he dedicated his life to is now closer to reality. My congratulations to everyone involved in this extraordinary project.

TRIBUTE TO RICHARD KATZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Richard Katz for his years of service to the people of California, especially to the residents of the San Fernando Valley. This week Mr. Katz is being recognized by the San Fernando Valley Interfaith Council with the "Spirit of the Valley" award which is the highest honor the Council bestows on former public officials, recognizing Mr. Katz's enormous contributions to our area and our State.

During his 16 years in the State government he served as chairman of the Transportation Committee and later as the Democratic Leader of the Assembly. His career is a record of distinguished service, as Mr. Katz was on the forefront of a number of issues important to Californians. The impact of his work varied widely from supporting the Mountain Lion Protection Act which banned the sport hunting of mountain lions and restored lost habitat, to aiding the victims of the Northridge Earthquake in the form of immediate tax relief.

Transportation improvements is the area in which Richard perhaps left his most enduring legacy. He authored Proposition 111, which raised more money for mass transit and highways than any effort in the history of California and created the Congestion Management Program which required cities to measure the impact of land use decisions on their roadways. He helped initiate California's Smog Check Program, which is still the strongest anti-smog program in the Nation. Finally, he worked to retire unsafe school buses with newer fuel efficient replacements, which benefits both the kids that depend upon them and the local environment.

It has been said that, the politician thinks of the next election, the statesman thinks of the next generation. Richard Katz's work in helping the children of California certainly classifies him as a statesman. He played a leading role in the Gang Risk Intervention Program which targets at-risk youth before they get involved with gangs. He recognized early on the importance of educating our children on computer use, as he developed and galvanized support for computer education programs in our public schools.

During his 16 years in the California legislature, Mr. Katz was known as a hard working and effective legislator. The effects of his leadership will be felt in areas ranging from crime prevention, environmental and consumer protection, transportation improvements and family issues. Throughout his career he maintained a relaxed and informal demeanor making him very approachable to Valley residents. Indeed the people of the San Fernando Valley are fortunate to have had Richard Katz as their representative. The area will reap the benefits of his work for generations to come.

TRIBUTE TO ROBERT W. WALSH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Robert W. Walsh, the executive director of the 14th Street, Union Square Business Improvement District [BID/LDC], and the man responsible for the renaissance of a New York neighborhood desperately in need of amelioration. Robert will be leaving New York for Charlotte, NC, where he has been named president of the Charlotte, NC, Uptown Development Corp.

During his 8 year tenure at BID/LDC, Robert initiated and oversaw a revitalization of the Union Square community that has transformed the neighborhood into one that is immeas-

urably better for residents, businesses, and visitors. In fact, improvement in the neighborhood has been so vast, Mayor Rudolph Guliani recently singled out the 14th Street, Union Square organizations as models for community development.

Robert has been responsible for many notable projects in the community, including the rezoning of the East 14th Street corridor which has stimulated recent developments such as an NYU student residence, many new retailers, restaurants, and other businesses; and the establishment of an award winning public/private partnership with Washington Irving High School. One of Robert's most indelible marks on the neighborhood is the completion of the Genesis apartments, a 94-unit building for formerly homeless families.

During Mr. Walsh's tenure, the 14th Street, Union Square neighborhood has become one of the most attractive and exciting areas of New York City.

Mr. Speaker, it is my pleasure today to rise in honor of Robert Walsh, a man who has served the New York community throughout his career at a variety of city agencies—the New York City Departments of General Services, Personnel, Parks and Recreation, Transportation, and the major's Office of Operations. I ask my colleagues to join with me today in this well-deserved tribute to Mr. Walsh for his commitment to New York City and to the outstanding work he has done for the 14th Street, Union Square community.

TRIBUTE TO VENA G. EDWARDS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SKELTON. Mr. Speaker, after 32 years of civilian service in the Department of the Army, Vena G. Edwards is being honored by her friends and peers.

Vena began her long and distinguished career in 1965 in the Officer Personnel Management Directorate at the U.S. Army Personnel Command, then known as the Military Personnel Command. Once she had established herself through other assignments, she advanced to the office of the assistant deputy chief of staff for Personnel in February 1977. A professional in every sense of the word, she was the mainstay and guiding force for the entire agency. She has trained many other agency members and has successfully managed the careers of the many general officers for whom she worked.

She always took a genuine interest in people and often went out of her way to help. You could say that she was truly one of those people who always walked the extra mile. She has been a lifesaver for many a general officer and hapless newcomer who found out they could always depend on Vena for the right answer or the right place. As the institutional memory for the organization, she will be sorely missed as it will take all of us much longer to look up what she already knows.

A master of efficiency, she has worked tirelessly to ensure the agency goals are met and that a quality of life is maintained for all members of the U.S. Army.

Vena has earned the admiration and respect from those in the highest levels of the Army, of the Department of Defense, Congress, and for the genuine caring for the well being of those who make soldiering their career.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Vena Edwards. I know Vena will be just as successful in her future endeavors as she was at the Department of the Army.

BART EXTENSION OF THE SAN FRANCISCO INTERNATIONAL AIRPORT IS ESSENTIAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. LANTOS. Mr. Speaker, I rise today in strong support of the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. Bipartisan passage of ISTEA in 1991 unveiled a new era in transportation funding by establishing a critical balance between meeting national policy objectives and providing flexibility to States and local governments. ISTEA works well and major changes to this important law are not necessary.

Mr. Speaker, last week, I testified before the House Subcommittee on Surface Transportation in support of ISTEA reauthorization. ISTEA must maintain its focus on national priorities, intermodalism, local and public involvement, and consideration of environmental concerns. It must also be adequately funded.

Mr. Speaker, I would like to share my thoughts with my colleagues here in the House of Representatives on the effectiveness of ISTEA programs in my region and in support of the reauthorization of the BART Extension to San Francisco International Airport. I respectfully request that my statement be included in the RECORD.

STATEMENT OF CONGRESSMAN TOM LANTOS BEFORE THE HOUSE SUBCOMMITTEE ON SURFACE TRANSPORTATION

Good afternoon, Mr. Chairman and members of the Subcommittee. Thank you for giving me the opportunity to testify on what is one of the most significant issues before the 105th Congress: the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). Passage of ISTEA by a large bipartisan majority of the Congress in 1991 was a watershed event for federal transportation policy. As you know, the new law was designed to make federal programs in the post-interstate era better, not bigger, by emphasizing system preservation, the efficient operation of existing networks, improved intermodal integration, and increased state and local control over investment decisions. ISTEA has been a visionary document, fostering a more diversified and strengthened transportation infrastructure to enable Americans to meet future challenges and opportunities.

A key ISTEA provision for the San Francisco Bay Area is the Section 3 New Rail Starts authorization for the BART Extension to the San Francisco International Airport. As you know, the BART Extension was authorized in the last authorization of

ISTEA and I strongly urge its reauthorization. The project, which is located in my Congressional district, will dramatically improve mobility and alleviate traffic congestion by creating a state-of-the-art connection between the 81-mile BART system and the bustling San Francisco International Airport (SFO). The SFO Extension enjoys the unanimous support of the entire Bay Area Congressional delegation and I am wholeheartedly committed to ensuring that we build this long-awaited, national-significant transit project. In a few minutes, BART Board Director Dan Richard will elaborate on the region's reauthorization request for the SFO Extension.

In the San Francisco Bay Area, I am happy to report, that the overall implementation of ISTEA has had a profound and decidedly beneficial impact on transportation planning and project selection. Thanks to the superb guidance and leadership of our nine-county Metropolitan Transportation Commission (MTC), which has overseen implementation of the program, our region has been able to seize upon the new opportunities provided by ISTEA and immediately put our federal dollars to work.

Barely one month after the passage of ISTEA, MTC formed the Bay Area Partnership—a consortium of local, state and federal agencies—to collaborate on the optimum use of ISTEA dollars. The Partnership quickly initiated a process to screen and rank project proposals based on ISTEA goals for efficiency, equity and multi-modalism. Working by consensus engendered strong local support, which enabled the Bay Area to obligate nearly 200 of its first round of Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program projects years ahead of official obligation deadlines.

In terms of the MTC region, ISTEA's flexible funding provisions have been pivotal to the program's success. ISTEA has literally revolutionized the way transportation priorities are set and how projects are selected for funding in the Bay Area. Instead of the rigid funding categories of the past, Bay Area communities have the latitude to invest in smaller, more cost-effective projects that deliver more immediate results.

Local flexibility has also enabled many worthy projects to advance—everything from a joint intermodal terminal at the Port of Oakland to BART rail rehabilitations to expansion of MIC's popular roving Freeway Service Patrol tow trucks and various highway and local street improvements throughout the region. In all, MTC, with the Partnership's help, has approved 432 projects worth more than \$460 million in STP and CMAQ funds. Along the way, the process continues to be refined and improved to elevate only the most efficient, effective transportation projects for funding. The success of each of these transportation projects is an extraordinary testament to the value of local decision-making coupled with the inherent flexibility of ISTEA.

