

EXTENSIONS OF REMARKS

75TH ANNIVERSARY OF SUTTER
HEALTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MATSUI. Mr. Speaker, I rise today to recognize the 75th Anniversary of one of the nation's leading medical institutions, Sutter Health. As the Sacramento community celebrates this milestone, I ask all of my colleagues to join me in saluting the excellent work of the Sutter network of medical facilities.

Seventy-five years ago, a group of Sacramento physicians joined together to plant the seeds of what has grown into one of the region's leading medical centers, Sutter Community Hospitals. The founders' passion for their community was matched only by their commitment to providing unparalleled medical service.

From the founding of Sutter Hospital, the sophistication of medical services provided has grown with the needs of the Sacramento community. For example, in delivering more than 260,000 births since its founding, more than 8,000 annually, Sutter has become the leading Women's and Children's Services center in the Central Valley of California.

Sutter opened Sacramento's first Cancer Center in the 1940s. This facility has flourished into a national leader in critical trials for treatments of prostate, ovarian, and breast cancer. Its pediatrics hematology/oncology program is one of the busiest in the world. Much of this research is in conjunction with the Sutter Institute for Medical Research—the largest non-university medical research center in Northern California.

The Sacramento area's only heart transplantation center is housed at Sutter. In 1959, the region's first open heart transplant occurred there. Recently Sutter's Heart Institute was recognized as having the second highest survival rate in the United States.

Sutter Health's tradition of providing leading medical care continues to this day. Its use of advanced services and medical devices not only provide the Sacramento area with outstanding care, but has also established Sacramento as one of the leading centers of medical excellence in the world.

The quality of physicians, nurses, and other health professionals is superior at Sutter. For the past 75 years, its reputation for excellence has consistently attracted the highest quality medical personnel.

Northern California has also been the fortunate recipient of Sutter's outstanding community service endeavors. In the last year alone, Sutter spent more than \$51 million on community services, in addition to the nearly \$100,000 it gave to our community's non-profit organizations, such as the American Heart Association and the Sacramento Food Bank.

Over the years, Sutter's staff has worked to provide quality pediatric care to poor families in some of Sacramento's most neglected neighborhoods. Through its Keeping Families Safe and Healthy program, Sutter has helped to prevent child abuse and neglect, strengthen families, and improve child immunization rates.

The Sutter SeniorCare program, an innovative way to care for the frail elderly in our community, helps older people with multiple heart problems live as independently as possible. In the last year, Sutter SeniorCare assisted 238 elderly residents in Northern California.

Since its founding, Sutter Health has grown from a modest community hospital into a world-renowned medical center. This remarkable accomplishment deserves recognition throughout Sacramento and the nation's medical community. I ask all of my colleagues to join with me in acknowledging the achievements of Sutter Health and proudly recognizing its 75th Anniversary.

TRIBUTE TO CARNEY CAMPION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to recognize one of the pillars of the transportation industry. Mr. Carney Campion will retire after fourteen years of dedicated service as General Manager of the Golden Gate Bridge, Highway and Transportation District.

Mr. Campion has spent countless hours improving the infrastructure and services of the bridge as well as its surrounding area. He has shown great leadership in establishing electronic toll collection systems on all bridges. His mediation skills has kept the focus of the bridge on commuter use and not political gamesmanship. Bridge safety has been a consistent goal during his tenure as General Manager. Accomplishments in that area include structural additions for seismic activity and a crossover median barrier to eliminate auto accidents. He has also made major strides in the areas of environmental protection, disability compliance, and coordinated successful celebrations of the 50th and 60th anniversaries.

Along with his commitment to the bridge, he lobbied for the federal funding to purchase a section of the Northwest Pacific Railroad for future use by his local area of Marin, California. He has been an active member of the American Public Transit Association and the California Transit Association. Mr. Campion has also made numerous contributions to his community through his work as a 35 year member of the San Francisco Press Club and Director of the Marin YMCA and Theatre Company.

I would like to express my sincere appreciation and gratitude for his dedication and serv-

ice to one of America's great landmarks and the people of the San Francisco Bay area. I wish all the best for him and his family in their future endeavors.

NUCLEAR WEAPONS AND NORTH
KOREA, IRAQ, AND IRAN

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DELAY. Mr. Speaker, over the last year or so I have been appalled at this administration's foreign policy—or more accurately its lack of a foreign policy—with respect to North Korea, Iran, and Iraq. I am also joining with Congressmen SAXTON, SALMON, and others today in introducing another resolution concerning the Administration's policies regarding Israel.

Since agreeing to help find the financing and necessary technology to build two nuclear reactors for North Korea in 1994, the Clinton administration has done everything it can to give Americans the impression that its diplomatic efforts have "frozen and stopped" North Korea's efforts to develop a nuclear arsenal. However, Newsweek reported last week that when Secretary of State Albright testified to that effect before a classified Congressional briefing 2 month ago she was quickly refuted by the Defense Intelligence Agency. The DIA testified that it had concluded months earlier that the North Korean program to develop nuclear weapons was and is still under way.

Subsequent intelligence and press reports continue to bear out the fact that the administration's policy of appeasement has not dissuaded the North Korean drive to develop nuclear weapons and the means to deliver them. For instance, the North Korean's have an ongoing effort to bury their nuclear weapons program underground. Their launch on August 31, 1998, of a three-stage ballistic missile—parts of which landed off the coast of Alaska—make such a conclusion undeniable. The Central Intelligence Agency's senior intelligence officer for strategic programs was recently quoted by Washington Post as saying that the three stage configuration of that missile could well give North Korea the ability to send warheads across the Pacific.

To counter the misimpression that has often been given the American people on this issue, I am introducing a resolution that calls for the suspension of the \$4-6 billion agreement to build two light-water nuclear reactors and to provide other assistance to North Korea until the President certifies that the North Korean government has agreed to cease its efforts to build nuclear weapons and the means to deliver them.

Mr. Speaker, the administration has also been pursuing a failed and misleading foreign

● 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.

policy with regard to Iraq. Earlier this year, President Clinton warned that if Iraq were to break the weapons inspection agreement signed with U.N. Chief Kofi Annan and the international community failed to act, then Saddam Hussein "will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he'll use the arsenal." United States Secretary of State Madeleine Albright also stated at the time that if Hussein "reneges on this deal, there will be no question that force is the only way to go."

Of course, the American public now knows the truth. Scott Ritter, a UNSCOM inspector team leader in Iraq, recently resigned from his post because of what he termed "interference and manipulation usually coming from the highest levels of the [Clinton] administration's national security team," including Secretary of State Madeleine Albright. That interference undermined UNSCOM's ability to inspect potential weapon sites in Iraq even as the administration was telling the world that it supported the U.N. inspectors' right to unfettered and unannounced access to Saddam Hussein's suspected weapons programs.

During his recent testimony before Congress, Mr. Ritter stated that such public statements of support in conjunction with the secret interference from the United States and the United Kingdom gives the appearance that UNSCOM is conducting unhindered weapons inspection checks when in fact such inspections are not occurring. Mr. Ritter's warning to Congress that it would take Iraqi leader Saddam Hussein only 6 months to reconstitute his chemical weapons capability and the ballistic missiles to deliver them—and his subsequent statement to the Washington Institute for Near East Policy that Iraq has three "technologically complete" nuclear bombs that only lack the missile material to make them operational—is sobering to most Americans. The administration's reaction to these brave revelations has been to attack Mr. Ritter's credibility, reputation, and professionalism.

The administration instead should be acting to bring Saddam Hussein into compliance with the numerous agreements he has made as a result of the Persian Gulf war. To that end, I am introducing a resolution that calls on the President to take the necessary steps to bring Iraq into compliance with the international agreements it has signed with respect to its weapons program, including the United Nation's right to unfettered and unannounced inspections of suspected weapons sites or facilities. The resolution also states that official U.S. policy should insist on the removal or destruction of Saddam Hussein's chemical, biological, or nuclear weapons capability. Most importantly, for the sake of the United States foreign policy credibility, the resolution calls on the President not to renege on the warnings he issued this past spring that the United States is committed to using military force if necessary to punish Iraq for interfering with or obstructing the U.N.'s weapons inspections.

Finally, Mr. Speaker, in the face of intelligence estimates earlier this year that Iran will have a missile capable of targeting Israel within a year and Central Europe within 3 years,

President Clinton vetoed the Iran Missile Sanctions Act. The President's continued refusal to use existing law to its full extent to impose sanctions against countries and organizations that help Iran develop and modernize its ballistic missile program is yet another failure on the part of this Administration. While failing to obstruct the on-going ballistic missile and nuclear weapons programs in Iran, North Korea, Iraq and other nations, this administration has not been bashful in obstructing the efforts of many of us in Congress to build a defense for the United States against ballistic missile attacks by our potential enemies.

The third resolution I am introducing calls on the President to impose sanctions against countries and organizations that assist Iran in obtaining advanced missile technology to the fullest extent permitted under existing law. The resolution also calls on the President to expedite the development of U.S. anti-missile defense systems and to assist Israel in responding to the new long-range ballistic missile threat from Iran in order to protect all of Israel's territory.

Mr. Speaker, this administration's continued failure in foreign policy arenas affecting the national security of the United States must cease before our Nation's credibility and determination to defend our interests is irreparably compromised. It is foolhardy to issue threats and then fail to carry through on them as this administration has done time and time again. While it may play well in the short term, it has real world consequences as our potential enemies gradually lose respect for our resolve and our might. I urge my colleagues to support the resolutions which I intend to reintroduce in the next Congress as well.

IN HONOR OF SAINT VINCENT DE
PAUL PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to Saint Vincent de Paul Parish of Cleveland, Ohio. For 75 years, this parish has served as a spiritual refuge, opening its doors to any soul in search of peace.

Saint Vincent de Paul originated in 1922 when a group of people living on the outskirts of Cleveland petitioned Bishop Schrembs to recognize and act on their need to have a parish. Under the leadership of Father Michael Flanigan, the parish community grew rapidly causing a need to build a church. By 1924, the basic outlines of Saint Vincent de Paul included a church for worship, as well as a school which educated 340 children.

The Great Depression greatly affected the parish by halting its rapid expansion, but also leading many of its young men and women to enter the Lord's service. When the depression ended, the membership continued to grow, resulting in overcrowding of the school. To allow for this rapid growth, the Bishop decided to build several parishes to fill the need of Catholics to worship, making Saint Vincent de Paul the mother parish of all the others. Throughout

the 1970s and 1980s, the parish experienced many changes, including several ordinations to the priesthood, renovations to the church, and a number of staffing changes that demonstrated an impressive level of dedication and commitment.

My fellow colleagues, please join me in celebrating the 75th anniversary of Saint Vincent de Paul. The parish has a strong sense of community and a proud heritage to guide it into the future.

IN HONOR OF DR. ROBERT BRYANT
AND WESTMONT COLLEGE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues a remarkable citizen, and an exceptional college in Santa Barbara, California: Dr. Robert Bryant and Westmont College.

Dr. Robert Bryant, owner of Bryant & Sons Ltd., has been a leader in the Santa Barbara business community for over 35 years. He has served on the boards of the Boy Scouts of America, YMCA, Santa Barbara Rugby Association, Santa Barbara Zoo, Lobero Foundation, the Symphony, and the Sheriff's Council. He is an active supporter of both Santa Barbara City College and Westmont College, serving in numerous capacities for both institutions over the years. His involvement in the Fighting Back Task Force and his Chairmanship of the Amethyst Ball for the last 3 years has helped the Council on Alcoholism & Drug Abuse raise hundreds of thousands of dollars, and the community fight alcohol and drug abuse on many levels.

Westmont College—through the involvement of its President, Dr. David K. Winter and Executive Vice President, Dr. Edward Birch as volunteers for Santa Barbara County's United Way—has invested significant hours in our community. Dr. Winter served as Campaign Chair of the Santa Barbara County's United Way campaign in 1988-89. Under his leadership, Westmont College has run a successful campaign annually for over a decade. He has served as Director of the Montecito Association, Montecito Rotary Club, the Channel City Club, and the Chamber of Commerce. He chaired the board of the Salvation Army Hospitality House and the Santa Barbara Industry Education Council. Ed Birch serves on the board of the Santa Barbara County's United Way. Throughout the summer months, the Westmont campus also offers summer day camps for children in our community.

The students of Westmont College are also involved, volunteering at many organizations throughout the community: Transition House, the YMCA, Cottage Hospital, Westside Community Clinic, and many others.

Mr. Speaker, I congratulate Dr. Robert Bryant and Westmont College for their lifetime achievements being celebrated on October 16, 1998 by Santa Barbara County's United Way.

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CONFERENCE REPORT ON H.R. 3694,
INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 1999

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. OXLEY. Mr. Speaker, I rise today in support of the conference report. Specifically, I would like to address Section 604 which gives law enforcement officials multipoint wiretap authority.

As a former special agent of the FBI, I know from personal experience that the court-authorized interception of communications is one of our most effective tools in our battle against crime. Existing law requires law enforcement officials seeking a court order for a wiretap to specify the telephone to be intercepted. Unfortunately, the modern day criminal too often is aware of this limitation and uses different phones in different locations to carry out his illicit activity. By simply walking down the street to a local pay telephone, an individual suspected of criminal activity can thwart the reasonable investigative efforts of the law enforcement community.

To solve this growing problem, the multipoint wiretap provision of the Intelligence Authorization Act allows law enforcement officials to obtain court authorization to tap the phones that a person under suspicion actually uses. Thus, if a suspected drug trafficker uses a stolen cellular telephone rather than the phone in his/her residence, the law enforcement community would still be able to gather evidence of wrong-doing. To ensure that these new court-ordered authorizations do not infringe upon the privacy rights of law-abiding Americans, the Conference Report includes a provision that prohibits the activation of a tap unless it is reasonable to presume that the person under suspicion is about to use or is using a given telephone. This is a dramatic step forward for privacy rights because, under current law, once a tap is authorized it is active for the duration of the court order. Innocent Americans could have their conversations monitored if they use a phone also used by a criminal suspect. Under this new provision, the tap would only be operational when a suspect is involved in a conversation.

Mr. Speaker, in closing, I would like to commend the leadership of Chairman PORTER GOSS and ranking member NORM DICKS for their efforts on this provision. I would also like to commend Congressman BILL MCCOLLUM for his tireless efforts on this issue as well. I believe that a balance has been reached that gives the law enforcement community more effective tools to protect American citizens while also further protecting the privacy rights of our constituents. I urge the adoption of the Conference Report.

EXTENSIONS OF REMARKS

AVIATION CONSUMER RIGHT TO
KNOW ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DeFAZIO. Mr. Speaker, I rise today to introduce the "Aviation Consumer Right To Know Act," legislation to give consumers access to important airline industry information.

Twenty years after the deregulation of the airline industry a debate is raging about its benefits to consumers. Deregulation proponents tout the benefits of free market competition. However, to truly enjoy any of these benefits, consumers must have access to accurate information so they can make fully informed choices.

Although there is much debate about the impact of deregulation, it is quite clear that it is almost impossible for consumers to gain full access to information about the airline industry. The dizzying array of airline prices change constantly and inexplicably. The full selection of fares remains a mystery to consumers. Even travel agents do not have access to all available fares.

Many passengers are further bewildered when they book travel on one airline only to find upon boarding that they are actually flying on a totally different airline. Domestic code-sharing agreements, primarily between larger airlines and small regional airlines, allow one airline to book tickets on another without disclosing this information to consumers.

To make booking travel easier, many consumers turn to travel agents for help. However, what most consumers do not know is that travel agents often get special incentives to book the majority of air travel sold through their agency on a particular airline. Travel agents are not currently required to disclose this information to customers. Travel agents provide an important service to the flying public by deciphering the baffling airline fare structure but consumers should also be aware that this information is not always unbiased.

Another area of frustration to consumers is the lack of accurate, consistent and realistic information about frequent flyer programs. Despite the popularity of frequent flyer programs, consumers find that when they actually choose to redeem awards, the destinations and times they want are not available. Many travelers choose an airline because of its frequent flyer program and it is important to fully disclose this type of information.

My bill would give consumers the information they need to make informed choices about what airlines to patronize. The Aviation Consumer Right To Know Act will, (1) require airlines and travel agents to disclose the actual air service carrier if it differs from the carrier issuing the ticket, (2) require travel agents to disclose any special incentives they get for booking travel on a particular airline, (3) require airlines to disclose all available fares, (4) require airlines to keep records on the likelihood of redeeming frequent flyer benefits for specific city-pairs.

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

October 9, 1998

FEDERAL ACTIVITIES INVENTORY
REFORM ACT OF 1998

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. SESSIONS. Mr. Speaker, I am pleased that the House is poised to pass S. 314, the Federal Activities Inventory Reform (FAIR) Act. This legislation is a consensus compromise bill. It is an important step in the process of ensuring that the component agencies of the Federal Government deliver performance to the taxpayers they serve. This legislation, combined with the Government Performance and Results Act, the Chief Financial Officer Act and other procurement and financial management reforms, will result in an improved Federal Government.

In the 1920s, Congress raised concern over the large numbers of additional Federal functions initiated during the First World War and never discontinued. These concerns resulted in hearings. Later, in the 1950s, the House of Representatives passed legislation to terminate commercial activities of the Federal Government. In response to this legislation the Bureau of the Budget, and later, the Office of Management and Budget, issued guidance for executive branch agencies on the issue of agencies performing commercial activities. This guidance is currently represented by OMB Circular A-76.

This policy has been erratically followed since its promulgation. Agencies routinely ignore the stated policy of the President. Among the greatest problems which we face with the ineffective Administrative policy regarding the performance of agency commercial activities are the following:

- (1) Agencies do not develop accurate inventories of such activities,
- (2) They do not conduct the reviews outlined in the Circular,
- (3) When reviews are conducted they drag out over extended periods of time,
- (4) Agencies initiate commercial activities without reference to the policy, and
- (5) The criteria for the reviews are not fair and equitable.

For example, certain practices are tolerated which bias cost-comparison competitions in favor of the Federal Government. A description of the cost-comparison competition process illustrates this costly unfairness. First, when an action is to be taken, the agency develops a "most efficient organization," designed to represent the best form to accomplish the purpose of the commercial activity. This MEO allows for agency commercial activities to reorganize prior to the competition. Agencies promise to shed staff and reorganize for efficiency. Sometimes, agencies do not make the changes promised under the MEO. And in no case are the post-competition promises of agency commercial activities verified or audited.

Once the MEO is established, two competitions are held. In the first competition, a commercial source is selected using performance-based criteria. The offeror representing the best value source is chosen. The winning offeror is often not the low-price offeror, since a

higher-quality source can offer better value for the money. Then the best value commercial source is compared to the agency commercial activity on the basis of cost, regardless of performance or quality. The commercial source must then beat cost of the agency commercial activity, and do so by at least 10 percent.

In enacting S. 314, the Federal Activities Inventory Reform, it is the intent of Congress that the Director of the Office of Management and Budget take prompt action, through the budget process and regulations promulgated pursuant to this legislation, to ensure that:

1. Agency commercial activities establish and use cost accounting systems, as required under the Federal Accounting Standards Board (FASAB) and applicable law.

2. Agency commercial activities are not given an advantage in terms of avoiding any evaluation on performance.

3. Agency commercial activities are not given any preference merely because they are government agencies or the incumbent provider of goods or services. Agency commercial activities ought to be treated identically in this regard to commercial sources.

4. Agency commercial activities are evaluated after any award, and penalties for default are established. Such penalties should include re-competition or termination of the activity.

5. Agency commercial activities be evaluated upon their performance during the cost-comparison competition process. If the offer of any commercial source is lower than the agency commercial activity, the in-house agency commercial activity should not be selected, even if another commercial source is the best value offeror, unless the agency commercial activity is the best value source.

6. Agency commercial activities are regularly subjected to competition to ensure that the taxpayer is getting the best value.

During the course of our hearings on this legislation, it became abundantly clear that there are certain activities that the Federal government has performed in-house which can and should be converted to the private sector. Areas such as architecture, engineering, auctions, surveying and mapping, laboratory testing, information technology, and laundry services have no place in government. These activities should be converted to performance by the private sector.

There are other activities in which a public-private competition should be conducted to determine which provider can deliver the best value to the taxpayer. Examples include base and facility operation and campgrounds.

Section 2(d) of the legislation requires the head of an agency to review the activities on its list of commercial activities "within a reasonable time." Unfortunately, OMB opposed a legislative timetable for conducting these reviews. As a result of the compromise language on this matter, it will be incumbent on OMB to make certain these reviews are indeed conducted in a reasonable time frame. It is the intent of Congress in enacting this legislation that at the Department of Defense, agency commercial activities will be reviewed and competed within seven years. For the civilian agencies, it is the intent of Congress that such activities be reviewed before five years. I urge OMB to exercise strong oversight to assure timely implementation of this requirement by the agencies.

This provision also requires that agencies use a "competitive process" to select the course of goods or services. This term has the same meaning as "competitive procedure" as defined in Federal law (10 U.S.C. 2302(2) and 41 U.S.C. 259(b)). To the extent that a government agency competes for work under this section of the bill, the government agency will be treated as any other contractor or offeror in order to assure that the competition is conducted on a level playing field.

Another key decision which must be made is the determination of what is inherently governmental. The legislation continues current policy, embodied in OFPP Policy Letter 92-1. There will be certain agency commercial activities that may have components which are both inherently governmental and commercial in nature. Such activities should be segmented, so that the commercial activity can be studied for competition.

For example, one important agency function deals with the disposal of surplus government property. The Committee on Government Reform and Oversight is intimately familiar with such actions, due to its jurisdiction over the Federal Property and Administrative Services Act.

While an agency's decision of whether or not to dispose of excess, surplus and seized property is inherently governmental, the process of actually disposing of excess, surplus and seized property is not an inherently governmental function and, therefore, this activity should be listed on the commercial inventory under this legislation. There will be situations where disposal of property is an inherently governmental function, such as the disposal of certain surplus naval vessels and other weapons and weapon systems. But generally, such functions are commercial in nature, since the property disposal process generally is not so intimately connected with the public interest as to require performance by Federal employees. Therefore, Congress intends that property disposal would normally be conducted by contracting with commercial sources. The utilization of experienced, bonded commercial property disposal firms will assist the government to meet that goal, using the same structures and incentives as the private sector in disposing of excess, surplus and seized property. These practices are designed to maximize the commercial value of this property, while government practices and incentives are primarily designed to dispose of inventory as quickly as possible rather than maximizing the return on the dollar. That is the goal of this legislation.

Mr. Speaker, it is high time to pass this legislation. It is long overdue. So do all of your constituents a favor and vote for S. 314.

Executive Office of the President—Office of Management and Budget, Oct. 2, 1998
STATEMENT OF ADMINISTRATION POLICY
S. 314—FEDERAL ACTIVITIES INVENTORY REFORM ACT

(Thomas (R) WY and 16 cosponsors)

The Administration has no objection to S. 314, the "Federal Activities Inventory Reform Act of 1998 (FAIR)." The Act would reinforce efforts to improve the identification and review of non-inherently governmental activities. The bill permits the agencies to assess which functions should be submitted to competition with the private sector and

allows the Government to choose the source—public or private—which is the most cost effective and in the best interests of the taxpayer. This bill is consistent with Administration efforts to reform Federal procurement and ensure that taxpayers receive the best value.

The Administration's policy is to promote competition to achieve the best deal for the taxpayer. Competition is an integral part of the Administration's overall reinvention and management improvement effort. The inventories of commercial activities required by the FAIR Act will help senior agency managers and OMB to identify opportunities not only for competition, but also other reinvention opportunities, including: re-engineering, organizational restructuring, termination decisions, and the possibility of applying new technologies, such as electronic commerce.

HONORING SENATOR JOHN GLENN

HON. ROBERT W. NEY

OF OHIO

HON. STEVE C. LaTOURETTE

OF OHIO

HON. JOHN A. BOEHNER

OF OHIO

HON. SHERROD BROWN

OF OHIO

HON. STEVE CHABOT

OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

HON. TONY P. HALL

OF OHIO

HON. DAVID L. HOBSON

OF OHIO

HON. MARCY KAPTUR

OF OHIO

HON. JOHN R. KASICH

OF OHIO

HON. DENNIS J. KUCINICH

OF OHIO

HON. MICHAEL G. OXLEY

OF OHIO

HON. ROB PORTMAN

OF OHIO

HON. DEBORAH PRYCE

OF OHIO

HON. RALPH REGULA

OF OHIO

HON. THOMAS C. SAWYER

OF OHIO

HON. LOUIS STOKES

OF OHIO

HON. TED STRICKLAND

OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. NEY. Mr. Speaker, my colleagues and I rise today to pay tribute to an American and

Ohio hero. More than 35 years ago, JOHN GLENN made history as the first American to orbit the earth. On October 29, he will once again make history as the oldest man to travel into space. On behalf of the people of Ohio and the country, along with the rest of the members of the Ohio delegation, I would like to thank Senator GLENN for his dedicated service to our country and wish him the best of luck on his upcoming mission.

JOHN HERSHEL GLENN, Jr., is a true American hero. He has served his country honorably in the Marine Corps, in the U.S. Space Program and as a member of the United States Senate. On February 20, 1962, he became a national figure after becoming the first American to orbit the earth. Senator GLENN, a native of Ohio, has represented the working families of Ohio as their Senator since 1974. His upcoming shuttle mission and retirement at the end of this Congress will punctuate the end of a remarkable stretch of public service that will leave an indelible mark on our society.

October 29, 1998, marks a triumphant day for our nation when Senator GLENN returns to space aboard the Space Shuttle Discovery. Nearly 37 years after his initial trip into space, he will again represent his country and our state as a member of Discovery Mission STS-95. As he prepares for his upcoming mission, the Members of the Ohio delegation wish salute to the Senator from Ohio. As he prepares for the upcoming mission, we salute the Senator and native of New Concord, Ohio. Godspeed, JOHN GLENN.

IN HONOR OF MICHAEL
MARCELLINO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Michael Marcellino. Michael Marcellino served as a United States Army combat correspondent in the Vietnam War from 1967 to 1968. After his honorable discharge from the service, he worked for 13 years as a newspaper reporter in Northeast Ohio with the Painesville Telegraph and the Sun Newspapers.

While at Sun Newspapers, Marcellino received two national awards for excellence in reporting—the Suburban Newspapers of America Award for Investigative Journalism and the national Newspaper Association's Community Service Award. His reporting included Veterans' affairs, government and politics.

From 1983–1987, Marcellino served on the Cleveland staff of Congressman Louis Stokes. As Community Relations Specialist, his work included advocacy for community, veterans and human rights issues. He was appointed Press Secretary to Mayor-elect Michael R. White in 1989. During nearly nine years with the White Administration, Marcellino also served as Liaison for Veterans and Military Affairs to Mayor White and Manager of Marketing for the City of Cleveland's Department of Public Utilities.

Marcellino is presently a writer and public relations consultant. He is a founding board member of the Greater Cleveland Veterans Business Resource Council and a member of the Veterans of Foreign Wars and the American Legion.

He attended Cleveland and Parma Public Schools and Wake Forest University. Marcellino and his wife, Laurie, a restaurant owner, have three children, Sean, Rachael, and Ari.

FISHERIES STOCK ENHANCEMENT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MILLER of Florida. Mr. Speaker, as a leader in the field of fisheries stock enhancement, Mote Marine Laboratories was highlighted recently in an article from Fly Fishing in Saltwater magazine. Mote Marine is located in Sarasota, Florida which is in the 13th District of Florida and provides innumerable benefits to our environment and my constituents. I am pleased therefore to enter this article recognizing Mote Marine's importance into the CONGRESSIONAL RECORD.

[From Fly Fishing in Saltwater, Sept./Oct. 1998]

SNOOK FOR THE MASSES—MARINE FISHERIES STOCK ENHANCEMENT MAY BE IN OUR FUTURE
(By Don Phillips)

On January 10, 1998, Steve Serfling and Todd Hershfield went fishing for snook in Sarasota Bay, Florida. In two hours they caught and released four snook on the fly.

That was no surprise because they were fishing an area where the Mote Marine Laboratory had earlier released small snook as part of an experimental stock-enhancement program. Serfling is director of Mote's aquaculture program and Hershfield works in the laboratory and their January trip was one of four the two had made to find out how the stocked snook were integrating with the natural population. Nice work if you can get it!

As of February this year, the Mote Laboratory had stocked 12,000 juvenile snook in eight different areas of Sarasota Bay, the Braden River, and several areas of Tampa Bay. The results have been most encouraging. Of 18 snook caught during Todd and Hershfield's four trips, half were from Mote's Aquaculture facility (their origin was readily determined by a miniature red marker implanted in the snook shortly before their release).

The laboratory and its partner, Florida's Department of Environmental Protection, are delighted. The stocked fish seem to have integrated well into the natural population and their growth, appearance, health, and behavior mirrors that of their wild cousins.

Actually, that shouldn't be too surprising; the stocked snook were raised from eggs and milt removed from wild snook netted from and released back into the same areas.

When I heard about the stocking program I made arrangements to visit Mote's aquaculture facility on City Island in Sarasota to find out more. Previous experience with freshwater and anadromous fish stocking programs had not left me exactly impressed with this method of fisheries enhancement. "Put-and-take" fishing men-

tality, genetic deterioration, diseases, and pollution are just some of the problems associated with hatchery programs. So it was with a fair amount of skepticism that I planned my visit.

But after touring the facility with Serfling I was impressed with the technical sophistication of Mote's approach. The lab has paid close attention to every detail of the snook's early life in an effort to duplicate its natural environment.

"We start with wild eggs and milt," Serfling said. "The fertilized eggs hatch into larvae that develop over a two-day period on their own yoke sacs. During these two days they develop eyes, mouths, and a digestive system, so they can feed. Then the larvae are fed microalgae and zooplankton cultured in our own hatchery, duplicating their natural food at this stage in their life."

"Pellet feeding begins after about four weeks, at the point when the fingerlings require larger food sizes. Cannibalism is a major problem with carnivorous fish like snook, because they instinctively prefer to each fish from day 20 onward. But they cannot be size-graded and separated to reduce cannibalism until around day 40, because the larvae and fry stages are too delicate to handle."

"A few days before stocking the snook are also fed live minnows, to reinforce their natural instinct to chase and eat swimming prey. Their immediate predatory behavior suggests that this instinct is alive and well."

The heart of the aquaculture facility is a closed-cycle water system that controls water salinity, temperature, pH, oxygen content, and turbidity. Waste products are treated and recycled. Only a very small amount of fresh water or filtered seawater is added weekly to replenish losses and adjust salinity.

This closed-cycle approach insulates the system from undesirable environmental phenomena such as red tide or periods of exceedingly cold temperature, significantly increasing survival of the young snook.

The aquaculture facility also uses cylindrical shaped tanks to minimize collision trauma among the fish. When the fish are large enough, size grading is done periodically to minimize cannibalism.

"We have now progressed to the point where 10 percent of our larvae survive to the 5- or 6-inch size range in six months," Serfling said. "This is quite impressive when compared with an equivalent 0.0005 percent rate for wild fish under favorable environmental conditions." The survival percentage is expected to increase even more as the laboratory learns more about young snook.

Mote also is raising Gulf and short-nosed sturgeon and has plans to include pompano, flounder and snapper in its program. Funding is through the William R. Mote Scientific Foundation.

After touring the facility I met with Dr. Ken Leber, Mote's senior scientist and director of fisheries and aquaculture research, and Dr. John Miller, professor of fisheries and oceanography at North Carolina State University who is a visiting scientist at the Mote Laboratory. Both were enthusiastic about the stocking program, but both also were candid about the hurdles still to be overcome.

Leber said the laboratory is prepared to continue the program up to and including full-scale hatchery releases, if appropriate federal and state support is obtained. But he added that a lot of research is still needed to understand the many variables of stock enhancement and to determine its economic viability as a fishery management tool.

"What, when, and where to stock are questions needing definitive answers," he said. For example, economic considerations might suggest stocking lots of fingerlings, but high initial predation rates could make this approach penny-wise and pound-foolish.

Similarly, stocking excessive numbers of fish could upset the balance of local ecosystems by adding too many predators or displacing wild stocks.

Determining the best season for stocking also is important so new residents have the best chance for acclimatization and survival.

Yet another consideration is finding the best places for stocking. Those places must provide immediate sanctuary and food. Thermal refuges may be particularly important to minimize mortality due to high or low water temperatures.

Leber and his staff are studying these questions by assessing current populations, performing stocking experiments, then evaluating the new populations.

Similar efforts are going on elsewhere around the world, with researchers sharing the results. Recently, Mote joined forces with research activities in Hawaii, Mississippi, and Florida (the Florida Marine Fisheries Research Institute) to address stock enhancement on a large scale. This multi-million dollar effort, sponsored by the federal government, is likely to draw in other research activities, especially from the Gulf States.

"Since the 1950s, the focus of marine fisheries management has concentrated on maintaining and restoring habitat and controlling harvest through regulation," Leber said. "Stock enhancement has thus far largely been ignored as a management tool for marine fisheries. We are now not too far from being able to supplement these two strategies (habitat maintenance and restoration) with selective stock enhancement, where such (measures) can be supported by the local ecosystem.

"The old approach of stocking without careful assessment of impact cannot be tolerated today, especially in areas like Florida, where population growth is significant and fishing pressure is ever increasing.

"I like to think of our direction today is toward more responsible marine fisheries management, where the focus is being shifted to maintain the health of our fish populations and their habitat and environment, rather than only raising and stocking the maximum number of fish per taxpayer dollar."

I left the Mote Marine Laboratory with kind of a warm feeling inside. It's nice to know there are programs and people trying to steer us in the right direction.

