

## EXTENSIONS OF REMARKS

## IMF TRANSFORMATION

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. GINGRICH. Mr. Speaker, I want to recommend to my colleagues the following editorial entitled *Perils of Globalism* by former Secretary of State Henry Kissinger.

Secretary Kissinger begins to tackle an issue that we, in Congress, have been debating for several months. In Secretary Kissinger's words, he eloquently states what many members believe, that the "IMF must be transformed. It should be returned to its original purpose as a provider of expert advice and judgment, supplemented by short-term liquidity support. When the IMF focuses on multi billion-dollar loans, it plays a poker game it cannot possibly win; the 'house', in this case, the market, simply has too much money. Congress should use the need for IMF replenishment to impose such changes."

Without proper reforms, the situation of insolvency within this organization will remain, and the backlash of improper management of funds, especially those of American taxpayers, will be felt across the globe.

I strongly urge all of my colleagues to take time and read *Perils of Globalism* to gain a better understanding of problems the IMF is facing.

## PERILS OF GLOBALISM

What began 15 months ago as a currency crisis in Thailand and then spread across Asia now threatens the industrialized world.

No government and virtually no economist predicted the crisis, understood its extent or anticipated its staying power. A series of IMF rescue packages has not arrested its spread and threatens the political institutions implementing them. In Indonesia a regime tainted by cronyism has been overthrown. But in Brazil, the crisis threatens one of the most reform-minded governments in decades.

What was treated at first as a temporary imbalance is becoming a crisis of the world's financial system. In the past 20 years, two Mexican crises, in 1982 and 1994, spread to most of Latin America; the Asian crisis of 1997 has already infected Eastern Europe, South Africa and Latin America. Each crisis has been more extensive and has spread more widely than its predecessor.

Free-market capitalism remains the most effective instrument for economic growth and for raising the standard of living of most people. But just as the reckless laissez-faire capitalism of the 19th century spawned Marxism, so the indiscriminate globalism of the 1990s may generate a worldwide assault on the concept of free financial markets. Globalism views the world as one market in which the most efficient and competitive prosper. It accepts—and even welcomes—that the free market will relentlessly sift the efficient from the inefficient, even at the

cost of periodic economic and social dislocation.

But the extreme version of globalism neglects the mismatch between the world's political and economic organizations. Unlike economics, politics divides the world into national units. And while political leaders may accept a certain degree of suffering for the sake of stabilizing their economies, they cannot survive as advocates of near-permanent austerity on the basis of directives imposed from abroad. The temptation to seek to reverse—or at least to buffer—austerity by political means becomes overwhelming. Protectionism may prove ineffective in the long term, but for better or worse, political leaders respond to more short-term cycles.

Even well-established free-market democracies do not accept limitless suffering in the name of the market, and have taken measures to provide a social safety net and curb market excesses by regulation. The international financial system does not as yet have these firebreaks. Nor is there much of a recognition that it needs them.

Ours is the first experiencing a genuinely Crony capitalism, corruption and inadequate supervision of banks were serious shortcomings. But they did not cause the immediate crisis; they were a cost of doing business, not a barrier to it. Until little more than a year ago, Asia was the fastest growing region in the world, its progress underpinned by high savings rates, a disciplined work ethic and responsible fiscal behavior.

What triggered the crisis were factors largely out of national or regional control. The various countries had exchange rates linked to the U.S. dollar. When China devalued in 1994, the dollar appreciated significantly starting in 1995, and the yen fell sharply. Southeast Asian exports became less competitive and export earnings fell. At the same time, the dollar pegs created unprecedented opportunities for speculation. It was possible to borrow dollars in New York and lend them locally for at least twice the cost of borrowing—at no apparent currency risk. The borrowers invested in real estate and excess plant capacity, creating a dangerous bubble. Local currency became overvalued and local currency holders converted into dollars, inviting speculative raids—all without significant warnings from international financial institutions.

The U.S. Treasury, convinced that the matter could be dealt with regionally and gun-shy after congressional reaction to the bailout of Mexico, refused to participate in the first round of the crisis. But when the crisis spread to Indonesia, the largest country of Southeast Asia, the threat to the global system could no longer be ignored.

At U.S. urging, the IMF intervened in both situations with its standard remedies, leading to massive austerity. Thailand's democratic institutions have so far proved relatively resilient. But for how long can it sustain interest rates of more than 40 percent, a negative growth of 8 percent and a 42 percent devaluation of its currency?

In Indonesia—a rich country with vast resources and an economy that was praised by the World Bank in July 1997 for its efficient management—the IMF, advised by an admin-

istration afraid of being accused of having political ties to leading Indonesian financial institutions, decided to make its assistance conditional on remedying virtually every ill from which the society suffered. It demanded the closing of 15 banks, the ending of monopolies on food and heating oil, and the end of subsidies.

But when 15 banks are closed in the middle of a crisis, a run on other banks is inevitable. The ending of subsidies raised food and fuel prices, causing riots aimed at the Chinese minority that controls much of the economy. As a result, as much as \$60 billion of Chinese money fled Indonesia, or more than the IMF could possibly provide. A currency crisis had been turned into an economic disaster.

For a few months, a special Treasury representative worked with the government and the IMF to ease the pressures. But by April the IMF was back at the old stand. This time the explosion swept away the Suharto regime. A currency crisis, having been transmuted into an economic crisis, has become a crisis of political institutions. Any real economic reform stands suspended. The shortcomings of Suharto were real enough, but to try to deal with them concurrently with the currency crisis has produced a political vacuum in the most populous Islamic nation in the world.

Ours is the first period experiencing a genuinely global economic system. Markets in different parts of the world interact continuously. Modern communications enable them to respond instantaneously. Sophisticated credit instruments provide unprecedented liquidity. Hedge funds, the trading department of international banks and institutional investors possess the reach, power and resources to profit from market swings in either direction, and even to bring them about. It is market stability that they find uncongenial.

Broadly speaking, direct foreign investment benefits from the well-being of the societies in which it operates; it runs the risks and is entitled to the benefits of the host country. By contrast, modern speculative capital benefits from exploiting emerging trends before the general public does. It drives upswings into bubbles and down cycles into crises, and in a time frame that cannot be significantly affected by the kind of macroeconomic remedies being urged on the political leaders.

For example, when Asian creditworthiness began to fall, financial institutions and fund managers holding the debt were tempted to sell Asian currencies short, thereby accelerating devaluation and compounding the difficulty of repaying debt. Speculators were acting rationally, but the result was a deeper, more vicious and more intractable crisis.

To maintain their overall performance, speculators, as losses mounted in Asia, were driven to cash in their holdings in Latin America and thereby spread the crisis. The capacity of smaller countries to deal with these massive capital flows is not equal to the temptations offered by the system. Regulators in the United States, Europe and Japan have not succeeded in dampening the increased volatility of the market. And

● 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.

small and medium-sized countries are defenseless in the face of it.

The speculators will argue that they are only exploiting weaknesses in the market, not causing them. My concern is that they have a tendency to turn a weakness into a disaster. If Brazil is driven into deep recession, countries such as Argentina and Mexico, heretofore committed to free-market institutions, may be overwhelmed.

The crisis in Brazil is a case in point. Despite a reform-minded and, on the whole, efficient government, Brazil faces a crisis partly because, as one of the largest and most liquid emerging markets, it is one of the easiest from which to withdraw. If these trends are not arrested, global flows of capital will be impeded by a plethora of national or regional regulations, a process that has already begun.

The International Monetary Fund, the principal international institution for dealing with the crisis, too often compounds the political instability. Forced by the current crisis into assuming functions for which it never was designed, the IMF has utterly failed to grasp the political impact of its action. In the name of free-market orthodoxy, it usually attempts—in an almost academic manner—to remove all at once every weakness in the economic system of the afflicted country, regardless of whether these caused the crisis or not. In the process, it too often weakens the political structure and with it the precondition of meaningful reform. Like a doctor who has only one pill for every conceivable illness, its nearly invariable remedies mandate austerity, high interest rates to prevent capital outflows and major devaluations to discourage imports and encourage exports.

The inevitable result is a dramatic drop in the standard of living, exploding unemployment and growing hardship, weakening the political institutions necessary to carry out the IMF program.

The situation in Southeast Asia is a case in point.

All this might make sense if the IMF programs brought demonstrable relief. But in every country where the IMF has operated, successive programs have lowered the forecast of the growth rate, which, in Indonesia, is now a negative 10 percent, in Thailand a negative 5 percent and in South Korea an optimistic positive one percent. It could be argued that without the IMF program, conditions would be worse, but his is no consolation to governments and institutions facing massive discontent.

The inability of the IMF to operate where politics and economics intersect is shown by its experience in Russia. In Indonesia the IMF contributed to the destruction of the political framework by excessive emphasis on economics; in Russia it accelerated the collapse of the economy by overemphasizing politics. The IMF is, quite simply, not equipped for the task it has assumed.

The immediate challenge is to overcome the crisis in Brazil and preserve the free-market economics and democracy in Latin America. A firm and unambiguous commitment by the industrial democracies, led by the United States, is essential to buttress the necessary Brazilian reform program.

An expanding American economy is the key to restoration of global growth. Whether this is achieved by a cut in interest rates or a major tax cut, a strong commitment is invigorated growth is essential.

Above all, the institutions that deal with international financial crises are in need of reform. A new management to replace that

of Bretton Woods is essential. It must find a way to distinguish between long-term and speculative capital, and to cushion the global system from the excesses of the latter.

The IMF must be transformed. It should be returned to its original purpose as a provider of expert advice and judgment, supplemented by short term liquidity support. When the IMF focuses on multibillion-dollar loans, it plays a poker game it cannot possibly win; the "house," in this case the market, simply has too much money. Congress should use the need for IMF replenishment to impose such changes.

Further, the central banks and regulators of the industrial democracies need to turn their attention to the international securities markets, just as they did to international banking after the debt crisis of the 1980s. Regulatory systems should be strengthened and harmonized; the risks that investors are taking should be made more transparent.

Finally, the private sector must learn to relate itself to the political necessities of host countries. I am disturbed by the tendency to treat the Asian economic crisis as another opportunity to acquire control of Asian companies' assets cheaply and to reconstitute them on the American model. This is courting a long-term disaster. Every effort should be made to work with local partners and to turn acquisitions into genuinely cooperative enterprises.