Mr. Chairman, as your Subcommittee prepares to mark up a surface transportation reauthorization measure, I urge you to retain ISTEA's basic program structure, which has proven so successful in the San Francisco Bay Area and in other parts of the country. I also encourage you to oppose efforts to repeal or reduce the federal gas tax. These ill-advised policies would wreak havoc on the federal Treasury, weaken our economic competitiveness, and could undermine national security interests. Finally, I urge members of the Subcommittee to consider

the financial burdens that transit operators must bear in meeting the paratransit requirements of the Americans with Disabilities Act. Transit operators are already reeling from steep reductions in Section 9 operating assistance and can ill-afford to absorb these new costs without federal assistance.

Mr. Chairman, at this time I would like to introduce Dan Richard, a member of the BART Board of Directors, who is here to address the BART Extension to the San Francisco International Airport, our region's number one priority for federal New Rail Starts. I look forward to the day in the not too distant future when BART initiates service to the airport. With your Subcommittee's continued support, Mr. Chairman, I am confident that we will reach that goal, and when we do, it will be a proud achievement for all Americans.

Again, thank you for the opportunity to testify. I look forward to continuing to work with you and in supporting your efforts to enact a strong surface transportation bill which will meet our nation's transportation infrastructure needs in the next century.

IN SUPPORT OF THE CREDIT UNION MEMBERSHIP ACCESS ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to join with my distinguished colleagues on the House Banking Committee, Mr. LATOURETTE and Mr. KANJORSKI, and 15 other bipartisan colleagues, in introducing the Credit Union Membership Access Act. The bill will preserve the rights of millions of Americans to join and continue their access to credit unions.

In a ruling against the AT&T Family Federal Credit Union, the U.S. Circuit Court of Appeals for the District of Columbia, ruled on July 30, 1996, that a credit union cannot have among its members more than one group having a common bond of occupation. That appeals court decision, as a result of a full court lobbying by large banks, casts in doubt the ability of a credit union to serve multiple groups of employees by overturning 15 years of established National Credit Union Administration [NCUA] policy as it relates to who is eligible to join a credit union.

If fast action is not taken, millions of Americans will be forced to give up their access to the financial services they otherwise would receive through a credit union. The Credit Union Membership Access Act is a bipartisan effort to bring a legislative remedy as quickly as possible to the common bond issue. The bill would preserve the longstanding policy of the NCUA with regard to field of membership in Federal credit unions. It would also clarify that it is the intent of Congress that the NCUA has authority to determine occupational, associational, and community charters for Federal credit unions.

The measure, which I had been helping develop for the past several months, was carefully drafted in close consultation with local and national leaders of the credit union community. As a longtime supporter of the credit union movement in the United States, I am

honored to be part of this effort and to be included on the ground floor of the bipartisan congressional group submitting this important measure to the House of Representatives. To reaffirm my continued support for our Nation's credit unions, I urge my colleagues from both sides of the aisle to support the passage of the Credit Union Membership Access Act.

TRIBUTE TO HELEN HORRAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Helen Horral of Duluth, MN.

Helen Horral has rendered long and distinguished, dedicated service to the people and city of Duluth. She served on the Housing Re-development Authority [HRA] from 1985-1995, acting as president of the authority for 1 year. The HRA sets policy for Duluth's low-income housing and creates solutions to the city's low-income housing needs.

Helen has also served on the Single Room Occupancy Commission [SRO]. The SRO advises the city of Duluth on homelessness and the use of shelters and food banks, and it oversees grants and loans to SRO building owners to improve living standards and make housing more affordable. While serving on the SRO, Helen was a staunch advocate for the residents, making sure that the tenants were treated with respect. She was known as the resident caretaker of the SRO Commission.

The motivation for Helen's laudable efforts on behalf of the HRA and SRO is that she wants to help people less fortunate than herself. Many years ago, she saw that numerous Duluthians, especially senior citizens, had financial difficulties and could not afford decent housing. Helen decided to attack the problem head-on and take an active role in finding solutions. As a result of Helen's hard work, there has been real improvement in Duluth's low-income housing; there are now more low-income, high-quality units in Duluth, and low-income senior citizens can live in dignity. Even though she is now 82 years old, Helen continues to help others by planning meals and serving as a volunteer cook at senior citizens' centers around the city, which she has done for many years.

In addition to actively helping senior citizens, Helen has been involved in politics in Duluth for more than 25 years. She works as a volunteer for candidates in Minnesota during election years and is involved in grassroots politics all year long. Helen also provides transportation to seniors who do not drive, and she hosts political dinners and meetings on numerous occasions each year.

The 1996 election provided a good example of Helen's devotion to the political process. At one point near the end of the election, Helen worked at a campaign office in Duluth for 24 hours in a 2-day period. She did this not because she was asked to, but because she wanted to help. On many cold Minnesota winter days, when the next election may be more than a year away, Helen is still the first person at political meetings. And she rarely shows up

for meetings or at the campaign headquarters alone—she is the best volunteer recruiter in the district and frequently encourages senior citizens to become involved in the political process.

Helen says, with very simple, honest modesty that she has been blessed in her life and wants to share that blessing by working to assist those less fortunate. Helen truly understands the value of life and the worth of helping others. I am proud and honored to share with my colleagues this brief, but deserved tribute to Helen Horral, who has given so much of herself to enrich the lives of others and to serve her community. She is both a role model and an inspiration.

STATE REPRESENTATIVE ANGELO
"SKIP" SAVIANO HONORED AS
MAROONS SOCCER CLUB "MAN
OF THE YEAR"

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BLAGOJEVICH. Mr. Speaker, this weekend in Elmwood Park, IL, the Maroons Soccer Club, organizer of the first Italo-American soccer team in Chicago, will hold its 68th annual banquet. The Maroons are the proud sponsors of both soccer teams for the young and soccer teams for the "ageless" of the Chicagoland area. The purpose of the banquet is to honor two individuals who have actively contributed to the club in the same spirit that the club actively contributes to the community as whole. We join the Maroons in proudly honoring their Man and Lady of the Year for 1996-1997, Mr. Angelo "Skip" Saviano and Ann Mele. This is such a great honor. I am grateful to have the opportunity to recognize them in this way.

But I would like to take this special opportunity today to rise in the U.S. House of Representatives and publicly congratulate my long-time friend and colleague in the Illinois State House of Delegates, Skip Saviano.

Skip has been involved with youth soccer in our district for many years. He actively contributes to the well-being of our children and our community in many ways. In the most traditional sense, Skip Saviano is a role model. He is a strong legislator, and a champion of communities throughout Chicago and its suburbs. And his accomplishments are a direct result of his success as a community leader and as a good citizen.

I hope that my distinguished colleagues will join me in recognizing Skip Saviano for this much deserved honor. Further, I hope that they will join me in applauding his continued dedication to our communities and to the lives of the young people growing up in Chicago.

INTRODUCTION OF THE QUALITY HEALTH CARE AND CONSUMER PROTECTION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to introduce the Quality Health Care and Consumer Protection Act of 1997.

The past several years have seen an increasing and disturbing trend of the health insurance industry putting bottom-line medicine ahead of quality medical care. The evidence is everywhere.

First were the documented reports that women were being discharged from hospitals 24 hours—even 12 hours—after giving birth. Then came reports of women being shown the door after having outpatient mastectomies. In addition, physicians are barred from telling a patient about a lifesaving or life-improving treatment option or specialized care if it is more expensive than the insurer is willing to pay. Doctors were literally being gagged, in violation of their professional oaths. Men and women are not allowed to call for an ambulance without receiving prior approval from their managed care plan. Enrollee records are not kept confidential.

These practices, and others, spell an alarming trend in managed care. It would appear that managed care has allowed—or even forced—insurance companies to place company profits ahead of patient care. To many of us, this smack of third world medicine. Are we to abandon our historical position as the world's leader in medical care?

As a result, many individual States have started to mandate the coverage that insurers must provide. While I understand the States' desire to protect the quality of care, I am not sure this commonsense regulation is best executed at the State level.

Congress should go beyond taking these issues on a piecemeal basis and take broad comprehensive action. Consequently, I am introducing the Quality Health Care and Consumer Protection Act. Based on a series of proposals from Women in Government, a bipartisan group of State legislators from across the country, my bill represents a consensus on steps to ensure that managed-care networks provide high-quality, efficient care, not just low-cost care that boosts profits.

I am aware that there are other health reform plans pending in Congress. My bill, however, goes further because it also includes the millions of American workers whose health plans are regulated under ERISA. ERISA is the Federal law that regulates large corporations that self-insure and these companies would be exempt from the other legislation pending before this House. We must provide the same high standard of quality of medical care for all Americans, not just some.