The Mote Marine Laboratory is an independent, nonprofit research organization dedicated to the marine and environmental science. Located on an 11-acre site on City Island in Sarasota, Florida, the laboratory has extensive research and administrative facilities plus the Mote Aquarium, which attracts about 250,000 visitors a year.

The laboratory is staffed by 50 scientists with master's or doctorate degrees, plus support personnel and more than 1,000 volunteers. Its \$3.5 million research program is supported by grants, contracts, aquarium income, and donations. Founder William R. Mote has thus far donated all funding for the laboratory's aquaculture program.

The laboratory's other research and education activities include threatened species (sharks, sea turtles, manatees, etc.); fish vision; red tide; commercial fishing bycatch;

improvement of recreational fishing; mackerel migrations; the impact of thermal power plants on sea grasses; river, estuary and wetland management; and the environmental impacts of chemicals, pesticides, and other forms of pollution.

For more information on the laboratory and its programs, contact Virginia Haley, 1600 Ken Thompson Parkway, Sarasota FL 34236, telephone (941) 388-1441, fax (941) 388-4312, or e-mail katura@mote.org.

EXTENSION OF REMARKS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, even nations need a soul. Indeed great countries establish traditions, institutions, and civil codes to reflect the integrity of their people. Taken together, these attributes give insight to a nation's character, and as such, signal the dignity of her people.

The United States Navy is but one American institution charged with defending our borders and maintaining our dignity. Among the Navy's first officers is Joseph E. Schmitz who has devoted considerable thought to the heavy matters we weigh today in Congress.

I hereby submit for the RECORD, Mr. Schmitz's scholarly analysis of current conditions created by the Commander-in-Chief. I furthermore commend the conclusions of Mr. Schmitz to my colleagues and beg they prove persuasive in resolving the great question before us.

WHEN THE COMMANDER-IN-CHIEF MISLEADS,
WHO FOLLOWS?

OR WHAT DO WE TELL THE TROOPS NOW,
COMMANDER?

(By Joseph E. Schmitz¹)

How can a commanding officer of a warship ask an 18-year-old sailor to risk his life in the line of duty if the commander is not willing to risk his own personal ambitions for honor? He can't. A military leader must be the example, first and foremost. Congress should not lose sight of this reality of military leadership as it deliberates over the recent report of the Independent Counsel.

While the Constitution empowers Congress "To make Rules for the Government and Regulation of the land and naval Forces," each commander is responsible for enforcing these rules within his or her own command. At the same time, the President as Commander-in-Chief is ultimately responsible for enforcing these rules throughout—as well as for the overall good order and discipline of—the United States Armed Forces.

Technical legal arguments that the Uniform Code of Military Justice may not apply to the Commander-in-Chief miss the point. At issue are some of the first principles upon which our colonial forefathers pledged their

"sacred honor," among which is Equal Justice Under Law, requiring that even the President be accountable to the Rule of Law (as opposed to the rule of men). By definition, the Rule of Law cannot be influenced by public opinion, whether through public opinion polls or otherwise.

By virtue of an Act of Congress in 1956, recodifying the First Article of the 1775 "Rules for the Regulation of the Navy of the United Colonies of North-America" into what is still public—albeit not well-publicized—law, "All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; . . . to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them."² This longstanding moral edict by Congress exemplifies the central theme of the "Legislation of Morality" seminar this author conducts at Georgetown University Law Center: democratically-enacted legislation is the societal analog to an individual's conscience formation process. At the national level, Congress promulgates the national conscience through public laws, essentially announcing what is right and what is wrong for the nation. As with the relationship between individual conscience and behavior, this societal conscience formation process is distinct from, albeit integrally related to, the enforcement process.

In his August 17, 1998, nationally-televised speech, the President purported to accept full responsibility for misleading the nation about his "inappropriate" relationship with a White House intern. This confession by the Commander-in-Chief to both dishonorable and immoral conduct in the Oval Office, and the subsequent release of the Independent Counsel's Report and video tape, among other things, have amplified the need for all military leaders to uphold the moral authority of the First Article of the 1775 Navy Regulations, sometimes referred to as the "First Principle of the American Military."

In the "Code of Conduct for Members of the United States Armed Force," like all other members of the Armed Forces, I was admonished to "never forget that I am an American, fighting for freedom, responsible for any actions, and dedicated to the principles which made my country free." Every first-year law student learns that two of those principles are accountability "according to law" and "no man is above the law." According to the text of the Constitution, even an impeached President, after he is convicted by the Senate and removed from office for "treason, bribery, or other high crimes and misdemeanors" (U.S. Const., art. II, sec. 4), "shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." U.S. Const., art I, sec. 3.

A few years ago, as the Naval Academy was attempting to deal with the worst cheating scandal in its 150-year history, a committee hearing on Capitol Hill featured a telling colloquy between Senator Robert C. Byrd

¹Mr. Schmitz graduated with distinction from the U.S. Naval Academy and earned his Doctor of Jurisprudence from Stanford Law School. He is currently an attorney in Washington D.C. and an Adjunct Professor of Law at Georgetown University Law Center, where he teaches an advanced constitutional law seminar on "Legislation of Morality: Constitutional and Practical Considerations" (the syllabus for which is available by request to jschmitz@pattonboggs.com).

²10 U.S.C. §5947. The 1775 version reads: "ART. 1. The Commanders of all ships and vessels belonging to the THIRTEEN UNITED COLONIES, are strictly required to shew in themselves a good example of honor and virtue to their officers and men, and to be vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral and disorderly practices; and also, such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same according to the usage of the sea" (www.history.navy.mil).

and Rear Admiral Thomas Lynch, then Superintendent of the Naval Academy. At the beginning of the colloquy, Senator Byrd asked Admiral Lynch whether he was familiar with the adage, "You rate what you skate." Of course the Admiral was. But neither the Senator nor the Admiral discussed the adage further.

This Naval Academy adage is tantamount to a rule that "while officers are responsible for personal choices, they need not be accountable for poor choices unless caught." Such a mixed moral message fundamentally undermines the formation of character traits such as honesty, reliability, moral courage, and good judgment, upon which rest not only the tax dollars of hard-working Americans, but the lives of many Americans as well.

A crisis of military discipline looms if any commander, by his words and actions, promotes and adage that "you rate what you get away with, and even if you're caught, it's OK to evade accountability if you can get away with that"; a constitutional crisis looms if our legal system does not hold all officers with full responsibility to a standard of full accountability. Responsibility without accountability "according to law" undermines the core foundation of the Constitution, the aforementioned basic principle known as the Rule of Law, without which our Constitution is no more than a piece of paper.

The Armed Forces now have a more fundamental challenge to leadership training than simply instilling character traits adverse to lying, cheating, and stealing: How do we instill in young leaders the moral courage to admit when they are wrong and to accept accountability for mistakes made? Personal example by senior leaders, up to and including the Commander-in-Chief, is an essential starting point—and risk to personal ambitions is no excuse for any officer of the United States Armed Forces.

After the Commander-in-Chief holds himself accountable to the Rule of Law, or is otherwise held accountable to the Rule of Law, "We the People"—even those of us who serve "at the pleasure of the President"—should follow his lead and talk about forgiveness. In the meantime, other commanders might do well by following the lead of, and by telling their troops to follow the lead of, Archbishop John Carroll, whose "A Prayer for the Republic" seems as timely now as when penned by the founder of Georgetown University 200 years ago: "We Pray Thee, O God . . . assist with Thy holy spirit of counsel and fortitude the President of the United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging the due respect for virtue and religion; by a faithful execution of the laws in justice and mercy; and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of Congress, . . ."

DALLAS LIVER TRANSPLANT PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I submit the attached materials to be included in the CONGRESSIONAL RECORD:

DALLAS LIVER TRANSPLANT PROGRAM, BAYLOR UNIVERSITY MEDICAL CENTER, CHILDREN'S MEDICAL CENTER OF DALLAS, DALLAS, TX,

September 22, 1998.

Congresswoman EDDIE BERNICE JOHNSON, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN JOHNSON: I am aware that the House recently passed H.R. 4250, the Patient Protection Act of 1998. I understand that the Patient's Bill of Rights Act, S. 2330, is currently under consideration as the companion bill.

Managed care is here to stay, but it has, as you are well aware, caused many significant problems. I have had personal, intimate experience with health care plans ever since they were first introduced into the Dallas health care market in the late 1980s. I support the provisions in the bill as it is currently worded. However, I find it very troublesome that the private insurance plans would not be required to emulate the same restrictions against financial incentives as the current Medicare rules provide. To allow a system that awards or penalizes physicians depending on how "cost effective" the care is they provide I believe is unethical. The simple thought of paying physicians extra if they do not provide health care is, in effect, repugnant to me. In addition, we must prevent the development of separate requirements for public and private health care sectors.

In my own particular field, that of transplantation, it is very obvious that transplant patients, i.e. recipients of kidneys, pancreas, livers, hearts, lungs and other organs, are so sick and have such serious disorders that they need to be cared for by specialists in their respective fields, both before and after the transplant. There are areas of the country where a specialist's care is not available. In those circumstances, the local physicians work very closely with the super-specialists at the transplant institutions. I think it is essential to allow chronically ill patients to have specialists designated as their primary care physicians.

On a separate vein, the basis for improvement of care and the safety of treatment we can provide to patients is to allow the patients to participate in scientific, peer-reviewed, controlled trials. It is essential for medicine, and to have health care plans forbid patient participation because of whatever reason they deem fit is unthinkable. They always want to participate and reap the benefits of any advances, especially if they can save a few dollars for themselves. However, they don't ever want to participate and help such developments along.

Finally, since I have seen health care being prevented and withheld by health care providers so many times, I believe it is imperative to allow patients to sue their carrier. The unconscionable way that many health care providers approach health care today is upsetting. One situation I bring to your attention is several years ago open of the biggest HMOs in the country had patients who were 20% more expensive to transplant than other patients. The reason was simply that the patients coming from this particular HMO were so much farther advanced and therefore more complex when they finally arrived for transplantation. The patients were simply prevented from having the transplants when they were in optimum condition, thus jeopardizing their lives. Clearly this was not the fault of the referring physicians or the physicians involved in the transplantation, but the HMOs corporate policy in

trying to avoid the cost that would be incurred. Thus, the right to sue the carrier is absolutely essential to insure the patient's right to prevent withholding of care that is so widely prevalent today.

As always I appreciate your work in Congress and your involvement in the health care problems.

Yours most sincerely,

GORAN B. KLINTMALM, M.D.

Medical Director, Transplantation Services, Baylor University Medical Center—Dallas.

DEPARTMENT OF HEALTH & HUMAN SERVICES, Washington, DC, September 23, 1998.

HON. EDDIE BERNICE JOHNSON, House of Representatives, Washington, DC.

DEAR MS. JOHNSON: Thank you for your letter regarding implementation of the surety bond requirement for home health agencies (HHAs) included in the Balanced Budget Act of 1997. I regret the delay in this response.

In response to concerns raised by Members of Congress and the home health industry, the Health Care Financing Administration (HCFA), in a rule published in the Federal Register on July 31, announced the indefinite suspension of the compliance date by which home health agencies must obtain a surety bond. As a result, home health agencies no longer have a date by which they must obtain a surety bond. The Congress has requested that the General Accounting Office conduct a study of the home health surety bond requirement, and upon completion of that study, HCFA will work in consultation with the Congress about the surety bond requirement. Following this review and consultation, the new date by which home health agencies must obtain bonds will be at least 60 days after HCFA publishes a revised rule requiring bonds, but will not be earlier than February 15, 1999.

I hope this information is helpful, and I appreciate your letter. A similar letter is being sent to the other members of the delegation who co-signed your letter.

Sincerely,

NANCY-ANN MIN DEPARLE, Administrator.

A TRIBUTE TO MARGARET ROBERTS AND CHAR CALLIES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a recent editorial from one of the finest weekly papers I know, the Desert Trail newspaper in Twentynine Palms, California. This editorial pays tribute to two remarkable woman who have made, and continue to make a tremendous difference to the people of Twentynine Palms.

[The Desert Trail, Thursday, Sept. 10, 1998]

CONGRATS TO OUR CITY CLERKS

There are upsides and downsides to every situation, and the announcement this week that Deputy City Clerk Char Callies will succeed retiring City Clerk Margaret Roberts is no exception.

We all knew the day would come when Margaret would hang up her city of

Twentynine Palms seal and head into "retirement" with her husband, Marine Sgt. Maj. Alex Roberts.

That day will officially come on Dec. 18, when Margaret closes the door on an 11-year career with the city, City Manager Jim Hart announced Wednesday.

"Margaret was the city's first full-time employee and she was instrumental in helping guide the new city after incorporation. We all owe Margaret a sense of gratitude for her efforts on behalf of the city," Hart said in announcing that her resignation had been accepted reluctantly by the City Council for the end of the year.

There's probably not anyone in this city who doesn't owe Margaret some debt of gratitude. For more than a decade she has represented the city of Twentynine Palms in a most gracious and straightforward fashion. It seems there's nothing she can't do, nothing and no one she cannot handle with aplomb.

She has guided council candidates, provided information and assistance of all kinds to just about everyone and their brother and been there to lend an ear when needed.

Margaret has never failed to provide The Desert Trail with information we've requested and never hesitated to pick up the phone and let us know when a story needed to be told.

We will all miss Margaret, even as we wish her well, when she and Alex head East to pursue the next part of their lives together.

That said, we don't think the City Council could have made a better choice to replace Margaret than Char Callies.

A longtime resident of Twentynine Palms, Char is personable, caring, efficient, strong, hard-working and no-nonsense, just like her predecessor.

"Char has been working hard over the past three years to gain the knowledge and experience the City Council felt was needed to become city clerk," Hart said in announcing her promotion. "She has done an outstanding job as the city manager's secretary and deputy city clerk and this promotion is a recognition of Char's efforts."

We wholeheartedly congratulate Char on her promotion and look forward to working with her come mid-December. It's nice to know that she'll be on the job when Margaret says goodbye.

Mr. Speaker, please join me and our colleagues in recognizing the incredible contributions and achievements of these fine women. I know that the entire City of Twentynine Palms is proud of their fine work. It is only fitting that the House of Representatives pay tribute to them today.

TRIBUTE TO LOU STOKES

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SAWYER. Mr. Speaker, I am here today to share the feelings of LOU STOKES' staff as they celebrate his legacy.

Much has been said on this floor about LOU's great accomplishments in this body, but I can think of no greater tribute than that the members of his staff—who have worked late into the night and early into the morning alongside their boss—would want to pay tribute to him in the record.

Lou has put in countless hours both in Cleveland and in Washington over the past 30 years, and his staff has been there with him, working to address the issues most important to him and to his constituents. His staff members have worked in Washington for legal aid, for improvement of public housing, for increased opportunities for the poor. They have worked in the district to address the needs of his constituents. They have all made it their goal to fight alongside LOU for the residents of his congressional district and for all Americans.

So, Mr. Speaker, it is an honor and a privilege today to place a tribute to the Honorable LOU STOKES into the CONGRESSIONAL RECORD on behalf of his loyal and dedicated staff.

STAFF PAYS TRIBUTE

Mr. Speaker, this great body has known giants. The halls of this chamber have resounded to the words of great men and women.

Mr. Speaker, we have been most fortunate to serve one such exceptional gentleman of the House: the gentleman from Ohio, Dean of the Ohio Delegation, the Honorable Louis Stokes. We ride his shoulders and see his vision. Nothing has escaped his penetrating discovery in 30 years.

He put some of us in the field to walk amongst the people and respond to their problems. He gave some of us the task of finding legislative solutions. All of us, at one time or another, knew the anguish of a constituent in pain and all of us, fortunately, on numerous occasions, celebrated the victories of their success. The word "failure" is not in Lou Stokes' vocabulary; the act of failing is unfathomable. No challenge has been too big. No person is too small.

Lou Stokes has been a stalwart defender of the Constitution and has spent his adult life fighting for the right of all people to live in dignity and in peace.

He has gone from dawn to dawn, all in a day's work. His staff are in amazement as his energy continues.

We have learned much from this man of humble beginnings. One can never give too much of one's time, compassion or energy to help one's fellow man. In fact, we must always go the "extra mile" and make sure we have done all that could be done to help someone in need.

Lou Stokes emanates pride in his roots and respect for all people. He fights for his principles and has taught us to be unwavering advocates.

The system may frustrate him, but never thwart him. For Lou Stokes knows how to make change happen from within. He is tough, with a gentle heart. A task master who expects nothing more from others than he would give of himself, Lou Stokes reaches high, very high. In so doing, he makes all of us taller.

We have served Lou Stokes from varying lengths of time. We are the Stokes Team, a family. Mr. Speaker, ladies and gentlemen of the House, you are paying tribute to one of your favorite sons. As he has left an indelible mark on this institution, so has he left something with all of his staff. He has left us a challenge: always take the time to care, to take responsibility, to be involved, to reach back and reach out. Make today count so that tomorrow will be a better day for someone.

Mr. Speaker, we have been privileged to share this gentleman's vision. Thank you for this opportunity to pay tribute to a very special boss.

The Stokes legacy will continue as long as good prevails.

HONORING ALEXANDER DUBCEK

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MICA. Mr. Speaker, during the six months March–August 1968 the world witnessed a revolutionary drama which began in Bratislava, now the capital of Slovakia, and ended in Prague. The world's audience was fascinated especially by the leading player, a Slovak, Alexander Dubcek. Within that short time, Dubcek became a well-known symbol for his reform efforts in the totalitarian centralist Czechoslovakia in which Slovakia was treated as no more than a region. Dubcek's reforms became known as the "Prague Spring" although they would equally deserve the title "Dubcek Spring". His reforms involved the free speech, economic experimentation, open borders and open debate over the country's political future. Dubcek was faced by Stalinist with the same courage, as he had faced the Nazi fascists in the Slovak National Uprising in 1944 in which Alexander was wounded and his brother Julius was killed. It was not just by chance that the Spring 1968 started in Slovakia. In the first and last post World War II democratic elections in Czechoslovakia in 1946, the clear winner in Slovakia had been the Democratic Party, while in the larger Czech part of the country it had been the Communist Party that finally grabbed the overall power.

However, during the night of August 20–21, 1968 Dubcek's revolution was crushed by more than 600,000 troops with 7,000 tanks from the Warsaw Pact countries—Soviet Union, Bulgaria, East Germany, Hungary and Poland. For more than twenty years Dubcek remained under constant state security scrutiny. In spite of his ordeal, he always believed that people were essentially good and he never gave up hope. With the start of the Velvet Revolution in 1989, Dubcek reemerged at the Slovak National Uprising Square in Bratislava and Wenceslas Square in Prague, convincing thousands of demonstrators that their Revolution would succeed.

Few people know that Dubcek's parents came to settle in the United States. They lived in Chicago for more than five years in the second decade of this century but returned to Slovakia shortly before Alexander's birth on November 27, 1921. Alexander literally had his very beginning in the U.S. It is also rather symbolic that the American University in Washington, DC, was among the first in the world to award Dubcek with an honorary Doctorate in April 1990, in the Spring immediately following the Velvet Revolution.

The moral and ideological impact of the "Dubcek Spring" spilled beyond the borders of his country, infiltrating the whole of the former Soviet Bloc. His message was that even the harshest dictatorship cannot prevent men of courage and honesty to reach far ahead of their time and keep their true conviction despite years of oppression. The Dubcek Spring

started a process crowned by the fall of the Berlin Wall and the new democratic perspective for Central and Eastern Europe.

Alexander Dubcek and Vaclav Havel became known as the two symbols of the Velvet Revolution with great international prestige, opening the doors to the world for their respective Republics. By a fatal irony, on September 1, 1992, the day when the new Constitution of the Slovak Republic was adopted, Dubcek was gravely injured in a car accident and he died just a month before the independent Slovakia was born. Unfortunately, he died when he was the most needed by his mother country.

This year the 30th anniversary of the "Dubcek Spring" is commemorated in many countries of the world. The American University, jointly with the Embassy of the Slovak Republic, organized a series of events in which the guest of honor was Dr. Paul Dubcek, Alexander's son. I had the honor and pleasure of accompanying him through the U.S. Capitol and introducing him to such distinguished Congress Members as the Chairman of the Senate Foreign Relations Committee, Senator JESSE HELMS, and the Chairman of the House International Relations Committee, Congressman BENJAMIN GILMAN. I had the opportunity to witness that the name of Dubcek still echoed in the ears of America's leaders.

It is my honor to recognize Alexander Dubcek and also symbolically pay tribute to

hundreds of thousands of Slovak Americans who not only provided a key contribution to the American industrial revolution—working hard in coal mines, factories and steel mills of America's past. But also to the Slovak Americans who now lead American business, industry and science.

Alexander Dubcek, the man symbolizing what a giant contribution of a small country at the heart of Europe can provide to the rest of the world, definitely has his place among the great historic leaders of world democracy.

OPTIONS FOR A MEDICARE PRESCRIPTION DRUG BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. STARK. Mr. Speaker, today, I introduced legislation that would provide a prescription drug benefit for Medicare beneficiaries. The bill, if enacted, would close the most glaring deficiency in the Medicare program. With pharmaceuticals becoming an ever-more important element in the treatment of diseases, it is essential that we modernize the Medicare program by including a drug benefit.

I think there is almost universal agreement that Medicare should cover the cost of pre-

scriptions. The issue is the cost and how to pay for it.

I've introduced this bill in the closing hours of the 105th Congress, so that interested parties could think about the issue over the adjournment period. I hope that the various stakeholders will comment over the winter, so that a new and refined bill can be reintroduced at the start of the 106th and have a wide range of support.

I have left blank in the bill the question of (1) size of the deductible, and (2) whether there should be caps on total out-of-pocket expense. Where these two numbers are set will determine what the program will cost and thus what the increase in Part B premiums will be. As we fill in these numbers, seniors and taxpayers will decide whether the admitted cost of the program is worth its value.

There is no free lunch. If the deductible is set high, the cost will be low, but it will help many fewer people. If it is a low deductible, it will be widely used, and the program's cost will be high. Do we want a low-deductible benefit, or do we want a catastrophic coverage benefit that protects people against the several thousand dollar-plus diseases? This is the heart of the debate, and I hope to hear from the public and the industries involved on this key question.

Following is some data that will give readers a feel for the cost of different levels of benefit and the trade-offs involved.

TABLE 1.—PRESCRIPTION DRUG BENEFIT COSTS FOR SMI ENROLLEES
(In billions of dollars)

Fiscal Years	2000	2001	2002	2003	2004	2005	2006	2007	2008
Rx Deductible = \$1,000:									
Medicare Gross Outlays	11.1	18.3	20.8	23.8	26.8	30.2	34.1	38.4	43.3
SMI Premiums	-2.9	-4.2	-4.8	-5.4	-6.2	-7.0	-7.9	-8.9	-10.0
Net Medicare Outlays	8.2	14.1	16.1	18.2	20.8	23.3	26.2	29.6	33.3
Medicaid Outlays	0.8	1.2	1.2	1.2	1.3	1.3	1.4	1.4	1.6
Net Effect on Federal Spending	9.1	16.3	17.2	19.4	21.9	24.6	27.8	31.0	34.8
Addendum:									
Increase in Monthly SMI Premium	8.90	10.00	11.20	12.60	14.10	15.70	17.50	19.30	21.40
Rx Deductible = \$2,000:									
Medicare Gross Outlays	5.7	9.7	11.6	13.6	15.8	18.6	21.5	25.0	28.9
SMI Premiums	-1.4	-2.1	-2.6	-3.0	-3.5	-4.1	-4.9	-6.6	-6.6
Net Medicare Outlays	4.3	7.8	8.9	10.5	12.3	14.4	16.7	19.3	22.3
Medicaid Outlays	1.2	1.6	1.7	1.7	1.8	1.8	1.9	2.0	2.1
Net Effect on Federal Spending	5.5	9.2	10.6	12.2	14.1	16.2	18.6	21.3	24.4
Addendum:									
Increase in Monthly SMI Premium	4.60	5.40	6.30	7.30	8.40	9.70	11.20	12.70	14.40

NOTES: All options would add prescription drug coverage to the SMI benefit package as of January 1, 2000. The Rx benefit would have a separate deductible and a 20% coinsurance requirement. Estimates have not been reviewed and are preliminary. No account has been taken of administrative costs or price discounts that would affect costs. It was assumed that Medicaid would cover cost-sharing expenses under the Rx benefit for Medicaid-eligible beneficiaries.

TABLE 2.—FEDERAL COST OF MEDICARE DRUG COVERAGE UNDER ALTERNATIVE COST SHARING REQUIREMENTS WITH MEDICAID OFFSETS
(In billions of dollars)^{1,2}

	Prescription Drug Benefit Cost Sharing								
	\$250 Deductible, 20 Percent Copay, No Benefit Cap			\$250 Deductible, 20 Percent Copay, \$1,500 Benefit Cap			\$500 Deductible, 20 Percent Copay, \$1,500 Benefit Cap		
	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost
1999	19.0	2.0	17.0	14.5	1.5	13.0	11.4	1.3	10.1
2000	20.6	2.2	18.4	16.7	1.6	14.1	12.4	1.4	11.0
2001	22.3	2.4	19.9	17.1	1.8	16.3	13.4	1.5	11.9
2002	24.1	2.6	21.5	18.4	1.9	16.5	14.5	1.6	12.9
2003	26.1	2.8	23.3	20.0	2.1	17.9	15.8	1.7	14.1
2004	28.3	3.0	25.3	21.7	2.3	19.4	17.1	1.9	15.2
2005	30.7	3.3	27.4	23.5	2.5	21.0	18.6	2.0	16.6
2006	33.3	3.6	29.7	25.5	2.7	22.8	20.2	2.2	18.0
2007	36.4	3.9	32.5	27.8	2.9	24.9	21.9	2.4	19.5
2008	39.6	4.2	35.4	30.2	3.1	27.1	23.9	2.6	21.3
Total, 1999–2003	112.1	11.9	100.2	85.7	8.9	76.3	67.5	7.5	60.0
Total, 1999–2006	280.4	29.8	250.6	214.4	22.3	192.1	169.2	16.6	160.6

¹ Drug benefit costs valued at average acquisition cost.
² Assumes that the deductible and benefit cap are indexed at the same rates as the Medicare Part A hospital deductible over time.
 Source: Lewis Group estimates using the Medicare Benefits Simulation Model (MBSM).

TABLE 3.—FEDERAL COST OF AN ILLUSTRATIVE MEDICARE BENEFITS PACKAGE THAT INCLUDES PRESCRIPTION DRUG AND STOP-LOSS COVERAGE

	(In billions of dollars)								
	Prescription Drug Benefit: \$500 Deductible, 20 Percent Copay, \$1,500 Benefit Cap			Stop-Loss Benefit: \$5,000 Out-of-Pocket Stop-Loss Cap			Total Cost of Illustrative Benefits Package		
	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost
1999	11.4	1.3	10.1	5.2	0.7	4.5	16.6	2.0	14.6
2000	12.4	1.4	11.0	5.6	0.8	4.8	18.0	2.2	15.8
2001	13.4	1.5	11.9	6.1	0.9	5.2	19.5	2.4	17.1
2002	14.5	1.6	12.9	6.9	0.9	6.0	21.4	2.5	18.9
2003	15.8	1.7	14.1	7.3	1.0	6.3	23.1	2.7	20.4
2004	17.1	1.9	15.2	7.9	1.1	6.8	25.0	3.0	22.0
2005	18.6	2.0	16.6	8.7	1.2	7.5	27.3	3.2	24.1
2006	20.2	2.2	18.0	9.4	1.3	8.1	29.6	3.5	26.1
2007	21.9	2.4	19.5	9.9	1.5	8.4	31.8	3.9	27.9
2008	23.9	2.6	21.3	10.5	1.6	8.9	34.4	4.2	30.2
Total, 1999-2003	67.5	7.5	60.0	31.1	4.3	26.8	98.6	11.8	86.8
total, 1999-2008	169.2	18.6	150.6	77.5	11.0	66.5	246.7	29.6	217.1

Source: Lewin Group estimates using the Medicare Benefits Simulation Model (MBSM).

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1998

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. MILLER of California. Mr. Speaker, I am proud to have sponsored this bill, the Tribal Self-Governance Amendments of 1998, which I believe will mark yet another milestone in the history of Indian self-determination. This major legislation is the product of more than two years of hard work and consultation with Indian tribes and the Administration. We have worked diligently with the tribes and the Department of Health and Human Services to make this bill as fair as possible. I would like to extend my appreciation to the tribal leaders, their representatives, and the Departmental staff who have made passage of this bill possible.

It is important to note that subsequent to the full committee mark up that occurred this spring, the tribes and the Department were able to work out additional differences. Thus there are several changes that I want to highlight. We were able to come to agreement on issues regarding re-assumption, regulation waiver, trial de novo, rejection of final offer, and the creation of a new title VI to carry out the non-IHS demonstration project study.

Let me briefly explain what this bill does. H.R. 1833, the Tribal Self-Governance Amendments Act of 1998, would create two new titles in the 1975 Indian Self-Determination and Education Assistance Act. The 1975 Act allows Indian tribes to contract for or take over the administration and operation of certain federal programs which provide services to Indian tribes. Subsequent amendments to the 1975 Act created Title III of the Act which provided for a Self-Governance Demonstration Project that allows for large-scale tribal Self-Governance compacts and funding agreements on a "demonstration" basis.

The new title V created by H.R. 1833 would make this contracting by tribes permanent for programs contracted for within the Indian Health Service (IHS). Thus, Indian and Alaska Native tribes would be able to contract for the operation, control, and redesign of various IHS activities on a permanent basis. In short, what

was a demonstration project would become a permanent IHS Self-Governance program. Pursuant to H.R. 1833, tribes which have already contracted for IHS activities would continue under the provisions of their contracts while an additional 50 new tribes would be selected each year to enter into contracts.

The 1998 amendments require that Indian tribes must meet certain criteria—they have to have experience in government contracting, have clean audits, and demonstrate management capability—in order to exercise the right to take over the operation of IHS functions, including the funds necessary to run them.

H.R. 1833 also adds a new title VI which authorizes a feasibility study regarding the execution of tribal Self-Governance compacts and funding agreements of Indian-related programs outside the IHS but within the Department of Health and Human Services on a demonstration project basis.

Although this issue was not addressed in this legislation, I want to express my continued concern about the poor labor relations at various Indian Health Service facilities throughout the West, but particularly the IHS facilities at Sacaton, Arizona and Owyhee, Nevada. Contrary to both the law and agency decisions, the IHS has refused to complete its obligation to meet and negotiate with the Laborers' International Union which represents workers at these facilities. I also understand that the IHS continues to commit unfair labor practices. I want to send a strong message to the IHS that I will continue to monitor labor relations at IHS facilities and that continued indifference to the law and agency decisions will not be ignored by Congress. I understand that the Administration is aware of my concerns and has agreed to correct these issues in the very near future.

I firmly believe that this bill advances the principle focus of the Self-Governance program—to remove needless and sometimes harmful layers of federal bureaucracy that dictate Indian affairs. By giving tribes direct control over federal programs run for their benefit and making them directly accountable to their members, we are enabling Indian tribes to run programs more efficiently and more innovatively than federal officials have in the past. And, allowing tribes to run these programs furthers the Congressional policy of strengthening and promoting tribal governments.

The Self-Governance program recognizes that Indian tribes care for the health, safety,

and welfare of their own members as well as that of non-Indians who either live on their reservations or conduct business with the tribes and are thus committed to safe and fair working conditions and practices.

A comprehensive description of the substitute follows. I strongly urge my colleagues to pass this legislation.

SECTION-BY-SECTION DESCRIPTION OF SUBSTITUTE

SECTION 1. SHORT TITLE.

This provision sets forth the short title, "The Tribal Self-Governance Act Amendments of 1998."

SECTION 2. FINDINGS

This provision sets forth the findings of Congress which reaffirm the inherent sovereignty of Indian tribes and the unique government-to-government relationship between the United States and Indian tribes. The findings make clear that while progress has been made, the federal bureaucracy has eroded tribal self-governance. The findings state that the Federal Government has failed to fully meet its trust responsibility and to satisfy its obligations under treaties and other laws. The findings explain that Congress has reviewed the tribal self-governance demonstration project and concluded that self-governance is an effective mechanism to implement and strengthen the federal policy of government-to-government relations with Indian tribes by transferring Indian tribes full control and funding for federal programs, functions, services, or activities, or portions thereof.

SECTION 3. DECLARATION OF POLICY

This section provides that it is Congress' policy to permanently establish and implement tribal self-governance within the Department of Health and Human Services with the full cooperation of its agencies. Among the key policy objectives Congress seeks to achieve through the self-governance program are to (1) maintain and continue the United States' unique relationship with Indian tribes; (2) allow Indian tribes the flexibility to choose whether they wish to participate in self-governance; (3) ensure the continuation and fulfillment of the United States' trust responsibility and other responsibilities towards Indian Tribes that are contained in treaties and other laws; (4) permit a transition to tribal control and authority over programs, functions, services, or activities (or portions thereof); and (5) provide a

corresponding parallel reduction in the Federal bureaucracy.

SECTION 4. TRIBAL SELF GOVERNANCE

This section sets out the substantive provisions of the Self-Governance program within the Indian Health Service and authorizes a feasibility study of the applicability of Self-Governance to other Departmental agencies by adding Titles V and VI to the Indian Self-Determination and Education Assistance Act.

SECTION 501. ESTABLISHMENT

This provision directs the Secretary of HHS to establish a permanent Tribal Self-Governance Program in the Indian Health Service.