#### HONORING HOWARD ST. JOHN

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HINCHEY. Mr. Speaker, before we adjourn for the year, I wanted to take a moment to honor Howard St. John, who is stepping down from the chairmanship of Ulster Savings Bank after a long and very rewarding career there. Howard has had, in a sense, many careers—as a District Attorney, President and member of many professional and charitable boards and associations, and as a very successful local businessman. Through his many endeavors and successes he has never lost his warmth and generosity or his personal touch with regular people. He has contributed to the health and well being of numerous families throughout the Hudson Valley, helping them to realize their dreams in many different ways. I join my friends back home in saluting him upon his retirement from Ulster Savings Bank and wish him the very best in what I hope will be a long and fruitful retirement.

#### CHARITABLE GIVING INCENTIVE ACT, HR 3029

#### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. DUNN. Mr. Speaker, among the provisions included in the tax package we passed yesterday is a provision of great importance to the charitable giving community: an extension of the enhanced deduction for contributions of publicly-traded stock to private foundations. Al-

though extending this deduction benefits many is a useful tool for providing funds for charitable purposes, this deduction alone is not enough.

In this era of ever-tightening fiscal constraints, we have asked our communities to do more and more for those less fortunate. Charitable organizations in our communities have become an integral part of the safety net for the poor and homeless and significant sources of assistance for education, health care, child development and the arts in every community.

To meet the increasing deficit in unmet social needs, the government cannot merely expect the private sector to fill the gap, but must provide the leadership for the use of private sector resources through changes in the tax code. One source of untapped resources for charitable purposes is the contribution of closely-held corporate stock. Under current law, the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and it discourages families and owners from disposing of their businesses in this manner.

Earlier this year, I was joined by Representatives Furse, Nethercutt, Hooley, Paul and Smith of Oregon in introducing legislation that would also provide an incentive to business owners to use their corporate wealth for charitable causes. H.R. 3029, the Charitable Giving Incentive Act of 1998, would permit a closely-held business to transfer its assets into a 501(c)(3) charitable organization without paying the 35 percent corporate level tax. Thus, the recipient charity would receive the full benefit of the gift. Identical legislation has also been introduced in the Senate by Senators Smith of Oregon, Feinstein, Wyden, Baucus and Gorton.

In addition to this bipartisan Congressional support, we have garnered support from the charitable community. Below is a letter signed by several organizations that represent thousands of charitable institutions across the country, calling for enactment of this legislation. It is my intention to reintroduce this legislation in the 106th Congress and I look forward to working with the Ways and Means Committee Chairman Archer, Ranking Member Rangel and my House colleagues to legislate changes that will make it easier for the citizens of this country to give to charitable causes.

October 9, 1998

Representative BILL ARCHER,  
Chairman, House Committee on Ways and Means, House of Representatives, Washington, DC.

The undersigned organizations are all tax exempt 501(c)(3) charitable entities, or representatives thereof, whose efforts are dependent upon the charitable giving of concerned individuals. With the needs of our communities growing, and in some cases the financial support from government agencies diminishing, many endeavors are increasingly reliant upon a core group of concerned, consistent, and active givers. It is important to encourage and reward the selfless sharing by this group and to expand its membership.

Accordingly, we support legislation that has been introduced in this Congress to provide tax incentives for the donation of significant amounts of closely-held stock. H.R. 3029 and S. 1412, the Charitable Giving Incentive Act, would permit the tax-free liquidation of a closely-held corporation into a charity if at least 80 percent of the stock of

the corporation were donated to a 501(c)(3) organization upon the death of a donor. Thus, the 35 percent corporate tax that would otherwise be paid is not imposed; all of the value of the contribution would go to charitable purposes. This is the same tax result as would occur if the business had been held in non-corporate form.

The current disincentive for substantial contributions of closely-held stock should be corrected at the earliest opportunity. We believe such a change would encourage additional transfers to charity because the donors will see more of the benefit going to the charity and not to taxes. We hope that appropriate tax incentives will encourage more families to devote significant portions of their businesses, and their wealth, to charitable purposes.

As a key member of Congress, we urge your active support for this effort to expand charitable giving by individuals and businesses. The needs are great. While government cannot do it all, it can provide leadership for others to do more by removing current impediments. Your support and assistance are needed. Thank you for your favorable consideration of this request.

Sincerely,

Council on Foundations, The Children's Foundation, Council of Jewish Federations, The National Federation of Non-profits, The National Community Action Foundation.

THE DEMOCRATIC RIGHTS FOR  
UNION MEMBERS ACT OF 1998  
(DRUM)

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. FAWELL. Mr. Speaker, I rise to introduce the Democratic Rights for Union Members Act of 1998. I am gratified that one of my last acts as a member of Congress, and as Chairman of the Employer-Employee Relations Subcommittee, is to present and discuss legislation which I trust is a first step in amending one of the nation's most important labor laws.

Four decades have passed since the enactment of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), also known as the Landrum-Griffin Act. The LMRDA is the only law governing the relationship between labor leaders and their rank-and-file membership. When my Subcommittee began hearings in May on the issue of union democracy, our purpose was to determine the status of union democracy under the LMRDA and to see if the democratic principles guaranteed by federal law are being upheld in union activities throughout the United States. We also wanted to identify possible legislative remedies to improve the law if it were falling short in protecting the rights of hardworking men and women who belong to unions.

Since May, the Subcommittee has held four hearings in the union democracy series. In May, we heard from a variety of local union officials and rank-and-file, including those from the Carpenters, Laborers, and Boilermakers unions. We were also privileged to hear from one of the country's foremost expert in union democracy law, Professor Clyde Summers. It

was Summers, who, forty years ago, at Senator John F. Kennedy's request, fashioned a "bill of rights" for union members which became Title I of the LMRDA.

Our June hearing featured Herman Benson, a founder and enduring leader of the Association of Union Democracy, as well as the Carpenter's union rank-and-file and their president, Douglas McCarron. This hearing centered on the right to a direct vote which was abrogated by the implementation of a nationwide restructuring of the union resulting in unilateral dissolution and merging of locals.

Hearings in August and September focused on election irregularities and the lack of financial disclosure in the American Radio Association, a small union illustrating the ease with which democratic principles can be lost.

Union democracy is a bi-partisan issue. Even in 1959, the LMRDA was passed because two sides without much in common came together for the good of the rank and file. My Subcommittee has conducted the union democracy hearings in a bi-partisan manner. I hope Congress can repeat history by passing another bill to amend the LMRDA and further strengthen its principles.

In 1959, labor leaders opposed the LMRDA. In the vanguard of those who led the successful effort to pass the Act were Professor Summers and Herman Benson. Both of these men have been outstanding advocates for unions and the labor movement. Both recognize that you cannot have a strong, healthy labor movement unless rank-and-file members have democratic rights within that movement. As Professor Summers has written, "workers gain no voice in the decision of their working life if they have no voice in the decisions of the union which represents them."

If I had to draw a conclusion from the union democracy hearings held so far this year, I would assume that labor leaders would once again oppose any changes to the Act. It would seem that labor leaders have found the "Loopholes" in the LMRDA and have not voiced, as of yet, any concerns about how the law operates in practice. Rather, it is the rank-and-file members who have recounted endless accounts of violence, intimidation, abuse and other examples of an erosion of democratic principles in this country's unions.

The next Congress has much work to do on this issue. However, the bill I introduce today is a good start. This legislation makes two necessary amendments to the LMRDA, important first steps, proposed by Professor Summers and Mr. Benson. As I have indicated, these men are pioneers in the field of union democracy law and I implore members from both sides of the aisle to recognize the wisdom of their proposals.

Professor Summers began studying and writing about the rights of union members in 1945 after receiving his law degree. In 1952, he wrote "Democracy in Labor Union," a policy statement adopted by the American Civil Liberties Union. He has been teaching, writing, and lecturing on union democracy law ever since, always with an emphasis on employee rights and industrial democracy. His writings include more than 100 law review articles. To this day, Professor Summers is a tireless advocate of union democracy and served on the board of directors for the Association of Union Democracy.

The Subcommittee also received testimony and assistance from Herman Benson, another of the nation's foremost experts in this field. Mr. Benson is a retired toolmaker and machinist and member of various unions over the years, including United Auto Workers, International Union of Electricians, and United Rubber Workers. From 1959 to 1972, he edited and published "Union Democracy in Action." He co-founded the Association for Union Democracy and continues to serve as editor of "Union Democracy Review." Mr. Benson has devoted his professional career to battling against corruption or authoritarianism in unions. I request that their written statements in support of the bill be placed in the record following the bill and my remarks.

Two basic rights, rooted in democracy, are addressed by my bill. The two provisions address voting rights and trusteeships. Both Professor Summers and Herman Benson strongly believe these steps should be taken. As to the first amendment, the LMRDA permits election of local union officers by a direct vote, but officers of district councils and other intermediate bodies can be elected by delegates. My bill, DRUM, provides that in instances where an intermediate union body assumes the basic responsibilities customarily performed at the local union level—such as collective bargaining and the running of hiring halls, for example—in these instances, the members would have the right to a direct, secret ballot vote to elect officers of that intermediate body. This is the same right members currently have with respect to electing their local union officers. It is important that officers be elected by direct vote if the vitality of democratic control is to be preserved.

As to the second amendment, the LMRDA intended that local unions could be placed under trusteeship in the event of corruption or other abuse. Unfortunately, trusteeships are sometimes used to eliminate local dissidents and to destroy local autonomy, contrary to the democracy ensured by LMRDA. Moreover, once the trusteeship is imposed, the trusteeship is presumed valid for 18 months. Litigation to remove the trusteeship can take months or year longer. DRUM provides for the removal of this 18 month presumption of the trusteeship's validity. Removal of this presumption opens the door to legitimate challenges to the imposition of a trusteeship. This is the kind of due process any decent union would provide before destroying the local autonomy upon which LMRDA is founded.

These basic individual liberties embody the democratic principles on which this country is founded. These are rights that should be enjoyed by all Americans, and certainly American union workers. I urge all of my colleagues, Republicans and Democrats alike, to join me in supporting these important amendments to the LMRDA, and I urge members of the 106th Congress to build upon this small, but important beginning.

STATEMENT OF CLYDE W. SUMMERS

My name is Clyde W. Summers, and I am Professor of Law at the University of Pennsylvania Law School.

In considering the proposed bill, we must first set out the underlying premises on which it must rest.

When the Wagner Act was passed in 1935, one of the basic purposes of the statute was

to give workers an effective voice, through collective bargaining, in decisions which govern their working lives. In the words of that time, to provide for a measure of industrial democracy.