This legislation would protect consumers without denying managed care's potential for legitimate innovation and cost control. This measure would return the power over medical decisions to those with the medical training and expertise—the doctors and the nurses.

Better Access to Personnel and Facilities—Ensures that enrollees are given meaningful

choice of available physicians and specialists, which includes reasonable access to acute care hospital services, primary care practitioners, registered nurses, specialists and specialty medical services such as physical therapy and rehabilitative services.

Continuity of Care—Requires that enrollees are provided continued coverage with the established primary care practitioners for 60 days, when the health care professional's contract is terminated without cause.

Emergency Service Coverage—Ensures that the health plan reimburse expenses for treatment of an emergency medical condition, when prior authorization was not obtained, if a prudent layperson would reasonably assume that the condition required immediate medical treatment.

Adequate Choice of Health Care Professionals—Ensures that the health plan permit enrollees to choose their own primary care practitioner from a diverse list of qualified professionals who are accepting new enrollees. In addition, when the enrollee's medical conditions warrant it, the enrollee shall be permitted to use a medical specialist primary care practitioner.

Point of Service Option—Ensures that the plan have an option for an enrollee to receive benefits by a nonparticipating health care professional for an additional reasonable premium.

Prohibition of Gag Rules—Ensures that there is open communication between health care professionals and enrollees.

Coverage of Drugs and Devices—Requires that a health plan that provides benefits with respect to drugs and medical devices shall provide coverage for all drugs and medical devices approved by the Food and Drug Administration so long as the primary care practitioner or other medical specialist determines the drug or device is medically necessary and appropriate.

Coverage of Experimental Treatment—If a health plan limits coverage for services, then the plan shall define the limitation and disclose the limits in any agreement of coverage. When a plan denies coverage for an experimental treatment, then the plan shall provide a letter explaining the denial, along with a description of alternative treatment covered by the plan.

Quality Assurance Program—Requires that the health plan develop comprehensive quality assurance standards which are adequate to identify, evaluate and remedy problems relating to access, continuity and quality care.

Data Systems and Confidentiality—Ensures that the health plan provide information on the plan's structure, decision making process, health care benefits and exclusions, cost and cost-sharing requirements, list of participating providers as well as grievance and appeal procedures to all enrollees, the Secretary of Labor, and the Secretary of Health and Human Services.

Reporting of Data—Requires that the health plan report annually to the Secretary of Labor and the Secretary of Health and Human Services data including the number and types of enrollee grievances or complaints during the year, the status of decisions, and the average time required to reach a decision. In addition,

the health plan must report the number, amount, and disposition of malpractice claims resolved during the year.

Medical Records and Confidentiality—Requires that the health plans establish policies and procedures for keeping enrollee information confidential.

Disclosure about Financial Arrangements—Requires that the health plan inform enrollees of the financial arrangements between the plan or issuer and participating providers and professionals.

Grievance Procedures—Provides a grievance procedure that all health plans must follow, while also requiring that the plan provide written notification to enrollees regarding the right to file a grievance concerning denials or limitations of coverage under the plan. In addition, the plan shall report to the Secretary of Labor and the Secretary of Health and Human Services the number of grievances and appeals received by the plan.

Mr. Speaker, managed care has a legitimate role to play in today's health care system. However, no health care system should be allowed to sacrifice patient care on the altar of corporate profits. The Quality Health Care and Consumer Protection Act makes significant steps toward returning medical decisions to doctors and other health care professionals and away from gatekeeper bureaucrats in HMO offices.

Medical professionals for generations have worked long and hard to give the United States the highest standard of medical care in the entire world. Our physicians, nurses, and medical researchers have performed miracles in combating dreaded disease, repairing ghastly injuries, and correcting infirmities. We cannot allow green-eyeshaded bean counters in insurance company accounting departments to throw that progress away. With a health care system that is the envy of the world, we must not allow the United States of America to slip to third world standards of medicine.

HONORING REV. RAPHAEL ZBIN,
MONK OF THE YEAR, THE BENE-
DICTINE ORDER OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Rev. Raphael Zbin, pastor of St. Andrew's Parish in Cleveland, OH. He is celebrating his 50th ordination jubilee and was honored as "Monk of the Year" at a ceremony on March 16, 1997, in Lakewood, OH.

The following tribute was contained in the St. Clair & Suburban News, February 1997 Edition:

He was ordained a priest in 1947 and then began teaching biology at Benedictine High School and served on Cleveland Diocese School Board for many years. In 1976, he was appointed pastor of St. Andrews.

There is no greater tribute to a Benedictine education than to dedicate one's life to the service of the Benedictine Order and

its values in education. And that summarizes the life-long efforts of Fr. Zbin.

TRIBUTE TO COLLEEN SMITH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Colleen Smith of Bowling Green, OH, who has retired as the city's administrator. Throughout her distinguished tenure, she was a model of a dedicated public servant.

Colleen began working for the city of Bowling Green in 1967 as a bookkeeper, monitoring maintenance costs of city vehicles. Working her way up through the municipal structure, she became the city's municipal administrator in 1989. As a testament to her talent and commitment to fiscal responsibility, the city's books held no operating debt upon her retirement.

In addition to leaving Bowling Green on sound financial grounds, Colleen may take pride in her retirement in knowing she played a key leadership role in the development and promotion of her community. As assistant municipal administrator and later as municipal administrator, she helped revitalize the downtown area and aggressively assisted in economic development. She was involved in recruiting commercial and industrial business and in negotiating an enterprise zone agreement between business, industry, and government. Ever mindful that a community is more than simply a collection of business enterprises, Colleen worked to ensure Bowling Green remained the warm and pleasant place to live and visit it has always been. Her efforts have grown trees, parks, and playgrounds which people have enjoyed and will for generations to come. She helped make Bowling Green a true slice of Middle America.

More than a municipal employee, Colleen expanded the boundaries of public servant by committing her time and talent to various volunteer groups and charities: the American Cancer Society, Muscular Dystrophy Association, and Arthritis Foundation to name a few. For her selfless efforts, Colleen was honored and recognized by many civic and community organizations. The recognition culminated in 1996, when she received an honorary alumnus degree from Bowling Green State University for a lifetime of achievement and civic-mindedness.

The English poet/philosopher John Donne wrote that "no man is an island, entire of itself" by which he meant that every person touches every other living being. Colleen Smith is an example of this sentiment. Although retiring from public service, I am certain she will carry on in the ideal of Donne's philosophy for many years to come. I know my colleagues join me in thanking Colleen Smith for 30 years of dedicated service, and wish her an enriching retirement.

CONGRATULATIONS TO THE LADY
EAGLES BASKETBALL TEAM OF
WEST VALLEY HIGH SCHOOL

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. NETHERCUTT. Mr. Speaker, today I want to congratulate the girls basketball team of West Valley High School. On March 15, the Lady Eagles won the Washington State AA High School basketball championship, handily defeating the Prosser High School girls squad 61 to 44. The Lady Eagles won 18 of their 22 games in the regular season, defeating many tough teams.

Under the leadership of Coach Mark Kuipers and assistant coaches Steve Lawler, Shelli Totten, Robyn Schumacher, and Renee Nilles, the girls squad demonstrated athletic skill, teamwork, and persistence, qualities which helped them play good basketball and win the State championship.

Players for the State championship team are Abby Monasmith, Angela Kaltas, Sherry Shollenberger, Cindy Simpson, Gabby McClintock, Chantelle Frost, Dawn Salfer, Kiesha Sowers, Stacey Roberts, Danna Vermeers, Heather Huffman, and Alisha Pedey. Jill Nihoul, Heather Sweet, and Megan Lawk served as the team's managers.

Principal Cleve Penberthy, Athletic Director Wayne McKnight, and residents of the West Valley district should be proud of the Lady Eagles' success. I join them in saluting the players, managers, and coaches for their accomplishment.

I hope the Lady Eagles' success will encourage others to pursue their goals, recognizing that to succeed, players need to practice and work together as a team. While necessary to their triumph, athletic skill alone was not enough. I hope that my neighbors in eastern Washington—and Americans across the Nation—will learn from their success, that they will not let the odds discourage them, they will remain confident in their abilities and work together to reach their goals.

Skill, teamwork, and persistence allowed the Lady Eagles to triumph on the basketball court. And these qualities will enable students across the country to succeed, whether in an athletic arena or in any other endeavor they would like to pursue.

IN HONOR OF NORMAN M. COLE, JR.

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of Mr. Norman M. Cole, Jr., whose contributions to the northern Virginia area, are beyond measure. Norman died suddenly in a skiing accident on February 2, 1997, and it is hard for me, and the entire Fairfax community to believe that such a vibrant and dynamic citizen is gone.