SECTION 502. DEFINITIONS

Subsection (a)(1) defines the term "construction project". The Committee does not intend this legislation to preclude agreements between self-governance tribes and the Indian Health Service for carrying out sanitary facilities construction projects pursuant to a "Project Funding Agreement" or "Memorandum of Agreement" executed as an addendum to a Title V Annual Funding Agreement as authorized by Section 7(a)(3) of Pub. L. 86-121, 73 Stat. 267 (42 U.S.C. §2004(a)).

Subsection (a)(2) provides that a "construction project agreement" is one between the Secretary and the Indian tribe that, at a minimum, establishes start and completion dates, scope of work and standards, identifies party responsibilities, addresses environmental considerations, identifies the owner and maintenance entity of the proposed work, provides a budget, provides a payment process, and establishes a duration of the construction project agreement.

Subsection (a)(3) defines "inherent federal functions" as those functions which cannot be legally delegated to Indian tribes. This definition states the obvious. Inherent federal functions are functions which the Executive Branch cannot by law delegate to other branches of governments, or non-governmental entities. The Committee's definition is consistent with the Department of the Interior Solicitor's Memorandum of May 17, 1996 entitled "Inherently Federal Functions under the Tribal Self-Governance Act of 1994." The Committee's definition is expressly intended to provide flexibility so as to allow the Secretary and the tribes to come to agreement on which functions are inherently federal on a case-by-case basis. It is important to note that, in the tribal procurement context, there is another factor the Committee has considered—when the federal government is returning tribal governmental powers and functions that are inherent in tribes governmental status such as those possessed by tribes before the establishment of the federal Indian bureaucracy, the scope of allowable transfers is broader than in the transfer of federal government powers to private or other governmental entities.

Subsection (a)(4) defines "inter-tribal consortium". The Committee notes that during the Title III Demonstration Project the IHS authorized intertribal consortia, such as the co-signers to the Alaska Tribal Health Compact, to participate in the Project and that participation has had great success. The definition of "inter-tribal consortium" is intended to include "tribal organizations" as that term is defined in Section 4(l) of the Indian Self-Determination Act, Pub. L. No. 93-638. This would include consortia such as those involved in the Alaska Tribal Health Consortium. It is the Committee's intent

that inter-tribal consortia and tribal organizations shall count as one tribe for purposes of the 50 tribe per year limitation contained in section 503(a).

Subsection (a)(5) defines "gross mismanagement". The inclusion of this term is to govern one of the criteria that the Secretary is to consider in the reassignment of a tribally-operated program. The Secretary will be given the authority to reassume programs that imminently endanger the public health where the danger arises out of a compact or funding agreement violation. The Committee believes that the inclusion of a performance standard, in this case gross mismanagement, is also an appropriate grounds for reassignment. Gross mismanagement is defined as a significant, clear, and convincing violation of compact, funding agreement, regulatory or statutory requirements related to the transfer of Self-Governance funds to the tribe that results in a significant reduction of funds to the tribe's Self-Governance program. The Committee's definition of gross mismanagement is narrowly tailored and will require a high degree of proof by the Secretary. The Committee is well aware of tribal concerns and agrees that the inclusion of this performance standard must not be utilized by the Secretary in such a manner as to needlessly impose monitoring and auditing requirements that hinder the efficient operation of tribal programs. Intrusive and overburdensome monitoring and auditing activities are antithetical to the goals of Self-Governance.

Subsection (a)(6) defines "tribal shares". This definition is consistent with the Title IV Rule-making Committee's determination that residual funds are those "necessary to carry out the inherently federal functions that must be performed by federal officials if all tribes assume responsibilities for all BIA programs." Fed. Reg. Vol. 63, No. 29, 7235, (Feb. 12, 1998) (Proposed Rule, 25 CFR Sec. 1000.91). All funds appropriated under the Indian Self-Determination and Education Assistance Act are either tribal shares or Agency residual.

Subsection (a)(7) defines "Secretary" as the Secretary of Health and Human Services.

Subsection (a)(8) defines "Self-Governance" as the program established under this title.

Section (b) defines "Indian Tribe". This definition enables an Indian tribe to authorize another Indian tribe, inter-tribal consortium or tribal organization to participate in self-governance of its behalf. The authorized Indian Tribe, inter-tribal consortium or tribal organization may exercise the authorizing Indian tribe's rights as specified by Tribal resolution.

SECTION 503. SELECTION OF PARTICIPATING TRIBES

This section describes the eligibility criteria that must be satisfied by any Indian tribe interested in participating.

(a) Continuing Participation. All tribes presently participating in the Tribal Self-Governance Demonstration Project under Title III of the Indian Self-Determination Act may elect to participate in the permanent Self-Governance program. Tribes must do so through tribal resolution.

(b) Additional Participants. (1) This section allows an additional 50 tribes a year to participate in self-governance.

(2) This section allows an Indian tribe that chooses to withdraw from an inter-tribal consortium or tribal organization to participate in self-governance provided it independently meets the eligibility criteria in Title V. Tribes and tribal organizations that with-

draw from tribal organizations and inter-tribal consortia under this section shall be entitled to participate in the permanent program under section 503(b)(2) and such participation shall not be counted against the 50 tribe a year limitation contained in section 503(a).

(c) Applicant Pool. The eligibility criteria for self-governance tribes are the same as those that apply under Title IV. To participate, an Indian tribe must successfully complete a planning phase, must request participation in the program through a resolution or official action of the governing body, and must have demonstrated financial stability and financial management capability for the past three years. Proof of no material audit exceptions in the tribe's self determination contracts or Self Governance funding agreements is conclusive proof of such qualification. The Committee notes that the financial examination addressed in subsection 503(c)(3) refers solely to funds managed by the tribe under Title I and Title IV of the Indian Self-Determination Act. The bill has been deliberately crafted to make clear that a tribe's activities in other economic endeavors are not subject of the Section 503(c) examination. Similarly, the "budgetary research" referred to in section 503(d)(1) of the bill requires a tribe to research only budgetary issues related to the administration of the programs the tribe anticipates transferring to tribal operation under Self-Governance.

(d) Planning Phase. Every Indian tribe interested in participating in self-governance shall complete a planning phase prior to participating in the program. The planning phase is to include legal and budgetary research and internal tribal government planning and organizational preparation. The planning phase is to be completed to the satisfaction of the tribe.

(e) Grants. Subject to available appropriations, any Indian tribe interested in participating in self-governance is eligible to receive a grant to plan for participation in the Program or to negotiate the terms of a Compact and funding agreement.

(f) Receipt of Grant not Required. This section provides that receipt of a grant from HHS is not required to participate in the permanent program.

SECTION 504. COMPACTS

This section authorizes Indian tribes to negotiate Compacts with the Secretary and identifies generally the contents of Compacts. While the Compact process was not specifically part of prior legislative enactment, the Committee understands that Compacts have developed as an integral part of Self Governance. The Committee believes that Compacts serve an important and necessary function in establishing government-to-government relations, which as noted earlier, is the keystone of modern federal Indian policy.

(a) Compact Required. The Secretary is required to negotiate and enter into a written Compact consistent with the trust responsibility, treaty obligations and the government-to-government relationship between the United States and each participating tribe.

(b) Contents. This section requires that Compacts state the terms of the government-to-government relationship between the Indian Tribe and the United States. Compacts may only be amended by agreement of both parties.

(c) Existing Compacts. Upon enactment of Title V, Indian tribes have the option of retaining their existing Compacts, or any portion of the Compacts that do not contradict the provisions of Title V.

(d) Term and Effective Date. The date of approval and execution by the Indian Tribe is generally the effective date of a Compact, unless otherwise agreed to by the parties. A Compact will remain in effect as long as permitted by federal law or until terminated by written agreement of the parties, or by retrocession or reassumption.

SECTION 506. FUNDING AGREEMENTS

This section authorizes Indian tribes to negotiate funding agreements with the Secretary and identifies generally the contents of those agreements.

(a) Funding Agreement Required. The Secretary is required to negotiate and enter into a written funding agreement consistent with the trust responsibility, treaty obligations and the government-to-government relationship between the United States and each participating tribe.

(b) Contents. An Indian tribe may include in a funding agreement all programs, functions, services, or activities, (or portions thereof) that it is authorized to carry out under Title I of the Act. Funding agreements may, at the option of the Indian tribe, authorize the Tribe to plan and carry-out all programs, functions, services, or activities (or portion thereof) administered by the IHS that are carried out for the benefit of Indians because of their status as Indians or where Indian tribes or Indian beneficiaries are the primary or significant beneficiaries, as set forth in status. For each program, function, service, or activity (or portion thereof) included in a funding agreement, an Indian tribe is entitled to receive its full tribal share of funding, including funding for all local, field, service unit, area, regional, and central/headquarters or national office locations. Available funding includes the Indian tribe's share of discretionary IHS competitive grants but not statutorily mandated competitive grants.

The Committee is concerned with the reluctance of the Indian Health Service to include all available federal health funding in self governance funding agreements. We note, as an example, the refusal of the IHS to so include the Diabetes Prevention Initiative funding. As a result, funding was delayed and undue administrative requirements diverted resources from direct services. This section is intended to directly remedy this situation.

The Committee has received ample testimony showing the benefits of self governance. In 1998, the National Indian Health Board recently released its "National Study on Self-Determination and Self-Governance," providing empirical evidence that self-governance leads to more efficient management of tribal health service delivery, especially preventive services. This study consistently observed an overall improvement in quality of care when tribes operate their own Health Care systems. Less than full funding agreements will result in less than maximum use of federal resources to address the health care in Indian country. Accordingly, this section is to be interpreted broadly by affording a presumption in favor of including in a tribe's self-governance funding agreement any federal funding administered by that Agency.

(c) Inclusion in Compact or Funding Agreement. Indians do not need to be specifically identified in authorizing legislation for a program to be eligible for inclusion in a Compact or funding agreement.

(d) Funding Agreement Terms. Each funding agreement should generally set out the programs, functions, services, or activities, (or portions thereof) to be performed by the Indian tribe, the general budget category as-

signed to each program, function, service, or activity (or portion thereof), the funds to be transferred, the time and method of payment and other provisions that the parties agree to.

(e) Subsequent Funding Agreements. Each funding agreement remains in full force and effect unless the Secretary receives notice from the Indian tribe that it will no longer operate one or more of the programs, functions, services, or activities, (or portions thereof) included in the funding agreement or until a new funding agreement is executed by the parties.

The Committee is concerned with reports that the IHS has been able to use the annual negotiations provisions of Section 303(a) of the Act to obtain an unfair bargaining advantage during negotiations by threatening to suspend application of the Act to a tribe if it does not sign an Annual Funding Agreement. This subsection is meant to facilitate negotiation between the tribes and the Indian Health Service on a true government-to-government basis. The Committee believes the retroactive provision is fair because this assures that no act or omission of the federal government endangers the health and welfare of tribal members.

(f) Existing Funding Agreements. Upon enactment of Title V, Tribes may either retain their existing annual funding agreements, or any portion thereof, that do not conflict with provisions of title V, or negotiate new funding agreements that conform to Title V.

(g) Stable Base Funding. An Indian tribe may include a stable base budget in its funding agreement. A stable base budget contains the tribe's recurring funding amounts and provides for transfer of the funds in a predictable and consistent manner over a specific period of time. Adjustments are made annually only if there are changes in the level of funds appropriated by Congress. Non-recurring funds are not included and must be negotiated on an annual basis. The Committee intends this section to codify the existing Agency policy guidance on stable base funding.

SECTION 506. GENERAL PROVISIONS

(a) Applicability. The provisions in this section may, at the tribe's option, be included in a Compact or funding agreement negotiated under Title V.

(b) Conflicts of Interest. Indian tribes are to assure that internal measures are in place to address conflicts of interest in the administration of programs, functions, services, or activities, (or portions thereof).

(c) Audits. The Single Agency Audit Act applies to Title V funding agreements. Indian tribes are required to apply cost principles set out in applicable OMB Circulars, as modified by section 106 of Title I or by any exemptions that may be applicable to future OMB Circulars. No other audit or accounting standards are required. Claims against Indian tribes by the Federal Government based on any audit of funds received under a Title V funding agreement are subject to the provisions of section 106(f) of Title I.

(d) Records. An Indian tribe's records are not considered federal records for purposes of the Federal Privacy Act, unless otherwise stated in the Compact or funding agreement. Indian tribes are required to maintain a record keeping system and, upon reasonable advance request, provide the Secretary with reasonable access to records to enable HHS to meet its minimum legal record keeping requirements under the Federal Records Act.

(e) Redesign and Consolidation. An Indian tribe may redesign or consolidate programs,

functions, services, or activities, (or portions thereof) and reallocate or redirect funds in any way the Indian tribe considers to be in the best interest of the Indian community. Any redesign or consolidation, however, must not have the effect of unfairly denying eligibility to people otherwise eligible to be served under federal law.

(f) Retrocession. An Indian tribe may retrocede fully or partially back to the Secretary any program, function, service, or activity (or portion thereof) included in a Compact or funding agreement. A retrocession request becomes effective within the time frame specified in the Compact or funding agreement, one year from the date the request was made, the date the funding agreement expires, or any date mutually agreed to by the parties, whichever occurs first.

(g) Withdrawal. An Indian tribe that participates in self-governance through an inter-tribal consortium or tribal organization can withdraw from the consortium or organization. The withdrawal becomes effective within the time frame set out in the tribe's authorizing resolution. If a time frame is not specified, withdrawal becomes effective one year from the submission of the request or on the date the funding agreement expires, whichever occurs first. An alternative date can be agreed to by the parties, including the Secretary.

When an Indian tribe withdraws from an inter-tribal consortium or tribal organization and wishes to enter into a Title I contract or Title V agreement on its own, it is entitled to receive its share of funds supporting the program, function, service, or activity, (or portion thereof) that it will carry out under its new status. The funds must be removed from the funding agreement of the participating organization or inter-tribal consortium and included in the withdrawing tribe's agreement or contract. If the withdrawing tribe is to receive services directly from the Secretary, the tribe's share of funds must be removed from the funding agreement of the participating organization or inter-tribal consortium and retained by the Secretary to provide services. Finally, an Indian tribe that chooses to terminate its participation in the self-governance program may, at its option, carry out programs, functions, services, or activities, (or portions thereof) in a Title I contract of Self-Governance funding agreement and retain its mature contractor status.

(h) Nonduplication. This section provides that a tribe operating programs under a Self-Governance compact may not contract under Title I (a "638 contract") for the same programs.

SECTION 507. PROVISIONS RELATING TO THE SECRETARY

This section sets out mandatory and non-mandatory provisions relating to the Secretary's obligations.

(a) Mandatory Provisions.

(1) Health Status Reports. To the extent that the data is not otherwise available to the Secretary, Compacts and funding agreements must include a provision requiring the Indian tribe to report data on health status and service delivery. The Secretary is to use this data in her annual reports to Congress. The Secretary is required to provide funding to the Indian tribe to compile such data. Reporting requirements can only impose minimal burdens on the Indian tribe and may only be imposed if they are contained in regulations developed under negotiated rule-making.

(2) Reassumption. Compacts or funding agreements must include a provision authorizing the Secretary to reassume a program,

function, service, or activity, (or portion thereof) if she makes a finding of imminent endangerment of the public health caused by the Indian tribe's failure to carry out the Compact or funding agreement or gross mismanagement that causes a significant reduction in available funding. The Secretary is required to provide the Indian tribe with notice of a finding. The Indian tribe may take action to correct the problem identified in the notice. The Secretary has the burden at the hearing of demonstrating by clear and convincing evidence the validity of the grounds for reassumption. In cases where the Secretary finds imminent substantial and irreparable endangerment of the public health caused by the tribe's failure to carry out the Compact or funding agreement, the Secretary may immediately reassume the program but is required to provide the tribe with a hearing on the record within ten days after reassumption.

(b) Final Offer. If the parties cannot agree on the terms of a Compact or funding agreement, the Indian tribe may submit a final offer to the Secretary. The Secretary has 45 days to determine if the offer will be accepted or rejected. The 45 days can be extended by the Indian tribe. If the Secretary takes no action the offer is deemed accepted by the Secretary.

(c) Rejection of Final Offers. This provision describes the only circumstances under which the Secretary may reject an Indian tribe's final offer.

A rejection requires written notice to the Indian tribe within 45 days of receipt with specific findings that clearly demonstrate or are supported by controlling legal authority that: (1) the amount of funds proposed exceeds the funding level that the Indian tribe is entitled to; (2) the program, function, service, or activity (or portion thereof) that is the subject of the offer is an inherent federal function that only can be carried out by the Secretary; (3) the applicant is not eligible to participate in self-governance; or (4) the Indian tribe cannot carry out the program, function, service or activity, (or portion thereof) without a significant danger or risk to the public health. The Committee believes the fourth provision appropriately balances the Secretary's trust responsibility to assure the delivery of health care services to Indian beneficiaries, with the equally important goal of fostering maximum tribal self-determination in the administration of health care programs transferred under Title V. The Committee has included the requirement of a "specific finding" is included to avoid rejections which merely state conclusory statements that offer no analysis and determination of facts supporting the rejection.

The Secretary must also offer assistance to the Indian tribe to overcome the stated objections, and must provide the Indian tribe with an opportunity to appeal the rejection and have a hearing on the record. In any hearing the Indian tribe has the right to engage in full discovery. The Indian tribe also has the option to proceed directly to federal district court under section 110 of Title I of the Act in lieu of an administrative hearing.

The Secretary may only reject those portions of a "final offer" which do not justify a rejection. By entering into a partial Compact or funding agreement the Indian tribe does not waive its right to appeal the Secretary's decision for the rejected portions of the offer.

(d) Burden of Proof. The Secretary has the burden of demonstrating by clear and convincing evidence the validity of a rejection

of a final offer in any hearing, appeal or civil action. A decision relating to an appeal within the Department is considered a final agency action if it was made by an administrative judge or by an official of the Department whose position is at a higher level than the level of the departmental agency in which the decision that is the subject of the appeal was made.

(e) Good Faith. The Secretary is required to negotiate in good faith and carry out his discretion under Title V in a manner that maximizes the implementation of self-governance.

(f) Reduction of Secretarial Responsibilities. Any savings in the Department's administrative costs that result from the transfer of programs, functions, services, or activities, (or portions thereof) to Indian tribes in self-governance agreements that are not otherwise transferred to Indian tribes under Title V must be made available to Indian tribes for inclusion in their Compacts or funding agreements. We have consistently indicated that Self Governance should achieve reductions in federal bureaucracy and create resultant cost savings. This subsection makes clear that such savings are for the benefit of the Indian tribes. Savings are not to be utilized for other agency purposes, but rather are to be provided as additional funds or services to all tribes, inter-tribal consortia, and tribal organizations in a fair and equitable manner.

(g) Trust Responsibility. The Secretary is prohibited from waiving, modifying or diminishing the trust responsibilities or other responsibilities as reflected in treaties, executive orders or other laws and court decisions of the United States to Indian tribes and individual Indians. The Committee reaffirms that the protection of the federal trust responsibility to Indian tribes and individuals is a key element of Self Governance. The ultimate and legal responsibility for the management and preservation of trust resources resides with the United States as Trustee. The Committee believes that health care is a trust resource consistent with federal court decisions. This subsection continues the practice of permitting substantial tribal management of its trust resources provided that tribal activities do not replace the trustee's specific legal responsibilities. Section 507(a)(2) (reassumption) with its concept of imminent endangerment of the public health provides guidance in defining the Secretary's trust obligation in the health context.

(h) Decisionmaker. Final agency action is a decision by either an official from the Department at any higher organizational level than the initial decision maker or an administrative law judge. Subparagraph (h)(2) is included to assure that the persons deciding an administrative appeal are not the same individuals who made the initial decision to reject a tribe's "final offer."

SECTION 508. TRANSFER OF FUNDS

(a) In General. The Secretary is required to transfer all funds provided for in a funding agreement, pursuant to Section 509(c) below. Funds are also required to be provided for periods covered by continuing resolutions adopted by Congress, to the extent permitted by such resolutions. When a funding agreement requires that funds be transferred at the beginning of the fiscal year, the transfer are to be made within 10 days after the Office of Management and Budget apportions the funds, unless the funding agreement states otherwise.

(b) Multi-Year Funding. The Secretary is authorized to negotiate multi-year funding agreements.

(c) Amount of Funding. The Secretary is required to provide an Indian tribe the same funding for a program, function, service, or activity, (or portion thereof) under self-governance that the tribe would have received under Title I. This includes all Secretarial resources that support the transferred program, and all contract support costs (including indirect costs) that are not available from the Secretary but are reasonably necessary to operate the program. The bill requires that the transfer of funds occur along with the transfer of the program. Thus the bill states that "the Secretary shall provide" the funds specified, and the Secretary is not authorized to phase-in funds in any manner that is not voluntarily agreed to by Self-Governance tribe.

(d) Prohibitions. The Secretary is specifically prohibited from withholding, refusing to transfer or reducing any portion of an Indian tribe's full share of funds during a Compact or funding agreement year, or for a period of years. The Committee is aware that for the first twenty-one years of administration of the Indian Self-Determination Act, the Department had never taken the position that it has the discretion to delay funding for any program transferred under the Act absent tribal consent. However, a 1996 IHS circular purported to do just that. Since this circular was issued, several Area offices have refused to turn over substantial program funds to tribal operation. In one instance both an Area office and Headquarters refused to transfer portions of programs for several years, and with respect to several Headquarters functions the IHS refused to transfer the functions altogether. A recent Oregon Federal district court decision declared Indian Health Service's actions in these instances illegal and the Committee agrees.

Additionally, funds that an Indian tribe is entitled to receive may not be reduced to make funds available to the Secretary for monitoring or administration; may not be used to pay for federal functions (such as pay costs or retirement benefits); and, may not be used to pay costs associated with federal personnel displaced by self-governance or Title I contracting.

In subsequent years, funds may only be reduced in very limited circumstances: if Congress reduces the amount available from the prior year's appropriation; if there is a directive in the statement of managers which accompanies an appropriation; if the Indian tribe agrees; if there is a change in the amount of pass-through funds; or, if the project contained in the funding agreement has been completed.

(e) Other Resources. If an Indian tribe elects to carry out a Compact or funding agreement using federal personnel, supplies, supply sources or other resources that the Secretary has available under procurement contracts, the Secretary is required to acquire and transfer the personnel, supplies or resources to the Indian tribe.

(f) Reimbursement to Indian Health Service. The Indian Health Service is authorized on a reimbursable basis to provide goods and services to tribes. Reimbursements are to be credited to the same or subsequent appropriation account which provided the initial funding. The Secretary is authorized to receive and retain the reimbursed amounts until expended without remitting them to the Treasury.

(g) Prompt Payment Act. This subsection makes the Prompt Payment Act (31 U.S.C. Chapter 39) applicable to the transfer of all funds due to a tribe under a Compact or funding agreement. The first annual or semi-

annual transfer due under a funding agreement must be made within 10 calendar days of the date the Office of Management and Budget apportions the appropriations for that fiscal year. Under this section, the Secretary is obligated to pay to a Self-Governance tribe interest, as calculated under the Prompt Payment Act, for any late payment under a funding agreement.

(h) Interest or Other Income on Transfers. An Indian tribe may retain interest earned or other income on funds transferred under a Compact or funding agreement. Interest earned must not reduce the amount of funds the tribe is entitled to receive during the year the interest was earned or in subsequent years. An Indian tribe may invest funds received in a funding agreement as it wishes, provided it follows the "prudent investment standard", a commonly utilized fiduciary standard, that the Committee believes is strict enough to ensure that funds are invested wisely and safely yet provide a reasonable yield on investment.

Eligible investments under the prudent investment standard may include the following: (1) cash and cash equivalents (including bank checking accounts, savings accounts, and brokerage account free cash balances that carry a quality rating A1 P1, or AA or higher) (2) money market accounts with an A rating or higher, (3) certificates of deposit where the amounts qualify for insurance (\$100,000 or less) or where the issuing bank has delivered a specific assignment, (4) bank repossession certificates where the amounts qualify for insurance (\$100,000 or less) or where the issuing bank has delivered a specific assignment, (5) U.S. Government or Agency Securities, (6) commercial paper rated A1 P1 at time of purchase and which cannot exceed 10% of portfolio at time of purchase with any one issuer (short term paper—under 90 days—may be treated as a cash equivalent), (7) auction rate preferred instruments that are issued by substantial issuers, are rated AA or better, and may be utilized with auction maturities of 28 to 90 days, (8) corporate bonds of U.S. Corporations that have Moody's, Standard and Poor's, or Fitch's rating of A or equivalent and where no more than 10% of portfolio at time of purchase is invested in the securities of any one issuer, (9) dollar denominated short term bonds of the G7 Nations or World Bank only if the yields exceed those of U.S. instruments of equivalent maturity and quality, and where no more than 25% of portfolio at time of purchase is invested in this asset category, (10) properly registered short term no-load government or corporate bond mutual funds with a safety rating and average fund quality of A or higher, which demonstrate low volatility, and where no more than 25% of portfolio at time of purchase is invested in any one fund.

Carryover of Funds. All funds paid to an Indian tribe under a Compact or funding agreement are "no year" funds and may be spent in the year they are received or in any future fiscal year. Carryover funds are not to reduce the amount of funds that the tribe may receive in subsequent years.

(j) Program Income. All program income (including Medicare/Medicaid) earned by an Indian tribe is supplemental to the funding that is included in its funding agreement. The Secretary may not reduce the amount of funds that the Indian tribe may receive under its funding agreement for future fiscal years. The Indian tribe may retain such income and spend it either in the current or future years.

(k) Limitation of Costs. An Indian tribe is not required to continue performance of a

Program, function, service, or activity (or portion thereof) included in a funding agreement if doing so requires more funds than were provided under the funding agreement. If an Indian tribe believes that the amount of funds transferred is not enough to carry out a program, function, service, or activity, (or portion thereof) for the full year, the Indian tribe may so notify the Secretary. If the Secretary does not supply additional funds the tribe may suspend performance of the program, function, service, or activity (or portion thereof) until additional funds are provided.

SECTION 509. CONSTRUCTION PROJECTS

(a) In General. Indian tribes are authorized to conduct construction projects authorized under this Section. The tribes are to assume full responsibility for the projects, including responsibility for enforcement and compliance with all relevant federal laws, including the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. A tribe undertaking a construction project must designate a certifying officer to represent the tribe and accept federal court jurisdiction for purposes of the enforcement of federal environmental laws.

(b) Negotiations. This subsection provides that negotiation of construction projects are negotiated pursuant to Section 105(m) of the Act and construction project agreements included in the funding agreement as an addendum.

(c) Codes and Standards. The tribes and the IHS must agree to standards and codes for the construction project. The agreement will be in conformity with nationally accepted standards for comparable projects.

(d) Responsibility for Completion. This subsection provides that the Indian tribe must assume responsibility for the successful completion of the project according to the terms of the construction project agreement.

(e) Funding. This subsection provides that funding of construction projects will be through advance payments, on either an annual or semi-annual basis. Payment amounts will be determined by project schedules, work already completed, and the amount of funds already expended. Flexibility in payment schedules will be maintained by the IHS through contingency funds to take account of exigent circumstances such as weather and supply.

(f) Approval. This subsection allows the Secretary to have at least one opportunity to approve tribal project planning and design documents or significant amendments to the original scope of work before construction. The tribe is to provide at least semiannual progress and financial reports. The Secretary is allowed to conduct semiannual site visits or on another basis if agreed to by the tribe.

(g) Wages. This subsection mirrors section 7(a) of the Indian Self-Determination and Education Assistance Act which incorporates Davis-Bacon wage protections for workers.

(h) Application of Other Laws. This subsection provides that provisions of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations, and other federal procurement laws and regulations do not apply to construction projects, unless agreed to by the participating tribe.

SECTION 510. FEDERAL PROCUREMENT LAWS AND PROGRAM REGULATIONS

This section provides that unless otherwise agreed to by the parties, Compacts and funding agreements are not subject to federal contracting or cooperative agreement laws

and regulations (including executive orders) unless those laws expressly apply to Indian tribes. Compacts and funding agreements are also not subject to program regulations that apply to the Secretary's operations.

SECTION 511. CIVIL ACTIONS

(a) Contract Defined. The Committee intends that Section 110 of Title I of the Act, which grants tribes access to Federal District Court to challenge a decision by the Secretary, shall apply to this Title.

(b) Applicability of Certain Laws. This subsection provides that Department of Interior approval of tribal contracts (25 U.S.C. 81) and section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall not apply to attorney and other professional contracts with Self-Governance tribes.

SECTION 512. FACILITATION

(a) Secretarial Interpretation. This section requires the Secretary to interpret all executive orders, regulations and federal laws in a manner that will facilitate the inclusion of programs, functions, services, or activities, (or portions thereof) and funds associated therewith under Title V, implementation of Title V Compacts and funding agreements, and the achievement of Tribal health goals and objectives where they are not inconsistent with Federal law. This section reinforces the Secretary's obligation not merely to provide health care services to Native American tribes, but to facilitate the efforts of tribes to manage those programs for the maximum benefit of their communities.

(b) Regulation Waiver. An Indian tribe participating in Self-Governance under Title V may seek a waiver of an applicable Indian Self-Determination Act regulation by submitting a written waiver request to the Secretary. The Secretary has 90 days to respond and a failure to act within that period is deemed an approval of the request by operation of law. Action on a waiver request is final for the Department. Denials may be made upon a specific finding that the waiver is prohibited by federal law. Failure to act within the 90 day period by the Secretary is deemed an approval.

(c) Access to Federal Property. This subsection addresses tribal use of federal buildings, hospitals and other facilities, as well as the transfer to tribes of title to excess personal or real property. At the request of an Indian tribe the Secretary is required to permit the Indian tribe to use government-owned real or personal property under the Secretary's jurisdiction under such terms as the parties may agree to.

The Secretary is required to donate title to personal or real property that is excess to the needs of any agency or the General Services Administration as long as the Secretary has determined that the property is appropriate for any purpose for which a compact is authorized, irrespective of whether a tribe is in fact administering a particular program that matches that purpose. For instance, if a tribe is not administering a mental health program under its IHS compact or funding agreement, the Secretary may nonetheless acquire excess or surplus property and donate such property to the tribe so long as the Secretary determines that the tribe will be using the property to administer mental health services.

Title to property furnished by the government or purchased with funds received under a Compact or funding agreement vests in the Indian tribe if it so chooses. Such property also remains eligible for replacement, maintenance or improvement on the same terms as if the United States had title to it. Any

property that is worth \$5,000 or more at the time of a retrocession, withdrawal or re-assumption may revert back to the United States at the option of the Secretary.

(d) Matching or Cost-Participation Requirement. Funds transferred under Compacts and funding agreements are to be considered non-federal funds for purposes of meeting matching or cost participation requirements under federal or non-federal programs.

(e) State Facilitation. This section encourages and authorizes States to enter agreements with tribes supplementing and facilitating Title V and other federal laws that benefit Indians and Indian tribes, for example, welfare reform. It is designed to provide federal authority so as to remove equal protection objections where states enter into special arrangements with tribes.

The Committee wants to foster enlightened and productive partnerships between state and local governments, on the one hand, and Indian tribes on the other; and, the Committee wants to be sure that states are authorized by the Federal Government to undertake such initiatives, as part of the Federal Government's constitutional authority to deal with Indian tribes as political entities, irrespective of any limitations which have from time to time been argued might otherwise exist with respect to state action under either state constitutional provisions or other provisions of the Constitution. Many state and tribal governments have undertaken positive initiatives both in health care issues and in natural resource management, and it is the Committee's strong desire to fully support, authorize and encourage such cooperative efforts.

(f) Rules of Construction. Provisions in this Title and in Compacts and funding agreements shall be liberally construed and ambiguities decided for the benefit of the Indian tribe participating in the program.

SECTION 513. BUDGET REQUEST

(a) The President is required to annually identify in his/her budget all funds needed to fully fund all Title V Compacts and funding agreements. These funds are to be apportioned to the Indian Health Service which will then be transferred to the Office of Tribal Self-Governance. The IHS may not thereafter reduce the funds a tribe is otherwise entitled to receive whether or not such funds have been apportioned to the Office of Tribal Self-Governance.

The Committee has been made aware that the current system for payment and approval of funding and amendments for Annual Funding Agreements for Self-Governance Demonstration tribes is inefficient and time consuming. In addition, by leaving authority and responsibility for distributions to Area Offices, there have been reported instances of excessive and unwarranted assertion of authority by Area Offices over self governance tribes. This includes Area Offices retaining shares of funds not authorized to be retained by the tribe's Annual Funding Agreement. The Committee concludes that by requiring a report on Self Governance expenditures, and by moving all Self-Governance funding onto a single line, the Congress will be able to achieve the following ends: more accurately gauge the amount of funding flowing directly to Tribes through participation in Self governance; generate savings through decreasing the bureaucratic burden on the payment and approval process in the Indian Health Service; expedite the transfer of funding to tribal operating units; and, aid in the implementation of true government to government relations and tribal self determination.

(b) The budget must identify the present level of need and any shortfalls in funding for every Indian tribe in the United States that receives services directly from the Secretary, through a Title I contract or in a Title V Compact and funding agreement.

SECTION 514. REPORTS

(a) Annual Report. The Secretary is required to submit to Congress on January 1 of every year a written report on the Self-Governance program. The report is to include the level of need presently funded or unfunded for every Indian tribe in the United States that receives services directly from the Secretary, through a Title I contract or in a Title V Compact and funding agreement. The Secretary may not impose reporting requirements on Indian tribes unless specified in Title V.