Collective bargaining, however, can serve the purpose of industrial democracy only if the unions which represent the workers are democratic. For workers to have an effective voice in the decisions of the workplace, they must have an effective voice in the decisions of the union which speaks for them. For collective bargaining to serve fully its social and political function in a democratic society, unions must be democratic.

This was the basic premise of the Landrum-Griffin Act. Its fundamental purpose is to guarantee union members their democratic rights within their union and an effective voice within their union. The union would then be responsive to the felt needs and desires of those for whom the union spoke.

The Landrum-Griffin Act has served this purpose in substantial measure. It has provided members a Bill of Rights; it has increased transparency and responsibility in union finances; it has established standards for fair elections; and it has articulated the fiduciary obligations of union officers. It has enriched the democratic processes in union government, has encouraged union members to make their voices heard.

This does not mean that the statute is without its flaws, or that it has fully realized its purposes. Forty years of experience under the statute has revealed limitations of foresight and unforeseen gaps that permit practices which can defeat its purposes.

I will discuss only the two problems which the proposed bill addresses, both of which focus on substantial gaps and defects. I fully support these proposals because I believe that they are needed for the statute to fulfill its purposes.

Section 4 proposes a modest but important change in Title III dealing with trusteeships. At the outset, it must be recognized that when an international union imposes a trusteeship over a local union, the officers elected by the local union members are removed from office and replaced by a trustee appointed by the international officers. Local union meetings may be suspended, union members may have little or no voice in the decisions of the union, and the local union loses all control over local union funds. In short, a trusteeship is a total denial of the democratic process in the local union.

Title III sets out the standards for imposing a trusteeship and the procedures for challenging the trusteeship in the courts. The Title has been visibly inadequate almost from the time the statute was passed.

Section 403(g) presently provides that during the first 18 months, the trusteeship should be presumed valid, and after 18 months of validity has meant, for practical purposes, that trusteeships are immune from challenge for the first 18 months. Indeed, the likelihood of succeeding in such a suit is so slight that suits are seldom brought during this period.

Where the trusteeship has its roots in political differences between local and international officers, the officers elected by the local union members are ousted and replaced by those chosen by the international officers. After 18 months the trustee appointed by the international and his supporters have solidly entrenched themselves in control of the administrative structure of the local union and have the great advantage of incumbency, if and when an election is held.

The originally elected officers may be permanently displaced.

In view of the serious impact of trusteeship on the democratic rights of local union members, a presumption of validity can not be justified. In those cases where suspending the democratic process is justified, the international officers should be able to prove the need by at least a preponderance of the evidence. After 18 months, the need for the continuation of the trusteeship should be proved by clear and convincing evidence.

I believe that these changes in the burden of proof provided in the proposed bill will appropriately reduce the stifling of the democratic process at the local union level.

Frequently, when the trusteeship is declared ended and union meeting resumed, the person named as trustee continues as the presiding officer and in effective control of the local union until the next scheduling election, which may be a year or more later. During that period, the members do not have officers of their choosing, and during that period the trustee is able to more solidly entrench himself in control so that the originally elected officers or others will be at a substantial disadvantage.

In my view, it would be preferable to provide that the elected officers should be reinstated in office unless they have been tried and found guilty of conduct justifying their removal from office. If they are not reinstated, then a new election should be held as promptly as possible.

Section 5 of the proposed bill fills a gap which was overlooked when the statute was drafted. Title IV governing elections provided in Section 401 that local union officers should be elected by direct vote of the members, as contrasted with election by delegates which was permitted for international officers. Direct election was required even in so-called amalgamated local unions which had separate sections in a number of separate establishments.

The requirement of direct elections recognized traditionally that the representative functions in most unions of negotiating collective agreements and handling grievances was carried on primarily at the local level. It was here that members could most effectively exercise their voice; it was here that members most actively participated; it was here that the union should be most responsive. Direct elections gave the employees a more effective voice than indirect election by delegates.

In the drafting of Landrum-Griffin, little attention was given to the intermediate bodies such as general committees, system boards, joint boards and joint councils. In part, this was because many of them did not perform functions which directly impacted on the members' working lives. With little reflection, section 401 (d) of title IV provided that such intermediate bodies could elect their officers by indirect vote of delegates.

In the intervening years, the trend toward centralization in unions has led to giving some of these intermediate bodies increased functions in negotiating collective agreements, appointing business agents, and handling grievances, with an inevitable increase in control of union funds. In some cases, these intermediate bodies have, for practical purposes, supplanted the local unions, leaving the local unions little more than empty shells.

It would be futile to set our faces against centralization because it may be necessary for effective representation. However, this should not deprive union members of a direct and effective voice in electing officers per-

forming these functions. Election by delegates significantly muffles the members' voice and makes these bodies less responsive to the needs and desires of the members.

Where an intermediate body performs the traditional functions of a local union, negotiating collective agreements, naming business agents, and administering agreements, then they should be treated as local unions for purposes of election of officers. The officers of such intermediate bodies should be elected by direct membership vote. Section 5 of the proposed bill accomplishes this purpose.

In closing, I would like to emphasize that the proposed amendments here make no basic changes in the statute. They do, however, preserve and reinforce the democratic process at the point where the union most directly affects the members' working lives.

Historically, the democratic process of unions has had its greatest vitality at the local or base level of the union structure. It has been at this level that union members have looked to the union for representation; and it has been at this level that union members have been most active in making their voices heard. It is this level where the law should give primary attention to protecting and promoting the democratic process.

I am a founder and secretary treasurer of the Association for Union Democracy, established in 1969 to promote the principles and practices of internal union democracy in the American labor movement; including free speech, fair elections, and fair trial procedures, precisely the kind of rights written into federal law in the Labor-Management Reporting and Disclosure Act of 1959. We believe that strong labor unions are essential to democracy in the nation. I, myself, have been a toolmaker by trade and at various times a member of the United Auto Workers, the United Rubber Workers, and International Union of Electrical Workers. I still am a member of the UAW.

In the course of the last 50 years, I have been in touch with tens of thousands of unionists, individual rank and filers, organized caucuses, and elected officers in most major unions in the United States.

The adoption of the LMRDA in 1959 has, over the years, effected a sea change in the state of union democracy in the United States. Before LMRDA, members were expelled for criticizing their officers—usually on charges of slander; they could be expelled for suing the court or for complaining to authorized government agencies. In some unions they could be expelled for organized campaigning for union office or even for circulating petitions on union business within their own unions. Now all that is illegal because the basic rights of civil liberties in unions are written into federal law. The LMRDA has strengthened the labor movement by strengthening the rights of members in their unions.

In time, however, some union officials have discovered certain weaknesses, or more precisely loopholes, in the law which have enabled them to evade or circumvent its aims and, in some respects, to turn the clock back to the days before LMRDA. The proposed amendments are intended to strengthen the effectiveness of the law by closing two of the most egregiously abused loopholes.

*The direct election of officers of certain "intermediate" bodies:*

The central aim of the LMRDA was to protect the basic right of union members to choose their own leaders and to enable them to correct abuses by strengthening their right to elect or to replace those officers.

Since the local union has generally been the main source of grassroots power, the place where collective bargaining agreements were negotiated and enforced, the union unit which impinged most directly on the life of workers, the LMRDA was careful to establish explicit measures to assure the rights of members in their locals. Terms of office were limited to three years. Local officers had to be elected by direct secret ballot of the membership. In short, union members were assured direct control over their own officers.

However, in this respect, the law is being evaded in wide sections of the labor movement, particularly in the building trades. Locals are being consolidated into district councils. The councils take over all the collective bargaining rights and responsibilities formerly the province of the locals: the councils, not the locals, negotiate and sign agreements with the employers, appoint the business agents, implement and enforce the contracts and grievance procedures, control hiring halls and job referrals. By losing control over the collective bargaining process, locals are reduced to mere administrative shells. The members continue to elect local officers, but these officers are essentially powerless. Real power passes into the hands of district officers.

But the district council setup permits officers to evade the provisions of the law for direct elections because the law now permits officers by such "intermediate" bodies to elect their officers, not by direct membership vote, but by vote of council delegates ("intermediate" bodies are those units above the local level but below the international level.)

Under this structure, the officers of a district council with, say, 10,000 members could be subject to election by a council consisting of perhaps 100 delegates from locals, which means that anyone who could control the votes of at least 51 delegates could dominate the affairs of 10,000 members. The reality of union politics (and perhaps most politics) is that an international union has ample powers and resources to control, win over, some might even say to buy off, a handful of delegates by a myriad of means: union staff jobs, favored treatment, junkets, moral and practical support in their locals, etc.

Direct election by local members allows the rank and file to control their officers. Election by council delegates, allows the international to control the delegates and the officers; the LMRDA is eviscerated.

One proposed amendment would simply restore the rights originally intended by the LMRDA. In essence it means that the officers of those intermediate bodies which have taken over the rights and functions of locals in collective bargaining will be elected by direct membership vote, just as in the locals, thereby restoring the right of members directly to control their own officers. However, where intermediate bodies still exist essentially as administrative units outside the collective bargaining process, they will continue to have the right to elect offices by delegate vote.

Union spokesmen and others argue that it is necessary to centralize power in the hands of district organizations in order to strengthen the unions in their dealing with employer conglomerates and to make them more efficient in organizing the unorganized. I would not quarrel with that contention. However, the aim of "modernizing" unions does not justify the proposed restrictions on membership rights, especially the right to elect officers by direct membership vote.

Quite the contrary. The more centralization becomes necessary, the more necessary it becomes to strengthen democratic rights as a counterweight to the bureaucratic tendencies inevitable in all centralization. The adoption of a new U.S. Constitution was necessary to strengthen the United States by giving powers to a central national authority. But precisely because that move was essential to national welfare, it was necessary, at the same time, to bolster democratic rights by adding the Bill of Rights to the new Constitution. Some of our union officers want the authority and the centralization but without the saving salt of democracy.

#### *Recourse against improper trusteeships*

One of the glaring abuses revealed at hearings of the McClellan Committee in the late fifties was the practice by various international unions of arbitrarily lifting the autonomous rights of locals and other subordinate bodies and subjecting them to control by appointed trustees. In many instances, international officials used the trusteeship device to loot local treasuries, to eliminate independent-minded critics, even to prevent the replacement of corrupt officials by reformers, and to manipulate the votes of locals in referendums and at conventions.