I would like to take this opportunity to inform others of what an outstanding activist and ad-

visior Norman was. As past chairman of the Fairfax County Board of Supervisors, I had the opportunity to work with Norman and I viewed him as one of the fathers of modern Fairfax. He served on my commission to study the county's budget in 1992 and his insight helped the county to achieve a balance without a tax increase. He was a visionary who saw the big picture in the way government operates, and he was able to put together the coalitions to get things done. Norman was former chairman of Virginia's State Water Control Board and an activist who frequently spoke out in defense of measures to protect northern Virginia's water supply. While chairman, Norman initiated the State standards for treating sewage before it was released into the Potomac River.

No one had more to do with protecting the Potomac River and shaping the region's water supply. Many of Norman's other brilliant ideas have been adopted by the Virginia General Assembly. Norman also served as a member of the Occoquan Sewage Authority and most recently was involved in assessing Dominion's semiconductor's plans to build a \$1.7 billion computer chip plant in northern Virginia. He also was a fighter for such causes as conserving energy and decreasing government spending.

Norman will be missed by all the residents of northern Virginia that were among the lucky to know him, and my deepest condolences goes to his wife, Janet, and his family. Norman will be a friend I will never forget, and he will be missed by the community he served. A recent editorial in the Washington Post clearly defines Mr. Cole's contributions to the region.

IN HONOR OF NORMAN M. COLE, JR.

[From the Washington Post, Feb. 9, 1997]

The Potomac River is far cleaner today than it was 30 years ago, and the credit for this transformation goes to one man whose expertise, persistence and political skills forced the issue on officialdom until he got results. Norman Cole Jr., who died in a skiing accident last weekend at the age of 63, was the undisputed champion of efforts to achieve what presidents and other elected leaders all talked about but never seemed ready to do: rid the Potomac of serious pollution. Poll anyone who ever got involved in the revival of the river and they point to Mr. Cole, the caring man who knew more than anyone else about water quality.

Mr. Cole served in a variety of state and local assignments pertinent to the longtime health of the region. He did stints as technical and policy adviser to Govs. John Dalton and Linwood Holton on energy and water pollution abatement. The government of Fairfax County leaned on Mr. Cole constantly for guidance, and civic groups sought him out for help, which he generously provided. Mr. Cole also was principal author of the 1971 Occoquan Watershed Policy, which prompted creation of a sewage authority there as well as of a world-class treatment plant.

Mr. Cole's expertise extended to global issues. He was a nuclear engineer who was a leader in the inspection and rectification of problems involving the reactor after the Three Mile Island accident in Pennsylvania. He served on the Ukrainian international jury reviewing proposals to stabilize Chernobyl Unit No. 4 after the disaster there. Mr. Cole assisted the Russian government in defueling its nuclear-powered submarines.

Mr. Cole was the man who was always testing the waters—literally as well as in his elaborate charts brightened by his famous multicolored underliners. When the Potomac started passing his tests, he would organize group swims. When the attention spans of government officials got short, he would nag and educate them until they at least listened some more. He did what he did out of a deep concern for the safety and pleasure of his own children and out of a love of the outdoor life and a special affection for the Potomac. His legacy is a unique treasure.

IN MEMORY OF A GREAT POLKA
BAND LEADER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Joe Toriskie, a Garfield Heights resident who played his special brand of Cleveland-style polka music to countless fans of his band, "The Casuals."

Born in Cleveland, Mr. Toriskie started his first band while a student at South High School. He spread the joyous message of polka for the rest of his life. Over the past 30 years, Mr. Toriskie led his band, the Casuals, to the peaks of the polka music profession. He was nominated as Musician of the Year by the Cleveland Style Polka Hall of Fame last year. The Casuals were also nominated as Band of the Year in 1995 and 1996.

Mr. Toriskie had a distinctive style. He liked to mingle with his audience during breaks. He exuded the good, happy, honest life. His friends knew him as a genuine person and a truly nice man.

He is survived by his wife, Dolores, daughters, Christine Mackerty and Nancy Adams; and grandchildren, Michael and Katie Mackerty.

He will be deeply missed.

IRS COMMISSIONER LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. WOLF. Mr. Speaker, today I am introducing legislation to ensure that the job of Internal Revenue Service Commissioner is filled by a person well qualified for this important, sensitive position who is insulated from political vagaries and undue influence.

Are certain nonprofit groups the targets of IRS audits? Is the IRS motivated by politics in determining which individuals or groups are audited? Shortly after the White House Travel Office employees were fired in 1993, IRS auditors began auditing UltraAir, a charter air company which had done business with the Travel Office and which was the subject of unfounded rumors about securing Travel Office work using kickbacks. Two years later, and after untold costs to the Government and the airline, UltraAir was cleared of any wrongdoing. Was this audit one of political retribution or an attempt to justify Travel Office firings?

Are IRS functions governed by objective interpretation and application of the tax code or are they directed by other interests? Almost daily, news reports are filled with allegations that the IRS is actually being run by politicians rather than career professionals, mindful of the fact that a well-placed, well-timed audit could have significant political rewards.

Far too many believe the IRS is an agency manipulated by powerful people with political motives. Far too many believe that the IRS is used as a political tool of the presidency—perhaps used to distract the opposition—perhaps an audit will work to divert the opposition's time, attention, and resources toward tax compliance matters rather than in pursuing their ideological goals. Can we call in the IRS and neutralize the opposition?

Ask your constituents what they fear most from the Federal Government and nearly all will say that one of their greatest fears is learning that they are being audited by the IRS. Not only does the IRS audit raise great concern, but for many who find themselves the focus of an audit, those concerns are compounded by the strongly held view that the agency may be politically motivated.

When the IRS Commissioner serves at the pleasure of the President, the perception is that the Commissioner may be swayed to operate the IRS in a manner that pleases the White House and may even agree to pursue audits as directed or do other things to be assured continued employment. Is this perception reality? Stories abound of misuse or abuse of IRS power for political purposes—in this administration and in previous administrations throughout history.

This is wrong. The IRS must be above partisan politics. Taxpayers—individuals and organizations alike—must be assured that one of the most important agencies in the Federal Government is run in a fair, nonpartisan manner. Americans deserve to rest easy knowing that the IRS is working in an objective, even-handed way to assess and collect taxes owed to the Federal Government. Americans deserve this.

That is why I am today introducing legislation which bolsters the integrity of the Internal Revenue Service by ensuring that the IRS is managed by an independent Commissioner, judged by his or her peers to be well-qualified to run the agency. My bill does two important things. First, the legislation establishes a new objective selection process for the IRS commissioner. Second, the legislation establishes a set 6-year term for the Commissioner, and thereby provides an important degree of independence from the President.

Under the provisions of this legislation, 150 days prior to the expiration of the Commissioner's term, or when a vacancy occurs, a special selection commission is established to consider potential candidates for commissioner. This commission will be comprised of peers qualified to assess the qualifications of potential candidates.

Specifically, the commission will consist of five individuals having professional contacts with the IRS, appointed by the following organizations: First, a representative from the American Institute of Certified Public Accountants who is a certified public accountant; second, a representative from the American Bar

Association who is a member of the Tax Division; third, a scientist from the National Academy of Scientists; fourth, an engineer from the Institute for Electronic and Electrical Engineers; and fifth, an economist from the American Economics Association.

No later than 60 days after the commission is established, the commission submits to the President a slate of qualified candidates. The President then selects his nominee from that slate. Once approved by the Senate and sworn in, the new IRS commissioner then serves for a 6-year term.

This selection process is similar to the process used to select the comptroller of the General Accounting Office. In that instance, a special commission—comprised of members of the House and Senate—is established to consider potential candidates for the position and to present to the President a slate of qualified candidates for his consideration. This process has worked well for many years and has resulted in well-qualified persons serving as comptroller. I am convinced that the position of IRS Commissioner would benefit from a similar commission comprised of qualified individuals routinely doing business with the IRS. Let us follow the model provided and establish a selection commission for the IRS Commissioner.

My legislation ensures that strong, qualified candidates are selected for IRS Commissioner and further ensures that the Commissioner is afforded necessary insulation and distance from attempts to make the IRS a tool for the party in power in the White House. We must give taxpayers renewed confidence in the IRS and in its ability to fulfill its mission in an unbiased, even-handed manner. My bill will do just that and I urge its support.

PAYING TRIBUTE TO THE FORWARD

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to the Forward, the king of New York's ethnic newspapers that has given voice to this city's Jewish community since 1897.

For 100 years, Forverts has brought the news to New York's Jewish immigrant community in their native tongue, Yiddish. Considered by many as the exemplar of ethnic newspapers in a metropolis that supports more than 100 of these, the Forward has been hailed by no less than legendary New York newspaperman Pete Hamill as the model for all newspapers.