(b) Contents. The Secretary's report must identify: (1) the costs and benefits of self-governance; (2) all funds related to the Secretary's provision of services and benefits to self-governance tribes and their members; (3) all funds transferred to self-governance tribes and the corresponding reduction in the federal bureaucracy; (4) the funding formula for individual tribal shares; (5) the amount expended by the Secretary during the preceding fiscal year to carry out inherent federal functions; and (6) contain a description of the method used to determine tribal shares. The Secretary's report must be distributed to Indian tribes for comment no less than 30 days prior to its submission to Congress and include the separate views of Indian tribes.

(c) Report on IHS Funds. This section requires the Secretary to consult with Indian tribes and report, within 180 days after Title V is enacted, on funding formulae used to determine tribal shares of funds controlled by IHS. The formulae are to become a part of the annual report to Congress discussed above in Section 514(d). This provision is not intended to relieve HHS from its obligation under Title V to make all funds controlled by the central office, national, headquarters or regional offices available to Indian tribes. This provision is also not intended to require reopening funding formulae that are already being used by HHS to distribute funds to Indian tribes. Any new formulae or revision of existing formulae should be determined only after significant regional and national tribal consultation.

SECTION 515. DISCLAIMERS

(a) No Funding Reduction. This provision states that nothing in Title V shall be interpreted to limit or reduce the funding for any program, project or activity that any other Indian tribe may receive under Title I or other applicable federal laws. A tribe that alleges that a Compact or funding agreement violates this section may rely on Section 110 of the Act to seek judicial review of the allegation.

(b) Federal Trust and Treaty Responsibilities. This section clarifies that the trust responsibility of the United States to Indian tribes and individual Indians which exists under treaties, Executive Orders, laws and court decisions shall not be reduced by any provision of Title V.

(c) Tribal Employment. This provision excludes Indian tribes carrying out responsibilities under a Compact or funding agreement from falling under the definition of "employer" as that term is used in the National Labor Regulations Act.

(d) Obligations of the United States. The IHS is prohibited from billing, or requiring Indian tribes from billing, individual Indians

who have the economic means to pay for services. For many years the Interior and Related Agencies Appropriations Bills included language that prohibited the Indian Health Service, without explicit direction from Congress, from billing or charging Indians who have the economic means to pay. In 1997 the language was removed from the Appropriation bills and it has not been included since. This section reflects the Committee's intent that the IHS is prohibited from billing Indians for services, and is further prohibited from requiring any Indian tribe to do so.

SECTION 516. APPLICATION OF OTHER SECTIONS OF THE ACT

(a) This section expressly incorporates a number of provisions from other areas of the Indian Self-Determination and Education Assistance Act into Title V. These sections include: 5(b) (access for three years to tribal records), 6 (setting our penalties that apply if an individual embezzles or otherwise misappropriates funds under Title V); 7 (Davis-Bacon wage and labor standards and Indian preference requirements); 102(c) and (d) (relating to Federal Tort Claims Act coverage); 104 (relating to the right to use federal personnel to carry out responsibilities in a Compact or funding agreement); 105(k) (access to federal supplies); 111 (clarifying that Title V shall have no impact on existing sovereign immunity and the United States' trust responsibility); and section 314 Public Law No. 101-512 (coverage under the Federal Tort Claims Act).

(b) At the request of an Indian tribe, other provisions of Title I of the Indian Self-Determination Act which do not conflict with provisions in Title V may be incorporated into a Compact or funding agreement. If incorporation is requested during negotiations it will be considered effective immediately.

SECTION 517. REGULATIONS

This section gives the Secretary limited authority to promulgate regulations implementing Title V.

(a) In general. The Secretary is required to initiate procedures to negotiate and promulgate regulations necessary to carry out Title V within 90 days of enactment of Title V. The procedures must be developed under the Federal Advisory Committee Act. The Secretary is required to publish proposed regulations no later than one year after the date of enactment of Title V. The authority to promulgate final regulations under Title V expires 21 months after enactment. The Committee is aware of the success of the Title I negotiated rulemaking and believes that one reason for its success is a similar limitation of rulemaking authority contained in section 107(a) of the Indian Self-Determination Act, which this section is modeled after.

(b) Committee. This provision requires that a negotiated rulemaking committee made up of federal and tribal government members be formed in accordance with the Negotiated Rulemaking Act. A majority of the tribal committee members must be representatives of and must have been nominated by Indian tribes with Title V Compacts and funding agreements. The committee will confer with and allow representatives of Indian tribes, inter-tribal consortiums, tribal organizations and individual tribal members to actively participate in the rulemaking process.

(c) Adaptation of Procedures. The negotiated rulemaking procedures may be modified by the Secretary to ensure that the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes is accommodated.

(d) Effect. The effect of Title V shall not be limited if regulations are not published.

(e) Effect of Circulars, Policies, Manuals, Guidances and Rules. Unless an Indian tribe agrees otherwise in a Compact or funding agreement, no agency circulars, policies, manuals, guidances or rules adopted by the IHS apply to the tribe.

SECTION 518. APPEALS

In any appeal (including civil actions) involving a decision by the Secretary under Title V, the Secretary carries the burden of proof. To satisfy this burden the Secretary must establish by clear and convincing evidence the validity of the grounds for the decision made and that the decision is fully consistent with provisions and policies of Title V.

SECTION 519. AUTHORIZATION OF APPROPRIATIONS

This section authorizes Congress to appropriate such funds as are necessary to carry out Title V.

SECTION 601. DEMONSTRATION PROJECT FEASIBILITY

This provision requires an 18 month study to determine the feasibility of creating a Tribal Self-Governance Demonstration Project for other agencies, programs and services in the Department of Health and Human Services.

(a) Study. This subsection authorizes the feasibility study.

(b) Considerations. This subsection requires the Secretary to consider (1) the effects of a Demonstration Project on specific programs and beneficiaries, (2) statutory, regulatory or other impediments, (3) strategies for implementing the Demonstration Project, (4) associated costs or savings, (5) methods to assure Demonstration Project quality and accountability, and (6) such other issues that may be raised during the consultation process.

(c) Report. This subsection provides that the Secretary is to submit a report to Congress on the results of the study, which programs and agencies are feasible to be included in a Demonstration Project, which programs would not require statutory changes or regulatory waivers, a list of legislative recommendations for programs that are feasible but would require statutory changes, and any separate views of Indian tribes or other entities involved in the consultation process.

The Committee has deferred to the Secretary's request not to provide for a demonstration or pilot project component to the Feasibility Study to determine how to best apply Self-Governance to agencies other than the Indian Health Service at HHS. The Secretary has pledged to work in a cooperative spirit with the Indian tribes to quickly identify those programs outside the IHS that are suitable for Self-Governance. The Committee believes that there are agencies and programs outside of the IHS that should be ready to participate in the Self-Governance program at the conclusion of the study and anticipates the introduction of legislation at that time to authorize such participation.

SECTION 602. CONSULTATION

(a) Study Protocol. This Provision requires the Secretary to consult with Indian tribes to determine a protocol for conducting the study. The protocol shall require that the government-to-government relationship between the United States and the Indian tribes forms the basis for the study, that consultations are jointly conducted by the tribes and the Secretary, and that the con-

sultation process allow for input from Indian tribes and other entities who wish to comment.

(b) Conducting Study. This provision requires that when the Secretary conducts the study, she is to consult with Indian tribes, states, counties, municipalities, program beneficiaries, and interested public interest groups.

SECTION 603. DEFINITIONS

(a) This subsection is intended to incorporate into Title VI the definitions used in Title V.

(b) This subsection defines "agency" to mean any agency in the Department of Health and Human Services other than the Indian Health Service.

SECTION 604. AUTHORIZATION OF APPROPRIATIONS

This section authorizes the appropriation of such sums as necessary for fiscal years 1999 and 2000 in order to carry out Title VI.

SECTION 5. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS

(a) This provision amends Section 102(e)(1) of the Act to clarify that the Secretary has the burden of proof in any civil action pursuant to Section 110(a).

(b) The provision provides that the amendment to Section 102(e)(1) set out subsection (a) shall apply to any proceeding commenced after October 25, 1994.

SECTION 6. SPEEDY ACQUISITION OF GOODS AND SERVICES

This section requires the Secretary to enter into agreements for acquisition of goods and services for tribes, including pharmaceuticals at the best price and in as fast a manner as is possible, similar to those obtained by agreement by the Veterans Administration.

SECTION 7. PATIENT RECORDS

This section provides that Indian patient records may be deemed to be federal records under the Federal Records Acts in order to allow tribes to store patient records in the Federal Records Center.

SECTION 8. REPEALS

This Section repeals Title III of the Indian Self-Determination and Education Assistance Act which authorizes the Demonstration Project replaced by this Act.

SECTION 9. SAVINGS PROVISION

This section provides that funds already appropriated for Title III of the Indian Self-Determination and Education Assistance Act shall remain available for use under the new Title V.

SECTION 10. EFFECTIVE DATE

This section provides that the Act shall take effect on the date of enactment.

LOUISE EPPERSON TO CELEBRATE HER 90TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in recognizing a very special person who will be honored at her 90th birthday celebration later this month, Ms. Louise Epperson.

Friends and family will gather at Clinton Avenue Presbyterian Church in Newark, New

Jersey to pay tribute to this woman who has given so much to our community. I feel fortunate to have forged a friendship with Ms. Epperson, whom I have come to know as a wonderful, caring person and tireless community activist. Her character and concern for those around her are summed up in the words she holds as her motto and her mission: "To make my life a source of inspiration to others, and a part of tomorrow's history. Never to look down on anyone unless it is to give them a hand to lift them up."

Among her many accomplishments, Ms. Epperson was named Auxiliary of the New Year for her 25 years of service to the University of Medicine and Dentistry of New Jersey's University Hospital Auxiliary. This award honored Ms. Epperson as an individual who demonstrated outstanding leadership skills, worked to improve the health of the community and contributed to the advancement of the hospital and its auxiliary. A champion of health issues in her Central Ward neighborhood, Ms. Epperson took up the cause of patient advocacy in her role as patient ombudsman at Martland, which is now called University Hospital, over two decades ago. She became a founding member of the Martland Hospital Auxiliary, where she put innovative ideas into action. Among the programs the auxiliary sponsored were a lead poisoning awareness program in local grammar schools, a "Careermobile" which traveled to local high schools to educate young people about health care careers, the purchase of a van to transport patients to the hospital for outpatient services, nurse education programs, and furnishing a pediatric playroom and a bereavement room. In 1998, she was honored by the city and inducted into the Newark's Women Hall of Fame.

Ms. Epperson is an inspiration to us all as she continues to remain active in numerous organizations, including the Newark Senior Citizens Commission, the Newark Affirmative Action Committee, the Black Presbyterians United, Golden Heritage, the NAACP, and the League of Women Voters. Mr. Speaker, I know my colleagues here in Congress join me in wishing Ms. Epperson a happy birthday and continued success and happiness.

THE MEDICARE NURSING AND PARAMEDICAL EDUCATION ACT OF 1998

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicare Nursing and Paramedical Education Act of 1998, to ensure that our nation continues to invest in the training of nurses and allied health professionals even as our health care system makes its transition to the increased use of managed care. I am pleased that several colleagues are joining me as original co-sponsors to this initiative, including Reps. CRANE, GANSKE, CARDIN, RANGEL, STARK, and JEFFERSON.

This legislation would provide guaranteed federal funding for nursing and paramedical

education and help ensure that our nation continues to train enough nurses and other health care providers during this transition to managed care. Without such a guarantee, I am concerned that the availability and quality of medical care in our country would be at risk.

Teaching hospitals have a different mission and caseload than other hospitals. These hospitals are teaching centers where reimbursements for treating patients must pay for the cost not only of patient care, but also for medical education including nursing and paramedical education. In the past, teaching hospitals were able to subsidize the cost of medical education through higher reimbursements from private and public health insurance programs. With the introduction of managed care, these subsidies are being reduced and eliminated.

Under current law, the Medicare program provides payments to teaching hospitals for nursing and paramedical education. These Medicare payments pay a portion of the costs associated with the required classroom and clinical training.

As more Medicare beneficiaries enroll in managed care plans, payments for nursing and paramedical education are reduced in two ways. First, many managed care patients no longer seek services from teaching hospitals because their plans do not allow it. Second, payments are cut because the formula for these payments is based on the number of traditional, fee-for-service Medicare patients served at these hospitals. When fewer patients visit hospitals, these pass-through payments are reduced.

In 1995, Medicare provided \$253 million for a portion of the costs associated with the allied health and nursing education. This payment represents 37 percent of the total costs of operating these programs at 731 hospitals nationwide. According to a recent Lewin Group estimate, allied health and nursing education pass-through programs would be reduced by \$80 million in 2002 from current levels because of fewer Medicare beneficiaries utilizing teaching institutions. This year, for example, Methodist Hospital in Houston estimates that it would lose \$71,871 because Medicare managed care patients are not seeking services from them. Clearly, we need to correct this inequity.

As the representative for the Texas Medical Center, home of two medical schools, three nursing programs, and several paramedical programs, I have seen firsthand the invaluable role of medical education in our health care system and the stresses being placed on it today. For instance, Methodist Hospital provides training for 825 students in its nursing, allied health, physical and occupational therapy, respiratory therapy, laboratory technology, and pharmacy programs. I am concerned that without sufficient Medicare support that these programs would be jeopardized.

The Balanced Budget Act of 1997 included a provision, similar to legislation I introduced, to ensure that Medicare managed care health plans contribute to the cost of graduate medical education at teaching and research hospitals. This law carves out a portion of the Adjusted Average Per Capita Cost (AAPCC) payment to Medicare managed care plans and

transfers this funding directly to teaching hospitals to help pay the costs of graduate medical education. This law provides \$5 billion for physician medical education over five years. However, the law did not require Medicare managed care health plans to provide similar funding for nursing and allied health professional programs. My legislation would correct this omission by extending the provisions of the Balanced Budget Act to require Medicare managed care plans to contribute a portion of their AAPCC payment to teaching institutions which provide nursing and allied health professional education. All health care consumers, including those in Medicare managed care plans, benefit from this training and should contribute equally towards this goal.

Our nation's medical education programs are the best in the world. Maintaining this excellence requires continued investment by the federal government. Our teaching hospitals need and deserve the resources to meet the challenge of our aging population and our changing health care marketplace. This legislation would ensure that our nation continues to have the health care professionals we need to provide quality health care services in the future.

I also believe that this legislation is fiscally responsible. This legislation has no budgetary impact, because a portion of the payment to managed care plans would simply be shifted to these teaching institutions.

I urge my colleagues to support this effort to provide guaranteed funding for nursing and allied health professional education.

PUT PARTISANSHIP ASIDE

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. MCCARTHY. Mr. Speaker, I rise today to stress the importance of the work that this Congress needs to complete before we adjourn. We will be making a momentous decision today, and each one of us must reflect carefully on that decision. However, we also have several critical issues still facing us, and we must focus on these concerns and fulfill our responsibility to the American people.

We must pass a budget. Tomorrow marks the last day of the continuing resolution signed by the President. We are facing the threat of a government shutdown. As we all know, a government shutdown means no veteran benefits, Social Security benefits, or student loan funds.

The American people deserve access to excellent and affordable health care. If people do not have good medical care, they may suffer severe consequences, and sometimes, even death. I urge the House leadership to work with my Democratic colleagues to find a solution to the managed care dilemma.

We must protect Social Security first and ensure the financial security of our retirees now and into the future. We must resist the temptation to use Social Security funds for anything but the long-term solvency of this important, successful, and needed program.

Again, I urge my colleagues on both sides of the aisle to put partisanship aside and work

together to complete the work that we have to do. The American people elected us to this body to serve in their best interest and uphold the principles of democracy. Let us break down the wall that exists in the aisle of this hall and work together to address the issues before us.

IN HONOR OF MAJOR THOMAS
CARR

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great sadness and a deep sense of pride, that I rise today to honor Major Thomas Carr, a native of Erie, Pennsylvania. Major Carr lost his life on September 12, 1998, during an Air Force attack training mission when his F-16D jet went down over the Avon Bombing Range in Florida.

Major Thomas Carr, 37, a United States Air Force Reservist, set a positive example for all of us. As his Meritorious Service Medal Citation states, "He sacrificed his life in the defense of his nation, and in the name of freedom." Major Carr, a widely respected officer, set high standards and inspired those who had the privilege of knowing him.

Major Carr developed his love of flying as a child at his first Erie Air Show. As an Air Force aviator, he understood and accepted the risks associated with flying planes. Living life to the fullest, he moved effortlessly from riding a dirt bike and waterskiing to flying F-16D jets for the Air Force.

Major Carr had over 12 years of Air Force service—eight years of active duty and four years of reserve duty. In his military career, he had been stationed in Korea, the Persian Gulf, Italy, Iraq, and Bosnia, flying several missions around the world. In fact, earlier this year, he had flown missions over Iraq during Operation Northern Watch.

Major Thomas Carr received numerous awards for his performance as a pilot from the Air Force. Major Carr was awarded the Air Force Meritorious Service Medal, which was presented to his family posthumously. He was best described as "the epitome of a fighter pilot." Mr. Speaker, I have enclosed the citation that accompanied this award and ask that it be inserted in the RECORD.

Major Carr was a 1979 Erie Tech Memorial High School graduate. He graduated from Clemson University with a degree in electrical engineering in 1984. He was a graduate of the Air Force's elite Fighter Weapons School. He was also a pilot for American Airlines based out of Miami, Florida.

Major Carr is survived by his wife, Karen; sister Kathy Rozantz; and his parents, Tom and June Carr of Erie, Pennsylvania. Our thoughts and prayers go out to Major Carr's family and friends.

CITATION TO ACCOMPANY THE AWARD OF THE MERITORIOUS SERVICE MEDAL (POSTHUMOUS) TO THOMAS M. CARR

Major Thomas M. Carr distinguished himself in the performance of outstanding service to the United States while assigned to

the 93rd Fighter Squadron, Homestead Air Reserve Station, Florida, from 21 August 1995 to 12 September 1998. During this period, the outstanding professional skill, leadership and ceaseless efforts of Major Carr facilitated two major overseas deployments, three live weapons deployments, one Operational Readiness Inspection and an expeditious conversion from the F-16A to the F-16C aircraft. As the Squadron Weapons Officer, Major Carr continually pushed his unit's readiness higher through comprehensive academic and aerial instruction. Hand-picked for the United States Air Force Weapons School, he was praised by his commander for his outstanding leadership as senior ranking officer and role model for his class. His extensive efforts in preparation for the unit's combat deployments in support of Operation Northern Watch ensured the success of this highly visible major contingency reflected a distinctively genuine concern for his fellow warriors and he established the standard for all of those who selflessly dedicate their lives in the service of the United States Air Force. Major Carr was the epitome of the citizen aviator. His career reflected a distinctively genuine concern for his fellow warriors and he established the standard for all of those who selflessly dedicate their lives in the service of the United States Air Force. Major Carr upheld the finest qualities and the highest traditions of a combat aviator. He sacrificed his life in the defense of his nation, and in the name of freedom.

THE TALIBAN: PROTECTORS OF
TERRORISTS, PRODUCERS OF
DRUGS, H. CON. RES. 336

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GILMAN. Mr. Speaker, today I am introducing H. Con. Res. 336, legislation condemning the Taliban regime and supporting a broad based government in Afghanistan.

The attacks on our embassies in Nairobi and Dar es-Salaam that left 254 dead including 12 Americans and over 5,000 injured reflect the failure of U.S. policymakers to confront a new kind of warfare and a new kind of adversary, one that draws its power from a convergence of the destructive tactics of international terrorism and radical Muslim extremism with one of the world's largest heroin empires.

This is a war, not between Islam and the United States, but between a small but growing army of religious fanatics who want to undermine the West and radicalize the Islamic world by overthrowing moderate Islamic governments.

We are in this predicament because the Clinton administration has failed to distinguish between those who are devout Muslims and those who use Islam as a rallying point to attack both the West and those who do not subscribe to their interpretation of the Koran.

Perhaps the most dangerous example of this lack of distinction is found in the administration's attitude toward the Taliban regime of Afghanistan, the principal protectors of Osama bin Ladin.

As the Taliban has extended its sway over Afghanistan, it has grown increasingly extrem-

ist and anti-Western, its leaders proclaiming that virtually every aspect of Western culture violates their version of Islam.

In addition to restrictions against women, such as barring them from holding jobs or traveling unaccompanied by a male relative, ancient and cruel forms of punishment, such as stoning have been revived. There are reports of massive ethnic killings and starvation. The evolution of the Taliban bears a fearsome resemblance to the murderously fanatical and purist Pol Pot regime in Cambodia.

Moreover, under the Taliban, Afghanistan has become perhaps the world's largest producer of heroin. The Taliban are involved at every level of activity, from licensing and taxing poppy cultivation to expanding new refining facilities to controlling transportation and distribution.

Disturbingly, Taliban leaders, who have made narcotics the economic base of their regime, view the drug trade itself as a potential weapon. Viewing the West and many pro-Western countries in the Muslim world as corrupt, the Taliban have no compunction about trafficking in narcotics.

The new threat to the West is that these drugs are now financing activities of anti-western fanatics who view terrorism as an effective means to further their aims.

Another key reason for the numerous terrorist training camps that have sprung up in the Taliban controlled areas of Afghanistan, in addition to bin Ladin's, has been the benign posture of neighboring Pakistan.

Islamabad has not only countenanced the Afghan terrorist training camps, it has also provided crucial diplomatic support for the Taliban. They have done so out of interest in agitation by Muslim extremists in the disputed Indian territory of Kashmir, and in hopes that the Taliban, after gaining control throughout Afghanistan, will be dependent on Pakistan, thus providing not only strategic depth in the region, but a corridor to the important energy reserves of Central Asia.

Regrettably, the Clinton administration has consistently underestimated the stakes in this situation, particularly in taking its cue from Pakistan on dealing with the Taliban. Even after the U.S. attack on the terrorist camps in Afghanistan, it was reported that administration officials believed they could negotiate with the Taliban for bin Ladin's extradition. If dialogue with the Taliban over bin Ladin exemplifies the basic strategy for confronting this new terrorist threat, we are in serious trouble.

Bin Ladin is only the tip of the iceberg and removing him will not end the threat the U.S. faces from Muslim terrorist extremists of his stripe. Regrettably, the administration has not understood that the fate of Afghanistan cannot be permitted to rest in the hands of the Taliban and their supporters in Pakistan and elsewhere.

For the Taliban's divinely mandated war has no borders and they will not stop with the conquest of Afghanistan. The head of the Taliban has donned the cloak of the Prophet Mohammed and proclaimed himself "Commander of the Faithful," a claim of suzerainty over all Muslims in the region, and a challenge to every government there.

It should be no surprise that, with the advent of the Taliban, Tajikistan and Uzbekistan

have invited Russian forces to help protect their southern borders and Iran has assembled 70,000 troops or more on its border with Afghanistan.

Moreover, recent events in Pakistan clearly demonstrate that the fundamentalists there, encouraged by the Taliban successes, have leveraged considerable power over the government.

President Nawaz Sharif recently declared that Pakistan will become a Shariat state, confirming that the radical message of the Taliban is spreading to Pakistan's political structure. Fundamentalists are gaining an upper hand—and Pakistan has the bomb.

It is time for U.S. policymakers to stop taking its lead from Islamabad and to bolster relationships with the Muslim states of Central Asia, as well as other important states in the region, such as India, and begin to realistically confront the danger that the Taliban present, not only to the West, but to other Muslim governments that do not share their extremist ideology.

H. Con. Res. 336 outlines this serious U.S. foreign policy failure and attempts to correct the administration's deficiencies in this regard. Accordingly, I urge my colleagues to support H. Con. Res. 336. I request that the full text of H. Con. Res. 336 to be printed in the RECORD at this point.

H. CON. RES. 336

Whereas the military defeat of the Soviet Union in Afghanistan, in which more than 1,000,000 Afghans lost their lives, was a key contribution to the ending of the Cold War;

Whereas upon the Soviet Union's withdrawal from Afghanistan, the United States generally lost interest in the region and Afghanistan's neighbors became more influential inside Afghanistan, and the various Afghan factions were thus unable to form a broad-based and representative national government;

Whereas in October 1994 a new force called the Taliban emerged in Afghanistan, pledging itself to establish a true Islamic government, disarm all other factions, eliminate narcotics cultivation, establish law and order, and restore peace;

Whereas since 1994 the Taliban movement has, often through force and terror, continued to expand its domination of more and more territory within Afghanistan, while the movement itself has become more and more militant and extreme in its actions and its interpretation of Islamic principles;

Whereas the Taliban movement, especially key members of its leadership, has become increasingly associated and deeply involved with individuals and groups involved in international terrorism, including, but not limited to, Osama bin Ladin, who was responsible for the August 1998 attacks on United States embassies in Kenya and Tanzania;

Whereas those terrorist elements with which the Taliban are associated are not only focused on separatist activities in Kashmir but also significantly involved in anti-Western and anti-American terrorist activities;

Whereas over 95 percent of heroin produced in Afghanistan is from areas controlled by the Taliban and some large portion of that heroin is sold on America's streets and, in

spite of United Nations crop substitution program in Taliban areas, poppy cultivation and heroin trafficking have increased dramatically;

Whereas linkages have been established between Afghanistan and terrorists who were involved in the World Trade Center bombing, the murder of Central Intelligence Agency personnel in Langley, Virginia, and the recent bombings of United States embassies in Kenya and Tanzania;

Whereas the inter-Afghan dialogue initiative began in early 1997 and has successfully held 3 major meetings, concluding its last gathering of approximately 200 Afghans in Bonn, Germany, in July 1998;

Whereas the United States launched a limited attack against terrorist bases in Taliban-controlled Afghanistan on August 20, 1998;

Whereas the Taliban rule by fear and terror and systematically abuse the rights of all Afghans, especially women, and are intolerant to non-Sunni Muslim believers, especially Hazara, many of whom are Shiite Muslims;

Whereas the Government of Pakistan has been a vigorous defender of the Taliban's activities and tens of thousands of Pakistani Taliban have linked up with Afghan Taliban creating a transborder movement with growing influence inside Pakistan;

Whereas reports of the persecution of Christians, Shiites, and other religious minorities inside Pakistan are a growing concern to Congress;

Whereas the Central Asian States, especially Uzbekistan and Tajikistan, in addition to Russia and Iran have voiced alarm at the fall of northern areas of Afghanistan, where there has been almost no narcotics cultivation and where all the major groups have been interested in strong and close relations with the United States;

Whereas it is widely accepted in the region that the United States Department of State, and consequently the United States Government, supports the Taliban;

Whereas Congress has repeatedly condemned the activities of the Taliban regime and urged more vigorous support for efforts to form a broad-based government based on the inter-Afghan dialogue initiative, several of whose members have been executed by the Taliban for no apparent crime; and

Whereas there needs to be a fundamental reappraisal of overall United States policy toward Afghanistan and its neighbors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That it is the sense of the House of Representatives and the Senate that—

(1) the United States should publicly condemn the Taliban regime for its reprehensible atrocities against human rights, in particular women's rights, its embrace of international terrorism, and its willing integration into a worldwide narcotics syndicate;

(2) the United States should recognize that it will be better served by a comprehensive regional strategy that addresses Afghan issues rather than its current one that relies primarily on Pakistan;

(3) the United States should explore its mutual interest regarding the danger of the Taliban with other countries of the region;

(4) the United States should not grant diplomatic recognition to the Taliban or assist in

any way its recognition in the United Nations but rather should support the inter-Afghan dialogue efforts to form a truly representative broad-based government;

(5) the Department of Defense should conduct a vulnerability assessment of the Taliban regime;

(6) the United States should work to initiate through the United Nations Security Council a ban on all international commercial air travel to and from Taliban controlled Afghanistan;

(7) the United States should call on the Taliban regime to permit humanitarian supplies to be delivered without interference to all regions of Afghanistan;

(8) the United States should consider those Afghans, especially known friends of the United States, fleeing political persecution from the Taliban regime to be refugees eligible for consideration for asylum;

(9) the Department of State should urge the Islamic Republic of Pakistan to protect the rights of Christians and Shiite Muslims in Pakistan and should publish a special report to Congress on the human rights situation in Pakistan, especially as it affects religious minorities; and

(10) the Department of State should report to the Congress concerning whether the Taliban, which provides a safe haven for Osama bin Laden and other terrorist organizations as well as illicit drug monies which assist these terrorists, should be added to the list of designated foreign terrorist organizations.

AMERICAN INSTITUTE OF IRANIAN STUDIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a short statement by the Council of American Overseas Research Centers about efforts of the American Institute of Iranian Studies efforts to reestablish contacts with Iran as one in a series of good initiatives to expand exchanges with Iran.

This past summer two professors from the University of Pennsylvania took nine American students to Iran for close to three months. USIA covered travel expenses, but the Iranian Ministry of Culture and Higher Education covered local costs in Tehran. The American Institute of Iranian Studies which was founded more than 30 years ago anticipates further such exchanges in an effort to help reestablish a more permanent presence in Iran.

The statement of the American Council follows:

AMERICAN INSTITUTE OF IRANIAN STUDIES: ACTIVITIES IN TEHRAN

Following signals from Iran earlier this year indicating a willingness to conduct a dialogue at non-governmental levels, the American Institute of Iranian Studies (AIIRs) has taken steps to reestablish its presence in Iran and to launch programs which support Iranian studies in the United States and contribute to easing tension and facilitating communication between the

United States and Iran. A summer language and research program for American graduate students was successfully completed last month and discussions culminated in agreement on a framework for continuing direct dialogue in both Iran and United States, and collaboration in the promotion of research on Iranian civilization.

The American Institute of Iranian Studies was founded in 1967 as a consortium of American universities and museums having an interest in Iranian Studies. It functioned as an American overseas research organization, representing Iranian studies at the institutional level and maintaining a center in Tehran with a resident American scholar as director. The Tehran center was closed in 1979 for political reasons but the organization has remained active since then. For the past nineteen years, AIIRs has worked to support and strengthen the field of Iranian studies in the U.S. by awarding fellowships to help graduate students complete their dissertations. Its current membership consists of fifteen American universities and museums.

In the spring of 1998, officers of the AIIRs, Profs. William L. Hanaway and Brian Spooner of the University of Pennsylvania, worked with the Permanent Mission of the Islamic Republic of Iran to the United Nations to develop an intensive summer program in Iran for advanced American graduate students. Nine students from the Universities of Texas, Washington, Michigan and California at Los Angeles, the University of Chicago, Tufts University, Harvard University, and Washington University St. Louis, were chosen from over thirty applicants to attend a two-month summer language and research program administered by the International Center for Persian Studies in Tehran.

The nine students—five women and four men—were briefed in New York by the UN Mission and AIIRs and subsequently spent nine weeks in Tehran attending language classes and carrying out first-hand research relevant to their doctoral dissertation topics which range from historical subjects to studies of Iranian law and society, nationalism and ethnic conflict, and business issues. Most of the students returned to their home universities in early September, although one woman remains in Tehran with the concurrence of the University to pursue further language study. The students were warmly treated by their hosts and the Iranian general public and traveled freely throughout the country with no restrictions or untoward incidents.

The Iranian Ministry of Culture and Higher Education covered all local costs in Tehran. A grant of \$30,000 from the United States Information Agency (USIA) enabled AIIRs to cover the cost of international travel for the students, Hanaway, and Spooner, and to arrange a briefing in New York for the students before their departure. This financial support from the U.S. government was an important factor in the program's success. Hanaway and Spooner kept officials at USIA and the U.S. Department of State aware of all aspects of the program and received support and constructive advice at all stages.

Hanaway and Spooner were also able to begin negotiations with Iranian scholars and officials which should lead to greater cooperation between scholars in both countries. Within the framework for dialogue, exchange, and collaboration just established, AIIRs expects very soon to send the first of a series of American research fellows, continue advanced language training, launch

scholarly exchanges between American and Iranian scholars, serve as a resource in the U.S. for Iranian scholars, and continue dialogue with the Ministry of Culture and Higher Education in Tehran. Through academic non-political programs, AIRS will work to improve relations between American and Iranian scholars and thereby contribute to improved relations between the two countries.

Submitted by Dr. Mary Ellen Lane, Executive Director, Council of American Overseas Research Centers, Smithsonian Institution, Washington, DC.

IN HONOR OF CLEVELAND
CENTRAL CATHOLIC HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to Cleveland Central Catholic High School (CCC) in Celebrating its 30th anniversary. From its opening in 1969, it has continuously honored its mission to provide an innovative educational opportunity to the students of the greater Cleveland area.

The brainchild of Rev. John L. Fiala, this high school originated as a merger of four deeply rooted neighborhood Catholic high schools, Saint John Cantius, Saint Stanislaus, Our Lady of Lourdes and Saint Michael. His hard work resulted in a campus where each building retained its own identity while changing its educational curriculum to fit the plan of the merger. The buildings were renovated to house many structural changes, with labs and specialty rooms on each campus. Reverend Fiala fashioned an affordable high school experience for the 1,600 students who attended Cleveland Central Catholic while providing them with excellent faculty and staff.

Once the merger was established, the school began to expand and improve its programs, becoming a forerunner in education. It initiated the first State approved 3-year program in Ohio and instituted block scheduling, a concept that has been heralded to catapult education into the year 2000. Much of the school's success has occurred due to the unconditional support from the CCC Parents Club, the Booster Club, and the ongoing dedication of the faculty.

Even though the academics have focused toward a more traditional role at CCC, there have been a number of evident changes. Advances in technology have brought the installation of computer labs and extensive staff training, access to the Internet, a video-conferencing lab, and integrated math and post secondary option programs.