Title III of the LMRDA aimed to provide recourse against these abuses. At the time, this section of the law was considered so important that it was one of the few major provisions that allowed for alternate means of enforcement: either by private suit or by a complaint to the Labor Department.

As written, the provision has had some positive effect. At the time the LMRDA was adopted in 1959, the Labor Department reported, 487 trusteeships were current. In June 1998, thirty-nine years later, 311 trusteeships were reported. [see Union Democracy Review, No. 120]. The law has made it much more impossible. The law does restrict the ability to manipulate the local's votes. But it has not succeeded in preventing an international union from misusing the trusteeship device to undermine and repress members rights, to discredit and destroy critics of the top officials. The trouble is that, as time passed, those who use trusteeships for devious aims have learned how to thwart and evade the purposes of Title III, which is why it needs strengthening.

Title III permits trusteeships to be imposed for certain legitimate reasons; and, if unions actually obeyed the law, there would be little problem. However, to evade the requirements of Title III, a union officialdom need only learn how to fill out the required reporting form. If the real purpose of a trusteeship is illegitimate, the international can easily conceal that fact simply by listing a legitimate, but vaguely formulated, purpose permitted by the law. Over the years, union officials have discovered that they can do this with impunity because the enforcement provisions of Title III are ineffective.

The Labor Department has no incentive for checking the validity of the Title III reporting forms because the law authorizes it to investigate the validity of a trusteeship only upon the complaint of a union member. Moreover, the law presumes a trusteeship valid for 18 months. In no single case known to me has the Labor Department ever challenged a trusteeship in court before the lapse of 18 months, even after union members have submitted persuasive complaints to it. The same problem faces complainants in Federal court, where judges routinely dismiss complaints against trusteeships on procedural grounds before the 18-month period has expired.

It is not difficult for a complaining union member to succeed in lifting a trusteeship once the 18 months is up and the presumption of validity has been removed. At that point, judges and the Labor Department offer recourse, but by that time it is too often too late to revive any momentum for democracy that has been lost.

It is true that sometimes trusteeships are imposed for legitimate reasons: to root out corruption or to restore orderly democratic procedure; and nothing in the proposed LMRDA amendments will eliminate that power. Unfortunately, there are other cases, too many, where trusteeships are imposed, on one pretext or another, to suppress challenge from below to the officialdom above. In such instances, trustees utilize that 18-month period, during which their power is virtually immune from challenge, to undermine their rivals or critics. Elected local officers are usually suspended or removed. Local meetings are often abandoned, sometimes collective bargaining contracts are imposed upon the membership without their consent, local bylaws are revised arbitrarily. Meanwhile, by fear or favor, the power of the trustee is employed to construct a local political machine loyal to the top officialdom. This kind of maneuver is quite possible, because the trustee controls the local's finances, grievance procedures, and—sometimes—hiring hall referrals. He normally has the power to hire and fire paid staff.

After living under these conditions for 18 months, any independent opposition is easily demoralized and tends to disintegrate. At that point, the trustee can call for new elections, supervised by a committee chosen by him or his cronies, fairly confident that no effective challenge is likely to survive.

The proposed amendment will not prevent any fair-minded union leadership, where necessary, from trusteeing a local under conditions specified under Title III. Wide latitude is permitted by the statute which authorizes trusteeships, among other specific conditions, for "otherwise carrying out the legitimate objects of such labor organization."

What the proposed amendment would do is quite simple.

1. It would fill an urgent need by providing, for the first time, the possibility of effective recourse against arbitrary trusteeships. By removing the 18-month presumption of validity, it would encourage the courts and the Labor Department to seriously consider complaints from unionists, look beyond what the union lists on reporting forms, and consider whether the actual operations of any trusteeship are lawful.

2. It provides for a specific additional assurance of fair treatment in the immediate aftermath of an improper trusteeship. If a union resists the lifting of the trusteeship and a complaining unionist or the Labor Department is forced to file suit in Federal court and the court orders the dissolution of the trusteeship, it would be anomalous to permit the trustee to dominate the process of choosing the self-governing local leadership for the post-trusteeship period. The amendment would require either the reinstatement of the local officers previously elected by the membership or a new election under supervision of the court, assuring them of the right to a leadership of their own choosing in a fair election.

In summary, the proposed amendments are modest and clear, they impose no burdens upon the labor movement, and they would substantially strengthen the rights of members in their unions.

## TRIBUTE TO LEROY PARMENTER

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. EMERSON. Mr. Speaker, recently I was reminded that some of the best things in life are those things that too often go unnoticed. Leroy Parmenter was that way. A resident of Sikeston, Missouri, he was a man whose spirit of generosity and love for life was a bright sunshine in what these days too often seems like a gray and cloudy world. I wanted to share with all of you a few words from an article in the Sikeston Standard Democrat that recounted this remarkable individual's life.

"Leroy was one of those few who accomplished good deeds quietly. I had known Mr. Parmenter since Little League and graduated from high school with his son. But as a youngster I knew nothing about the selfless devotion and true concern for others that Leroy Parmenter showed every day of his life."

"It is sometimes awkward to know a man when you're a youngster and then to work along side him when you're grown. But it wasn't that way with Leroy. I had the pleasure to work on community projects with Leroy and was always amazed with his enthusiasm and his love of people. And believe me, it was genuine love. There was not a phony bone in his body. He visited veterans' homes and nursing homes because he wanted to let people know that someone cared about them."

This past summer Leroy Parmenter passed away. While he isn't walking and talking with us on a daily basis, I know that his spirit remains with each of us who were touched by his kindness. His good works and thoughtful deeds have not gone unnoticed. And I hope that on those cloudy days, we'll remember others like Leroy Parmenter. You know, those unique and caring men and women who as the Sikeston Standard Democrat noted, "accomplish good deeds quietly. (Who) never sought/(seek) the spotlight—though are/(were) proud when projects are/(were) successful."

Mr. Speaker, the author of this article had it right, "Leroy's reward was a smile on a kid's face. And he brought ample smiles through the years." Thank you Leroy—for the lives you touched—then and today.

## IN HONOR OF EDDIE BLAZONCZYK

**HON. ROD R. BLAGOJEVICH**

OF ILLINOIS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BLAGOJEVICH. Mr. Speaker, my colleague, Mr. KUCINICH, and I rise today to honor Mr. Eddie Blazonczyk for his contributions to the American polka tradition. He was recently recognized for his achievements by the National Endowment for Arts during a White House ceremony where he was presented with the prestigious 1998 National Heritage Fellowship Award. Mr. Blazonczyk is a

bandleader who has set the standard for Chicago-style polka, a sound that defines "polka" music for millions of Americans.

Born in 1941, Mr. Blazonczyk was raised surrounded by the sounds of polka. His mother directed a Gorale, a southern Polish music and dance ensemble, and his father played the cello for that group. His parents also owned a banquet hall where he was exposed to some of the great polka musicians of that time. Influenced by his childhood experiences with the Polish heritage, he decided to form his own polka band, the Versatones. He worked to forge a new polka sound that incorporated more raucous, "honky" sounds.

Throughout his career, Mr. Blazonczyk has developed quite a following, not only among the tens of thousands of polka dancers in Polish-American communities, but also among younger musicians in Polish polka bands. His interpretation of old folk music and his ideal singing voice for Polish songs have made him a star in the polka music community. He has appeared more than 4,800 times since he began his band in 1963, and he still keeps a schedule with over 175 performances a year. His tireless zeal for his art was recognized when he received a Grammy for the National Academy of Recording Arts and Sciences in 1986.

My fellow colleagues, please join us in congratulating Mr. Eddie Blazonczyk for receiving the 1998 National Heritage Fellowship Award in recognition of his revolutionary and outstanding contributions to polka music. His singing and more than 50 recordings will be enjoyed by polka lovers for years to come.

## SALUTE TO JACK CORRIGAN: MR. ECONOMIC DEVELOPMENT

**HON. SHERWOOD H. BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BOEHLERT. Mr. Speaker, on Monday, July 13, 1998 it was my privilege to share in a special retirement ceremony for one of the finest, most decent, most caring, sharing individuals I have ever known.

On that day, in Philadelphia, local, state, and national leaders joined in honoring Jack Corrigan upon the occasion of his retirement after nearly 30 years of distinguished service in the U.S. Department of Commerce's Economic Development Administration.

There is so much to be said about Mr. Corrigan's superb public service. It can best be summed up by noting that in 1995 he received the Lifetime Achievement Award for excellence in the field of economic development from the National Council on Urban Economic Development for his innovative economic development, thought, and leadership.

One of the old pros in the economic development field is a long-time good friend, Dave Rally, currently Legislative Advisor to the Public Works and Economic Development Association.

When I mentioned to Mr. Rally that I would be participating in the salute to Jack Corrigan, he immediately recalled what he termed "one of the best speeches ever" on the subject of

economic development. Guess who gave it? Jack Corrigan. Mr. Rally was so impressed by the speech that he kept it at the ready and quickly retrieved it more than three years after it was given.

I, too, was greatly impressed, so much so that I append it here to my remarks with the thought that a reading of this "insider's look" at the role of the Federal Government—an historical perspective—will be enlightening, instructive and inspiring for all.

Jack Corrigan brings credit to the title public servant. His dedication and good work enriched the lives of literally hundreds of thousands of Americans and helped transform areas of distress into zones of opportunity. What a magnificent legacy!

## EDA AND THE FEDERAL ROLE IN ECONOMIC DEVELOPMENT—AN HISTORICAL PERSPECTIVE

(Address by John E. Corrigan, Director, Philadelphia Regional Office, Economic Development Administration, EDA Regional Meeting, Philadelphia, PA, February, 1995)

This year marks the thirtieth anniversary of the Public Works and Economic Development Act of 1965 (PWEDA). Yet what should be a year to celebrate the effectiveness and contribution of the Economic Development Administration (EDA) may become a year when EDA faces the most serious threat to its very existence. In the weeks and months ahead there will be a national debate that will challenge the validity of concepts that are the reasons why EDA was created and sustained for the past 30 years.

We, the true believers, must not simply dismiss those who see no reason for our existence as simply mean spirited heretics but rather in the coming months we must engage them in a discussion of ideas. As Peter Drucker observed: "Every person and institution operates on the basis of a theory whether they realize it or not." EDA is a response to a specific theory about development. Those who seek our elimination have a very different theory of development.