The story of the Forward begins with one of the landmark developments of this Nation's history, the great European immigration that began during the latter part of the 19th century. The forward, and thousands of journals like it, was published for the 2½ million Jews from Eastern Europe who poured through great immigrant ports like Ellis Island between 1881 and 1925. Its first great editor was Abraham Cahan, a literary genius and acclaimed

author who created a daily that was best described as a kind of running Talmudic text for the secular cultural life of the Yiddish-speaking masses. Its mix of sensationalism and seriousness was supplemented by the fictions, essays and poetry of the great names of Yiddish literature. Though he won a Nobel Prize for literature in 1978, Isaac Bashevis Singer first published his fictional work in the Forward.

In the 1920's when the Forward wielded more influence than many of New York's English-language newspapers, this Yiddish daily boasted a circulation of more than a quarter million. In 1947, the paper's 50th anniversary party was so large it was staged in Madison Square Garden. It has even been said that the Forward's influence was so great, that it helped elect Meyer London to the U.S. House of Representatives in 1914.

May 25, 1990, was a historic day in the life of the Forward. After 93 years of publishing solely in Yiddish, the Forward produced its first English-language edition. Not an English translation, but a new entity that shares only a Manhattan office and the rich heritage of the original Forward. Led by president and editor Seth Lipsky, formerly an editor of the Wall Street Journal, the English-language edition has quickly staked its claim as the leading secular newspaper covering the Jewish-American community. Today, the Forward also publishes a Russian-language edition.

Though the Forward has always had a select readership, the issues and events found on its news pages are as diverse as the city it class home and the world that it covers. From politics to the arts, editorial cartoons to commentary, the Forward covers the entire range of the Jewish diaspora.

In its early years, the Yiddish Forward helped generations of European Jews absorb the American way of life, and today this legendary newspaper is still the paper of record covering the Jewish community. That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Forward on its 100th anniversary.

TRIBUTE TO BRENDA AND ROY TANZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. PALLONE. Mr. Speaker, on Thursday, April 10, 1997, the first annual Chaver Award will be presented by the Highland Park Conservative Temple of Highland Park, NJ, at its donor dinner dance to Brenda and Roy Tanzman of South Brunswick, NJ, for extraordinary community service.

The Chaver Award was inspired by President Clinton's eulogy to Prime Minister Yitzhak Rabin—"Shalom, Chaver—Peace, Friend." The award will be given to those community leaders whose commitment involves an emotional and personal feeling for the value of continued giving of themselves for the greater good of all—in short, those who are true friends of the community.

Mr. Speaker, it is a great honor and pleasure for me to join the Highland Park Conservative temple in paying tribute to Roy and Brenda Tanzman. The Tanzmans have been community leaders in many ways, having served on numerous civic and religious boards, given assistance to a wide range of projects, and led missions to Israel. They and their entire family have been excellent role models for the entire community. The list of organizations that they have led, supported, or been involved with is a long one.

Roy Tanzman serves as first vice president of the Highland Park Temple. He is the president-elect of the Jewish Federation of Greater Middlesex County, chairman of AIPAC of Middlesex County and chairman of the Middlesex County Israel Bond Organization. Among other activities and associations, Mr. Tanzman has served with the National Conference of Christians and Jews, the New Brunswick Cultural Arts Committee, the Woodbridge Township School District, the South Brunswick Democratic Committee, and as a coach for youth soccer, basketball and baseball in South Brunswick. A partner with the law firm of Wilentz, Goldman and Spitzer, Mr. Tanzman serves on the Middlesex County Bar Association, the New Jersey Bar Association, the New York Bar Association and the Middlesex County Board of Realtors.

Brenda Tanzman is a former board member of the Highland Park Temple, and has chaired many temple projects, including being dinner dance co-chairwoman. She has served as chairperson of the children's holiday projects of the sisterhood of the temple. She is a former vice president and board member of National Council of Jewish Women. She is also a member of the Auxiliary of Central New Jersey Home of the Aged. A life member of Hadassah, she has been an active volunteer in the South Brunswick school system for the past 14 years, where she has served as cultural arts chairperson, and also worked on the Anne Frank exhibit.

The Tanzmans reside in South Brunswick with their two children, Jill and Brett.

The gala will be held at the Excelsior in Manalapan, N.J. I would also like to pay tribute to the chairperson for the event, Al and Lynn Rappaport, and Elliot and Jackie Brooks, and Ad Journal chairpersons Stuart Mitnick, Walter Rogers, Justin and Gittel Footerman and Bernie Sadof, for all their hard work in putting together what will be, I am sure, a tremendously successful event.

TRIBUTE TO SIDNEY A. THOMPSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. DIXON. Mr. Speaker, on Sunday, May 18, 1997, the Los Angeles Unified School District [LAUSD] family will gather at the Ritz-Carlton Hotel in Marina Del Rey to pay homage to their leader Superintendent Sidney A. Thompson. Sid, as he is affectionately known by his colleagues, family, and many friends, is retiring from the school district after a distinguished and exemplary career spanning more

than 40 years. An educator's educator, I am privileged to count him as my friend, and am pleased to share this brief retrospective of this extraordinary individual with my colleagues.

Born in Los Angeles, CA, on May 9, 1932, Sid attended Dayton Heights Elementary School, Virgil Junior High School, and graduated at the age of 16 from Belmont High School.

After graduation, Sid was faced with genuine conflict concerning his career choices. Imbued with a deep love of the sea, yet keenly aware of the necessity and importance of a college education, he arrived at the perfect solution to combine both dreams. He successfully passed the entrance exam for the U.S. Merchant Marine Academy, located in Kings Point, NY, but was forced to sit out the year since he was not yet 17.

Sid graduated from the academy in 1952 with a bachelor of science degree and soon thereafter enlisted in the U.S. Navy, rising to the rank of lieutenant. He was stationed aboard the U.S.S. *Rochester* during the Korean war.

Following his tour of duty, he returned to Los Angeles. In 1956 he joined the faculty of Pacoima Junior High School where he taught mathematics, rising to department Chair. While at Pacoima, he entered California State University, Los Angeles, earning a master's degree in school administration in 1960. His ascent to greater heights and responsibilities was just beginning.

In 1965, Sid was named Assistant Principal at Maclay Junior High School. Four years later, he became Principal of Markham Junior High School and from 1971-1976, served as Principal of Crenshaw High School. His impressive administrative and managerial skills led to his promotion in 1976 to the post of Deputy Area Administrator for area 2. This position was followed in fairly rapid succession by a series of increasingly responsible positions within the school district's administrative offices.

On October 5, 1992, Sid became the 42d Superintendent and the first African-American to lead the Nation's second largest school district. His appointment catapulted him into the limelight as he confronted the mammoth challenge of overhauling and restructuring the school district—a move directed at concentrating greater decisionmaking authority at the local school level.

An affable and forthright individual, Sid has worked diligently with community groups and with local, State, and Federal officials in pursuit of his goals. He has been a strong, forceful, and effective advocate on behalf of children and viable educational policies designed to enhance their potential for future academic success.

Mr. Speaker, as the 19th century English essayist John Ruskin once noted, "The first duty of government is to see that people have food, fuel, and clothes. The second, that they have means of moral and intellectual education." I would submit that by his exemplary career and example, Sid Thompson embodies this principle. Largely because of his dedication, his love of education, and his leadership, the children of Los Angeles are better prepared to face the challenges of the future.

I am, therefore, proud to have this opportunity to congratulate him on his outstanding

contributions to the citizens of Los Angeles. He has been a true champion of quality education for all children, and his presence at the helm of the Los Angeles Unified School District will be sorely missed.

As Sid prepares to embark on what I trust will be a long, prosperous, and healthy retirement, I wish him and his lovely wife, Julia, calm seas and cloudless skies as they sail aboard their beloved sailboat "Havaram." Thank you Sid. Well done, my friend.

IN MEMORY OF A FIGHTING IRISHMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Martin Patrick Cooney, Sr., a native of the west side of Cleveland who was dedicated to the Irish community.

Because of his tireless efforts on behalf of the Irish community, in 1994 he was chosen Man of the Year by the very Irish Heritage Club he helped to found. He was once host to the Archbishop of Dublin and a member of Irish Parliament.

Mr. Cooney, a member of Pipefitters Local 120, retired after 30 years as a pipefitter for the city of Cleveland.

Mr. Cooney was a gifted Irish tenor. And throughout his 76 years of vibrant life and more than 20 trips to Ireland, he accumulated a wealth of knowledge on his heritage as well as the lineage of several Irish families in Cleveland.

He is survived by three daughters, a son, and seven grandchildren; as well as a sister and brother, and dear friends.

We will miss him terribly.

HONOR OUR POW/MIA'S

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Ms. HARMAN. Mr. Speaker, yesterday, I introduced legislation that requires the flying of the POW/MIA flag, a symbol of the Nation's commitment to service men and women held prisoner or missing, at Federal facilities, including U.S. post offices. The bipartisan bill, H.R. 1161, is in response to a recent incident where South Bay veterans were barred from flying the flag at U.S. post offices in Lomita and Rolling Hills Estates.