My fellow colleagues, please join me in celebrating the 30th anniversary of Cleveland Central Catholic High School. This institution provides a needed stability for the students who come through its doors. It has remained a unique educational experience that is sure to become even better in years to come.

EXTENSIONS OF REMARKS

IN MEMORY OF MAYOR TOM
BRADLEY

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MARTINEZ. Mr. Speaker, I rise tonight to salute the life of Mayor Tom Bradley—a great American and great Angelino.

He was a pioneer and a peacemaker. He was tenacious and compassionate. He was a coalition builder who fought for justice and racial tolerance. Tom Bradley was truly a remarkable man whose historic, 20-year leadership of Los Angeles left an indelible mark on our lives.

It is indeed a testament to the strength of his character and to our democracy that the grandson of a slave, and son of a sharecropper, could end up as the first African-American mayor of the Nation's second largest city. Before reaching the pinnacle of political power in Los Angeles, Bradley's career was as varied as the city he would later represent. In 1940, Tom Bradley began his career as a Los Angeles police officer and became a lieutenant—no small task in an era of segregation. In 1956, he earned his law degree from Southwestern Law School. Five years later, he left the force to practice law. He launched his political career in 1963 when he won a seat on the City Council. Ten years later, Tom Bradley was elected mayor.

During his leadership of the city, minorities and women were brought into city government in record numbers. He transformed L.A. into a bustling metropolis. It was under his mayoral tenure that Los Angeles emerged as a national transportation hub and financial center that it is today.

Mayor Bradley made a difference in the lives of Angelinos. His legacy is firmly established. The city is a far better place because of the political leadership and contributions of this immensely talented and courageous man. God bless you Tom Bradley.

REDEDICATION OF CLAY
MEMORIAL STADIUM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize the administration, faculty, staff, students and families of Clay High School in Oregon, Ohio. On October 9, 1998, the Clay High School community will rededicate the Clay Memorial Stadium.

In December, 1941, our nation entered the greatest conflict in human history. Young people from all walks of life served in our armed forces. Many soldiers, sailors, airmen and marines came from the Oregon, Ohio, area and served with honor and distinction as we freed the world of Axis terror and fascism. Some of these young people never returned. They gave their lives for freedom with the hope that our nation and their community would always cherish the gifts that America offers.

It was in this spirit that the Oregon, Ohio, community dedicated the Clay Memorial Stadium, in 1948, to the young men and women who gave their lives in defense of liberty. This year marks the 50th Anniversary of the stadium. The Clay High School family and the Oregon community at large are now embarking on a renovation project to make the stadium's World War II memorial the focus of the facility. The community also plans to add memorials to those who served in Korea, Vietnam and the Gulf War. The renovated stadium promises to be a renewed memorial to those who have made the supreme sacrifice and a symbol of youth and hope as we enter the 21st Century.

Mr. Speaker, as the Congressional author of legislation to create a national World War II Memorial it gives me much pride to represent the citizens of Oregon, Ohio in this great House. They and the nation will never forget the sacrifice of the millions of men and women who gave their lives to freedom in the victory over tyranny that defined world history for the 20th century.

Our community extends warm appreciation to the citizens of Oregon, Ohio as they rededicate the Clay Memorial Stadium.

A TRIBUTE TO THE GREATER
PATCHOGUE CHAMBER OF COMMERCE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to ask my colleagues to join me in congratulating the Greater Patchogue Chamber of Commerce, as the business owners and residents of this historic South Shore, Long Island community celebrate the Chamber's 75th anniversary.

Born in the days when many residents of this beautiful, seaside village still earned their living on the waters of the Great South Bay, raking clams and oysters from the sand. As the main center of commerce on the South Shore of Suffolk County, Patchogue boasted a thriving Main Street business district. Still, many understood the need to coordinate their efforts to promote the goods and services of Patchogue's merchants. On February 8, 1924, the Long Island Advance editorial page advocated the creation of a Chamber of Commerce to market Patchogue to consumers across Long Island. A month later, the Chamber held its first meeting.

The members of the Greater Patchogue Chamber of Commerce are accomplished business, education and civic leaders who are dedicated to the success of this historic Long Island village. For the past 75 years, the great citizens have built a lasting legacy, giving of their time, talents and treasures to make our community a better place to live, work and raise a family.

The Greater Patchogue Chamber of Commerce organizes many community-building activities, from the Christmas Tree lighting and Holiday Party to the Annual Clam and Crab Festival and St. Patrick's Day parade.

Throughout the year, the Chamber organizes several creative marketing promotions, in an effort to draw shoppers and tourists into Patchogue's historic downtown and water front areas. Their spirited and creative efforts helped Patchogue weather tough times in the local economy and helped the Village maintain its status as the premier shopping area in Suffolk.

Anniversaries are a time to reflect upon the past and to look toward new horizons. Therefore, Mr. Speaker, I ask you and my colleagues to join me in commemorating the 75th anniversary of the Greater Patchogue Chamber of Commerce. All of us who are about our Long Island home thank each of the members of the Chamber for all they have done to make Patchogue such a great place to live and shop.

**PRESIDENT LEE TENG-HUI AND
THE NOBEL PEACE PRIZE**

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SOLOMON. Mr. Speaker, President Lee Teng-hui of the Republic of China has been named as one of four nominees for the 1998 Nobel Peace Prize. This is not only an honor for President Lee himself, but also a direct acknowledgment of his contributions to Taiwan and the world.

In the past ten years, President Lee has successfully presided over a "quiet revolution" in Taiwan. Taiwan has emerged from its authoritarian past to become a free and prosperous country. Taiwan is the world's fourteenth largest economy and has an annual per capita income of \$12,000, forty times that of mainland China.

Long ostracized from regional organizations, Taiwan is now active in the Asian Development Bank and has joined the Asia-Pacific Economic Cooperation group. On the political front, the parliament has been overhauled; several major political parties have developed; restrictions on the press have been lifted; and people have the right to demonstrate and protest against government policies.

President Lee is a voice for peace in the evolving relationship between Taiwan and the Chinese mainland. He has repeatedly urged his counterparts in Beijing to sit down and discuss all issues regarding the eventual reunification of Taiwan and the mainland.

President Lee's dream is to see a new China, a country that is free, democratic, and prosperous. In the meantime, he has rejected the "one country, two systems" arrangement suggested by the communists on the mainland. The fact is that China is divided and has two governments, just as Germany and Vietnam were divided in the past and Korea is still today.

No one can doubt President Lee's genuine desire to see a reunified China. Meanwhile, let's give him our support and wish him success in winning the Nobel Peace Prize and the hearts and minds of his counterparts in Beijing.

A reunified China under the principles of freedom, democracy, and human rights is the

dream of all Chinese people. And that, incidentally, is my dream for them as well, as the people on Taiwan prepare to celebrate their National Day on Saturday.

MULTIPLE CHEMICAL SENSITIVITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf war veterans.

Multiple Chemical Sensitivity or MCS is a chronic condition marked by heightened sensitivity to multiple different chemicals and other irritants at or below previously tolerated levels of exposure. Sensitivity to odors is often accompanied by food and drug intolerance, sensitivity to sunlight and other sensory abnormalities, such as hypersensitivity to touch, heat and/or cold, and loud noises. MCS is often accompanied by impaired balance, memory and concentration.

As a member of the Human Resources Subcommittee, which has oversight jurisdiction for the Veterans' Affairs, I have been involved in the issue of Gulf war illness and Multiple Chemical Sensitivity. I have been concerned for many years about the role that chemicals may be playing on human health, not only in Gulf war veterans and their families, but in civilian society as well. I have talked to many people who are suffering symptoms not dissimilar from the symptoms that our Persian Gulf veterans are experiencing because of chemicals in their homes or workplaces.

As has been well-documented, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines. Further, and perhaps most importantly, as a result of a waiver from the FDA, hundreds of thousands of troops were given pyridostigmine bromide. Pyridostigmine bromide, which was being used as an anti-nerve agent, had never been used in this capacity before. In the midst of all this, our troops were living in a hot, unpleasant climate and were under very great stress.

The Department of Defense and the Department of Veterans Affairs have downplayed the presence of Multiple Chemical Sensitivity in Gulf war veterans. In the very beginning, the Defense Department and Veterans' Affairs actually denied that there was any problem whatsoever with our veterans' health. Then, after finally acknowledging that there was a problem, they concluded that the problem was in the heads of our soldiers—of psychological origin. The DOD and the VA responded very poorly to our veterans' concerns. Tragically, our veterans were discounted. They were called malingerers.

Ever so slowly, the truth about chemical exposure in the Persian Gulf has begun to surface. On July 24, 1997, the Defense Department and the Central Intelligence Agency

gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of "the Pit" in Khamisiyah, an Iraqi munitions facility.

Not waiting for the DOD and VA, many other Federal, State, and local government agencies have recognized the existence of Multiple Chemical Sensitivity. I want to submit for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. Federal, State, and local government authorities, U.S. Federal and State courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders.

**RECOGNITION OF MULTIPLE CHEMICAL
SENSITIVITY**

Multiple Chemical Sensitivity or MCS is a chronic condition marked by heightened sensitivity to multiple different chemicals and other irritants at or below previously tolerated levels of exposure. Sensitivity to odors is often accompanied by food and drug intolerances, photosensitivity to sunlight and other sensory abnormalities, such as hypersensitivity to touch, heat and/or cold, and loud noises and impaired balance, memory and concentration. MCS is more common in women and can start at any age, but usually begins in one's 20's to 40's. Onset may be sudden (from a brief high-level toxic exposures) or gradual (from chronic low-level exposures), as in "sick buildings." The syndrome is defined by multiple symptoms occurring in multiple organ systems (most commonly the neurological, gastrointestinal, respiratory, and musculoskeletal) in response to multiple different exposures. Symptoms may include chronic fatigue, aching joints and muscles, irritable bowel, difficulty sleeping and concentrating, memory loss, migraines, and irritated eyes, nose, ears, throat and/or skin. Symptoms usually begin after a chronic or acute exposure to one or more toxic chemical(s), after when they "spread" to other exposures involving unrelated chemicals and other irritants from a great variety of sources (air pollutants, food additives, fuels, building materials, scented products, etc.). Consistent with basic principles of toxicology, MCS usually can be improved, although not completely cured, through the reduction and environmental control of such exposures. Many different terms have been proposed in medical literature since 1869 to describe MCS syndrome and possibly related disorders whose symptoms also wax and wane in response to chemical exposures.

ALTERNATE NAMES PROPOSED FOR MCS

Acquired Intolerance to Solvents, Allergic Toxemia, Cerebral Allergy, Chemical Hypersensitivity Syndrome, Chemical-Induced Immune Dysfunction, Ecological Illness, Environmental Illness or "EI," Environmental Irritant Syndrome, Environmentally Induced Illness, Environmental Hypersensitivity Disorder, Idiopathic Environmental Intolerances or "IEI," Immune System Dysregulation, Multiple Chemical Hypersensitivity Syndrome, Multiple Chemical Reactivity, Total Allergy Syndrome, Toxic Carpet Syndrome, Toxin Induced Loss of Tolerance of "TILT," Toxic Response Syndrome, 20th Century Disease.

DISORDERS ASSOCIATED WITH SINGLE OR MULTIORGAN CHEMICAL SENSITIVITY

Akureyri Disease (coded as EN), Asthma, Cacosmia, Chronic Fatigue Syndrome, Disorders of Porphyrin Metabolism, [Benign

Myalgic] Encephalomyelitis, Epidemic Neuromyasthenia (EN), Fibromyalgia Syndrome, Gulf War Syndrome, Icelandic Disease (coded as EN), Mastocytosis, Migraine, Neurasthenia, Royal Free [Hospital] Disease, Sick Building Syndrome, Silicone Adjuvant Disease, Systemic Lupus Erythematosus, Toxic Encephalopathy.

Listed alphabetically below are the U.S. Federal, State, and local government authorities, U.S. Federal and State courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statement, and/or published documents recognizing MCS disorders under one name or another as a legitimate medical condition and/or disability. An introductory section summarizes recognition or MCS in peer-reviewed medical literature, and the last section lists upcoming MCS conferences as well as past conferences sponsored by Federal Government agencies.

The exact meaning of "recognition" varies with the context as each listing makes clear. Recognition by a court of law, for example, usually refers to a verdict or appeal in favor of an MCS plaintiff, while recognition by government agencies varies tremendously—from acknowledgement of the condition in publications and policies to research funding and legal protection of disability rights.

RECOGNITION OF MCS BY 25 FEDERAL AUTHORITIES

U.S. Agency for Toxic Substances & Disease Registry in a unanimously adopted recommendation of the ATSDR's Board of Scientific Counselors, which calls on the ATSDR to "take a leadership role in the investigation of MCS" [1992, 24 pages, R-1]. To coordinate interagency research into MCS, the ATSDR co-chairs the Federal Work Group on Chemical Sensitivity, which it convened for the first time in 1994 (see below). The ATSDR has helped organize and pay for three national medical conferences on MCS: sponsored by the National Academy of Sciences in 1991, the Association of Occupational and Environmental Clinics in 1991, and the ATSDR in 1994. The combined proceedings of these three conferences are reprinted in *Multiple Chemical Sensitivity, A Scientific Overview*, ed. Frank Mitchell, Princeton NJ: Princeton Scientific Publishing, 1995 (609-683-4750 to order). ATSDR also contributed funding to a study conducted by the California Department of Health Services to develop a protocol for detecting MCS outbreaks in toxic-exposed communities via questionnaires and diagnostic tests (see entry below on California Department of Health Services). Officially, however, ATSDR has not "established a formal position regarding this syndrome" [1995, 1 page, R-2].

U.S. Army, *Medical Evaluation Board on US Army Form 3947* (from the U.S. Army Surgeon General), Army Medical Evaluation Board certified a diagnosis of "Multiple Chemical Sensitivities Syndrome" for a Persian Gulf veteran on 14 April 1993 [1 page, R-3]. MCS is defined on this form as "manifested by headache, shortness of breath, congestion, rhinorrhea, transient rash, and incoordination associated with exposure to a variety of chemicals." The Board's report further recognizes that this patient's particular MCS condition began approximately in April 1991 (while the patient was serving in the Gulf and entitled to base pay), that the condition did not exist prior to service, and that it has been permanently aggravated by service. At least five other active duty Persian Gulf veterans have been diagnosed by the Army with MCS, as reported by the

Persian Gulf Veterans coordinating Board in "Summary of the Issues Impacting Upon the Health of Persian Gulf Veterans," [3 March 1994, 4 page excerpt, R-4]. The Army Medical Department also has requested funding for a research facility to study MCS (reported in an Army information paper on "Post Persian Gulf War Health Issues," 16 November 1993).

U.S. Congress in a VA/HUD Appropriations Bill for FY1993 signed by President Bush in 1992 appropriating "\$250,000 from Superfund funds for chemical sensitivity workshops." These funds were used by the U.S. Agency for Toxic Substances and Disease Registry (see above) to co-sponsor scientific meetings on MCS with various other organizations [1992, 3 page excerpt, R-5] and support an MCS study (see California State Department of Health Services below). For FY 1998, Vermont Congressman Bernard Sanders proposed and Congress appropriated \$800,000 to start a new 5-year civilian agency research program into MCS among Gulf War veterans. Congress also requested that the administration report back by January 1998 on how it planned to spend the funds (text of appropriations is quoted in report; see below: U.S. Department of Health Services, Agency for Health Care Policy and Research).

U.S. Consumer Product Safety Commission, U.S. Environmental Protection Agency, American Lung Association, and American Medical Association (jointly) in a jointly published booklet entitled *Indoor Air Pollution: An Introduction for Health Professionals* [US GPO 1994-523-217/81322] under the heading "What is 'multiple chemical sensitivity' or 'total allergy'?", these organizations state that "The current consensus is that in cases of claimed or suspected MCS, complaints should not be dismissed as psychogenic, and a thorough workup is essential." The booklet is prefaced by the claim that "Information provided in this booklet is based upon current scientific and technical understanding of the issues presented . . ." [1994, 3 page excerpt, R-6]

U.S. Department of Agriculture, *Forest Service* in its Final Environmental Impact Statement on "Gypsy Moth Management in the United States: a cooperative approach", people with MCS are mentioned as a "potential high risk group" who should be given advance notification of insecticide treatment projects via "organizations, groups and agencies that consist of or work with people who are chemically sensitive or immunocompromised." MCS also is discussed in an appendix on Human Health Risk Assessment (Appendix F, Volume III of V) under both "Hazard Identification" and "Groups at Special Risk" [1995, 11 page excerpt and 1 page cover letter from John Hazel, the USDA's EIS Team Leader, to Dr. Grace Ziem of MCS Referral & Resources, R-130].

U.S. Department of Education in the enforcement by its Office of Civil Rights of Section 504 of the Rehabilitation Act of 1973 which requires accommodation of persons with "MCS Syndrome" via modification of their educational environment, as evidenced by several "agency letters of finding" (including San Diego (Calif) Unified School District, 1 National Disability Law Reporter, para. 61, p. 311, 24 May 1990; Montville (Conn.) Board of Education, 1 National Disability Law Reporter, para. 123, p. 515, 6 July 1990; and four letters (along with an individualized environment management program) in the case of the Arminger children of Baltimore County, MD [in 1991, 1992, 1993 and 1994; 20 pages total, R-7]. These accommodations also are required under the terms of Public

Law 94-142, now known as the Individuals with Disabilities Education Act (CFR34 Part 300). The Department of Education as a whole, however, has no formal policy or position statement on the accommodation of students with MCS.

U.S. Department of Energy, Oak Ridge National Laboratory in being the lead sponsor of the 11th Annual Life Sciences Symposium on "Indoor Air and Human Health Revisited." This 1994 conference was co-sponsored by the US Environmental Protection Agency and Martin Marietta Energy Systems' Hazardous Waste Remedial Action Program. The proceedings are published in *Indoor Air and Human Health* (Gammage RB and Berven BA, editors, Boca Raton FL: CRC Lewis Publishers, 1996) and contain several peer-reviewed papers of critical relevance to MCS by DoE, EPA and other federally funded researchers. (4 page excerpt with table of contents, R-175)

U.S. Department of Health and Human Services (HHS), Agency for Health Care Policy and Research in a "Report to Congress on Research on Multiple Chemical Exposures and Veterans with Gulf War Illnesses" by agency administrator Dr. John Eisenberg (who is also the acting Assistant Secretary for Health). Dr. Eisenberg proposes spending \$300,000 in 1998 for a "consensus building" and research planning conference, \$400,000 for research into the health effects of chemical mixtures, and \$100,000 for an Interagency Coordinator in the Office of Public Health and Science [January 1998, 7 pages including MCS R&R press release, R-168]. Congress requested the report in 1998, as part of an \$800,000 appropriation for a new civilian research into MCS (see U.S. Congress, above).

U.S. Dept. of HHS, National Institute on Deafness and Other Communication Disorders in the funding of MCS-related olfactory research by its Chemical Senses Branch since NIDCD's creation in 1988; including \$29,583,000 in fiscal year 1998. The Chemical Senses Branch supports both basic and applied research, with most of its funds going to just five "chemosensory research centers": the Connecticut Chemosensory Clinical Research Center (860-679-2459), Monell Chemical Senses Center (215-898-6666), Rocky Mountain Taste and Smell Center (303-315-5650), State University of New York Clinical Olfactory Research Center (315-464-5588), and University of Pennsylvania Smell and Taste Center (215-662-6580). Free information is available from NIDCD Information Clearinghouse, 800-241-1044.

U.S. Dept. of HHS, National Institute of Environmental Health Sciences in "Issues and Challenges in Environmental Health," a publication about the work of NIEHS, research priorities are proposed for "hypersensitivity diseases resulting from allergic reactions to environmental substances" [NIH 87-861, 1987, 45 pages, R-8]. It is not clear from the context if this statement was meant to include or exclude MCS, since the condition was still thought by some at the time to be an allergic-type reaction. In 1992, the director Dr. Bernadine Healy responded in detail to an inquiry from Congressman Pete Stark about the scope of NIEHS research into MCS: "It is hoped that research conducted at NIEHS will lead to methods to identify individuals who may be predisposed to chemical hypersensitivities. . . . NIH research is directed toward the understanding of the effect of chemical sensitivities on multiple parts of the body, including the immune system." [1992, 3 pages, R-9]. In 1996, director Dr. Kenneth Olden wrote US Senator Bob Graham that "NIEHS has provided

research support to study MCS. . . . NIEHS has also supported a number of workshops and meetings on the subject." [15 April 1996, 2 pages, R-101]. Dr. Olden also states that "Pesticides and solvents are the two major classes of chemicals most frequently reported by patients reporting low level sensitivities as having initiated their problems."

U.S. Department of Health and Human Services, National Library of Medicine . . . in the 1995 Medical Subject Headings (MESH) codes used to catalog all medical references, which started using Multiple Chemical Sensitivity (and its variations) as a subject heading for all publications indexed after October 1994 [3 pages excerpt, R-10].

U.S. Department of Health and Human Services, Office for Civil Rights (OCR) . . . in the final report by the Regional Director (of Region VI) regarding OCR's investigation of an ADA-related discrimination complaint filed by a patient with MCS against the University of Texas M.D. Anderson Cancer Center for failing to accommodate her disability and thereby forcing her to go elsewhere for surgery. Prior to completion of the investigation and the issuance of any formal "findings," the OCR accepted a proposal from the Univ. of Texas to resolve this complaint by creating a joint subcommittee of the cancer center's Safety and Risk Management committees. This subcommittee's three tasks (as approved by the OCR) are to "identify a rapid response mechanism which could be triggered by any patient registering a complaint or presenting a special need which is environment related; develop a 'protocol' outlining steps to be taken to resolve environmental complaints by patients . . . ; and inform the medical staff through its newsletter of the mechanism and the protocol so that they will better understand how to address such questions or concerns." The OCR has placed the M.D. Anderson Cancer Center "in monitoring" pending completion and documentation of these changes, but it may initiate further investigation if M.D. Anderson fails to complete this process within the 13 months allowed. [27 March 1996, 11 pages, R-99]

U.S. Department of Health and Human Services, Social Security Administration . . . in enforcement of the Social Security Disability Act (see Recognition of MCS by Federal Courts, below), and in the SSA's Program Operations Manual System (POMS), which includes a section on the "Medical Evaluation of Specific Issues—Environmental Illness" stating that "evaluation should be done on an individual case by case basis to determine if the impairment prevents substantial gainful activity" [SSA publication 68-0424500, Part 04, Chapter 245, Section 24515.065, transmittal #12, 1998, 1 page excerpt, R-11]. In 1997, the U.S. District Court in Massachusetts required Acting SSA Commissioner John Callahan to spell out the agency's position on MCS in a formal memo to the court (31 October 1997, 2 pages, R-164; see *Creamer v. Callahan* below, under Recognition of MCS by US Federal Court Decisions). With this memo, SSA now officially recognizes MCS "as a medically determinable impairment" on an agency wide basis. MCS is also recognized in several "fully favorable" decisions of the SSA's Office of Hearing and Appeals: in case #538-48-7517, in which the administrative law judge, David J. Delaittre, ruled that "the claimant has an anxiety disorder and multiple chemical sensitivity," with the latter based in part on the fact that "objective [qEEG] evidence showed abnormal brain function when

exposed to chemicals" [1995, 7 pages, R-12]; in case #264-65-5308, in which the administrative law judge, Martha Lanphear, ruled that the claimant suffered severe reactive airways disease secondary to chemical sensitivity and that this impairment prevented her from performing more than a limited range of light work [1996, 8 pages, R-120]; in case #239-54-6581, in which the administrative law judge, D. Kevin Dugan, ruled that the claimant suffered severe impairments as a result of pesticide poisoning, including "marked sensitivity to airborne chemicals," which prevent her from "performing any substantial gainful activity on a sustained basis" [1996, 4 pages, R-135]; in case #024-40-2499, in which the administrative law judge, Lynette Diehl Lang, recognized that the claimant suffered from severe MCS and could not tolerate chemical fumes at work (as a result of overexposure to formaldehyde in a state office building), as a result of which he was awarded both disability benefits and supplemental security income [1995, 8 pages, R-140]; in case #184-34-4849, in which administrative law judge Robert Sears ruled that the claimant suffered from "extreme environmental sensitivities," and particularly "severe intolerance to any amount of exposure to pulmonary irritants" [11 June 1996, 7 pages, R-156]; and in case #256-98-4768, in which the administrative law judge, Frank Armstrong, classified the claimant's "dysautonomia triggered by multiple chemical sensitivities" as severe and said it "prevents the claimant from engaging in substantial gainful activity on a sustained basis" [18 March 1997, 8 pages, R-157].

IN HONOR OF THE 25TH ANNIVERSARY OF THE NATIONAL HEAD START ASSOCIATION (AND THE LAUNCH OF THE HEADS UP! NETWORK)

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MARTINEZ. Mr. Speaker, October 1998 marks the 25th Anniversary of the National Head Start Association and I rise in tribute to this organization which, for a quarter-century, has been responsive to the needs of millions of Head Start children and their families, as well as staff and friends of the program.

NHSA, its membership, its leadership, and its Government Affairs Department, are to be commended on their latest accomplishment—the invaluable input provided by the Association in the successful completion of a bipartisan Head Start reauthorization at the end of this session. NHSA once again left its mark on that legislation. I am proud to have been a part of that effort and can testify firsthand of the good work which NHSA does.

The idea for a Head Start Association was born in 1973 in Kansas City, Missouri, at a national conference for directors of community action agencies. A handful of Head Start program directors attending the conference discussed the need for a private, national association that could advocate specifically for the Head Start community in Congress.

During the remainder of 1973, the core group of directors from Kansas City met several times with other Head Start directors from

across the country. Pooling their broad resources, they formed the National Directors Association—the forerunner of NHSA. In addition to protecting Head Start's funding, the association aimed to strengthen the quality of Head Start.

At the request of the National Directors Association, Head Start parent delegates from each state met in Washington, D.C., in September 1974 to begin forming the parent affiliate of the Head Start Association, called the Head Start Parents Association.

At the January 1975 organizational meeting in Los Angeles, the parents passed a motion to invite Head Start non-director staff members to the second annual conference. It was their feeling that all Head Start staff members were critical to the association's long-term success. Non-director staff members formed the third affiliate association, the Head Start Staff Association. By the time the second annual meeting was held in Kansas City, the three associations as a group were named the National Head Start Association.

At the second annual conference, a number of the attendees did not fit into any of the three affiliate associations already organized. These "friends" of Head Start organized themselves into the final affiliate association of National Head Start Association, presenting their bylaws and charter at the second annual conference.

This collaborative and expanding effort is indicative of the vitality and responsiveness upon which NHSA prides itself. Like the Head Start program itself, NHSA has worked to respond to local and changing needs—and has done so by enlarging the Head Start community to include everyone in the community.

Over the past 20 years, NHSA's mission has changed from simply defending Head Start in Congress to actively expanding and improving the program. Membership types have been created for Head Start agencies, Head Start state and regional associations, and both commercial and nonprofit organizations. From planning massive annual training conferences to publishing a vast array of publications, the National Head Start Association continually strives to improve the quality of Head Start's comprehensive services for America's children and families.

The latest chapter in NHSA's bold leadership came just two weeks ago. On September 24, I took part in the premiere of the Heads Up! Network—a satellite television network exclusively dedicated to the training needs of the Head Start and early childhood community. As NHSA examines new, innovative ways to support the needs of Head Start professionals and parents, I share their belief in the power of the Heads Up! Network to deliver on the promise of high-quality affordable training.

On behalf of myself and my colleagues, I congratulate the National Head Start Association, its President Ron Herndon, Chief Executive Officer Sarah Greene, and the Association's national staff and thousands of members across the nation on a quarter century of success in service to the country's low income children and families. I think I speak for all my colleagues when I say that a grateful Congress looks forward to many more years in support of quality early childhood and family care and education—hand in hand with NHSA. Happy Anniversary!

HONORING THE RETIREMENT OF
IMAM KHATTAB

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize a member of the clergy in my district, the Imam Khattab of the Islamic Center of Greater Toledo. The Imam is retiring as the congregation's director, having served the Muslim community of Northwest Ohio for sixteen years.

Born in Egypt, Abdelmoneim Mahmoud Khattab completed his undergraduate degree at Al-Azhar University, where he received his Bachelor's Degree in Theology. He later received Masters Degrees in Social Services and Theology, and completed three years in the College of Law at Cairo University. After immigrating to Canada, he obtained a Masters Degree in Sociology and went on to complete his PhD coursework. A true scholar and learned man, Imam Khattab has directed his expertise to the fields of education, health, and foreign affairs, as well as directing Islamic Centers in Edmonton, Alberta and London, Ontario prior to his tenure in Northwest Ohio.

Imam Khattab has profoundly affected each congregation to which he devoted himself. With his guidance, the Islamic Center of Greater Toledo has fostered an interfaith understanding with the community, and it has become a centerpiece of Muslim faith and culture in our region. Those who visit the mosque, whether members of the Muslim community or not, cannot help but be swept up in the reverence, humility, faith, and sense of the world which reverberates within its walls.

Imam Khattab has been a leader in every sense of that word, directing the members of the mosque in his quiet, humble manner and with the greatest dignity. He takes his leave to pursue other important ventures, but leaves all of those who knew him during his stay here richer for the experience. We wish him well in his journey. Assalamu Alaikum, a friend to each of us who strive for a world of greater understanding, peace, and fellowship.

SONNY BONO COPYRIGHT TERM
EXTENSION ACT

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. CONYERS. Madam Speaker, I rise today in strong support of that part of the term extension bill which actually extends the term of copyright. But to object to another, unrelated provision of the bill which I wish were not included today. I do support this overall bill, and I will vote for it, but as I say, regret that I am forced to accept a terrible provision as the price to pay for supporting a bill which this Nation urgently needs.

I deeply regret that copyright term extension legislation was hijacked some time ago by in-

terests that have little to do with the extension of copyright's term, but through their persistence, and the support of some in the House of Representatives whose tenacity is to be admired, have succeeded in putting a provision in this legislation which is a terrible blow to songwriters.

Copyright term extension is an important and necessary improvement to our copyright laws, and one which I have long supported. After a healthy debate, it passed out of the Judiciary Committee without dissent, and those of us who support it have fought long and hard for it to come to the floor today. It strengthens our domestic copyright industry by extending the life of copyright. In addition, it eliminates the disadvantage that the United States has operated under since the European Union extended the life of its copyrights, but provided that copyrights created in countries that did not do the same, like the United States until now, would not be similarly protected.

Although I am wholeheartedly in support of term extension, I am deeply disappointed that the leadership has agreed to use this vehicle to carve out important protections—meaning real money—from songwriters, the overwhelming majority of whom do not make a great deal of money to begin with. The musical licensing exemption provision in today's bill may be a compromise, but it's bad policy.

I am concerned that the musical licensing exemption—a wholly inappropriate carveout of performers rights—may also be violative of international treaty obligations. Specifically, the provision may well violate the Berne Convention for the protection of literary and artistic works. I am directly talking about Article 11b is of that convention, which provides the exclusive right of the author to authorize the "public communication by loudspeaker or other analogous instrument transmitting by signs, sounds, or images, the broadcast of the work." Based on the Register of Copyrights' analysis of earlier versions of this bill, I am concerned that the carveout in today's bill may violate that provision.

The case has also been made to me that the carveout—which will come directly out of the pockets of songwriters—may also be a taking. How ironic that the Republican majority would spend so much time worried about takings in the property context, then turn around and do it to small business people when nobody's looking.

I am voting for today's legislation because the extension of copyright term is a critical and necessary policy change for our Nation to make. I am disappointed that the legislation includes this carveout that hurts songwriters. But it was a compromise, and I recognize that. I regret that songwriters were made to compromise on something they should not have had to be dealing with at all, but it is a compromise, and I understand that. I just am not sure that nations that may have a claim against us in the world trade organization because of a violation of the Berne Convention will understand it, and that concerns me.

HONORING THE MEMORY OF DEP-
UTY CONSTABLE RAY LEO "MI-
CHAEL" EAKIN III

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GREEN. Mr. Speaker, I rise today to pay tribute to Ray Leo "Michael" Eakin III, who died tragically on September 29, 1998, while performing his duties as a deputy constable.

I would like to extend my condolences to his parents, Bill and Janet Green, as well as his mother, Barbara Johnson, his father, Ray Eakin, Jr., and his many other relatives and friends.

Michael went out every day to make a difference and he did—some days in small ways, some days in big ways, and on September 29, 1998, at the cost of his life. One cannot ask more of peace officers.

Michael had been in law enforcement for 4½ years, spending the past 2½ years working for Harris County Precinct One Constable Jack Abercia. Before that he worked in the Montgomery County Constable's office. Michael Eakin is the first person to die while performing his duties in the Harris County Precinct One Constable's office.

During Michael's tenure with the Constable's office, he served with distinction in contract patrol, building security, warrant division and the Hardy Toll Road patrol.

He grew up in the Aldine area and attended school there. During his senior year, his family moved to Conroe, Texas, where he graduated from high school.

The loss of a peace officer is a tragic event. The Book of John, Chapter 15, verse 13 states: Greater love has not man than this, that a man lay down his life for his friends.

I believe this message has special meaning today and forever. As a father and proud family man, I cannot begin to understand the pain and heartache being felt by the Green and Eakin families. I can only hope and pray that this death was not in vein, and we all join together to pray for them.

Deputy Constable Michael Eakin's dedication and devotion to the citizens of Harris County serves as a model for all law enforcement. I ask my colleagues to join me in paying tribute to the life of Michael Eakin.