There is little disagreement in the United States that the existence within our country of hundreds of areas of very low income and of persistently high unemployment is a national concern. The question which is in dispute is whether the Federal government ought to make efforts to alter the productive structure of such areas so that they may maintain their level of population, balance their trade with competing regions, and achieve a rate of growth in their per capita incomes which approximates the national rate by making those areas more competitive. There are two quite distinct theories on this. Proponents of the National Demand approach, also known as the Market approach, assert that over the long term the competitive forces of the market do create an optimal spatial distribution of economic activity. The private sector will locate where costs are least and profits greatest. Therefore if any area does show persistent symptoms of severe distress this should be interpreted as a clear warning that the nation has a declining need for this particular part of national space. We can let it deteriorate. The alternative thesis, which can be called the theory of Planned Adjustment, assumes that local economic problems persist precisely because competitive forces do not create an optimal spatial distribution of economic activity. Thus the lagging regions suffer not only because of the internal misuse of their resources but also because external investors,

who are unaware of the favorable opportunities for investments in such areas, continue to pour funds into the overexpanded metropolitan areas within growing regions. These areas are lagging, in part, because they are not able to invest in infrastructure, both human and physical, which would make the area economically profitable to the private sector. Such deficiencies in the market system, it is argued, can be overcome by planning for the adaptation of the supply characteristics of the lagging regions (investing in infrastructure, including capacity as well as bricks and mortar) so that they become self-sustaining, retain their population, and attract investment from the oversized metropolitan areas.

Because he believed in the first theory of development, the National Demand model, the Market model, President Nixon in 1972 called for the termination of EDA and stated boldly: "There is no need for a national development policy". And in 1980, President Jimmy Carter's White House Conference on Balanced National Growth and Economic Development, much to our surprise, recommended that the solution to the problem of distressed areas was for the federal government to provide assistance so that citizens could move to more prosperous areas reflecting clearly a belief in this first theory of development—vote with your feet. And President Reagan after recommending the elimination of EDA in this State of the Union message in January 1981, explained his position further by stating: "The administration intends to deal with economic development at the subnational level by improving the national economy."

In response we need to loudly proclaim that this theory of economic development espoused by President Nixon, by President Carter's Balanced National Growth Conference and by President Reagan is wrong, that it has no historic basis in fact and that it has not been our national economic policy for the past 150 years.

In a Senate Speech in 1981, defending EDA, Senator George Mitchell outlined that history.

In 1850, when it became apparent that the success of the Eastern States in building their rail networks promised an increase in wealth for the entire eastern seaboard, Congress enacted the Railroad Land Grant Act—truly landmark legislation—to encourage, by Federal subsidy, the expansion of the rail network in the South and West. And for 21 years thereafter, Congress continued to grant rail land rights. One Hundred Thirty One million acres to land were granted for that purpose—a Federal subsidy for Western and Southern economic development whose worth cannot be calculated at today's prices. Beginning in the 1880's, hydroelectric power was aggressively developed with federal aid.

By 1902, 30 years of homesteading acts had not been enough to encourage the settlement of the arid parts of the West, so Congress enacted the Reclamation Lands Act of 1902, a regional economic program which has changed the face of the country. Under the Reclamation Act water projects were built in 17 Western States to irrigate arid land. Some of our great cities—Phoenix, Denver, Los Angeles—could not exist without that water. The Imperial Valley in California, the most productive farmland in the Nation could not produce without it. And, as one result, Western lands with less than 9 inches of rainfall each year now produce and agricultural product worth \$4.4 billion. All based on the theory of the importance of the Federal role in economic development.

In the 1930's, when the great depression was at its worst, Federal funds were poured into regional efforts to help provide employment and economic growth in the West and South. The massive Bonneville hydro project on the Columbia River was built to provide employment in the Pacific Northwest. Today, a potato processing plant in Washington State pays one-fifth the rate of electricity that a similar plant pays in the East because of Bonneville power and the other Federal hydro projects in Washington.

The greatest of the regional development programs, the Tennessee Valley Authority, is still benefiting its seven-State area. Its series of dams, reforestation projects, power plants and fertilizer plants have lifted a region which was in the depths of poverty in 1933—its people then earned 45 percent of the national average income—to a thriving and economically productive region today.

This massive Federal assistance to the South and the West over the past century has given those areas a basis from which today's rapid rate of economic development flows. It was grounded in the recognition that not all regions of the country have identical needs, that they do not move forward in lockstep, and that help is needed at different times by different parts of the country.

Then in 1956, at the urging of the Eisenhower Administration, Congress passed The Federal Aid Highway Act which began the largest Economic Development project in human history. The project resulted from extensive national and regional planning and the total cost of the system is estimated at \$129 billion. Its effect was to open the way for development in our suburbs, exurbs, and outlying rural areas.

No need for a national development policy—no need for federal intervention? The history of our country belies those statements.

Thus EDA owes its existence to the second theory—That of Planned Adjustment—which has been a national policy since 1850. However, politically, EDA exists as a result of a National debate that took place after the Second World War concerning the need for a targeted development program.

Some of you may remember as I do that the way that debate was framed in the 1950's was in the form of a question: "If we can assist all of those countries in Europe with a Marshall Plan, shouldn't there be a Marshall Plan for our distressed areas?"

In Congress, Senator Paul Douglas of Illinois was the champion of such an approach and legislation was drafted and passed and twice vetoed by President Eisenhower. But support for such a program was building and legislation creating The Area Redevelopment Administration (ARA) was the first bill that passed the Senate and was signed by the newly elected President John F. Kennedy in May 1961. President Kennedy was enthusiastic about the program having experienced the depths of rural poverty when campaigning in West Virginia and other parts of Appalachia in the Primary race against Hubert Humphrey. During its four year history ARA obligated \$350 million for projects authorized by its enabling legislation and another \$851 million for public works projects under the Public Works Acceleration Act of 1962.

During 1965 a consensus was reached in Congress that the ARA approach was valid but that it needed to be refocused. Thus on August 26, 1965, President Johnson signed the Public Works and Economic Development Act. The new legislation reaffirmed the ARA mission of permanently alleviating condi-

tions of substantial and persistent unemployment and underemployment in distressed areas and emphasized the related goal of stemming outmigration from such places. PWEDA also stressed the need to encourage expanded development in the natural growth centers of depressed areas and the importance of long-range economic planning.

In sending the EDA legislation to Congress for enactment on March 25, 1965, President Lyndon Johnson said: "The conditions of our distressed areas today are among our most important economic problems. They hold back the progress of the Nation, and breed a despair and poverty which is inexcusable in the richest land on earth. We will not permit any part of this country to be a prison where hopes are crushed, human beings chained to misery, and the promise of America denied."

Those words ring true today as they did 30 years ago.

EDA's advance over ARA and its originality is that it seeks to generate a process of economic development in specific areas of the country. The focus from projects to process was a key change from ARA to EDA. The Overall Economic Development Program, although not always properly implemented remains today a major contribution to economic development practice.

Another unique characteristic of EDA is the role of the Economic Development Representatives (EDRs). There is no other position like it in the Federal Government. The EDR heads a one person office in charge of one or more states. Because the EDRs are close to the economic problems of their areas and close to the people involved in them is a reason why they are so effective and important to EDA. Also the EDR reports to the Regional Director who reports to the Assistant Secretary. That flat organizational structure has resulted in many instances where an EDR talks to the Regional Director who talks to Headquarters and in a matter of hours an application is invited or a problem is solved. No other Federal program operates that way.

Now what shall we say about our collective experience in EDA—almost 30 years and \$16 billion later. Let us review some of the highlights of our proud heritage.

We know that jobs spring from ideas and EDA showed the way and responded to need in dozens of initiatives. Who could count the jobs that have resulted. Is three million jobs an inflated number? Probably not.

EDA showed the way in 1967 with the designation of the first Economic Development District and today 315 Districts testify to the wisdom of a regional strategic planning approach.

EDA showed the way in 1969 in responding to the closing of the Brooklyn Navy Yard and made substantial investments in its rehabilitation for industrial and commercial use. That defense adjustment initiative continued through the 70's and 80's and 90's and continues today with \$120 million of our FY 1995 budget dedicated to Defense Conversion.

EDA showed the way in 1969 in its prompt response to the ravages of Hurricane Camille in Mississippi and set in motion a role that continues in this fiscal year in our efforts in Georgia, Alabama and Florida in response to Tropical Storm Alberto, and in many major natural disasters in recent years, in Florida after Hurricane Andrew, the 1993 midwest flood, in California after the January 17 Northridge earthquake and in New England coping with the depletion of the fish stock. EDA showed the way in long term disaster recovery because we could deliver in ways that no other agency could.

EDA responded in 1974 by promptly administering a \$500 million Title X program.

EDA was also a leader in 1974 with amended legislation creating the state and urban planning program and promoting the idea of linking the planning with the budget cycle and both to the executive decision making process.

EDA led again in 1975 with the introduction of the Title IX program. Twenty years later the RLF program alone has approved \$400 million and leveraged \$2.4 billion in private lending. And who could count the jobs?

And EDA did the job in 1976-77 with the Local Public Works Program (LPW). Over a thousand projects were approved and \$6 billion obligated in twelve months. All 10,000 projects were processed in 60 days or less. We will never forget the 12 hour days and the countless Saturdays, but EDA did it.

Although physically and emotionally exhausted, EDA employees again responded in 1977 when a drought devastated parts of the country, especially in the Southwest and EDA processed an additional \$175 million in water projects. In that program projects were processed and approved on average within seven working days after receipt of the application. Many projects arrived on a Monday and were approved that Friday.

EDA responded in 1978-79 when it administered \$100 million dedicated to the XIII International Winter Olympic Games in Lake Placid, New York. EDA was the principal federal agency associated with the games and projects under EDA's supervision were built on time and within budget.

EDA also responded in 1983 and administered \$140 million for the Emergency Jobs Act.

In 1993 in response to the declining timber harvests in the Northwest, EDA was the lead federal agency in providing resources to hire local staff in Districts and counties so that all communities in the region had the capacity to respond to the crisis and develop a strategy for investing in the locally established priorities.

During the 30 years of our history EDA was recommended for zero funding in the President's budget for 16 of those years and yet during all of those 30 years EDA has been a leader.

EDA provided the investment for the first publicly funded incubator building in this country.

EDA provided Competitive Communities type funding for one the first federally assisted Employee Stock Ownership Plans (ESOP) in the country, South Bend Lathe in Indiana.

EDA popularized RLF's when many questioned the concept.