There is no doubt that we need to secure a full accounting of the men and women who fought for our Nation's flag and who were captured by the enemy or listed as missing. Having the POW/MIA flag flown at Federal offices and facilities will help us remember the work still to be done for these courageous individuals and their families. One of the individuals leading the effort to have the POW/MIA flag flown prominently around the Nation is David Albert, a councilman in the city of Lomita.

Mr. Speaker, I drafted the bill in response to complaints from Councilman Dave Albert and

veterans' groups who were recently denied permission to fly the distinctive black and white flag at a POW/MIA memorial at the Lomita Post Office. A short time later, a POW/MIA flag flying over the post office in Palos Verdes was ordered removed by postal authorities.

The apparent intent of the Postal Services' regulation was to insulate local postmasters from requests to fly flags other than the U.S. flag. When recently asked, Postmaster General Marvin Runyon responded that he saw no need to change the regulations. I'm disappointed by his answer. Postmasters are members of local communities and should be permitted to accommodate requests to fly flags, particularly one like the POW/MIA flag, which Congress has officially recognized as the symbol of our Nation's commitment to those still missing and unaccounted for.

Currently, the POW/MIA flag is required to be flown only at national cemeteries on at most 3 days a year. H.R. 1161, supported by the National League of Families of American Prisoners and Missing in Southeast Asia, expands the number of Federal sites where the flag will be flown. It also requires that the flag be flown on several specific national holidays associated with patriotism: Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, and National POW/MIA Recognition Day.

I thank International Relations Committee Chairman BEN GILMAN, Rules Committee Chairman GERALD SOLOMON, STEVE HORN, JIM RAMSTAD, PETER KING, MIKE McNULTY and TIM HOLDEN for joining me as original cosponsors of this bipartisan bill.

I invite my other colleagues to join as well and I am pleased to share the text of the bill with them.

H.R. 1161

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

(2) many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

(3) as a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still prisoner, missing, or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag and seeks further to honor those Americans who in future wars may be captured, or listed as missing or unaccounted for; and

(4) the American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

SEC. 2. DISPLAY.

The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations as designated by the Secretary of Defense;

- (2) Federal national cemeteries;
- (3) the national Korean War Veterans Memorial;
- (4) the national Vietnam Veterans Memorial;
- (5) the White House;
- (6) the official office of the—
 - (A) Secretary of State;
 - (B) Secretary of Defense;
 - (C) Secretary of Veterans Affairs; and
 - (D) Director of the Selective Service System; and
- (7) United States Postal Service post offices.

SEC. 3. REPEAL.

Public Law 102-190 (36 U.S.C. 189 note), relating to display of the POW/MIA flag, is repealed.

SEC. 4. REGULATIONS AND DEFINITION.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, the agencies or departments responsible for the locations listed in section 2 shall prescribe such regulations as necessary to carry out the provisions of this Act.

(b) DEFINITION.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

INTRODUCTION OF LEGISLATION

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. THUNE. Mr. Speaker, the need for water development throughout South Dakota is great. Nothing is more important to the health of ranchers and farmers, and people living in rural areas and small towns than safe drinking water. Access to a quality water supply is absolutely essential. As we approach the 21st century, we should do whatever it takes to guarantee that need is met.

While considerable progress has been made in providing clean and safe drinking water to residents of my State, much work remains to be done. Fall River County and Perkins County are examples of areas that urgently need to develop new sources of potable water. That is why I am introducing bills today to authorize the construction of the Fall River Water Users District Rural Water System and the Perkins County Rural Water System.

The communities that would be served by both systems are comprised of farmers and ranchers who have had to endure substandard, and at times remote, sources of drinking water. The drinking water available in Fall River County, SD, like the water in much of the rest of the State, is contaminated with high levels of nitrates, sulfates, and dissolved solids. Wells have been known to run dry, due to the high frequency of droughts in the region. Many people currently must haul water, sometimes as much as 60 miles round-trip. Similar problems exist in Perkins County, where much of the drinking water fails to meet minimum public health standards, thereby posing a long-term health risk to the citizens of that region.

My first bill would authorize the construction of a system to bring clean water to the residents of Fall River County. I am absolutely

committed to continuing to work with the Fall River County Water Users District, the State and the Federal Government to bring a high quality water supply to Fall River County.

Under the second bill I am introducing today, the Perkins County Rural Water System will obtain Missouri River water through the southwest pipeline, which is part of the Garrison Diversion Unit in North Dakota. This is an efficient and cost-effective approach that takes advantage of existing water management infrastructure. Clean, safe drinking water will be provided to about 2,500 people who reside in the towns of Lemmon and Bison, and the surrounding areas.

In my experience as director of the South Dakota Municipal League, I realize the critical role water plays in a community's development. Without a safe and affordable water supply, cities and towns are at a severe disadvantage. Current and future residents need the assurance that this basic, but vital resource will be there. Farm and ranch operators, small businesses, and manufacturers alike depend upon this resource.

The people of Perkins County and Fall River County have gone great lengths to provide for themselves. They do, however, need some assistance in building the infrastructure necessary to supply water. These two bills will supplement those efforts and ensure growth and sustainability for these areas of South Dakota.

It is my hope that my colleagues will join with me in supporting these two pieces of legislation, which will provide safe, clean drinking water to deserving South Dakota families.

INTRODUCTION OF LEGISLATION
TO END THE USE OF STEEL JAW
LEGHOLD TRAPS IN THE UNITED
STATES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mrs. LOWEY. Mr. Speaker, yesterday I introduced, along with my colleague from Connecticut, CHRISTOPHER SHAYS, legislation to end the use of steel jaw leghold traps in the United States. The majority of Americans believe this measure is long overdue. I hope this House will debate and pass it as soon as possible.

Steel jaw leghold traps slam with bone-crushing force upon their victims. These devices are completely nonselective. They threaten small children, cherished pets, and endangered species. Less cruel trapping alternatives exist for the 2,100 Americans that earn their living by hunting or trapping.

A recent survey demonstrated that three out of four Americans believe the trap should be prohibited. This past November, Colorado and Massachusetts joined New Jersey, Florida, and Rhode Island in outlawing the use of these traps; several other States are considering similar laws. The American people want the traps outlawed now. The best way to accomplish that is by passing my legislation.

Let me add, Mr. Speaker, that it's not just the American people that oppose the use of

these traps. Eighty-eight nations have already banned the use of these inhumane traps. The belief in this ban is so strong in Europe that the European Parliament adopted a law prohibiting the importation of furs from nations that continue to use these devices. When this law is implemented, the United States will no longer be able to export furs to Europe—unless we pass this bill.

Mr. Speaker, in the 104th Congress, more than 90 Members cosponsored H.R. 1404, which is nearly identical to the bill Congressman SHAYS and I are introducing today. As news of this legislation spreads, I expect we will gain even more congressional support.

I hope we can hold hearings on the issue quickly, and then bring this bill to the floor. I invite all of my colleagues to join me in pushing for the elimination of these cruel and unnecessary traps once and for all.

REPORT FROM INDIANA—IMPACT
YOUTH CENTER

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report From Indiana. All across Indiana, my wife Ruthie and I have met so many wonderful, kind and caring people. These are people who strive day and night to make a difference. In my book, these individuals are Hoosier Heros. Heros in every sense of the word, because of their commitment to others.

I would like to share with you a story from Edinburg, IN, a little town in Johnson County, about true commitment driven by faith. A young couple, whose devotion to God and the community, have inspired them to open a place for young people to come develop a better relationship with Christ. Mike and Tammy Tetrick started the IMPACT youth program, which stands for Informing Many People About Christ.

Their mission began 2 years ago where they held their first meeting in their living room with 20 children. As the meetings progressed so did the number of young people who came to the Tetrick's door in hope of finding their faith. They knew that they could no longer hold everyone and had to find a place where they could fit all those who were eager about getting to know Christ. So, with the help of the community, the Tetricks were able to purchase a local church and converted it into the IMPACT Youth Center.

Today, over 150 young people join Mike and Tammy in celebration. The IMPACT center has had a tremendous response. At their meetings, local pastors like pastor Larry McCormick, of the First Assembly of God Church, come to teach these young men and women. Afterward, the center provides a place where young people can come together. Some join together for further prayer. Others enjoy the video games. Games donated by Dwayne Mottia of Mottia Amusements.

The youth center provides a positive outlet for these youngsters. The IMPACT youth center has affected these young people in an extraordinary way. Since the center has opened

the enthusiasm of the community has grown. Just last week, the young men and women took the initiative to rid themselves of cigarettes, pornographic magazines, and CD's with explicit language. These young Hoosiers had decided they had grasped onto something more meaningful in their life.