RECOGNIZING NEW JERSEY
BROADCASTERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I rise in recognition of New Jersey's broadcasters and the New Jersey Broadcasters Association who have worked in partnership to help focus public attention on some of the key concerns for residents in my state. While radio and television stations are required to address important public issues, New Jersey broadcasters have worked hard to exceed their responsibilities.

New Jersey's television and radio stations have raised over \$1 million for charitable causes and donated over \$3 million in air-time for public service projects. Broadcasters in my state have raised money to build new housing for needy families, provided gifts for children during the Christmas holidays, and helped many individuals who were victimized by natural disasters.

Stations in New Jersey have donated countless hours of public affairs programming and public service announcements aimed at educating residents about alcohol abuse, anti-crime initiatives, and efforts to fight poverty and hunger. Additionally, two-thirds of the radio stations in New Jersey have made it their policy to offer free air-time to political candidates. The median value of the air-time totaled \$27,000 per station.

Radio and television stations have done much to provide important information for people throughout New Jersey. Their important charitable fund raising, coordinated through the New Jersey Broadcasters Association, has helped enhance the quality of life for many of our citizens.

Mr. Speaker, I would like to take this opportunity to thank Phil Roberts, the Executive Director of the New Jersey Broadcasters Association and all the people who work at New Jersey's radio and television stations for their commitment and dedication to the people of New Jersey.

DON RUMSFELD'S HISTORIC
LEGACY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GINGRICH. Mr. Speaker, the attached article from the Washington Times provides the proper perspective on the work of former Secretary of Defense Donald Rumsfeld. Frank Gaffney, Jr., recognizes that the findings of the Rumsfeld Commission are accurate and need to be given serious consideration. I recommend this article to my colleagues, and I submit the article to the CONGRESSIONAL RECORD.

[The Washington Times, Wed., Oct. 7 1998]

DON RUMSFELD'S HEROIC LEGACY
(Frank Gaffney Jr.)

Last Friday, top uniformed and civilian Pentagon officials made something of a spectacle of themselves on Capitol Hill.

It's not just that the officials—Deputy Secretary of Defense John Hamre, Vice Chairman of the Joint Chiefs of Staff Ralston and Lt. Gen. Lester Lyles, the director of the Ballistic Missile Defense Organization—were forced to admit to members of the Senate Armed Services Committee that they could no longer sustain the central tenet of the administration's resistance to the prompt deployment of missile defenses: The ballistic missile threat from a rogue state like North Korea is now recognized as likely to emerge before the United States can deploy effective anti-missile systems to defeat it.

Nor was the spectacle primarily a function of this hearing's juxtaposition with one the committee had held three days before. On the earlier occasion, the chairman of the

Joint Chiefs of Staff and each of the four Service Chiefs hewed to the old party line. They parroted the JCS's position laid out in an Aug. 24 letter from their chairman, Gen. Hugh Shelton, to the chairman of the Committee's Readiness Subcommittee, Sen. Jim Inhofe, Oklahoma Republican: "We remain confident that the intelligence community can provide the necessary warning of the indigenous development and deployment by a rogue state of an ICBM threat to the United States."

In particular, the JCS dismissed as "an unlikely development" a key conclusion of the blue-ribbon, congressionally mandated commission led by former Defense Secretary Donald Rumsfeld—namely, the prospect that "through unconventional, high-risk development programs and foreign assistance, rogue nations could acquire an ICBM capability in a short time and that the intelligence community may not detect it."

Yet, Mr. Hamre and the generals accompanying him were obliged to acknowledge that they and the intelligence community had in fact been surprised by North Korea's test on Aug. 30 of a third-stage on its Taepo Dong 1 missile. Indeed, this demonstration of the inherent capability to manufacture intercontinental-range ballistic missiles came along years before it had been expected by the Clinton team. It happened to validate, however, the Rumsfeld Commission's warning that the United States was likely to have "little or no warning" of a ballistic missile threat from the likes of North Korea, Iran and Iraq.

Gen. Shelton and Co. owe Mr. Rumsfeld and his colleagues an apology—just as the nation owes the commission a debt of gratitude for helping to shatter the administration's cognitive dissonance about the escalating missile threat.

The real spectacle, though, came when the Defense Department witnesses [proceeded to assure senators of two propositions that make the systematic underestimation of the threat pale by comparison. First, they asserted that the 1972 Anti-Ballistic Missile Treaty is in no way interfering with the United States' pursuit of effective missile defenses. And second, they claimed their work on such defenses is proceeding as quickly as possible.

The one exception Messrs. Hamre, Ralston and Lyles mentioned in the latter connection was the Navy's "AEGIS Option": an evolution of the fleet air defense system that is operational on the world's oceans thanks to an investment of some \$50 billion to date, so as to permit it to shoot down ballistic missiles. They confirmed that this promising program was not receiving the funds it needs to proceed as quickly as technology would permit.

Unfortunately, to correct this shortfall, the Pentagon is actively considering terminating (either formally or de facto) the Army's important Theater High Altitude Area Defense (THAAD) program. Were such an ill-advised step to be taken, it would offer proof positive of the adage that two wrongs do not make a right.

The Defense Department representatives went on to perpetrate another spectacular fraud. None mentioned that the AEGIS Option is a case in point of how the ABM Treaty is, in fact, preventing effective anti-missile systems from being developed and deployed as soon as possible.

If the dead hand of this 26-year-old accord—with a country that no longer exists—were not still governing the Clinton policy toward missile defense, there is little doubt

as to what would currently be happening: The nation would be rapidly evolving its AEGIS infrastructure so as to put into place within a few years a competent, worldwide defense against shorter-range missiles (currently threatening our forces and friends overseas). Absent the ABM Treaty, moreover, this program would also afford the beginnings of a missile protection for Americans here at home for a price tag estimated to total (thanks to the sunk costs) just \$2 billion to \$3 billion, spent out over the next five years.

At this writing, Defense Secretary William Cohen and Gen. Shelton are about to appear before the Armed Services Committee. Given the velocity with which these sessions are producing dramatic changes in administration positions, perhaps these witnesses will reveal that the truth is breaking out not only with respect to the threat, but also with regard to what can be done about it.

Under no circumstances should the witnesses be allowed further to insult senators' intelligence by promoting the absurd argument that a limited national missile defense system that literally has to be built from the ground up can be brought on-line faster and cheaper than one that is largely operational, apart from some relatively minor hardware and software changes. This defies common sense. So does the line that the ABM Treaty—which nominally permits the former and explicitly prohibits the latter, sea-based anti-missile program—is having no impact on the effort to defend America against missile attack.

Whether the truth on these fronts actually emerges from the Cohen-Shelton hearing or at some future event, one thing seems clear: It will become harder and harder to lie to the American people about their vulnerability to ballistic missile attack and about the availability of near-term, affordable options for reducing that vulnerability, provided the ABM Treaty is no longer allowed to be an impediment to bringing defenses on-line. Hats off to Don Rumsfeld and his team for creating conditions under which such momentous changes may yet result in the deployment of missile defense before they are needed.

Frank J. Gaffney Jr. is the director of the Center for Security Policy and columnist for the Washington Times.

H.R. 4569, THE FOREIGN OPERATIONS APPROPRIATIONS, FY 1999

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BURTON of Indiana. Mr. Speaker, today I want this Congress to focus on a government that has spent years practicing torture on its own people. However, when you go home and turn on the evening news, good luck trying to find any story that reveals this particular human rights issue. And better luck getting this administration to pay any attention to the plight of thousands of innocent civilians.

We speak of tragedies all over the world this time of year. We speak of the struggles in Africa, Cambodia, and Burma. We reprimand China for its draconian abortion policies and illegal human organ sales. We threaten to stop international military and educational training

(IMET) from Indonesia for abuses in East Timor. We even criticize longstanding allies like Turkey for its treatment of its Kurdish citizens without addressing the brutal murders carried out by the PKK, a Kurdish Marxist terrorist organization.

Unfortunately, there is one human rights issue that continues to escape the attention of this administration, some members of this Congress and the media. That issue involves the plight of the Sikhs in Punjab or Khalistan; the plight of the Kashmiris; the plight of Christians in Nagaland; and the plight of the "untouchables", the lowest caste in India's system.

Mr. Speaker, the Indian Government is one of the world's worst human rights abusers in the world. You may ask, well if that's true why doesn't the word know?

Since the 1970's, Amnesty International and other human rights groups have been barred from India. Mr. Speaker, even the Government of Cuba allows Amnesty into their country.

In fact, there are half-million Indian soldiers occupying Punjab, and another half-million troops occupying Kashmir. Since 1947, India has killed over 200,000 Christians in Nagaland; 250,000 Sikhs in Punjab from 1984-1995; and 53,000 Muslims in Kashmir since 1988.

For the last sixteen years, I have been coming to this well to call attention to Punjab, where the Indian military receives cash bounties for the slaughter of innocent children. And to justify their actions, they are labeled "terrorists."

According to our own State Department, India paid over 41,000 cash bounties to police for killing innocent people from 1991-1993!

Also in Punjab, Sikhs are picked up in the middle of the night only to be found floating dead in canals with their hands and feet bound together. Some Sikhs are only so fortunate, many are never found after their abduction.

Recently, the India Central Bureau of Investigation (CBI) told the Supreme Court that it had confirmed nearly 1,000 cases of unidentified bodies that were cremated by the military!

And it does not get any better in Kashmir. Women, because of their Muslim beliefs, are taken out of their homes in the middle of the night and are gang-raped while their husbands are forced to watch and wait inside at gunpoint.

It was hoped that the new governments in Delhi and Punjab would stop the repression which the Indian supreme court describes as "worse than a genocide!"

Mr. Speaker, opponents will say the recent election in Punjab of a Sikh dominated coalition and the fact that an "untouchable" is now the President of India is evidence of their democratic progress.

But, I can tell you that this new government in Punjab is closely aligned with the authoritarian BJP Prime Minister Vajpayee of India and India's "untouchable" President is merely a figurehead. Mr. Speaker, would democracies continue the rampant campaign of genocide?

On July 22, 1998, Baljit Singh, A Sikh youth of Burj Dhillwan village, died of complications from torture-style brutality inflicted by the Punjab police.

Also in July of 1998, police picked up Kashmiri Singh of the village of Khudiah

Kalan on the pretext that they were investigating a theft. They then tortured him for 15 days. They rolled logs over his legs until he couldn't walk; they submerged him in a tub of water; and they slashed his thighs with razor blades and stuffed hot peppers into the wounds.

On April 1, 1998, Brother Luke, a Roman Catholic priest was murdered in the eastern state of Bihar. His body was found with a bullet hole through the head. He was a member of Mother Teresa's world-renowned charity organization. This is the fourth priest in 2 years that has been murdered in India.

On October 30, 1997, Reverend A.T. Thomas was found beheaded also in Bihar, apparently killed for aiding the no-caste "untouchables." Amnesty International has linked the Bihar state government to the murder of Rev. Thomas! The Catholic Bishops Conference of India has criticized the government for doing nothing to protect Catholic priests and for failing to prosecute those responsible.

On July 12, 1997, in Bombay, 33 Dalits (black untouchables) were killed by Indian police during demonstrations.

On July 8, 1997, 36 people were killed in a train bombing in Punjab. Two ministers of the Punjab Government have blamed the Punjab police. The bombing occurred a day after 9 policemen were convicted of murder!

On March 5, 1997, a death squad picked up Kashmir Singh, an opposition party member. He was thrown in a van, tortured, and murdered. Finally, his bullet-ridden body was dumped out on the roadside.

These military forces operate beyond the law with complete impunity!

Mr. Speaker, the United States should not support a government that condones widespread abuses with our hard-earned tax dollars! It is time India is held accountable for its continued violation of basic human rights!

The Sikhs, Muslims, Christians, "untouchables," and women of India are desperately looking to this Congress for help. The time has come for action, it is time for America to take a stand!

Considering all this, the President still requested \$56.5 million in development assistance for India in fiscal year 1999. That is an increase in almost \$1 million over last year.

As everyone is aware, as a result of India's recent nuclear test, the President has imposed a broad range of sanctions on India for violation of section 102(b) of the Arms Export Control Act. Also known as the Nuclear Proliferation Prevention Act of 1994, or more popularly, the Glenn Amendment—it prohibits a variety of assistance and commercial transactions between the U.S. and any country if the President determines that that country—if it is a non-nuclear-weapon state—has detonated a nuclear explosive device.

India has disregarded regional and international stability by placing missiles and exploding thermonuclear weapons, fission weapons, and hydrogen bombs near the Pakistan border. Indeed, their behavior has been clearly unacceptable, and they are being properly punished. I applaud the President for his fortitude.

And, if the President continues to follow through with the current law, this should send a strong signal to the Indian Government that

it is not going to be business as usual with the United States.

Mr. Speaker, the American people are tired of helping bullies who punish their own people and threaten neighbors. India is still the 5th largest recipient of U.S. foreign aid in the world; India is the world's largest borrower from the world bank with more than \$44 billion in loans; India votes against the U.S. at the United Nations more often than any other country, except Cuba.

It does not justify sending more hard-earned tax dollars to a country that claims to be the largest democracy in the world, but obviously shares none of our most cherished values.

Democracies don't commit genocide!
Let's put the brakes on the foreign aid gravy train to India!

Ask the President not to waiver on his stance with India!

OUR U.S. CONGRESS—KOREAN NATIONAL ASSEMBLY STUDENT INTERNATIONAL EXCHANGE PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GILMAN. Mr. Speaker, I am pleased to rise to call to the attention of our colleagues, Michael L. Fox, a resident of Huguenot, NY, who was my 1998 designee to participate in the U.S. Congress—Foreign National Assembly Student Intern Exchange Program.

As my nominee, Michael was one of eight American interns who were selected by Members of this body, who participated in the exchange program from July 23rd to August 8th, 1998.

This exchange program, which I initiated in 1984 with the cooperation of the Korean National Assembly, our International Relations Committee, and the U.S.I.A., has been an exciting experience for hundreds of eager young adults over the years in Korea and in the United States who have participated. The Korean National Assembly Youth Exchange Program is an attempt to foster increased relations between the United States and Korea. For the 14 years that our program has been conducted, it has been a positive experience for all participants and both governments.

Mr. Speaker, Mr. Fox was kind enough to report in detail his trip to Korea, a copy of which I request to be included at this point in the RECORD:

U.S. CONGRESS—KOREAN NATIONAL ASSEMBLY YOUTH EXCHANGE PROGRAM; JULY 23-AUGUST 8, 1998

I must say that this was one of the most interesting summers of my life! Participating in this exchange program to Korea is an experience which I will cherish and remember for the rest of my life.

We started with group briefings on July 18, and soon after began to have joint meetings with the Korean Delegates so that we could get to know each other. Following three days of activities, which concluded with receptions hosted by His Excellency the Ambassador of the Republic of Korea Lee Hong-Koo at his residence, and the Chairman of the House International Relations Committee, and co-founder of this exchange program, Representative Benjamin Gilman, in

an HIRC committee room, the American Delegation embarked for Seoul, South Korea.

During our time in the country, which totaled almost three weeks, we had meetings and briefings with various officials and government officers. Many of our discussions centered on the current Asian Economic Crisis and unification with North Korea, along with China's role and the role of the joint South Korea-Japan-North Korea hosted World Cup 2002 Games in that unification.

The culture of South Korea is very different from that in the United States, but we did find that in-roads of "Americanization" had occurred. The youth of the nation has been turning more to American ideas and culture over the past generation. McDonald's, Baskin Robbins and TGIFridays can be found on the streets of Seoul, Cheju Island, and elsewhere. While much of the culture still centers on respect for elders (even those one day older than you) and the importance of the group over the individual, these ideals, too, have been changing somewhat among those members of the present generation.

Turning to the Economic Crisis, the situation is growing critical. As Americans, I do not think that we can find it easy to understand the magnitude of these topics, living safely and comfortably within the borders of our great Nation, but over there banks and businesses are failing. Layoffs occur every day. Labor unions and unemployed workers demonstrate on the streets everyday, and buses upon buses of riot police are lined up all over Seoul. Making things worse, many of the officials and experts that we spoke to, including those from the Ministry of Foreign Affairs, Trade and Unification, expect that this crisis will continue for at least 3-5 more years before a complete turn-around can be expected. Newspaper articles discuss the disappearance of the middle-class. The poor are, as always, hurting. We saw people still working in rice paddies in many areas lacking sophisticated equipment or technology. The standard of living and poverty lines are much lower than those in the United States. In addition, as I toured the Hyundai plant in Ulsan, my guide informed me that although the labor unions were not aware of it yet, the Hyundai Motors plant was preparing to lay-off up to 40,000 workers! As more and more workers are laid off, the problems will be compounded.

Calls have been made for a restructuring of the government, an abolition of the Korean National Assembly, or a cut in the bureaucracy and size of the government. They are searching for measures that would bring relief and a solution to this great problem.

Americans are not favored or popular amongst some South Koreans. We were advised to be careful and aware of our surroundings at all times. While I did not feel that we were in real danger, I realized that we are being blamed for bringing IMF aid to Korea, which is seen as a weakening force for the Won, and a target of accusation by the demonstrating workers.

Unification will be difficult under these conditions. Some estimates from CSIS and other agencies put production in North Korea at only about 25 percent of capacity. South Korea is afraid that unification would cost too much, and that it simply cannot afford to "prop-up" North Korea's economy, especially since its citizens are not used to, or prepared for, a productive life in a capitalist economy.

In spite of these grave problems, it is interesting to note that the National Assembly was not in session while we were there. It is

incredible that as these dilemmas continue to mount, the governmental body of the nation was not convened and working toward solutions! The political, economic and social situation in South Korea is not good at this time.

Traveling to Panmunjom, the DMZ, and North Korea one comes to realize how lucky we are as Americans. As we entered the conference room, and North Korea, we came face-to-face with North Korean Soldiers. We come from a nation with no hostile borders, whose Capital is not (and has not been since the Civil War) within two hours or less of enemy territory and hostile invaders. We are very lucky indeed, and came to understand why unification is such an important topic on the Korean Peninsula today.

I found this trip to be very informative, exciting and fun. While learning about these crises and problems, we did find time to relax and have some fun. An important part of our experience came from developing friendships and relationships with Korean citizens we came to meet, including past Korean Delegates. We developed relationships through social and cultural activities, such as home visits, traditional Korean meals, hotel stays, and patronage of restaurants and places of entertainment. Cultural bridges were built in side trips to Ancient Palaces in, and around, Seoul, ancient cities and temples throughout the nation—such as those in Kyongju—and the viewing of traditional Korean theater and dances in the resort area of Cheju Island. The overall experience was quite enjoyable, and we came away returning to the United States with a greater understanding of the culture and way of life on the Korean Peninsula, and the problems that are being dealt with even as this essay is being read.

Despite this situation, the overall program was wonderful. I would venture to say that the program succeeded in its goal of fostering a better understanding of Korean life and culture on the part of Americans, and a better understanding of American life and culture on the part of the Korean Delegates—as became apparent at our joint debriefing held in San Francisco, California on August 8-9, 1998. We hope to maintain the friendships which developed through the program—among the American Delegation, this year's Korean Delegation, and those whom we met, and who were so gracious to us, while in Korea.

I will never forget this experience as long as I live, and I thank Chairman Gilman, my Congressman and sponsor, for giving me the opportunity to participate this year.

I cannot stress enough how important I feel it is to continue this program in years to come. There is no better way to foster understanding among nations with different cultures than through the exchange of people and ideas. In my opinion, this is a most valuable program.

MULTICHANNEL VIDEO COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2921. I would like to begin by com-

mending both Mr. TAUZIN, the Chairman of the Subcommittee on Telecommunications, and Mr. COBLE, the Chairman of the House Subcommittee on Courts and Intellectual Property. They have both worked hard to bring this legislation to the floor today, and I thank them for their efforts.

Mr. Speaker, this legislation represents a crucial first step in Congress' efforts to reform the laws governing the provision of direct-to-home satellite television and will bring immediate relief to millions of satellite consumers.

More specifically, this legislation addresses the level of copyright royalty fees paid by consumers of satellite services. Aside from the staggering size of these fee increases, the rate levels do not compare favorably to what the cable industry currently pays for identical signals.

At a time when we are counting on the competition that satellite services can bring to consumers, it seems senseless to create additional differences in the costs of programming between these two industries.

The rates that satellite subscribers pay for certain popular programming will certainly rise unless Congress takes action on this legislation. Although the royalty fee increase is already in effect, many satellite carriers have not passed on the full amount of the increases to consumers in anticipation of congressional intervention.

Further, if this situation is not addressed soon, superstations, which remain popular with many consumers, could well be dropped from satellite-delivered programming packages.

Swift action on H.R. 2921 is particularly necessary for the millions of satellite subscribers who, because they reside in rural areas and can receive the affected programming from no other source, will be captive to the rate hikes resulting from higher royalty fees.

This legislation also clarifies the satellite broadcasters' legal standing to sue those who pirate satellite broadcast signals. Signal theft—be it cable or satellite signals—is a serious problem. This provision will help promote the long-term viability of satellite television service.

Mr. Speaker, the Commerce and Judiciary Committees recently joined our counterparts in the Senate in one last effort to gain adoption of a set of more comprehensive changes in the underlying satellite laws this year. I regret to say that this effort failed for both lack of time remaining in this Congress and lack of consensus among the industry players.

But this exercise did create a large degree of agreement on many significant points on which I believe we can build next year. I just would like to state for the record, my firm commitment to revisiting and resolving these issues in a comprehensive manner early next year with the assistance and participation of my good friends and colleagues on the Judiciary Committee, Mr. TAUZIN and Mr. COBLE in particular.

I have confidence that the two committees can and will work together to enact these important reforms. I can only urge the affected industries to work diligently in the months before the beginning of the next Congress to bury their differences and to lend their cooperation to us.

Mr. Speaker, the reforms contained in H.R. 2921 are a downpayment on the more comprehensive package of changes we hope to bring to the full House early next year. It is a worthy beginning.

I urge the adoption of the bill.

IN SUPPORT OF H. CON. RES. 302,
NATIONAL KIDSDAY AND NA-
TIONAL FAMILY MONTH

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ROEMER. Mr. Speaker, I rise in strong support of H. Con. Res. 302, recognizing the importance of children and families in the United States and expressing support for the goals of National KidsDay and National Family Month. I want to thank Representatives PAUL MCHALE, FRANK WOLF, HAROLD FORD, NANCY JOHNSON, and DEBORAH PRYCE, who joined me in introducing this resolution last July, as well as Representative WALTER JONES and the many other Members who helped bring it to the floor today.

We live in an increasingly stressful society these days. Perhaps no one feels this stress more acutely than our Nation's children. The pressures of crime, drugs, violence and broken homes are robbing many children of the joys of childhood. There is a growing concern that too many kids are in crisis, and that no one is speaking out for them or trying to help.

That is what this resolution is all about. It is a simple, straightforward, bipartisan appeal on behalf of the children in our Nation to pay more attention to their needs, to provide them with a healthy and safe environment, and to give them hope for a secure and prosperous future. The resolution also expresses support for two particular initiatives which are being undertaken on behalf of kids: National KidsDay and National Family Month. Both of these initiatives have been created by KidsPeace, our Nation's oldest and largest not-for-profit organization dedicated solely to serving the needs of kids in crisis.

National KidsDay, observed on the third Saturday in September, encourages parents, grandparents and caregivers to spend a day with their children just having fun, and giving them a break from the strains of everyday life. National Family Month is celebrated during the five-week period between Mother's Day and Father's Day. Each week focuses on a specific value that families should provide to their children, including: a safe and secure home; people they can trust; love and value; the power and freedom to grow; and hope for the future.

Mr. Speaker, children are our most precious gift. We cannot afford to let even one child slip through the cracks. KidsPeace and other organizations are doing a wonderful job of reaching out to those children who are most at risk in society, and helping them develop the courage and skills necessary to overcome crisis. But no matter how hard they try, these organizations cannot take the place of loving parents, stable homes, and a healthy environment in which kids can feel safe, loved and positive about their lives and their futures.

This resolution is small in scope but it is large in symbolism. It sends a message to children that we care about them, we understand their problems, we share their dreams, and we want them to enjoy life to the fullest. As Robert Kennedy said: "When one of us prospers, all of us prosper. When one of us fails, so do we all." I urge my colleagues to support this resolution and give all our children a chance to prosper.

TRIBUTE TO OOIDA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BLUNT. Mr. Speaker, the Owner-Operator Independent Driver Association represents over 40,000 small business professional truckers across America. On October 9, OOIDA will celebrate 25 years of service at the grand opening of their new headquarters in Grain Valley, Missouri.

I had planned on being present at these very special ceremonies, but unfortunately the schedule of the House will prevent my participation.

The Association provides many services to its members including access to affordable health and truck insurance, training, updates on regulatory changes, and support for resources for operating a successful small business. OOIDA is also an effective advocate on its members behalf before state and federal regulatory and legislative bodies.

We need to work closely with OOIDA and their members, small business operators, to seek passage of legislation that achieves a reduction in the number of toll roads, that enhances the deductibility of meals, travel and health insurance expenses, and legislation that reduces the tax burden on all small entrepreneurs. We must stand with OOIDA to eliminate onerous regulations and as partners to rebuild our transportation infrastructure.

On this day, we offer our appreciation for the outstanding achievements of Jim Johnston, President of OOIDA, OOIDA's board of directors and the independent truck drivers who deliver every day for us all.

HAPPY 11TH ANNIVERSARY TO THE COUNCIL OF KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BURTON. Mr. Speaker, I rise today to observe and pay tribute on the occasion of the eleventh anniversary of the Council of Khalistan. Wednesday, October 7th, marked eleven years since the Sikh people of Punjab declared their independence from India, naming their new country Khalistan. Immediately after this declaration, they appointed the Council of Khalistan to lead their struggle for independence. Since then, under the leadership of Dr. Gurmit Singh Aulakh, the Council has conducted a peaceful, democratic, non-

violent effort for a free and sovereign Khalistan.

I believe that the breakup of India is inevitable, despite the brutal campaign of state terrorism which is designed to hold it together by force. Even Sharad Pawar, the Leader of the Opposition in the Indian Parliament, recently said that if India does not get its house in order quickly, it could fall apart like the Soviet Union. He joins Nehru biographer Professor Stanley Wolpert, Columbia University Professor Ainslee Embree, and Dr. Jack Wheeler of the Freedom Research Foundation, who have all predicted India's breakup.

India's desperation to keep its multinational state together is showing. Recently the Vishwa Hindu Prashad (VHP), a Hindu fundamentalist organization affiliated with the Fascist RSS, praised the rape of four Catholic nuns in the state of Madhya Pradesh, calling the rapists "patriotic youth" and calling for all foreign missionaries to be expelled from the country. The ruling BJP, which was elected on a Hindu Nationalist platform, is the political wing of the RSS. So much for Indian secularism! Clearly, there is no place for Christians in Indian democracy. There is no place for Sikhs, Muslims, aboriginal Dalits, Tamils, Assamese, Manipuris, or other ethnic and religious minorities either.

Recently, a large group of Sikh and Kashmiri protesters showed up at the United Nations headquarters to protest the visit of Indian Prime Minister Atal Bihari Vajpayee. They chanted slogans of independence for their people, and they attempted to inform the public about India's human-rights violations. The flyer they circulated read, "A religiously intolerant country can never be democratic."

Earlier this year in New Delhi, at the largest internal protest against Indian nuclear weapons tests, demonstrators carried signs that read, "We are Sikhs, not Indians." This is a strong expression of the Sikh Nation's demand for freedom. Still India continues its efforts to keep the country together by force.

India votes against the United States at the United Nations more often than any other country, except Cuba. It even publicly endorsed the Soviet invasion of Afghanistan. According to published reports, India has also provided the raw materials for nuclear development to Iran and other anti-American countries.

The Congress should move immediately to support freedom and real stability in this troubled region. We must maintain the sanctions that have been put in place against India. In addition, we should cut off the aid that helped build India's nuclear weapons. My colleagues should also vote to support the Sikhs and Kashmiris in their struggle for freedom by demanding a free and fair plebiscite in those states, so that they themselves can determine their future in a democratic way. This is the only way to make sure that the breakup of India comes about peacefully like the former Soviet Union, not violently. Taken together, these steps will ensure that all the people and nations of South Asia can live in freedom, peace, prosperity, and dignity.

I am placing the article on Sharad Pawar into the RECORD for the information of my colleagues.

[From the India-West, August 7, 1998]

INDIA MAY SUFFER SOVIET FATE: PAWAR

PUNE (PTI)—The leader of opposition in the Lok Sabha Sharad Pawar Aug. 2 expressed the fear that the country might go the erstwhile Soviet Union way unless concerted efforts are taken to strengthen its economy in the wake of international reaction to its carrying out nuclear tests.

Pawar was speaking at a function to release a book, "Hiroshima," by noted Marathi writer D.B. Kher on the after effects of bomb explosion in Japan Aug. 6, 1945.

Pawar said through the erstwhile USSR was a nuclear power it collapsed, and added that India should not become over-confident after the Pokhran-II tests.

He said India should also be very vigilant as the economy of Pakistan was in the doldrums. It might take any dangerous step out of frustration. "We should not forget the fact that Pakistan had a history of aggression against India and hence we should be on guard," he said.

**CONFERENCE REPORT ON H.R. 4194,
DEPARTMENTS OF VETERANS
AFFAIRS AND HOUSING AND
URBAN DEVELOPMENT, AND
INDEPENDENT AGENCIES APPRO-
PRIATIONS ACT, 1999**

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I want to thank Chairman JERRY LEWIS and Ranking Member LOUIS STOKES, of the Appropriations Subcommittee on VA, HUD and Independent Agencies, for their cooperation in awarding federal funds under the Economic Development Initiative for two of the most heavily-used bike paths in the Boston area.

We have received \$250,000 for the Arlington-Boston bike path and \$150,000 for the Minuteman Commuter Bikeway. Bicycling is very popular in Boston, and throughout the Commonwealth of Massachusetts.

There are many tangible benefits to bicycling. It improves health and fitness while reducing traffic congestion, air pollution and commuting time to work each day.

The funding awarded for the bike paths through the Economic Development Initiative will enhance these benefits. The funds awarded for the Arlington-Boston bike path will allow construction to proceed on completing a 15-mile commuter and recreational bike path from Bedford to Boston.

The Arlington-Boston bike path will provide a direct connection to the Charles River and to the existing Dudley Bike Path to downtown Boston along the Watertown Branch of the Boston and Maine Railroad.

The funds awarded for the Minuteman Commuter Bikeway will provide a rail-trail connecting the existing Minuteman Commuter Bikeway in Cambridge with the Charles River Bikeway in Boston, leading to downtown Boston.

It is estimated that an automobile emits 62 pounds of carbon dioxide a year. It is also es-

timated that the average trip length to work in Boston's Central Business District is 12 miles. For each person who chooses to ride a bike to work rather than drive a car, the air in Boston is relieved of 12 grams per trip of volatile organic carbon, 14 grams per trip of nitrogen oxides and 120 grams per trip of carbon monoxide.

Mr. Speaker, this clearly demonstrates that bicycling expands the recreational opportunities for Boston area residents, while contributing to a more healthful environment by reducing traffic congestion.

**TRIBUTE TO MRS. JESSIE TRICE
ON THE CELEBRATION OF HER
RETIREMENT ON OCTOBER 17,
1998**

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct privilege to rise and pay tribute to one of my community's unsung heroines, Mrs. Jessie Trice, Director of Miami's Family Health Center. Her countless friends and admirers are honoring her on October 17, 1998 in recognition of the longevity of her legacy to the poor and underserved families.

Mrs. Trice truly represents the noblest of my community. Having dedicated a major portion of her life to making the health care system work on behalf of the less fortunate in Miami-Dade, she was relentless in her development of innovative family health services program that responded to the crying needs of our community's poor. Hers was indeed a crusade of love and commitment that maximized understanding and compassion for countless destitute families who severely lack the financial wherewithal to have their health care move up through the labyrinth of the bureaucracy.

Under her leadership many lives have been saved and countless families have been rendered whole because of her dedication to create accessibility to affordable health care services. She was virtually the lone voice in the wilderness in exposing her righteous indignation over the hopelessness of countless individuals who through the various crises of poverty rendered them helpless before obtaining affordable quality health care.

Furthermore, she has been forthright and forceful in advocating the early recognition of the problems of HIV disease which causes AIDS. Under her tutelage the Family Health Center initiated the first screening and testing programs in the community and initiated organized educational programs for its patients long before the crisis was recognized and federal, state and local funding became available. Her sensitivity toward those who came to the Center for counseling knew no bounds, and she was likewise untiring in seeking the appropriate health care guidance for them.

In a September 3, 1998 Miami Times write-up, Mrs. Trice was genuinely lauded as a health care provider par excellence who "... has shown courageous leadership, insisting that high quality services must be provided in

the community and be developed with constant community input and collaboration."

The consecration of her life serves as an example of how much difference a committed crusader can truly make in behalf of the less fortunate. Almost singlehandedly she has championed a career-long commitment to affordable quality health care services to poor families for nearly two decades.

In her stint as Director of the Family Health Center, Mrs. Trice ensured the provision of high quality, accessible health care to more than 60,000 residents of Liberty City, Hialeah; Brownsville, Little Haiti and other areas northwest of Miami-Dade County. During those harrowing times of cutbacks in health and social services funding at the federal, state and local levels, the Miami Times recalled, "... Mrs. Trice's innovative and uncompromising commitment enabled it to maintain its critical services, while leading efforts to ensure effectiveness and a caring approach were not compromised."