What is the proudest achievement of all? It is that EDA created the Economic Development Profession. Thirty years ago there was no such thing. But EDA has created the profession through its funding of District staff and the early days of the 302(a) program when we funded an economic development staff in virtually every state and every major city in the country. Because of that, most of them, for the first time, had an economic development capacity.

Thirty years ago there were virtually no graduate courses in economic development in this country and hardly any articles in professional journals. Through EDA's Research and Technical Assistance programs, we have funded the thinkers and theorists who are developing the idea that will influence tomorrow's national development process.

Now as we look at the present we should be gratified that for the first time in 30 years

we have a Secretary of Commerce, Ron Brown, who has testified on behalf of EDA before our committees and who strongly supports EDA.

We have the leadership of Assistant Secretary Ginsberg who is developing a strategic vision for a new EDA—an EDA that will involve change—change which we must be prepared to embrace. He is the only Assistant Secretary EDA has had who is an economic development professional. Under his guidance, new programs are being developed. You will hear later about our Competitive Communities initiatives which will build a new economic base of globally competitive, high growth companies.

In addition, how thankful we all are for the actions of Assistant Secretary Ginsberg who announced on June 1, 1994 the delegation of grant making authority from Washington to the regions, eliminating duplicative and redundant procedures. How important that is for all of us.

The Assistant Secretary is also committed to making the agency more responsive to our clients through simplifying agency applications and by completing the review of applications in 60 days or less. We did it in LPW—we did it in the Drought program. We have done it in recent months in our Disaster recovery efforts—we will do it.

What else must we do? Assistant Secretary Ginsberg has given us a charge to mount an extensive outreach to articulate EDA's new role and its continuing importance to America's local communities. Our grantees are ready for that and they will respond.

Last month I asked each of my EDR's to prepare his or her own outreach plan to get the message out. Charlie Hammarlund, our EDR for Connecticut and Rhode Island, who incidentally is celebrating his 45th year of federal service, in this plan stated: "I did not have to reach out to the economic development community in Connecticut and Rhode Island, they reached out to me. They were aware of our concerns and they told me what they were doing."

I know all of you are involved in this outreach process and we must not simply depend on the vigorous commitment and work by our leaders in Washington. A few weeks ago I was discussing this outreach effort with the Public Works Chief in Denver, Charlie Lee, and he said: "Jack, in our office we have discussed this and we believe that it we do not aggressively get the word out, our lack of action would be the very thing that causes EDA to die."

There is great wisdom in this thought. Today, more than ever all of us in EDA must be sustained by the spirit of hope. Not a hope that is a distant wish. But a hope that is creative force—that is active—that makes things happen.

For example, if people in EDA would say, "We've survived in the past—but this time the pressure is too great and we're not going to make it"—and I have heard those thoughts expressed by some of you—the very saying of those words repeated by enough people creates a life of its own and increases the change of failure. But if you say: "Look at what EDA has done—look at all of the people who believe in us and depend on us. I am going to contact everyone of them and make sure that they let all of the EDA family (grantees and businesses, our beneficiaries) know how important EDA is,"—those very words have their own dynamic life and increase in a sure and real way EDA's continuing existence.

For it is the creative hope within us that makes a difference—that makes things hap-

pen. Finally, I would ask you to reflect on the words of Bobby Kennedy and make them your own. Shortly before he died he spoke to the students at Fordham University: "Our future may lie beyond our vision but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature, nor the irresistible tides of history, but the work of our own hands will determine our destiny. There is pride in that, even arrogance but there is also experience and truth. And it is the only way we can live."

"It is the work of our own hands that will determine our destiny."

RABBI STEVEN CARR REUBEN ON  
ROSH HASHANA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, I wanted to bring to my colleagues' attention the wise words spoken by Rabbi Steven Carr Reuben on Rosh Hashana.

LASHON HA-HA—THE POWER OF THE TONGUE—  
ROSH HASHANA 5759/1998

(By Rabbi Steven Carr Reuben)

I think I agonized these past few weeks over tonight's sermon more than anything in years. I ran a HH Sermon Seminar for the So. Cal. Board of Rabbis this year—my advice to all of them 3 weeks ago was—"Don't talk about it." Since then almost daily someone has called or come up to me and asked, "What do I tell my kids, Rabbi?" "Where are they supposed to look for moral leadership?"

Like most of you my mind has been on information overload this week. I felt like the woman who once wrote about an overwhelming day in her life. She said, "The washing machine broke down, the telephone kept ringing incessantly, the mail carrier brought a bill I had to no money to pay. Almost to the breaking point, I lifted my one-year-old into his highchair, leaned my head against the tray, and began to cry.

Without a word, my tiny son took his pacifier out of his mouth . . . and stuck it in mine!"

I could have used that pacifier all week, as I kept thinking about something Rabbi Milton Steinberg, one of the great rabbis of the 20th century once said—"When I was young, I admired clever people. Now that I am older, I admire kind people."

This has certainly not been a kind week—not for Ms. Lewinsky; not for the President or his wife or his child, not for the country; not for anyone. In fact, in many ways it seems to have brought out the worst of human nature—meanness of spirit, vindictiveness, derision, humiliation.

"The worst" because as British philosopher Bertrand Russell once noted, "Nobody ever gossips about other people's secret virtues."

Parents tell me everyday that they are loath to open a newspaper, listen to the radio or watch the television for fear of what they might find. We have become victims of our own technological wizardry—caught up a whirlwind of sex, lies and videotape. A media feeding frenzy to have everything about everyone sent everywhere, instantly—it is the information age run amuck.

But I see this communal trauma we are going through as one of our nation's great "teachable moments." There are so many truly important lessons that we can learn and teach our children if we are open and willing.

Lesson number one might be this: "Just because we can, doesn't mean we should." I fear we are becoming a society without boundaries, without restraint, without respect, without a public moral sense of decency, or compassion or human dignity.

It's as if our hierarchy of values has been turned on its head—as if "truth" for its own sake is the highest value in life. And so on this Jewish New Year it is worth remembering, that the 4,000 years of Jewish ethical tradition teach something quite different.

For Judaism the highest value is not truth, it is the sanctity and dignity of human life itself. We ground our values in the commitment that human life is sacred—that the Torah teaches every human being is created in the divine image, with a spark of the divine within.

You see, in Judaism the way we fulfill our destiny as human beings, is to find ways of getting that divine light within each of us to shine brighter and brighter because of what we do or what we say.

And every time we do or say anything that diminishes that inner light in another human being, by trashing their image or reputation in the world, even if what we are saying is true, we are committing one of Judaism's gravest sins.

My God, look at the society we seem to have created—it's the tabloidization of America, where even Heraldo Rivera can't compete anymore with the daily sleaze of Jerry Springer, one of the most popular shows on television; and the Kings of the radio waves are shock jocks who specialize in personal attacks and public humiliation.

That is why I so desperately want us to seize this moment as an opportunity to remember who we are—who we can be—who we must be. To remember perhaps the core, fundamental ethical value of the Torah—for we have forgotten to teach our children and remind ourselves the all-important truth that what we say really matters.

It is written simply and powerfully in the book of Proverbs: "Death and life are in the power of the tongue."

Do you realize that in all of the Talmud, in all of Jewish ethics after taking a life, the most serious sin in our entire tradition is the public humiliation of another human being? (2 X)

It is what the Talmud calls, LASHON HARA—THE EVIL TONGUE, and it includes not only gossip and slander, but all words that are hurtful—any speech that damages the reputation or lowers the status of another. And it's the most widespread sin there is.

In a remarkable insight into the human psyche the Talmud teaches, "Many are guilty of stealing, fewer are guilty of sexual misconduct, but everyone commits the sin of slander; of Lashon Hara to some degree almost every day."

That's why Rabbi Yosi ben Zimra created a fictional lecture which God delivers to our tongues: "What else could I have done to rein you in, to control you?" God begs the tongue. "Though all other human limbs stand up, you lie flat." Though all other limbs are external and visible, I hid you inside the body, I enclosed you behind two walls, one of bone and one of flesh and even so no matter I do you still do more damage than anything else I have ever created."

Today is Yom Hazikaron the Day to Remember—remember what? Remember who we are. Remember that we think we are human beings having a spiritual experience, when we are really spiritual beings having a human experience.

Do you know that Jewish law commands us not to allow the body of even a convicted murderer to hang on the gallows overnight? This Mitzvah is dramatized in a famous Midrash which tells the story of twins—one who becomes the King and the other becomes a thief and murderer. The thief is caught, convicted, sentenced to death and hanged in the Town Square. And as the body hangs limp for all to see, strangers who pass by not knowing what happened look at it and what do they think? The King is hanging from the gallows.

For the Rabbis, God is the King—and we are God's twins. That is why even the worst human being; one who sheds another's blood is accorded dignity and respect. Because every one of us from the lowest to the highest has within the same Divine light.

For Jewish wisdom knew that even the truth can be evil—lashon hara—if it is used to cause pain, disgrace and humiliation. Jewish ethics teach us that just because something is true, doesn't mean we must say it—it is the intention of our words that matter most.

We have lost our moral balance—from political sound-bite attack ads to Hard Copy to what passes for the nightly news—we have cheapened life itself; nothing is private, nothing is sacred.

"Death and life are in the power of the tongue." Remember Richard Jewell who helped save lives when the bomb went off in the Olympic Park in Atlanta? His life went from Hero to horror overnight—because we have lost the sense of boundaries, and knowing itself has become our highest value regardless of who is hurt as a result.

You probably don't remember Oliver Sipple. He was the ex-Marine who became a hero overnight by saving then President Ford's life when he grabbed the arm of Sarah Jane Moore as she pointed a gun at the President. Her aim was deflected and the bullet went astray.

Reporters came to interview him and he had only one request: "Don't publish anything about me." Right! Tell that to an investigative reporter. Within days the LA Times, followed by dozens of other papers trumpeted the news that Sipple was active in gay causes in San Francisco.

A reporter in Detroit confronted his mother, who knew nothing about his homosexuality, with the news. She was stunned, and stopped speaking to her son. When she died four years later, his father informed Sipple that he wouldn't be welcome at her funeral.

Devastated, he began to drink heavily, and a few years later was found in his apartment—dead at age forty-seven. "Death and life are in the power of the tongue."

This is what Jewish tradition calls, Avak Lashon Hara—"The Dust of the Evil Tongue"—and it is settling all around us.

So when people asked me, "What do I tell my kids?" I say don't tell your kids, teach your kids.