Today I recognize those involved with the IMPACT youth center for their celestial effect on the community. The IMPACT center has also strived at helping local organizations. The young members raised money to purchase gifts for those in the Franklin Juvenile Center. They are currently in the process of collecting a 1,000 pounds of food for the victims of the floods in southern Indiana. This type of commitment is not only commendable but truly amazing.

These are the lessons we must all strive to teach our young people, so that they will have the values necessary to become good citizens and tomorrow's leaders.

The IMPACT youth center also organized a band consisting of Mike Tetrick, Gobel Brockman, James Burton, Allen Burton, Tim Burton, Tammy Tetrick, and Jim and Tracy Burton. This band enthusiastically plays at drug centers, missions and juvenile centers throughout the surrounding community. Their faith and effort give others hope. It gives us all hope.

So today I commend each and everyone involved with the IMPACT youth center and encourage them to continue with their mission. They truly are Hoosier Hero's.

Mr. Speaker, that concludes my report from the Second District of Indiana.

Names to be entered into the RECORD: Pastor Jamie Vance, Pastor Mike Whited, Pastor Tim Dillingham, Youth Pastor Nick Whited, Youth Pastor Rodney Burton, Pastor Byron Fritz, Youth Pastor Ron Strieval, and Youth Pastor Tim Barrett.

H.R. 1143

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. VENTO. Mr. Speaker, yesterday I introduced a private bill on behalf of Ms. Mary Mertz, a constituent and employee of the U.S. State Department. In 1988, Ms. Mertz received a reimbursement check for moving expenses, as she had just transferred to a new foreign post. Ms. Mertz endorsed the check for deposit only and enclosed it in a diplomatic pouch for deposit in her credit union in the United States.

In nearly any other circumstance, this would be the end of the story. In this case, the diplomatic pouch arrived at its destination in the United States, but Ms. Mertz's check was no longer in the pouch. It remains unknown to this day how the pouch was tampered with, or how the check was removed. Ms. Mertz rightfully expected the pouch to be a safe means of depositing her payment to her bank.

After some time the check was traced, for if it had been merely lost it could have been canceled and replaced. It turns out the check was falsely deposited in a foreign bank, and

by the time this was discovered the bank had gone out of business with no successor named for its debt. There was no recourse against this foreign institution, no recourse against the State Department for losing the check, no recourse against the Treasury which had paid once, albeit incorrectly, on that check. After years of research and contact with her representatives in Congress, it is clear there is no recourse under current law for Ms. Mertz. It is equally clear that the last known location of the check was in U.S. Government possession, and no explanation has been offered as to how this check ended up in the hands of the criminals who illegally deposited it in a foreign institution.

Since all other avenues of recourse have been attempted and my constituent has not recovered her funds, I introduced this legislation for relief to address these issues and allow Ms. Mertz to receive the reimbursement she is due.

TRIBUTE TO ANDREW STEVENS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Andrew Stevens, a dear friend, a fellow Californian, and a prominent businessman and civic leader. Andrew was presented the Golden Cross of the Order of Merit of the Republic of Hungary by the Hungarian Consul General in Los Angeles, Mr. Imre Helyes, at a recent ceremony in Los Angeles.

In his letter informing me that Andrew Stevens would be honored, Mr. Helyes explained why the decision was made to grant this award. In particular, the Hungarian Government wanted to recognize Andrew's courageous actions during the Holocaust:

In spite of his youth, Mr. Stevens' courage and bravery drove him enthusiastically to become a "rebel with a cause." He took part in a number of broad-ranging, life-saving activities in Budapest under the masterful guidance of the famous and heroic Swedish Diplomat, Raoul Wallenberg. Without concern for his own safety, Mr. Stevens rescued a large number of our persecuted countrymen from almost certain death towards the last period of the Second World War. Fortunately, some of these individuals are still alive and attested to the dangerous feats undertaken by Mr. Stevens.

Mr. Speaker, I most enthusiastically welcome the presentation of this well-deserved honor to Andrew. It is an appropriate tribute for his remarkable efforts during those harrowing and darkest of days in Budapest during 1944. Andrew repeatedly risked his own life to save the lives of others. He was motivated not simply by the instinct to survive and to preserve himself, but by the drive and the passion and the commitment to help others, and that is what makes Andrew unique.

For all of these reasons, Mr. Speaker, it is most appropriate and meaningful that Andrew Stevens has been honored by President Goncz of Hungary and by the people of Hungary in presenting to him this high honor. It is

also a tribute to the Government and people of the newly democratic Hungary that they have chosen to honor Andrew Stevens.

Mr. Speaker, the people of the United States are fortunate to have as an honored citizen of our Nation a man of integrity, compassion, and commitment such as Andrew Stevens. America is richer for his life and for the contributions he has made to his adopted country.

It is my sincere hope, Mr. Speaker, that the awarding of this honor to Andrew will strengthen the ties of mutual friendship between the United States and Hungary. I invite my colleagues in the Congress to join me in paying tribute to Andrew Stevens.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector:

Mr. POMEROY. Mr. Chairman, I wish to express my opposition to the so-called Working Families Flexibility Act, H.R. 1. While skillfully titled, this legislation will not, in fact, help today's working families cope with the struggles they face. Instead, this legislation will make life harder for those who toil each week to provide for their families. Perhaps it is unintentional, but unfortunately this bill represents yet another proposal put forth by the majority which will increase the strain on working families and jeopardize our Nation's basic workplace protections. The Democratic substitute that I support, on the other hand, offers employees the work schedule flexibility they desire while ensuring that the choice for compensatory time off rather than overtime pay is truly voluntary.

H.R. 1 attempts to offer workers a choice between overtime pay and compensatory time off when they work more than 40 hours per week, a goal which many of us would agree is reasonable. However, the bill does not assure that the employer-employee agreements on this subject will be truly voluntary. Under the bill, employers who wish to offer compensatory time rather than overtime retain authority to impose this choice on their employees. Today's workers, who face a climate of reduced job security and corporate downsizing, will find it difficult to reject their employers' stated preference for time off rather than overtime pay. For example, employers could screen job applicants or assign overtime to employees according to their willingness to accept comptime.

Another flaw with H.R. 1 is that it gives employers too much authority over when an employee could take the comptime he or she has earned. Employers would have the power to deny an employee's request for comptime on the grounds that it unduly disrupts their busi-

ness operations, or they could deny the request for the day requested and instead offer another day which suits the employer's schedule. With employees thus having insufficient say over when their earned comptime can be used, the goal of providing flexibility for workers to attend to family matters has not been achieved.

By reducing opportunities for overtime pay, H.R. 1 is particularly damaging to the many workers in today's economy who depend on overtime to maintain a decent standard of living for themselves and their families. Fully two-thirds of the workers who earned overtime in 1994 had a total family income of less than \$40,000. For these many workers at the low end of the wage scale, the extra dollars earned from overtime can mean the difference between family self-sufficiency and government dependence. At a time when we are rightly demanding that people move from welfare to work, we must not remove a basic safeguard—overtime pay for hours worked in excess of 40 per week—that has allowed low-wage workers to stand on their own.

Unlike the majority's bill, the Democratic substitute ensures that the choice for comptime will be exclusively the employee's so that those who depend on overtime pay to make ends meet will not be forced to abandon this important source of income. In addition to requiring that it be the employee who requests comptime, the Democratic substitute also requires employers to offer comptime to all employees who are similarly situated. The majority's bill, on the other hand, would allow employers to pick and choose which employees will be offered comptime. The Democratic substitute also exempts from the comptime provisions certain segments of the work force that are particularly dependent on overtime wages, including part-time, temporary, and seasonal workers, and those in the garment, construction, and agriculture trades.

Mr. Chairman, the overtime provisions of the Fair Labor Standards Act have served this Nation well. They protect workers from demands for excessive work, reward—in a financially meaningful way—those who put in extra time for their employer, and—by requiring premium pay for overtime—provide an incentive for businesses to create additional jobs. Thus, we must proceed carefully when enacting legislation which makes changes to our overtime laws, even for the laudable goal of giving employees greater flexibility with respect to their work schedules. Unfortunately, H.R. 1 does not demonstrate the requisite legislative caution. It weakens the Fair Labor Standards Act's overtime provisions while giving employers additional authority over the work schedules of their employees. This is not the way to help today's working families. Instead, we should pursue the course laid out in the Democratic substitute—offer flexibility to employees while protecting absolutely their ability to choose overtime rather than comptime.

IN HONOR OF THE PARISHIONERS OF THE CHURCH OF ST. LEO THE GREAT ON THEIR 25TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the dedication and achievement of the parishioners of the Church of St. Leo the Great of Cleveland, OH, on their 25th anniversary.

Approximately 120 members have assisted the pastor and associates with a multitude of volunteer work. They have performed the important functions of acolytes, readers, and eucharistic ministers. They have contributed a portion of their earnings to the Vincent De Paul Society, which looks after the poor of the parish. They have visited the sick and aged at hospitals and nursing homes. They have sung in the choir and they have helped families in their times of mourning.