Mrs. Trice truly represents an exemplary community servant who abides by the dictum that those who have less in life through no fault of their own should somehow be lifted up by those who have been blessed with life's greater amenities. As a gadfly among Miami-Dade County's health care professionals, she is wont to prod her colleagues toward ensuring that both political and bureaucratic leadership find a way to develop programs in and of the community, despite the risks.

As one of those hardy spirits who chose to reach out to those living in public housing projects, Mrs. Trice thoroughly understood the accouterments of power and leadership. She sagely exercised them, alongside the mandate of her conviction and the wisdom of her knowledge. The crucial role she played all these years in developing affordable quality family health care evokes a genuine humility as she is wont to say that "... the accolades are not important. What is important is that my community receive the recognition of its strength, despite the adversity, and help for the disproportionate share of the problems it confronts everyday."

Her word is her bond to those who dealt with her, not only in moments of triumphal exuberance in helping many of the poor turn their lives around, but also in her resilient quest to transform Miami-Dade county into a veritable caring community.

Tonight's tribute is genuinely deserved! I truly salute a very dear friend in behalf of a grateful community and I bid her Godspeed.

**HONORING KATHLEEN MARY
O'CONNELL**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. RANGEL. Mr. Speaker, as we approach the end of the 105th Congress, I want to recognize Kathleen Mary O'Connell who served on the Committee on Ways and Means staff from May of 1991—until her recent death from cancer on August 29, 1998.

Kathleen's fine reputation and professional skills are well known to all. She was smart,

dynamic, charming, quick, a fabulous staffer, an excellent economist, and, most important, a good friend.

Our great sense of loss for Kathleen will continue each day. We always will remember Kathleen fondly.

Kathleen was a graduate of Smith College, and received her master's degree in economics from Duke University. Thereafter, she worked for fifteen years for the Congressional Budget Office, and then for more than seven years for the Committee on Ways and Means.

Kathleen cared about our Federal Government, its programs, and its policies. Most important, Kathleen wanted to make a difference and she did. Kathleen was key staff to all of the tax bills pending before the Committee during her tenure. She provided thorough and critical analyses of the economic, tax, and budgetary implications of legislation under consideration. She argued for fairness and policy decisions that benefitted the average American. Kathleen was a public servant who all of us are proud to have known.

On behalf of the Members and staff of the Committee on Ways and Means, I want to say that we will miss you always, Kathleen.

TRIBUTE TO DANTE FASCELL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, we wish good health to one of the most distinguished retired members of this body in recent history, former Congressman Dante Fascell.

For 38 years, Congressman Fascell proudly and effectively represented the 19th Congressional District of Florida, rising to become the Chairman of the House Foreign Affairs Committee.

His deliberative, thoughtful manner brought Dante great respect from his colleagues, Democrats and Republicans alike.

He left his stamp not only on domestic policies, but particularly on a wide range of foreign policy initiatives where he promoted the American values of freedom, democracy and justice.

Congressman Fascell was instrumental in the passage of the landmark legislation, The War Powers Act, that assures that Congress has a say before our fighting men and women are sent to harm's way.

His fight for freedom and democracy also extended to the suffering people of Cuba.

For decades, Dante was a leading voice condemning the violation of human rights on the island committed by the Castro dictatorship.

All of us from South Florida who cherish his friendship hope that soon Chairman Fascell will be back on his feet enjoying his beloved grandchildren and all his family.

TREATMENT OF CHILDREN'S DEFORMITIES ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Treatment of Children's Deformities Act, legislation that prohibits insurers from discriminating against children born with deformities by denying coverage of reconstructive surgery. Children should not only be provided reconstructive surgery to improve the function of a part of the body, but also should be given the opportunity to face the world with a normal appearance. Insurers would like for you to think that such surgery is merely cosmetic—parents of children dealing with the physical and psychological effects of such deformities would beg to differ.

Today, approximately seven percent of American children are born with pediatric deformities and congenital defects such as birth marks, cleft lip, cleft palate, absent external ears and other facial deformities. A recent survey of the American Society of Plastic and Reconstructive Surgeons indicated that over half of the plastic surgeons surveyed have had a pediatric patient who in the last two years has been denied, or experienced significant difficulty in obtaining, insurance coverage for their surgical procedures.

Some insurance companies claim that reconstructive procedures that do not improve function are not medically necessary and are, therefore, cosmetic. America's physicians recognize an important difference between reconstructive and cosmetic surgery to which this bill calls attention. The American Medical Association defines cosmetic surgery as being performed to reshape normal structures of the body in order to improve the patient's appearance and self-esteem. They define reconstructive surgery as being performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease.

The Treatment of Children's Deformities Act acknowledges the importance of the AMA's definitions and requires that managed care and insurance companies do the same. The problems that Americans across the board are experiencing with various managed care companies who place cost over quality care is infuriating enough, but when it affects the physical and emotional well-being of children, Congress must be willing to put our foot down.

Please join me in defending the needs of children with deformities and congenital defects and their families by cosponsoring this important bill.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CHENOWETH. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD

a speech given by Carol LaGrasse of the Property Rights Foundation of America to the Eagle Forum National Conference on September 12, 1998 in Arlington, Virginia. This speech is one of the most insightful discussions about the dangers of the American Heritage Rivers Initiative which my bill, H.R. 1842, would terminate. I encourage my colleagues to read this outstanding speech and share it with their constituents.

THE AMERICAN HERITAGE RIVERS PROGRAM—A THREAT TO PRIVATE PROPERTY RIGHTS

Thank you for the opportunity to discuss President Clinton's American Heritage Rivers program, a new federal executive program of designating selected major rivers supposedly to preserve their natural, cultural and historic resources.

INTRODUCTION

The American Heritage Rivers program, if successful, promises to diminish local representative government and private property rights. The program is also justifiably opposed because it involves many of the same parties and extreme preservation thinking of international programs such as the un-ratified Convention on Biological Diversity that came out of the 1992 Rio Earth Summit. But I would like to offer an experience that illustrates the need not to concentrate too much on a single focus in opposing designation programs.

About two years ago, a woman telephoned me at home one morning at 6:30 a.m. She was upset because a land conservancy was going to acquire a tract of forest property from her town of Ellenville, N.Y. Because the UNESCO Biosphere Reserve for the Catskill Mountains, which would have included her town, had recently been defeated, she was concerned about the United Nations. She thought that the property could be somehow going into the hands of the United Nations.

I said to her that in the long term it could be that if we don't remain in control of our government and matters like this it could very well be that the United Nations would be involved in owning and governing land in the Catskills, but that it was important to oppose the land trust acquisition of the property for other reasons. Usually when that land trust acquires property it is for a flip to government under a prearranged deal. I said, "While the land trust owns it it does not pay real estate taxes. They may block hunters and fishermen from using the land and generally keep it in a way that it doesn't serve the public from the area forced to give the tax exemption. When the State acquires the land, the town will have little say in how the tract is managed, and the town will be endlessly in conflict with the State over the tax revenues that should be due on the tract. She said that a meeting about the matter was to be held that very evening, and I suggested that before she left for work she follow through with a discussion with the town supervisor and persuade him to consider these issues."

She called the Property Rights Foundation back in a day and left the message because no one was in. She said, quoting almost verbatim, "I called the supervisor and spoke to him. He assured me that the United Nations was not going to acquire the land. I just wanted to let you know that there was nothing to worry about."

Please remember this story, because, in one way or another, it illustrates a number of points. The threat from programs which I call land designations, including the UNESCO Biosphere Reserves and the Clinton

American Heritage River pronouncements, is not singular, but multitudinous. We should not focus on the long-term, exotic threat to the neglect of the practical, mundane immediate and short-term.

When you consider that it was I that exposed the UNESCO Biosphere Reserve programs in New York, my husband Peter who with the assistance of my brother at Penn State extract the documents from libraries from New York to Australia to understand the Biosphere Reserve program, and I who was not unjustly blamed for the defeat of the Catskill Mountains Biosphere Reserve, you should not have difficulty accepting my assertion that I have grave concerns about international involvement through such designations. But I consider the sovereignty issue to be one of long-term significance and that at the real and more short-term dangers of such designations, which I will soon be describing, are the essential threat. If we cannot convey these dangers, we do not understand how such designations affect our freedom. We will fail to either monitor them adequately or defeat them. Ultimately, we truly will suffer, in addition, through the loss of national sovereignty. How will this happen? At least in part by more of the same sort of infringements on our rights, imposed by very similar methods. It will be pitiful, indeed, if the day arrives when we lose home-rule and representative government to a form of government which imposes control from beyond our Constitution and borders.

FINE-SOUNDING GOALS

As you know all too well, government programs that can take away your rights are often couched in very desirable terms. A familiar example is that of imposing national education standards for the purpose of solving the problem of school failure. The idea is that we need the federal government because kids aren't reading and doing math at grade level.

The same system is in vogue for environmental issues. Rivers are portrayed, truthfully or falsely, as badly polluted. Local cultures and historic sites are portrayed as threatened. The beauty of the countryside is being lost to bad land management. Lack of vision and financial resources keeps localities from tackling region-wide issues.

The federal government is seen as visionary enough, geographically big enough and having enough expertise and resources to deal effectively with these real or imagined problems. The federal government is seen as being able to solve the deterioration of the historic architecture of the downtown Main Street, even though federal post offices somehow manage to be built in startlingly modernistic contrast to colonial, Greek or Victorian downtowns. The federal government will save the local culture. But the federal government condemns and tears down towns with houses by the hundreds for National Parks. But what are the biggest changes in local culture in the last couple of centuries? To start—the automobile, the movement of the workplace from the home to the job site elsewhere, now of both husband and wife. The decline of rural churches, rural agriculture, the end of the one-room school house, the decline of river trade in many areas. And so on. What have these to do with federal policies? About all the federal government can do is promote local museums. If it tries to direct the evolution of the culture by central planning, even less rural prosperity will be the result. Remember the big impact of these preservation programs is on rural, not urban, America.

But let us move aside from the issues of culture and historic preservation, often used

as arguments for the American Heritage Rivers program, to the ones which are at the heart of our concern: the need to control pollution, the need to impose regional planning and the need to control the growth of population, which is related to the perceived planning need. These are the three key areas noted in the official pronouncements nebulously describing the American Heritage Rivers program, and I think that these will be the areas where property rights will be threatened.

PRESERVATIONIST LAND DESIGNATION

My field of concern is private property rights. Private property rights are fundamental to the exercise of all our freedoms. One of my special areas of interests is land designations. Land designations may be honorific, as the U.N. Biosphere Reserves purport to be; pre-zoning, as in the Northern Forest Lands program for New York, Vermont, New Hampshire and Maine; or grandiose direct regional zoning as is the federal Columbia River Gorge Commission, Lake Tahoe Commission mention by Mr. Meese last night and New York State's Adirondack Park Agency which includes 3 million acres of private land, or as were the original plans for the Hudson Valley Greenway.

I got into the problem of these designations because of a 1990 New York study, for the future of the Adirondacks where I unfortunately reside. I obtained the back-up, already-written legislation, which, in conjunction with the report, called for 2,000 acre per house zoning, removing houses where they were visible from highways, which were to become mere travel "corridors," and the acquisition of 2/3 million acres of additional government land from private property owners. I discovered two other overlapping designation programs at the same time—the Northern Forest Lands program for federal zoning over 26 million acres of land, and the Champlain-Adirondack Biosphere Reserve. South of us was the Hudson River Greenway.

We did a tremendous amount of research to ferret out the significance of the Biosphere Reserve designation. Basically, we discovered that the land areas were to be preserved, though whatever government programs are available, by dividing them into core, buffer and transition areas. Core areas, which are to have no permanent human habitation, are to be connected by corridors, also known in the international environmental circles as "land bridges."

In the preservationist's literature, much of it making most peculiar reading, the prime land bridges are considered to be the riverine corridors, the riparian strips, or, put simply, the rivers and the land along them.

Environmental thinking today is to preserve ecosystems connected by corridors. The most extreme presentation of the thinking is in the "wild lands" program, where the core areas, sometimes trumpeted as "ecosystems," are connected by corridors and gradually the cores eat up the buffer areas, the corridors become wider and wider and over the years only isolated areas of inhabited space remain within a thick grid of once small core areas and once narrow corridors. In the end, according to the leading thinkers, 90 percent of the area of the contiguous states is to become entirely wild, with cities in these areas to become only hulking ruins as reminders to the ugly days when civilization predominated. These outlandish ideas are funded lucratively by the Pew charitable trust, the Turner Foundation and others, and so have actually gained ground, but although these ideas are repeatedly in print,

the environmentalists will lie through their teeth and deny them when convenient.

I oppose the American Heritage Rivers program for what it does on its face and for what it obviously represents to the environmentalists. The American Heritage Rivers program is one of the top two or three most important programs to those who support the protection of the environment through federal controls. All of these organizations, from the National Audubon Society to the National Trust for Historic Preservation to the Wildlands Project oppose private property rights.

PURPORTED PRACTICES

When speaking publicly, advocates of the American Heritage Rivers program present it as having two main purposes, easing the way of localities in their dealings with federal regulatory agencies and helping to make federal grants available to localities.

HISTORY OF PROGRAM

In my estimation, the American Heritage Rivers program is a substitute for the failed generic American, or National, Areas program which was the subject of a three-year pitched battle in Congress. This battle started in the Democratic Congress, was blocked by our friends, and then went into the Republican Congress, where the national property rights movement organized and the program was defeated. The environmentalists wanted it so badly that, behind the scenes, they offered to concede one of their hardest fought action areas, grazing reform, to have the Heritage Areas bill pass, but the property rights movement prevailed—in spite of an iffy Republican Congress. At the end of the 104th Congress, an Omnibus National Parks bill passed with a number of individual American or National Areas included, adding to the former ones, and the total of Congressional designations is now sixteen. This includes the Hudson in New York, where even Congressman Jerry Solomon, who long blocked the program, acquiesced, first under pressure from Gingrich to help a New York Democrat Maurice Hinchey in order to get Dems on board, and then in response to the local Republican machine's desire for porkbarrel. This year there is another omnibus parks bill gestating, and more American Heritage porkbarrel Areas may be designated by Congress under Republican leadership.

The President announced in his 1997 State of the Union that he would designate ten American Heritage Rivers, which surprised all of us—we are not insiders. The President's Council on Environmental Quality presented a first description of the program in the Federal Register in May 1997, and early in September 1997 the President issued his executive order with further description. All of the material is quite nebulous, but certain details and phraseology are most revealing. There were also sworn testimonies by the director of the President's Council on Environmental Quality, Katie McGinty, at a July 1997 Congressional oversight hearing and again at a September 1997 Congressional hearing on a bill to stop funding, when a number of national leaders and grassroots activists of the property rights movement spoke. I have noticed that the sworn promises of compromises by Katie McGinty are often meaningless and that the seeming concessions to home-rule in the official publication are also of no importance to the Council when an important designation like that of the entire length of the Hudson River, submitted by Governor Pataki, is under consideration. In that case the promise of the need

for community initiation and support was circumvented and the designation actually kept secret as to the areas to be included so that the touchier regions wouldn't know enough to protest.

I was invited to speak at the September 1997 Congressional hearing. You are welcome to take copies of my presentation, which was available on one of the information tables. The hearing was on Representative Helen Chenoweth's important bill H.R. 1832, to deny the use of any federal funds for the American Heritage Rivers program. There is a national drive to add to the current 52 sponsors in the House for Representative Chenoweth's bill. Copies of the bill are on the table. Please take a copy and do your best to bring your Representative on board as a co-sponsor.

The Mountain States Legal Foundation also has a lawsuit constitutionally challenging the American Heritage Rivers program—on Representative Chenoweth's behalf. By using an executive order to establish the program, Clinton has usurped the legislative power of Congress, which is a violation of separation of powers. The case is before the D.C. Circuit Court of Appeals.

EFFECTIVE MEANS TO DENY PRIVATE PROPERTY RIGHTS

The American Heritage Rivers program brings grants, computer monitoring and a juggernaut of federal agencies together with the potential to effectively increase government control over private property and thereby deny private property rights.

GRANTS AND ZONING

Using grants as the camel's nose under the tent or as the direct incentive, state and federal government agencies will effectuate the enactment of stricter local, regional or state-levels zoning. Keep in mind that the preservationists think that it is just as good if locals carry the gun for state or federal level elite planning. Basically, this type of zoning is directed to the gentrification of the countryside, and trying to preserve a beautiful, largely imagined remembrance of the countryside, with no smells, no independently practiced home industry, such as the blacksmiths of the past—the modern counterparts ranging from machine shops to junk yards and gas stations, and no mines or manufacturers as once flourished. They seek to enact a rural landscape of bucolic agriculture and forest extending beyond strictly bordered hamlets. One could spend the time of an entire conference such as this Eagle Forum and begin to touch on the ways that preservation zoning carried out on either a state or local level has destroyed businesses, ruined families and bankrupted innocent people, even sent them to jail.

Just last month I spent a weekend reviewing the pro se (without a lawyer) petition to the U.S. Supreme Court of a bankrupt Massachusetts dairy farmer. He had lost his \$25 million farm and was living with his aged wife in small rented quarters. He was desperately hoping to be heard by a nation's highest court without the help of lawyers, for which he had absolutely no more money, all because of zoning enforced by a local preservationists group. We have many more such heartbreaking examples.

A good example of how a voluntary federal land-use program working in conjunction with grants brings in excessive local zoning is the 1972 federal Coastal Zone Management Act. In 1996 the town of Coxsackie, New York, defeated, a so-called Local Waterfront Rehabilitation Plan, or LWRP, which was basically strict preservation-oriented zoning

for the entire township, extending several miles from the river. This planning was promoted by the New York State Department of State to implement the Coastal Zone Management Act. Extremely capable, civic-minded people had to work hard to stave off this basically federal program disguised by the trappings of various state and regional agencies. Grants also promote the full complement of greenway as aspects, namely trails and land acquisition. Land regulation will pressure people into selling out.

COMPUTER MONITORING

The program description promulgated by the Council on Environmental Quality heralds the ability to instantaneously update a publicly available, computerized "state of the river" monitoring of individual river pollution, planning and population. In my opinion, this federal computer monitoring will be by geographic information systems, or GIS, or digitalized data converted on a coordinate basis to computer mapping of overlays of data. Four years ago I wrote a report exposing the Adirondack Park Agency's GIS system of about 30 databases from local assessment records to satellite space imagery. The surveillance capacity is quite serious. Just this year, it came out in the Wall Street Journal that building departments in the U.S. are contracting with the Russian space agency to obtain photos for enforcement purposes. I think that this computer monitoring is also geared to so-called citizen enforcement suits, for both pollution and zoning enforcement. People's lives have been destroyed by such suits. Logging in some national forests has come to a near halt. This year, citizen suit activists have begun bringing proceedings to stop all land activity in entire watersheds because the rivers fed by these watersheds are not up to federal standards.

JUGGERNAUT OF AGENCIES

The federal agencies which are part of the American Heritage Rivers program are the Departments of Agriculture (which includes the National Forest Service), Defense (which includes the Army Corps of Engineers), Justice, Interior (which includes the National Park Service and the Fish and Wildlife Service), Energy, Housing and Urban Development, Commerce, Transportation, Environmental Protection Agency, National Endowment for the Humanities, National Endowment for the Arts, the Advisory Committee on Historic Preservation, and the President's Council on Environmental Quality. The Corps of Engineers is evolving into the lead agency, for some reason. I have noticed that the Department of Defense is heading and providing headquarters for a Pennsylvania Heritage area program for logging heritage. These thirteen agencies form the American Heritage Rivers Interagency Committee. I think that these agencies, especially the U.S. Fish and Wildlife Service, the National Park Service, the EPA, and the Corps of Engineers, will become a juggernaut of enforcement of federal regulations and that, with their state contacts, will even enable state environmental enforcement to be more effective and harsh.

THE 1998 DESIGNATIONS

On July 30, following the recommendations of an advisory council of typical participants such as the key environmental groups and political figures from particular heritage areas, President Clinton made the first ten designations at West Jefferson in Ashe County on the New River in Virginia, near the borders of West Virginia and Kentucky. It was widely noted that President Clinton

chose that location because he could simultaneously stump in Raleigh for Democrat John Edwards who is running against one of Clinton's most outspoken opponents, North Carolina Senator Lauch Faircloth.

The first ten rivers are the Hudson, the Mississippi from St. Louis north, the Connecticut, Rio Grande in Texas, Potomac, New River in three States, Detroit River in Michigan, Hanalei in Hawaii, St. John's in Florida, and the Willamette in Oregon. Movement has already started toward adding the rest of the Mississippi, the Susquehanna and Lackawanna watershed and certain rivers in Massachusetts.

The Hudson, Connecticut and northern Mississippi Rivers could potentially make up so much area that it's hard to imagine that selection of grants would be narrowed. It is impossible to know how much area on each side of a river will be included. When I led a contingent of national grassroots property rights leaders to interview Katie McGinty in June 1997, and we asked her this question, she made the odd statement that a watershed varies in its definition. Since a watershed is a scientific term defining geography, this was surprising. But her non-answer did reveal that the designation could be wider than the usual county width for Heritage areas.

I have spent about nine years exposing such designations, including those involving the UN. This one has the noxious characteristics typical of the thinking of the internationalist crowd who not only think of local government as their tool but also think that way of state and the U.S. government.

These are practical matters affecting people today, however. To return to my New York State example, nobody is going back to Congress to ask to repeal the 1972 Coastal Zone Management Act because in 1998 a little town of Coxsackie in New York is worried about the LWRP zoning for the entire town. Five, ten or twenty years from now the layers of bureaucracy implementing facets of the American Heritage Rivers program will become unfathomable. Law enforcement is confusing enough today. Federal, State, and local law overlap to regulate wetlands, for instance.

During the founding period of this nation, the founders did not want amorphous layers of government whose responsibility for particular impacts was disguised or unclear. They decided that the federal government should rule directly where federal powers applied, rather than coerce the states to pass laws. Today, people have trouble knowing the source of rules regulating their lives. I can describe how federal flood insurance law is carried down through the federal government to the state to the local enforcer, but can one of 100 citizens do this?

The courts have not held that federal incentives to pass state or local laws are unconstitutional, but I believe that these incentives result in a wrongful blurring of responsibility. I think that the same lines of reasoning that argue against the federal government compelling states to regulate apply to the federal government offering or withholding financial aid to persuade States to regulate.

In 1992 when New York blocked the United States government from forcing the State to adopt its own nuclear waste, the U.S. Supreme Court said, " * * * where a Federal Government compel states to regulate, the accountability of both state and federal officials is diminished."

People who have the frustration of dealing with this shuffling of responsibility when

federal incentive programs are carried out at the local level do indeed currently experience lack of accountability.

SUMMARY

In opposing the American Heritage Rivers program, we have to fight on the basis of an undefined program. We can argue against the American Heritage Rivers program

(1) on the basis that the reasons offered for the program—grants and alleviation of regulatory problems—are not a logical explanation for it;

(2) on the basis of experience with other pre-zoning programs and seeing how pre-zoning designations pan out;

(3) on the basis of who the program's advocates are and what they have been broadly seeking;

(4) on the basis of the involved agencies and how they have already negatively affected private property rights and local representative government and;

(5) and on the basis of the description of the program.

There is no American Heritage Rivers program description which says in the regulatory language normally promulgated that party A writes the grant terms, party B finds the grants for interested entities, and party C sets the terms for modifying local laws and effectuating certain programs in order to get the grants or the regulatory relief.

On another note, there is certainly no party D who holds hearings and lays out the economic implications of the specifics of the program under the requirements of the National Environmental Policy Act, NEPA.

Published descriptions of the program do not spell out how the environmental preservation groups plan to utilize the computerized state of the river information.

There is nothing in writing that spells out how agencies will be more effective. It is supposedly just better internal management. And other agencies say that GIS is supposedly non-threatening.

In opposing the program, as we did in opposing the Congressional program, we argue most simply that the American Heritage Rivers program is a very large scale attempt to impose national zoning. It is a part of a long pattern of unsuccessful and successful steps to impose federal control of land-use. The 1970's Jackson-Udall Congressional effort at national zoning was defeated, but many subsequent programs with great effectiveness at such federal control of land-use are in place—wetlands and endangered species protection being the most far-reaching.

STOP THE VIOLENCE IN KOSOVA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BONIOR. Mr. Speaker, for the past two hundred and fifteen days, the people of Kosova have endured unfathomable brutality and suffering at the hands of Serbian-Yugoslavian authorities.

Over four hundred thousand ethnic Albanians were forced to leave their homes, and more than seven thousand were murdered.

Tragically, these atrocities are still happening.

Homes and villages are being burned, and innocent civilians, including women and children, are being slaughtered.

For nine years, Serbia has repressed and harassed the people of Kosova.

Leaders of the Western world were continuously warned about the distressful situation in Kosova.

But the Western world did not heed those warnings.

In fact, we are still sitting on the sidelines, while we debate what to do.

This indecisive behavior is allowing Slobodan Milosevic to carry out his campaign of ethnic cleansing, violating the human rights of the people of Kosova.

The West must act, and if the West does not act, the United States must act. We cannot wait.

We must remember the commitments that have been made to protect ethnic Albanians in Kosova.

We must not stray away from those commitments now, even though it means making difficult decisions.

We brought peace to the people of Bosnia only after we showed Milosevic that his brute force would be countered with swift and decisive military action.

Now is the time to make sure he knows he faces the same consequences if the violence in Kosova is not put to a stop.

The people of Kosova are being brutalized, and we must not allow it to continue.

HONORING MR. LARRY J. CRISMON
FOR HIS 13TH PASTORAL ANNI-
VERSARY OF BRIGHT TEMPLE
CHURCH OF GOD IN SHELBY-
VILLE, TN

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Larry J. Crismon and his thirteen years of service as the pastor of Bright Temple Church of God in Shelbyville, Tennessee.

On Sunday, October 11, 1998 the congregation of Bright Temple will come together to honor Pastor Crismon and his wife Audrey for their dedication to the church and their service unto God. I would like to join the congregation in its celebration of the long and distinguished career of Pastor Crismon.

Pastor Crismon's service extends beyond the walls of his church. He has been active in community affairs by serving on the boards of the Red Cross, United Way, Ministerial Alliance, Vocational Advisory Committee, Families First, Child Development Center, Bedford Countains United For a Better Tomorrow, South Tennessee Counseling Association, Tennessee Eastern Second Jurisdiction, and Auxiliaries in Ministry. There is no question that Pastor Crismon's tireless work has made his community a better place for all of its people.

I congratulate Pastor Crismon on his accomplishments and wish him many more years of providing spiritual guidance and community leadership to the people of Shelbyville, Tennessee.

TRIBUTE TO THE HONORABLE
HENRY HYDE

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CALLAHAN. Mr. Speaker, I rise today to share a recent article by syndicated columnist James Pinkerton that pays tribute to the Honorable Chairman of our Judiciary Committee, HENRY HYDE.

The article eloquently points out that Henry is a man of great integrity and unmatched character. Not only has he served us well in the House, but also bravely served our country in combat. I respectfully request that the article be placed in the RECORD so that we can all catch a glimpse into Henry's great contributions and selfless work for this country.

[From the Los Angeles Times]

DON'T ATTACK HYDE FOR INDISCRETIONS OF
DECADES AGO, HE'S PAID HIS DUES

(By James Pinkerton)

For two centuries, Henry Hyde said Monday, "Americans have undergone the stress of preserving their freedom." The chairman of the House Judiciary Committee, born in 1924, has been alive for a third of that time, yet most Americans probably didn't know of him until recently.

So who is Henry Hyde? For most of his 23 years as a congressman from Illinois, he has been known for his opposition to abortion. Yet he will also be remembered now as the "family values" conservative who had a four-year affair with a woman other than his wife. Hyde acknowledged the relationship, but the less-than-wisely referred to his 40-something fling as a "youthful indiscretion."

But, if Hyde thinks 40 is young, that might be because he grew up too soon. Because, if what he did three decades ago is of interest, what he did five decades ago, when his country needed him, should be remembered as well.

Hyde joined the Navy at 18, foregoing a basketball scholarship to Georgetown University. For young men such as Hyde, there was no choice after Pearl Harbor. "It was our turn, we did our duty," he said in a recent interview.

Commissioned as an ensign in 1944, he commanded an LCT (landing craft, tank). "A floating bed pan," he called it. His baptism by fire came on Jan. 9, 1945, when Americans went ashore at Lingayen Gulf, in the Philippines.

Hyde remembers that operation more as hard work than as heroism: "Day and night, loading and off-loading." The hardest part of his job, he added, was finding his mother ship out in the bay at night: "We all had to keep our lights off." Why? "Kamikazes," he answered simply. Indeed about 150 Japanese suicide aircraft hurled themselves at U.S. ships during the Lingayen landing, sinking 17 vessels and damaging 50.

One who also remembers the kamikaze attacks at Lingayen is Bob Stump, now a Republican congressman from Arizona. As a teenager, he was a medic abroad the carrier Tulagi. "You'd heard the five (anti-aircraft guns) firing and you'd know they were coming," Stump remembered recently. "Then you'd hear the 40 millimeters firing and you'd know they were close. Then you'd hear the 20 millimeters firing and you'd know they were on top of you." Total U.S. Navy

fatalities for the Philippines campaign amounted to 4,336.

Despite spending four years of his young life in the Navy, Hyde graduated from Georgetown University at 23; he was eager, like the rest of the GI generation, to get on with his life. Yet he gets a reminder of the war every time he flies home and lands at O'Hare International Airport, which lies within his suburban Chicago district. It is named for Edward "Butch" O'Hare, a Navy pilot in the Pacific who earned the Medal of Honor in 1942 and was killed the next year. He was 29. "Most people have no idea what he did," Hyde observed, "which is a shame."

A half-century later, some are furious that Hyde is investigating Bill Clinton, who is also a Georgetown alumnus—although one who never let military service interrupt his academic career. *Salon* the online publication, first revealed Hyde's long-ago affair. Mustering up the sort of faux courage appropriate for a faux magazine, the editors declared that they were, in pushing the story, "fighting fire with fire."

Fire? Hyde, Stump and 12 million more were touched by fire during World War II. After surviving the Big One, Hyde regards the word-warriors of Washington as unpleasant, perhaps even stressful, but not particularly intimidating.

Hyde's enemies will no doubt continue to attack, while friends such as Stump, who did not meet his fellow Pacific theater vet until the 1970s, will continue to admire. "Henry is probably the most respected and brightest person here," Stump said.

But Hyde's reputation will surely survive because it is rooted in service to the nation that began before the incumbent president was even born. Asked to sum up his current mission, Hyde said, "We have an obligation to make America the kind of country those guys died for." From most politicians, such talk is cheap. But from Hyde, it is precious, because it was paid for in for in the oft-forgotten currencies of duty, honor and sacrifice.

INTRODUCTION OF THE ALL-PAYER GRADUATE MEDICAL EDUCATION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CARDIN. Mr. Speaker, I rise today to introduce the All-Payer Graduate Medical Education Act, legislation that I have authored to improve the funding of America's teaching hospitals and to ease the burden on the Medicare Trust Fund. In introducing this legislation, I do not seek to preempt the important work of the National Bipartisan Commission on the Future of Medicare, but rather, to present a concrete proposal for consideration by Congress.

We have recently learned that medical care costs will double in the next 10 years. Health care budgets, including Medicare, will be caught in the vise of increasing costs and limited resources. We must try to restrain the growth of Medicare spending, while protecting our teaching hospitals that rely on Medicare and Medicaid as major sources of funding for graduate medical education.

America's 125 academic medical centers and their affiliated hospitals are vital to the Na-

tion's health. These centers train each new generation of physicians, nurses and allied health professionals, conduct the research and clinical trials that lead to advances in medicine, including new treatments and cures for disease, and care for the most medically complex patients. To place their contributions in perspective, academic medical centers constitute only 2 percent of our Nation's non-Federal hospital beds, yet they conduct 42% of all of the health research and development in the United States, provide 33% of all trauma units and 31% of all AIDS units. Academic medical centers also treat a disproportionate share of the Nation's indigent patients.

To pay for training the Nation's health professionals, our academic medical centers must rely on the Medicare program. But Medicare's contribution does not fully cover the costs of residents' salaries, and more importantly, this funding system fails to recognize that graduate medical education benefits all segments of society, not just Medicare beneficiaries. At a time when Congress is constantly reviewing and revising the Medicare program to ensure that the Trust Fund can remain solvent for future generations, GME costs are threatening to break the bank.

The All-Payer Graduate Medical Education Act will distribute the expense of graduate medical education more fairly by establishing a Trust funded by a 1% fee on the health care premiums. Teaching hospitals will receive approximately two-thirds of the revenue from the Trust, while the remaining third, approximately \$1 billion yearly, will be used to reduce Medicare's contribution. The current formula for direct graduate medical education payments is based on cost reports generated more than 15 years ago, and it unfairly rewards some hospitals and penalizes others. This bill replaces the current formula with a fair, national system for direct graduate medical education payments based on actual resident wages.

Critics of indirect graduate medical education payments have complained that hospitals are not required to account for their use of these funds. The All-Payer Graduate Medical Education Act requires hospitals to report annually on their contributions to improve patient care, education, clinical research, and community services. The formula for indirect graduate medical education payments will be changed to more accurately reflect MedPAC's estimates of true indirect costs.

My bill also addresses the supply of physicians in this country. Nearly every commission studying the physician workforce has recommended reducing the number of first-year residencies to 110% of American medical school graduates. This bill directs the Secretary of HHS, working with the medical community, to develop and implement a plan to accomplish this goal within five years. An adequate supply of medical providers is vital to maintaining America's health and containing our health care costs.