And what can we teach our children at this New Year—even knowing that tomorrow morning hour after hour of the President's taped testimony will be broadcast over the nation's airwaves?

That the Talmud says "You can kill a person only once, but when you humiliate him, you kill him many times over."

This we can teach our children.

What else can we teach our children? "If you mess up it is tempting to tell a lie, but people will usually be much more angry about the lie than the original act itself.

This we can teach our children.

What else can we teach our children?

In the end, growing up means the willingness to accept personal responsibility for our own actions.

This we can teach our children.

What else can we teach our children?

We transgress in a moment; we regret for a lifetime. Repentance and forgiveness take work and time—sometimes the work of a lifetime.

This we can teach our children.

What else can we teach our children?

It's not how many times you fall down that ultimately matters in life—it's how often you get up again that counts.

This we can teach our children.

Arrogance, jealousy, temptation are as old as time. From nearly every Biblical hero to our own lives. After all, how many of you can think of at least one episode in your life that would cause you great embarrassment were it to become known to everyone else here?

This, too we can teach our children.

And above all, don't look out there for moral heroes—to politics, or sports, musicians or actors or celebrities—You are your children's primary moral models, and you must be their moral heroes.

So teach your children respect. Teach your children restraint. Teach your children by how you talk and the jokes you do or don't tell; the snickering or respectful tone of your voice, the dignity you extend to others.

Teach your children that the highest value isn't always truth—it may in fact be kindness.

One cold evening during the Holiday Season, a little boy about six or seven was standing out in front of a store window in New York City. The little boy had no shoes to speak of and his clothes were nothing more than rags.

A young woman passing by saw the little boy and the condition he was in, so she took him by the hand and led him into the store. She bought him some shoes and warm clothes and told him she hoped he'd have a better holiday season now.

The little boy looked up at her and asked, "Are you God, Ma'am?" She laughed and replied, "No son, I guess I'm just one of God's children."

And as the little boy turned to walk away, he smiled and said, "I knew you had to be some relation." That's who we really are.

It's Rosh Hashana, and a new year lies ahead. A New Year filled with infinite possibilities for change and growth, forgiveness and kindness and love.

So teach your children the wisdom of Rabbi Nahman of Bratzlov who said, "If you are not going to be any better tomorrow than you are today, than what need have you for tomorrow?"

TRIBUTE TO MARION BARRY, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. THOMPSON. Mr. Speaker, I stand here before you today to pay tribute to a man who has given 40 years of unwavering and committed public service, Mayor Marion Barry, Jr.

This year marks the end of an unprecedented public service career which includes four terms as Mayor of Washington, D.C. Born a sharecropper's son in Ita Bena, Mississippi, Marion Barry has truly risen and triumphed over many obstacles in his life. He will take a well-deserved rest this year from an astonishing public service record. However, he will always be remembered as a mover, shaker and innovator in the hearts of the people of Washington, D.C.

Mayor Barry's launch into public service was spirited by his long term commitment to the civil rights movement. In 1960, Mayor Barry and a group of concerned students from throughout the United States formed the Student Non-Violent Coordination Committee (SNCC) in order to take a moral stand against the forces of prejudice and segregation in the south. SNCC chose Marion as its first national chairman, and he moved to the District of Columbia in 1965 as their director and the rest is history.

In 1971, Mayor Barry was elected to the D.C. Board of Education and served as Board President for three years. In 1974, he was elected to hold an at-large-city council seat on the city's first elected council after more than a century of non representations. As a member of the council, he chaired the Committee on Finance and Revenue which gave him a deep understanding for the first needs of his city. In 1978, against two strong opponents and with unshakable enthusiasm, he was elected Mayor of the District of Columbia, a seat to which he was elected Mayor of the District of Columbia, a seat to which he was overwhelmingly returned twice more throughout the 1980's.

As Mayor of Washington, D.C., he was an imaginative and visionary leader who accomplished many things. Among them was the institution of a jobs program for city youth which became a nationwide model and lead to the founding of the Mayor Barry, Jr. Youth Leadership Institute. He also developed housing for low to moderate income families, established day care centers for government employees with children, and encouraged the advancement of business throughout the city.

Mr. Speaker, there is a series of planned events across Washington, D.C. to pay tribute to Mayor Barry, the Mayor, the Man, the Legend. I am proud to be a part of this effort and I wish him the best in his future endeavors.

HONORING HEISI FIGUEROA, WINNER OF THE NATIONAL BUSINESS PLAN COMPETITION

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to commend a young lady from my congressional district who has made the State of Massachusetts proud. Heisi Figueroa of Chelsea, Massachusetts, has proven herself to be an astute entrepreneur at the age of 18.

Heisi founded Heisi's Framing Design when she realized it was difficult to find frames that

were personalized for special occasions. Utilizing the entrepreneurial skills she acquired at Camp Start-Up to launch the business, Heisi's objectives are to "provide customers with personalized frames, matting the pictures and to gain a loyal 'customer base.'" She hopes eventually to extend her reach throughout Boston through newspaper ads and the distribution of fliers at grocery stores, malls, laundromats, schools and churches in the neighborhood. Born in El Salvador, Heisi moved to the United States when she was eight. Her first entrepreneurial adventures included babysitting and acting as an Avon representative.

I wish her success and congratulate her on this impressive accomplishment.

### USEFUL RECOMMENDATIONS ON NORTH KOREA

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HAMILTON. Mr. Speaker, a few days ago members of an independent task force sponsored by the Council on Foreign Relations and created to examine U.S. policy toward the Korean peninsula wrote to President Clinton about the deteriorating situation on the peninsula.

The task force members pointed out that the 1994 Agreed Framework with North Korea is a necessary but not sufficient component of a U.S. policy designed to enhance stability on the peninsula. Task force members offered the President a number of recommendations, with a view to ensuring the long term viability of U.S. policies toward the peninsula.

Mr. Speaker, I believe that Members will profit by reading the recommendations of the task force. Accordingly, I ask leave to reprint the task force's letter to President Clinton in the CONGRESSIONAL RECORD.

COUNCIL ON FOREIGN RELATIONS,  
Washington, DC, October 7, 1998.

HON. BILL CLINTON,  
President of the United States of America,  
The White House, Washington, DC.

DEAR MR. PRESIDENT. We are members of an independent task force sponsored by the Council on Foreign Relations to examine U.S. policy toward the Korean Peninsula. In this letter we write from our deep concern about the sustainability of U.S. policy after the discovery of what may be an underground nuclear facility in North Korea. At the very least, this development contradicts the American people's expectations of North Korea under the 1994 Agreed Framework. At worst, it represents an outright violation of the accord and a continuing determination by the DPRK to develop nuclear weapons that would threaten the entire region. The credibility of existing arrangements with Pyongyang has been further undermined by the August 31 launch of a North Korean ballistic missile over Japan, even assuming it was just a missile to launch a satellite. Thus far, negotiations aimed at clarifying North Korean adherence to the Agreed Framework have yielded little. Meanwhile, the U.S. Congress is close to eliminating funding for the Korean Peninsula Energy Development Organization (KEDO), which also could lead to a collapse of the Agreed Framework.

In our opinion, the Agreed Framework is a necessary—but not sufficient—component of a policy designed to enhance stability on the peninsula. Unless and until it is proven that North is violating the accord, it should remain a centerpiece of U.S. policy. Although the Agreed Framework does not, in itself, address the larger threat represented by North Korean terrorism, missiles, conventional weapons, and weapons of mass destruction (WMD), we recognize that these issues will be more difficult to address if we unilaterally dismantle the Agreed Framework and attempt to start over from square one. We also recognize that any unilateral U.S. move that precipitates the collapse of the Agreed Framework would seriously complicate our relations with Seoul and Tokyo. Moreover, we note that an end to the Agreed Framework would allow North Korea to accelerate any nuclear weapons program by utilizing the facilities at Yongbyon, which are now effectively capped by the bilateral agreement.

However, in view of the deteriorating situation, we urge you to consider the following steps:

1. Order a careful examination of current U.S. policy, in light of new circumstances, to include: our interpretations of North Korean intentions; the effectiveness of our coordination with allies; our long-term policy objectives; integration of our disparate negotiating instruments with Pyongyang into a more comprehensive approach; and a consideration of our posture, should the North Korean nuclear effort remain active or the Agreed Framework collapse. This examination should be completed within 60 days.

2. As part of the examination, it is essential to clarify North Korean intentions with regard to the suspect underground facility and adherence to the Agreed Framework. Future funding for KEDO, in our view, should therefore be conditioned on: North Korean clarification of the underground facility and any other suspect sites, with full inspections as required; completion of all canning of the fuel rods at Yongbyon; and a firm deadline for completion of both requirements, set sometime before delivery of FY 99 Heavy Fuel Oil is completed in October 1999.

3. Appoint a senior person (or persons) from outside government to lead this examination of U.S. policy. This person should have the stature necessary to establish bipartisan support in the Congress and to work closely with our South Korean and Japanese allies on a common approach. This senior person should convey directly to those at the center of power in Pyongyang the seriousness with which the United States views recent North Korean actions and should test North Korean actions and should test North Korean willingness to engage in more constructive approaches to our long-standing confrontation.

4. If North Korean adherence to the Agreed Framework is credibly reaffirmed, then the re-examination of longterm U.S. policy on the peninsula should also consider a decision to eliminate on a case by case basis those trade sanctions on North Korea implemented under the Trading with the Enemy Act. This step would complement Seoul's approach to the North, which is designed to expose North Korea to external forces for gradual change by allowing a limited degree of private cultural and economic interaction with the North. It must be emphasized, however, that such moves are unthinkable without Pyongyang's clarification of its adherence to the Agreed Framework, and that failure on North Korea's part to do so will lead eventually to a collapse of the accord in any case.

In sum, we believe: (a) that the actions of North Korea and mounting opposition to the Agreed Framework could lead quickly to a new crisis; (b) that recent developments require a re-examination of our approach to North Korea; (c) that the Agreed Framework shall remain the cornerstone of building a new relationship with North Korea only if North Korea can provide access to demonstrate that it is not pursuing a nuclear weapons capability.

We believe the gravity of the situation requires no less than these steps, and that the longterm viability of U.S. policy toward the peninsula will be put at risk by short-term fixes designed only to obtain funding for the Agreed Framework.