St. Leo's volunteers give of themselves, and in doing that, they make Cleveland a better place.

BOB DORNAN'S DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. GEKAS. Mr. Speaker, if Bob Dorman had appeared in the well during the recent St. Patrick's period, he would have recited the following, which he described as coming from an Irish voice.

We appreciated Bob Dorman's wonderful flights of history and rhetoric and we do this in his stead and in his honor.

The article follows:

I arise today
Through a mighty strength, the invocation
of the Trinity,
Through belief in the threeness,
Through confession of the oneness
Of the Creator of Creation.
I arise today
Through the strength of Christ's birth with
his baptism,
Through the strength of his crucifixion with
his burial,
Through the strength of his resurrection
with his ascension,
Through the strength of his descent for the
judgment of Doom.
I arise today
Through the strength of the love of Cher-
ubim,
In obedience of angels,
In the service of archangels,
In hope of resurrection to meet with reward,
In prayers of patriarchs,
In predictions of prophets,
In preaching of apostles,
In faith of confessors,
In innocence of holy virgins,
In deeds of righteous men.
I arise today
Through the strength of heaven,
Light of sun,
Radiance of moon,
Splendor of fire,

Speed of lightning,
 Swiftmess of wind,
 Depth of sea,
 Stability of earth,
 Firmness of rock.
 I arise today
 Through God's strength to pilot me,
 God's might to uphold me,
 God's wisdom to guide me,
 God's eye to look before me,
 God's ear to hear me,
 God's word to speak for me,
 God's hand to guard me,
 God's way to lie before me,
 God's shield to protect me,
 God's host to save me,
 From snares of devils,
 From temptations of vices,
 From everyone who shall wish me ill,
 Afar and anear,
 Alone and in multitude.
 I summon today all these powers between me
 and those evils,
 Against every cruel merciless power that
 may oppose my body and soul,
 Against incantations of false prophets,
 Against black laws of pagandom,
 Against false laws of heretics,
 Against craft of idolatry,
 Against spells of witches and smiths and wizards,
 Against every knowledge that corrupts
 man's body and soul.
 Christ to shield me today,
 Against poison, against burning,
 Against drowning, against wounding,
 So that there may come to me abundance of
 reward,
 Christ with me, Christ before me, Christ behind
 me,
 Christ in me, Christ beneath me, Christ above
 me,
 Christ on my right, Christ on my left,
 Christ when I lie down, Christ when I sit
 down, Christ when I rise,
 Christ in the heart of every man who thinks
 of me,
 Christ in the mouth of everyone who speaks
 of me,
 Christ in every eye that sees me,
 Christ in every ear that hears me.
 I arise today
 Through a mighty strength, the invocation
 of the Trinity,
 Through belief in the threeness,
 Through confession of the oneness,
 Of the Creator of Creation.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to voice my opposition to H.R. 1122. H.R. 1122 as it is written now presents us with a moral issue, a religious issue and, as Members of Congress who have sworn to uphold the U.S. Constitution, a constitutional issue.

Partial-birth abortions are performed because a physician, with the benefit of his expertise and experience, determines that, given a woman's particular circumstances, this procedure is the safest available to her; that this is the procedure most likely to preserve her

health and her future fertility. Only a doctor can make this determination. We, in Congress, should not interfere with the close relationship that exists between a doctor and patient; but more importantly her spiritual leader and her God.

It is a tragic fact that sometimes a mother's health is threatened by the abnormalities of the fetus that she is carrying. When this occurs the mother is faced with a terrible decision whether to carry a fetus suffering from fatal anomalies to term and in so doing jeopardize her own health and future fertility or whether to abort the fetus and preserve her chances of bringing a later healthy life into the world.

When a woman is faced with this type of painful circumstance, it is one that she should face free from Government interference. This is too intimate, too personal, and too fragile a decision to be a choice made by the Government. We should protect the sanctity of the woman's right to privacy and of the home by letting this choice remain in her hands. Families and their physicians, not politicians, should make these difficult decisions. It is a decision that should be between a woman, her spiritual leader, and her God.

I am reminded of the story of King Solomon. In that story Solomon is faced with deciding between two women who claim that a certain male child is their own. The power and authority to determine to whom that child belongs rests only with King Solomon, but in his wisdom this man gave those mothers the power to choose the child's fate. In his wisdom, King Solomon realized that the relationship between a mother and child is one with which the State should not interfere.

I believe that anti-abortion activists are truly committed to preserving the sanctity of life. However, those Members in their wisdom, should accept a compromise that would protect the health and life of the mother. With such an exception this legislation would have been made law last year and many of these procedures could have been averted.

In addition, we can not ignore the fact that H.R. 1122 is unconstitutional. We, in Congress, should not attempt to undercut the law of the land as set forth by the U.S. Supreme Court in *Roe versus Wade*. In *Roe* the Supreme Court held that women had a privacy interest in electing to have an abortion. This right is qualified, however, and so must be balanced against the State's interest in protecting prenatal life. The *Roe* Court determined that post-viability the State has a compelling interest in protecting prenatal life and may ban abortion, except when necessary to preserve the woman's life or health. In line with this decision, 41 States have already passed bans on late term abortions, except where the life or health of the mother is involved.

In *Planned Parenthood versus Casey*, the Court held that the States may not limit a woman's right to an abortion prior to viability when it places an "undue burden" on that right. An undue burden is one that has "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Let's not try to overturn the law of the land.

H.R. 1122 in its current form interferes with a woman's access to the abortion procedure

that her doctor has determined to be safest for her, and so unduly burdens her right to choose. It is therefore inconsistent with the principles outlined in *Roe* and *Casey*, which have been reaffirmed by every subsequent Supreme Court decision on this issue, and so is unconstitutional.

I ask my colleagues to vote against H.R. 1122 and in so doing signal their commitment to preserving the health and future fertility of American women and to upholding the U.S. Constitution.

TRAGEDIES ARE EYE-OPENING

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. BAESLER. Mr. Speaker, tragedies are eye-opening. They reveal a great deal about the human spirit. They teach us about the value of things we often take for granted in our fast-paced workaday world. Natural disasters have a way of changing our smug assumptions about being self-made people who can live to ourselves and by ourselves.

Nevertheless, after nights of rain and ruin, floodwaters and frustration, storm damage and damaged nerves, mud and swamped homes and businesses, we are ready to learn a little more about the human spirit and the need for community.

The recent weather threw Kentucky a curve ball. Streets became canals and roadways became rivers. Cars and trucks competed with boats and rafts for the right of way. Floodwaters transformed neighborhood parks into tributaries as nature ran amok.

Yet during those dreary days, something remarkable occurred. The human spirit also underwent a transformation. Not too long ago the practice of bashing the Federal Government was the number one spectator sport. Not anymore in Kentucky.

Homeowners and residents were, to say the least, grateful for the role played by officials with the Federal Emergency Management Agency (FEMA). Not only was the agency Johnny-on-the-spot in responding to the emergency, it also brought comfort to worried residents who saw their homes and hopes swallowed by floodwaters.

From the Governor and other State officials on down the line to local leaders, our public servants became just that: the servants of the people in need. They were at the top of their forms too.

Emergency crews worked around the clock to ensure that Kentuckians would have the resources not only to combat and cope with the flooding, but also to provide the means of recovering from its toll. The spirit of cooperation came alive in the floodwaters and storm damage. County officials worked across county lines to make sure that residents had bottled water, dry clothing, and temporary ports in the storm. The business community pitched in. They hauled fresh water supplies by rail to weather-weary residents. They donated large sums of money to help victims recover.

The disaster transformed ordinary citizens into local heroes. They pulled people from

rooftop refuges and snatched weary drivers from cars stalled in high water. The rescuers battled swift currents in rowboats, crossed streams transformed overnight into raging rivers and battled mudslides to help residents from their inundated homes.

Centuries ago someone asked the question, "who is my neighbor?" Although the word comes from an old English word meaning "near dweller," the proximity of people does not define neighborliness.

It is the proximity of the human heart during the crisis moment that defines it. In a crisis even a stranger can become a neighbor. The fellowman becomes the object of our fellow feeling, which can best be defined as the sympathetic awareness of others.

Good Samaritans appeared overnight. Neighbors pitched in to help each other and in so doing, fortified themselves as important cogs in the art of survival. Neighbors not only got to know each other, they got to help each other, creating bonds that will last a lifetime.

It started as an act of God. At least that is what insurance companies call it. Yet it developed into a drama of human beings acting on behalf of others. Everyone pitched in to help each other cope with one of the worst natural disasters to hit Kentucky in a generation.

In this one moment in time, the State really became a commonwealth: common men and women who summoned up the riches of the human spirit to help others.

As we said, tragedies are eyeopening.