Medicare disproportionate share payments are particularly important to our safety-net hospitals. Many of these hospitals, which treat the indigent, are in dire financial straits. This bill reallocates disproportionate share payments, at no cost to the federal budget, to hospitals that carry the greatest burden of poor patients. Hospitals that treat Medicaid-eli-

gible and indigent patients, will be able to count these patients when they apply for disproportionate share payments. In addition, these payments will be distributed uniformly nationwide, without regard to hospital size or location. Rural public hospitals, in particular, will benefit from this provision.

Finally, because graduate medical education encompasses the training of other health professionals, this bill provides for \$300 million yearly of the Medicare savings to support graduate training programs for nurses and other allied health professionals. These funds are in addition to the current support Medicare provides for the nation's diploma nursing schools.

The All-Payer Graduate Medical Education Act creates a fair system for the support of graduate medical education—fair in the distribution of costs to all payers of medical care, fair in the allocation of payments to hospitals. Everyone benefits from advances in medical research and well-trained health professionals. Life expectancy at birth has increased from 68 years in 1950 to 76 years today. Medical advances have dramatically improved the quality of life for millions of Americans. Because of our academic medical centers, we are in the midst of new era of biotechnology that will extend the advances of medicine beyond imagination, advances that will prevent disease and disability, extend life, and ultimately lower health care costs.

Although few days remain in the 105th Congress, the valuable services performed by America's academic medical centers are never-ending. I am introducing this bill today for consideration by Congress, the Bipartisan Commission on the Future of Medicare, and the numerous provider and patient communities who will be affected by its provisions. When the 106th Congress convenes early next year, I will reintroduce the bill.

I urge my colleagues to join me in protecting America's academic medical centers and the future of our physician workforce, the wellsprings of these advances, by cosponsoring the All-Payer Graduate Medical Education Act.

HONORING DR. JUAN ANDRADE,
JR.

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. VISCLOSKEY. Mr. Speaker, it is with great pleasure that I congratulate one of Northwest Indiana's most distinguished citizens. Dr. Juan Andrade, Jr., of Griffith, Indiana, was recently selected to receive the 1998 Hispanic Magazine's Lifetime Achievement Award. The award was presented to Dr. Andrade in San Francisco on August 25, 1998. Presented by Bank One, this award is in recognition of Dr. Andrade's career as a community organizer, national leader, television commentator, motivational speaker, and co-founder of the United States Hispanic Leadership Institute (USHLI).

Born in Brownwood, Texas, Dr. Andrade began his lifelong quest to empower Hispanic

Americans while still a youth. He credits his mother, Julia Andrade, for instilling in him a sense of humor and a strong work ethic. Dr. Andrade utilized both while working through twelve years of public school and five years of college. Since beginning his distinguished career over thirty years ago, Dr. Andrade has made headlines as the first Latino in the nation to be arrested for using his Spanish-language skills to teach high school civics, the first Latino State Director for nonpartisan voter registration in Texas, the youngest Chairperson of a Community Action Agency in Texas, and the only Latino political commentator on an English-language television station (WLS-TV, ABC's Chicago affiliate) in the nation for six years. In addition, Dr. Andrade was an influential organizer of the United States Hispanic Leadership Conference (USHLC), now in its sixteenth year.

Indeed, through his outreach, political expertise, and motivational speaking, Dr. Andrade has influenced a whole generation of young Hispanic American leaders. To further their education and opportunities, the "Juan Andrade Scholarship for Young Hispanic Leaders" was established in recognition of his tireless efforts to motivate and train young Hispanic leaders. Since 1994, this fund has awarded over one hundred thousand dollars in scholarships to young Hispanic leaders. Moreover, Dr. Andrade has not only influenced many of our nation's future leaders, he has influenced and helped mold many of today's business, civic, and national leaders. His exemplary efforts have been acknowledged by many; he has been named the "Chicagoan of the Year" by the Chicago Sun-Times, one of the "100 Most Influential Hispanics in America" three times by the Hispanic Business Magazine, and a "Distinguished Alumni" by Howard Payne University. Though Dr. Andrade has been honored for his lifetime achievement, he intends to continue his endeavors. In addition, he plans to spend time with his wife, Maria Elenia, and their four children and two grandchildren.

As President John F. Kennedy said, "It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won." His words are as poignant now as they were on that Fourth of July in 1960. As our country heads into the twenty-first century, we must address many new problems and issues. Dr. Andrade is preparing tomorrow's leaders to deal with these multi-faceted problems and issues.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Dr. Juan Andrade, Jr. for his selection as the 1998 recipient of Hispanic Magazine's Lifetime Achievement Award. Dr. Andrade's efforts to train a new generation of leaders to solve our future problems and create new opportunities for our nation is the work of a true visionary. His vision and self-sacrificing labors to accomplish his goals have positively changed our country for the better. From Indiana's First Congressional District to Washington, D.C., we have seen the Hispanization of America. I am confident that with dedicated, upstanding citizens like Dr. Andrade helping our young people mature into adult leaders, the future of the United States is safe and in

good hands as we enter the twenty-first century.

RECOGNIZING THE WORLD WAR II VETERANS OF "IVORY SOAP"

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise today to recognize some 5,000 World War II veterans of "Ivory Soap," a most unusual team of Army Air Forces, Navy Armed Guards, and civilian Merchant Marines who have gone unrecognized for 53 years for their contributions in bringing peace to the Pacific war. During 1944 and 1945, they served aboard 24 specially modified Liberty and auxiliary ships that operated as floating aircraft depot repair and maintenance shops. These supported our bomber and fighter forces on the front line of battle during the Pacific island hopping campaigns.

Hundreds of B-29 bombers and P-51 fighters returned to battle to fight again because of these depot and maintenance ships. This is another one of the never-told stories out of the dust vaults of declassified secret records. This story was uncovered by one of the ship's crew seeking his comrades for a reunion. Only in the last few years have these documents been released to the public.

The project's code word was "Ivory Soap," appropriately selected, because "it floats." This effort was so important to our air war in the Pacific that the Joint Chiefs of Staff were directly involved in its development. Because of the secret classification and the dispersal among the islands of these ships, few of the veterans ever knew of the extent and effectiveness of their tasks.

Now that the word is out, a group of veterans from the ships have begun a search to find their shipmates so they may hold combined reunions to share their pride in being part of this special project.

A combined reunion began today in Washington, D.C., and will run until October 11, 1998. The surviving veterans' ages run from their 70s to their 90s. I extend my best wishes and salute our heroes for their contributions and service to this great country. May the reunion brighten their spirits and bring together their comrades to renew old friendships.

A TRIBUTE TO LT. ELPIDIO "PETE" RAMIREZ ON THE OCCASION OF HIS RETIREMENT AFTER 26 YEARS OF SERVICE TO THE LOS ANGELES CITY HOUSING AUTHORITY POLICE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize Lieutenant Elpidio "Pete" Ramirez on the occasion of his retirement from Los An-

geles City Housing Authority Police Department, after 26 years of dedicated service.

In 1957, Pete graduated from Cathedral High School. After graduation, he joined the United States Navy where he served on the USS Fortified, the USS Wabash and the USS Esteem. In the Navy, he reached the rank of Fireman First Class. Pete received an Associate of Arts Degree from Rio Hondo Community College, and in March 1980, he graduated from the Golden West Police Academy.

Pete began his law enforcement career with the Baldwin Park Police Department as a Reserve Police Officer in 1960. In 1964, he transferred to the Montebello Police Department where he served as a Reserve Police Sergeant. After his five years with the Montebello Police Department, in 1969 Pete transferred to the United States Marshals Service.

In 1971, Pete joined the Los Angeles City Housing Authority Police Department. As a police officer with the Housing Authority, he served in several assignments including patrol and footbeat. On one occasion, while Pete was handling a routine call, he was ambushed and sustained severe gun shot wounds which caused life-long injuries to his back. After recovering from his injuries, Pete continued working for the Housing Authority Police Department. In 1983, Pete was promoted to the rank of Sergeant and in March of 1994 he was promoted to Lieutenant.

Pete's career as a public servant is highlighted by over 20 years of service as an elected official. He served on the El Rancho Unified School District Board of Education from 1976 to 1993. In 1997, he was elected to the Pico Rivera City Council. He is also a member of the American Legion and the Optimist Club.

In his retirement, Pete will spend his time with his wife Socorro, his children and grandchildren, including his 2 year old granddaughter, Whisper, who currently lives with him in Pico Rivera, California.

Mr. Speaker, on June 17, 1998, Pete retired from the Los Angeles City Housing Authority Police Department. I ask my colleagues to join me in saluting Elpidio "Pete" Ramirez for his loyal and dedicated service to the Los Angeles City Housing Authority and the residents of the City of Los Angeles and for his continued commitment to outstanding public service.

TRIBUTE TO BRUNO NOWICKI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor an outstanding gentleman, Mr. Bruno Nowicki, ninety years young, on the occasion of his Testimonial Banquet on October 11, 1998 at the Polish Century Club in Detroit.

Bruno Nowicki was born in Poland and came to the United States in 1926 as an exchange student at Carnegie Tech in Pittsburgh. After one semester, he began to work as a reporter for the Polish newspaper, and subsequently moved to Chicago and then to Detroit where he started the Hamtramck Business World in 1931.

He changed course in 1936 and opened a monument business in the metropolitan Detroit area. Bruno sold not just cemetery memorials, his work included designing and building monuments that celebrate Poland. After fifty years in the monument business, Bruno "retired" to return to the Polish newspaper he left 50 years earlier and of which he later became a partial owner. This year, he was honored by the U.S. Conference of Polish Newspapers as "the oldest Polish newspaperman working in the United States."

Actively involved in communities in both Poland and the United States, Bruno served on the Board of Governors of the Detroit Public Library, a founder of the Polish Riverfront Festival whose contributions benefit children's hospitals in Poland, and on the Board of the Polish Daily News. Bruno is a member of the Polish Century Club, the American-Polish Century Club, the Smith Old Timers, and the Monday night Lotto Club.

An avid chess player, Bruno still participates in tournaments around the world where he "wins his age division."

Bruno believes that "no one has created a better way to perpetuate history and deeds than by monuments which endure and remind future generations of the contributions of the past." A designer, not a sculptor, he set out to work with others to design and build monuments that would remind future generations of the American-Polish culture and heritage. His first monument is the Veteran's War Memorial, dedicated in Hamtramck in 1950, listing the names of the servicemen and women who died in World War II and Korea. Additional names of those who fell in the Vietnam War were subsequently added.

Bruno's other monuments depicting the arts, science and religion can be seen in the Polish room of the Ethnic Conference and Study Center at Wayne State University, Detroit Main Library, Hamtramck Public Library, Alliance College in Pennsylvania, Interlochen Music School and Academy, Detroit Science Center, and of course, his statue in Hamtramck of Pope John Paul II commemorating the first Polish Pope.

Mr. Speaker, I ask my colleagues to join me in extending our best wishes to this remarkable man and close friend for good health and happiness as he continues his work to ensure that Poland's people and its history will live on and the role of Polish-Americans fully understood and acknowledged in the United States of America.

**ANKARA'S DECISION TO SENTENCE
LEYLA ZANA A BLATANT VIOLA-
TION OF FREEDOM OF EXPRES-
SION**

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. FURSE. Mr. Speaker, I rise today to express my indignation over the decision of the Turkish government to sentence Leyla Zana, the Kurdish parliamentarian who is currently serving a 15-year sentence, to 2 additional years in prison as a blatant violation of the

freedom of expression and an insult to her supporters worldwide.

This time, the Turkish authorities charge that Leyla Zana broke the law in a letter she wrote to the People Democracy Party (HADEP) to urge them to be forthcoming, diligent, decisive and to push for individual and collective freedoms. The fact that Leyla Zana has been charged with inciting racial hatred reveals that Turkey is a racist state and continues to deny the Kurds a voice in the state.

As my colleagues know, Leyla Zana is the first Kurdish woman every elected to the Turkish parliament. She won her office with more than 84 percent of the vote in her district and brought the Turkish Grand National Assembly a keen interest for human rights and a conviction that the Turkish war against the Kurds must come to an end. Last year, 153 Members of this body joined together and signed a letter to President Bill Clinton urging him to raise Leyla Zana's case with the Turkish authorities and seek her immediate and unconditional release from prison.

Leyla Zana was kept in custody from March 5, 1994, until December 7, 1994 without a conviction. On December 8, 1994, the Ankara State Security Court sentenced her and five other Kurdish parliamentarians to various years in prison. Leyla Zana was accused of making a treasonous speech in Washington, DC., other speeches elsewhere, and wearing a scarf that bore the Kurdish colors of green, red, and yellow. This year marks her fifth year behind the bars.

Today, in Turkish Kurdistan, 40,000 people have lost their lives. More than 3,000 Kurdish villages have been destroyed. Over 3 million residents have become destitute refugees. Despite several unilateral cease-fires by the Kurdish side, the Turkish army continues to pursue policies of hatred, torture and murder, and genocide of the Kurdish people.

Mr. Speaker, as I finish my sixth year in office as a Member of the United States Congress, I find it outrageous that the government of Turkey, after so much outcry, after so much petitioning and after so much publicity would dare to punish her again incensing her friends and supporters all over the world. There is only one word that comes to my mind and it is, fear, Mr. Speaker. The government of Turkey is afraid of Leyla Zana and it thinks it can lock her away forever. That was the story of those who locked Nelson Mandela. The longest nights, Mr. Speaker, give way to bright dawns. Mr. Mandela is a public servant now. And the world is grateful.

People like Leyla Zana who utter the words of reconciliation and accommodation need to be embraced, validated, and freed. I urge the government of Turkey to set aside its conviction of Leyla Zana and free her immediately, and I urge my colleagues and government to condemn her conviction and make her release a priority.

IN HONOR OF FRANK VELTRI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Mayor Frank Veltri of Plantation, FL. He

is retiring after 24 years of service in this role, the culmination of a long history of public service to the community of South Florida.

Frank Veltri's private sector career began in 1932 at the age of 20. He was auditor for the Dinkler Hotel System before moving onto a more daring pursuit in 1942. It was in that year that Frank became a flight instructor and flight commander for the RAF British Flight Training School Number 5 at Clewiston, FL. Frank settled into a niche following his stint as a flight instructor and became quite involved at the First Federal Savings and Loan Association of Miami, Beginning work at this association in 1945, his rise in stature is quite astonishing. Starting as a teller, assistant auditor, and chief accountant at the Association in Miami, Frank ultimately rose to the positions of Comptroller, Vice President, and Executive Vice President-Treasurer of the First Federal Savings and Loan Association of Broward County, FL.

Broward County has profited immensely from the dedication and hard work of Frank Veltri. As far back as 1953, when Frank initially joined the Fort Lauderdale Chamber of Commerce, he became involved in all types of civic matters. He has been the Chief of the Plantation Volunteer Fire Department as well as the Director of the Fort Lauderdale Chapter of the American Red Cross. Additionally, he has been a member of the Plantation Chamber of Commerce, serving as both its Director and President. Lastly, Frank was elected to serve on the Plantation Council, a predecessor to his Mayoral election in 1975. Since 1975, he has been reelected for 5 consecutive four-year terms. This is truly a testament to the quality of his work for the people of South Florida.

The list of Committees on which Frank has served is also quite extensive. He has been a Member of the Broward County Metropolitan Planning Organization since 1977. In the early 1980's, Frank was a member of the Plantation Health Facilities Authority and the Solid Waste Advisory Committee. In addition, he has been a Board Member of the National Conference of Christians and Jews. Mr. Speaker, I am simply one person who has chosen to formally recognize Frank's hard work, but by no means am I the first to do so. Governor Graham appointed Frank to be a Member of the Crime 2000 Conference in 1982: this is surely an example of the high level of dedication that Mayor Veltri has shown throughout his years of public service.

Though the civic arena is obviously very important to Frank Veltri, it is safe to say that Frank wears other important hats. He is also a loving husband, father, and grandfather. Simply put, I can't think of anything more important than one's relationship with their family.

In summary, all who know him or know of him will surely agree that Frank Veltri is an extraordinary individual. His tireless devotion to the residents of South Florida will be forever remembered. We all owe him a tremendous debt of gratitude.

THE KYOTO PROTOCOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CALVERT. Mr. Speaker, last December I attended the international global warming summit in Kyoto, Japan. I took with me to the meeting information I had gathered at three hearings I convened in my Science Subcommittee on Energy and the Environment. At those hearings, where the Subcommittee took testimony from experts in climatology, it became obvious that there is no clear scientific consensus on which the Administration can base its claim that human-induced global warming is harming our planet.

Over the next few days I will submit for the RECORD portions of studies that bring to light the weaknesses in the Kyoto Protocol. Today, I am submitting an Executive Summary of an analysis of the agreement conducted by the Business Roundtable. The summary gives an excellent account of the key issues of concern regarding the Protocol, making clear that the agreement has serious flaws in terms of its ability to improve the environment without harming the economy:

EXECUTIVE SUMMARY OF THE KYOTO PROTOCOL: A GAP ANALYSIS

In an in-depth analysis of an international agreement to curb greenhouse-gas emissions, The Business Roundtable finds that the accord, known as the Kyoto Protocol, contains major gaps that must be filled before its impact on the world's environment and economy can be evaluated. The Business Roundtable recognizes that the Protocol is only a first step toward a comprehensive agreement to reduce emissions, but urges the Clinton Administration not to sign the Kyoto Protocol until these gaps have been addressed.

Background: On December 11, 1997, in Kyoto, Japan, the Parties to the UN Framework Convention on Climate Change reached an agreement, known as the Kyoto Protocol, that sets legally binding limits on the man-made emissions of greenhouse gases from 38 industrialized countries. Global carbon emissions would continue to increase under the agreement because it exempts Developing Countries—including China, India, Mexico, Brazil, and 130 others—from any commitments to limit their rapidly growing emissions. Continued growth in energy demand, and thus greenhouse-gas emissions, by Developing Countries will more than offset the reductions made by Developed Countries. President Clinton is expected to sign the Kyoto Protocol later this year, but he does not intend to submit the agreement to the Senate for its constitutional role of advice and consent until "key" Developing Countries agree to "participate meaningfully" in the effort.

KEY ISSUES OF CONCERN

The targets and timetables would require the United States to make significant and immediate cuts in energy use. The Protocol would require the U.S. to reduce emissions 7 percent below 1990 levels by 2008-2012, an unprecedented 41 percent reduction in projected emission levels. The process of Senate ratification and the subsequent lengthy domestic implementation process post-ratification would leave the U.S. very little time to make the painful choices regarding energy

use that will be necessary to achieve these reductions. In addition, because the Protocol sets different targets for each industrialized country and the target is based on what is now an eight-year old baseline, the U.S. in effect will shoulder a disproportionate level of reduction and may be placed at a competitive disadvantage.

Unless the Developing Countries also commit to emission reductions, the Protocol is incomplete and will not work. The Byrd-Hagel Resolution unanimously adopted by the U.S. Senate in July 1997 states that the U.S. should not be a signatory to any protocol unless it mandates "new specific scheduled commitments to limit or reduce greenhouse-gas emissions for the Developing Country Parties within the same compliance period." Many Developing Countries are rapidly growing their economies and will become the largest emitters of greenhouse gases in the next 15-20 years. Greenhouse gases know no boundaries, and stabilization of greenhouse-gas concentrations cannot be achieved without global participation in a limitation-reduction effort. Moreover, regulating the emissions of only a handful of countries could lead to the migration of energy-intensive production—such as the chemicals, steel, petroleum refining, aluminum and mining industries—from the industrialized countries to the growing Developing Countries.

Certain carbon "sinks" may be used to offset emission reductions, but the Protocol does not establish how sinks will be calculated. Carbon sinks, a natural system that absorbs carbon dioxide, have tremendous potential as a means of reducing emissions, but too much is currently unknown to make a fair determination. It is unclear how sinks might help the U.S. reach its emission-reduction commitment and, though the Parties to the Convention will work to develop rules and guidelines for sinks in Buenos Aires, the rules cannot be adopted until after the Protocol enters into force.

The Protocol Contains no mechanisms for compliance and enforcement.

Simply put, it would be inappropriate for any country to ratify a legally binding international agreement which lacks compliance guidelines and enforcement mechanisms. The Protocol outlines a system of domestic monitoring with oversight by international review teams, but what constitutes compliance and who judges it will not be determined until after the Protocol enters into force. The means of enforcement—also unknown—is equally critical, since a country's noncompliance could give it a competitive advantage over the U.S., and eviscerate the agreement's environmental goals.

The Protocol includes flexible, market-based mechanisms to achieve emission reductions, but it does not establish how these mechanisms would work and to what extent they could be used. The U.S. intends to rely heavily on market-based mechanisms to find the most efficient and cost-effective ways to reduce emissions. But until the rules and regulations are established it is uncertain how effective these mechanisms will be and to what extent they can be used by companies. Many countries are resisting these market-based mechanisms and their reluctance may hinder the development of adequate free-market guidelines. The absence of many countries from the marketplace, and the possible limitations and restrictions on the marketplace, could render these mechanisms useless or of little value.

The Protocol leaves the door open for the imposition of mandatory policies and meas-

ures to meet commitments. Just as the U.S. favors flexible market mechanisms, the European Union and many Developing Countries favor harmonized, mandatory "command-and-control" policies and measures—such as carbon taxes and CAFE standards—to meet commitments, and they will have numerous opportunities to seek adoption of these policies.

Finally, the procedures for ratification of, and amendment to, the Kyoto Protocol make it difficult to remedy before it enter into force. The Protocol may not be amended, nor can rules and guidelines be adopted, until after the Protocol enters into force. The Clinton Administration is now considering the negotiation of a separate or supplemental protocol to attain necessary additional commitments, but this approach would open all issues to further negotiation.

The Business Roundtable believes that the Congress and the American people cannot evaluate the Kyoto Protocol until the Administration sets out a plan as to how it intends to meet the targets of the Protocol. To place the magnitude of the U.S. reduction commitments in perspective, it is the equivalent of having to eliminate all current emissions for either the U.S. transportation sector, or the utilities sector (residential and commercial sources), or industry. The Administration needs to detail how targets in the Protocol will be met, and how the burden will be distributed among the various sectors of the economy.

The Business Roundtable feels it is imperative that a public dialogue take place on the major issues highlighted in our Gap Analysis before the Protocol becomes the law of the land and government agencies begin to write regulations.

TRIBUTE TO CARNEY CAMPION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. PELOSI. Mr. Speaker, I would like to take this opportunity to pay tribute to Carney Campion, General Manager, Golden Gate Bridge, Highway and Transportation District. Mr. Campion will retire from his position on November 30, after 23 years of dedicated work to the Bridge District.

During Mr. Campion's tenure, the Golden Gate Bridge and associated transportation services have undergone numerous service and safety improvements. Achieving these improvements has required a combination of vision and commitment. Through his effective leadership, Mr. Campion has ensured that the Golden Gate Bridge remains one of San Francisco's most lauded landmarks.

Among his many accomplishments, Mr. Campion has worked with the San Francisco Bay Delegation to secure \$51.8 million in federal funding for the seismic retrofitting of the Golden Gate Bridge, received approval for a median barrier to eliminate two-way accidents, redecked the Bridge, instituted public safety patrols and placed crises phones in key locations to deter suicides, and developed specifications for an electronic toll system. In addition, under Mr. Campion, the Bridge District became the first public transit system in the Bay Area to comply with the Americans With Disabilities Act.

However, these significant accomplishments are only a part of Mr. Campion's overall commitment to continuing and strengthening the Bridge District's mission of providing safe and efficient transportation. The successful operation of the Golden Gate Bridge and its bus and ferry units are vital to the San Francisco Bay Area economy. By improving overall transportation efficiency and pursuing alternative modes of transportation, such as adding a high-speed catamaran to the ferry fleet, Mr. Campion has played an important role in ensuring that Bay Area residents can conveniently and safely commute between San Francisco and outlying areas.

In addition to these contributions, Mr. Campion has accomplished many personal achievements. He is a member of numerous community organizations and serves as director for a YMCA, a theater company and the Marin Forum. Furthermore, Mr. Campion has served on or chaired Presidential task forces and international associations throughout his career.

Mr. Speaker, San Francisco has been the fortunate beneficiary of Carney Campion's steadfast and thoughtful leadership. His presence will be greatly missed. I know my colleagues will join me in wishing him well in his future endeavors.

THE 100/240 CELEBRATION OF THE FRIENDS MEETING HOUSE AND CEMETERY ASSOCIATION OF THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100/240 Celebration of the Friends Meeting House and Cemetery Association of the Township of Randolph, County of Morris, New Jersey.

On October 11, 1998, the Friends Meeting House and Cemetery Association of the Township of Randolph will celebrate the 100th Anniversary and the 240th Anniversary of the 1758 Friends Meeting House and Cemetery which it now owns and preserves. The Meeting House is the oldest church in continuous use in Morris County and the oldest Quaker Meeting House in northern New Jersey.

The Quakers who migrated to the Mendham area of Morris County occupied land that belonged to William Penn. They began arriving in the 1740's, establishing farms, mills, and iron forges along many brooks and valleys of the area. They organized as the Mendham Friends Meeting. In 1758, they built their Meeting House and established their cemetery. A national, State, and local treasure, the hand-crafted building of oak and clapboard is little changed from the eighteenth century. In 1805, Randolph set off from Mendham Township, and in 1817 the name was changed to the Randolph Friends Meeting. In 1865, the original meeting came to an end.

From 1865-1898 descendants of the original Quaker families and the last few surviving members of the former meeting cared for the

cemetery and grounds and maintained the Meeting House. Memorial services were held annually at the Meeting House for those buried in the cemetery. There was an occasional wedding or funeral.

In 1898, as the last members of the former Meeting became too infirm to oversee the property, a group of descendants in the Morris County area came together and formed the Friends Meeting House and Cemetery Association of Randolph Township. Membership was open to anyone whose ancestors had worshipped in the meeting house or was buried in the cemetery as well as to members of the Friends faith who had an interest in preservation of this important place. The sole goal of the Association was preservation of the site.

Mr. Speaker, for the past 100 years, the Friends Meeting House and Cemetery Association has faithfully pursued preservation of the Friends Meeting House and Cemetery, a monument in Morris County for 240 years. Mr. Speaker, I ask you and my colleagues to join me in congratulating all past and present members of the Association and Meeting House on these special anniversaries.

THE FASTENER QUALITY ACT: FIX IT OR FORGET IT!

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MANZULLO. Mr. Speaker, any lasting resolution to modify the Fastener Quality Act (FQA) must address the concerns raised by the small manufacturers within the fastener industry. If their concerns are not addressed, I believe most small firms would favor repeal of the Act. I am privileged to represent the "fastener capital of the United States," Rockford, Illinois. There are more fastener manufacturers per capita in Rockford than in any other city in the nation. Implementation of the FQA and any recommended changes to it are of key importance to northern Illinois and the industry overall.

Fasteners are the sinews of a modern manufacturing nation. Disruption in the supply of fasteners would be the equivalent of a nationwide trucking or rail strike. Amidst an increasingly volatile national economy this would have devastating consequences for the country, with reverberations throughout industries dependent on supplies of fasteners.

When the National Institute of Standards and Technology released the latest set of regulations last April, I surveyed the fastener manufacturers in northern Illinois for their input. A third of these answered my survey—a very high response rate. Let me review for my colleagues on the panel the results of the survey: (1) 54 percent of the fastener manufacturers still do not know which fasteners are covered by the FQA; (2) 46 percent of the fastener manufacturers are so small that they cannot afford to adopt the expensive Quality Assurance System (QAS) though they have their own system of testing and insuring quality. Thus, the April regulations permitting larger companies who use QAS to become FQA-certified means nothing to these small fastener

firms; and (3) 92 percent—almost every one of the fastener manufacturers in northern Illinois—do not know what they have to do to fully comply with the FQA regulations.

I have met with or been contacted by numerous fastener companies in my district, all of which express concerns reflective of the findings in the survey. For example, there's Pearson Fastener, a 35-employee family enterprise in Rockford. For years Pearson has been manufacturing fasteners. For the last eight years they have been wrestling with the FQA, wondering why existing independent accredited laboratories cannot continue to test their fasteners instead of the company having to switch to as yet unidentified and unaccredited labs. Aside from the added costs involved, newly accredited labs may not offer every testing service needed by the diversity of fastener manufacturers in Rockford. For instance, Pearson could not get one accredited lab to give them a price quote for a salt spraying test on fasteners they make for outboard engines on motor boats.

Camcar, a division of Textron Fastening Systems of Rockford that has manufactured fasteners since 1943, complained that they could not get an approved signatory to sign test reports, as the regulations require. Since no one can observe all the test results, nobody is willing to sign off on the reports.

Elco, also of Textron Fastening Systems and a major fastener manufacturer in Rockford declares the FQA "a showstopper to our industry . . . [It] penalizes every U.S. fastener company with hundreds of millions of dollars of extra costs in testing and paperwork when the original intent of the Act was to keep out foreign, fraudulent bolts. This particularly affects smaller companies within our industry."

The problems with the FQA from the perspective of small fastener firms are manifold: ambiguity about which fasteners the Act covers; availability and proximity of accredited labs; confusion about the definition of certification, prohibitive compliance costs; over-regulation of the industry; loss of market share to foreign competitors because the FQA exempts fasteners imported as components of larger parts; and lack of information about required tests of a specialized product are all major concerns of fastener manufacturers in my district. Resolution of these matters needs to be a part of any final modification of the FQA.

It has been eight years since the FQA was enacted. During that time, technological advances within the fastener industry have greatly improved testing techniques so that the failure rate for fasteners has been practically eliminated. Obviously, this necessitates a re-examination of the Act to see that it is applicable to the industry in light of these advances. If some basic, common sense changes are not made to the FQA, I believe most small fastener manufacturers would like to see a total repeal because it is currently unworkable. This is the problem with the FQA as it is currently written. I hope Congress, the National Institute of Standards and Technology, the fastener industry, and others can work together to fix it, or else resolve to abolish it.

We all want to make a genuine effort to work out the problems with the FQA. I submit that the approach we ought to take should address the concerns of all fastener manufacturers. At the same time, we should avoid a

course that seeks a solution through exemptions for specific industries. A solution that fails to resolve the issues raised by both large and small fastener firms is no solution at all. Otherwise, down the road we again will find ourselves wrestling with the same problems that threaten the viability of the fastener industry and, consequently, the very health of our economy.

Even at this early juncture, we already know that any future workable regulatory document must include the following: (1) A clear delineation of what fasteners are covered; (2) a settlement on the issue of certifying in-house testing processes, and short of this an agreement on the number, type, and location of accredited laboratories; (3) a clear definition of what constitutes certification; (4) a regime that minimizes compliance and regulatory costs so as not to put small manufacturers of fasteners out of business, nor U.S. fastener manufacturers at a competitive disadvantage with foreign manufacturers; and (5) a thorough dissemination of information that answers the many questions fastener manufacturers will have when any new agreement is reached.

If a revamped FQA can accomplish these things, then I think we have the basis for a document that can work for the fastener industry and ensure safety for the consumer. On the other hand, if the FQA remains difficult to interpret, costly with which to comply, and threatens the existence of small fastener companies, then it must be repealed.

INTRODUCTION OF NON-INTRUSIVE SEISMIC TESTING IN ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I have introduced a bill today in order to aid our Administration in taking responsible action regarding the coastal plain of the Arctic National Wildlife Refuge (ANWR).

This last May, the US Geological Survey (USGS) released its petroleum resource assessment of the "1002 area" within ANWR. The USGS published that in-place resources could be as high as 31.5 billion barrels of oil. This is orders of magnitude higher than other predictions this Administration has released during this decade. Of course, this 31.5 billion barrel figure does not factor in all of the economic and technological variables that are realities for the industry. However, it demonstrates that there clearly is significant energy potential currently being withheld from the American public by this Administration.

To really understand the energy potential for the Nation within ANWR, we must use the most advanced scientific methods available. The Secretary of the Interior, as our Nation's landlord, clearly has a fiduciary responsibility to gather the maximum amount of information to make an informed decision. Regardless of a person's position on development of the coastal plain, we should all support an understanding of the potential beneath the frozen tundra of this area. By using 3-dimensional seismic testing in the 1002 area of ANWR, we will be able to have a much clearer understanding of this potential.

Currently, there are several significant discoveries on state lands adjacent to the 1002 area of ANWR. These fields could potentially

drain the federal mineral estate from their surface occupancy on state lands. This potential drainage could withhold millions of dollars to which the US Treasury and American public are entitled. Without the best science available, this possibility continues to be a significant reality. It is incumbent upon this Administration to safeguard the people's trust and mineral estate. To allow this potential diminishment because of political ideology is unwise and irresponsible.

Even if this legislation were to pass with the few legislative days remaining in this 105th Congress, it will not open ANWR. In fact, sadly so. I feel the coastal plain holds our nation's greatest energy potential and should be opened to sensible development. The reality is this Administration will not allow ANWR to be developed under any circumstances. With this fact, we must fulfill our obligation of scientific understanding and use the best science technology available to estimate the coastal plain's potential. If my fellow Alaskans send me back to represent them as their Chairman, I plan to reintroduce this bill and move it through the legislative process.

This legislation will help accomplish the goal of understanding the coastal plain of ANWR's potential in a non-invasive and environmentally benign manner. Seismic testing examines the sub-surface structure with almost insubstantial effects. The fact is, seismic has already been allowed in this area with negligible impacts. This legislation will allow 3-D seismic into this area for a much more accurate assessment of the resource. We need this kind of understanding while devising a sound national energy strategy for the American people. I look forward to working with the Administration in the 106th Congress while we work to fulfill our obligation to the public and gather the best information by using the most advanced technology available.