Respectfully,

Morton Abramowitz, James Laney, Richard L. Armitage, Daniel E. Bob, Jerome A. Cohen, James Delaney, William Drennan, L. Gordon Flake, Micael J. Green, Donald P. Gregg, Morton H. Halperin, Frank S. Jannuzi, Richard Kessler, Robert A. Manning, Marcus Noland, Sam Nunn, Donald Oberdorfer, Kongdan Oh, James J. Przystup, Robert W. RisCassi, Jason T. Shaplen, Stephen J. Solarz, Helmut Sonnenfeldt, Nancy Bernkopf Tucker, William Watts, Donald S. Zagoria.

#### A TRIBUTE TO SAFI QURESHEY

##### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. ROHRABACHER. Mr. Speaker, I rise to honor Safi Qureshey, an individual who exemplifies the diversity, enterprise, spiritual values and personal integrity of a newly emerging California and yes, our nation in the 21st century.

Safi immigrated to the United States from his native Pakistan. After finishing his education he went to work in the burgeoning electronics industry. Like the greats of industry who came before him, Safi was not content with the security of working for a large established corporation. Instead Safi joined with two other young immigrant entrepreneurs and started their own computer company in 1980. That company, AST Corporation, went from a garage-based operation to a multi-billion dollar world enterprise in just one decade.

Safi's business success has been heralded throughout the country. He was recognized as one of the nation's top 25 executives and has received numerous other well-deserved accolades for his entrepreneurial achievements. While Safi is justifiably proud of the acclaim he has won as a businessman, those of us who know him understand he is most proud of his community activities and other more spiritually based contributions.

Safi Qureshey is committed to a high quality of education, from grade school through the university level. He is personally involved in programs aimed at opening new educational opportunities through communications technology and children's programming in his native Pakistan. In his adopted homeland, Safi has supported business and technology programs in universities and colleges across the country.

Safi is admired for his generosity and many accomplishments, but he is the first to give credit to his faith in Allah. Safi is, first and foremost, a devout Muslim. He has been a tremendous inspiration to young Muslims and has brought together believers in God from many faiths. His deeply held convictions and respect for the religious rights of others is example of a new Americanism that rests on the foundations of individual freedom and traditional values yet is being practiced by proud citizenry as richly diverse as the world itself.

This year Safi is being presented the Muslim Achievement Award. Safi Qureshey thus represents faith and freedom in America, the best of our country.

#### HONORING MS. WYNEL PARKER

##### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to one of those unsung heroes or sheroes who go through life consistently giving of themselves without the glare of television or newspaper headlines. Such has been the life of Ms. Wynel Parker, a resident of the West Garfield Park Community in Chicago. Ms. Parker could be characterized as what some would call a busybody, because she was always busy doing things in her community, doing things for friends and family and doing things for humanity.

For many years, Ms. Parker was a staff person for the City of Chicago's Department of Human Services where she became an expert. If you had a problem or need, if you needed information, call Wynel Parker, if you needed to help somebody, call Wynel Parker.

Ms. Parker was politically astute and politically involved, she was a precinct worker and during her heyday she was not only formidable, she was virtually unbeatable. She did her work and did it well.

Finally, the Good Lord had a need, another soul was needed and the call went out to Wynel Parker. You have worked hard, you have given of yourself, you have helped your neighbors, you have helped your friends, you have done your best, come home now my servant and be at rest.

#### JONES ACT EXPOSED

##### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SMITH of Michigan. Mr. Speaker, there are more and more people that are becoming aware that the so called "Jones Act" is unfair to American producers and consumers. A Wall Street Journal editorial on the Jones Act, A Washington Tale (Oct. 5, 1998), is right on target. This 1920's law, which requires that all cargo transported from one U.S. port to another (even via a foreign port) travel on vessels built in the U.S., is protectionism at its worst.

No other mode of domestic transportation operates under such stringent rules and no law prohibits our foreign competitors from using lower cost international ships when they export to our market. Because the Jones Act fleet is so small (down from 2,500 oceangoing ships in 1945 to less than 120 today) many American businesses are unable to access deep-sea ships at any cost. Quite literally, today, the only people who can't ship to Americans are other Americans.

The sterile national security arguments (refuted so well in the Journal's editorial), are used as a bludgeon when any discussion of reforming the Jones Act arises. It seems that whenever we get close to making some headway, the siren call of "national security" is raised to stifle all debate. The real story of the Jones Act is that it benefits a few protected ship operators at the expense of everyone else. I have yet to discover an economist who'll defend the law. The benefits of the Jones Act are based on myth and wishful thinking. The British news journal, The Economist, in their October 3rd edition stated that the United States is "paying dearly for the Jones Act" which has "pushed freight rates to between twice and four times what they would be under free trade." (Pg. 14, Survey of World Trade)

Mr. Speaker, I include as part of my remarks the editorial:

[From the Wall Street Journal, Monday, Oct. 5, 1998]

REVIEW & OUTLOOK—A WASHINGTON TALE  
"Accountability" is now being much talked about, not only as an admirable civic virtue, but as an indispensable lubricant to a functioning global economy. Without it, you get Indonesia. But the next time a foreign official is getting lectured by someone from the U.S. Treasury, let them pull out the following tale of how the American political system looks when its own accountability completely disappears.

Our story starts on Kodiak Island, Alaska. There's a fellow there named Ben Thomas who owns a logging company. Mr. Thomas would like to sell his logs in the mainland U.S., but he can't get them to market at a good price. In fact, he says that it's cheaper to send his logs to Korea than it is to send them to Olympia, Washington. Even if he wanted to pay the outrageous shipping prices, Mr. Thomas says, during good markets the ships are often not available.

Unless you're in the ship business, or have to use U.S. ships like Ben Thomas, you probably have never heard of the 78-year-old Jones Act. The beneficiaries of the ancient Jones Act like it that way. What you don't know can't hurt them.

Mr. Thomas' problem is that by law, he must use a "Jones Act" ship to send his logs anywhere in the U.S. The 1920 Jones Act stipulates that maritime commerce within the U.S. must be limited to U.S. flagships that are U.S. built, U.S. owned and operated and manned by U.S. crew. While Mr. Thomas can't get his logs to Olympia, Canadian lumber companies can ship their logs to the U.S. at world market prices on state-of-the-art ships. Obviously this undermines U.S. competitiveness at home.

Senator John McCain held hearings recently on the Freedom to Transport Act, a timid attempt to reform the pernicious Jones Act. The Ben Thomas story is the same for producers in many other industries—oil, agriculture, steel, coal, automobiles, to name but a few. Thanks to the

Jones Act, the U.S. today has a downsized, overpriced ship-building industry, a small and aging maritime fleet—the oldest in the industrialized world—and a wildly distorted shipping network that is reminiscent of the U.S. auto industry before Japanese competition; the customer comes last.

Midwestern farmers are screaming about grain sitting on the ground because of a ship shortage and pig farmers in the South are instead buying their grain from Canada. Shipping as a share of the transportation industry is sharply down. The nation's railways are backed up and the highway system is unable to absorb the fallout.

The Freedom to Transport Act is hardly radical. It would leave in place most of Jones's protection, but its main provision allows those ships over 1,000 tons, carrying bulk cargo, to be built outside the U.S. This may seem a small matter, but the U.S. needs cheap ships before it can have competitive shipping. Forget about foreign competition; as it stands now, the domestic shipping industry has enormous barriers to entry for potential domestic entrants because of the high price of ships.

According to the U.S. Maritime Administration, the U.S. has only 120 self-propelled vessels over 1,000 tons; this is down from 2,500 at the end of World War II. During the Gulf War, President Bush had to suspend the Jones Act to move petroleum supplies. Yet ironically, national security has been the main rationale for maintaining the Jones Act.

U.S.-built commercial ships are so outrageously expensive that shipping companies have practically ceased ordering them. Rather than order high priced deep-water ships, many U.S. companies have taken instead to using integrated tug barges, a sorry replacement for real ships.

Opponents of the new legislation claim that Jones Act shipbuilders help spread the base of military ship-building costs, but the facts suggest the opposite. Rob Quartel, a former U.S. Maritime Commissioner and president of the Jones Act Reform Coalition, cites military builder Newport News Shipyards. Its futile attempt to get back into the commercial ship-building business in 1994 ended with cost overruns and a \$330 million loss. It has since abandoned the commercial market.

What's clear is that Jones is not about national security; it's about Congressional security. What counts in Washington is that the shipping industry provides politicians with steady, lucrative cash flow.

According to a 1995 International Trade Commission study dealing with only ocean-borne cargo and the potential gains from removing the U.S. build requirement. "The economy-wide effect of removing the Jones Act is a U.S. economic welfare gain of approximately \$2.8 billion." Of course open competition would eat into the profits of the protected interests. Federal Election Commission records suggest that those profits make their way, in part, back to the pockets of the Jones Act's political protectors. With no accountability, it's like a political annuity.

The Journal of Commerce has reported that FEC records show that in the 18 months leading up to the 1996 elections, "seven maritime unions with about 45,000 members gave nearly \$1.8 million to congressional candidates." Mr. Quartel says that in 1994, three of the top 10 political action committee givers were maritime related. This explains why, even through the evidence demonstrates the destructiveness of Jones, Con-

gress has never had the stomach to dismantle this antique law.

Senator McCain has vowed to hold more hearings, but with the maritime lobby spreading so much money around Washington, he's swimming against the tide. Senator Trent Lott—from the ship- and barge-building state of Mississippi—has testified against the pending legislation.

There is a cautionary tale here for our politics. Words like "shipping" and "the Jones Act" don't get the political juices running. Which is to say that when the press or any other agent of accountability loses interest in a subject, this is what rent-seeking politicians and competition-averse commercial interests will do with it. These are the real fat cats, and right now they're simply getting fatter.

I have called on the House Transportation Committee to hold hearings on my bills (H.R. 1991 and H.R. 4236) to reform the Jones Act. It is my hope that the next Congress will seriously consider this important issue.

TRIBUTE TO SGT. BLANCA ZOILA  
BURNLEY, U.S. MARINE CORPS

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BATEMAN. Mr. Speaker, I rise today to recognize an exceptional non-commissioned officer of the United States Marines, Sergeant Blanca Z. Burnley. On December 13, 1998, Sergeant Burnley completes a highly successful tour as the Marine Corps' Liaison Non-Commissioned Officer to this body for the past two-and-a-half years. It is a true pleasure for me to recognize a few of her many outstanding achievements.

A native of Mexico, and later naturalized in Los Angeles, California, Sergeant Burnley became dedicated to the service of this country. She entered basic training for the Marine Corps at Parris Island, South Carolina on October 20, 1990 as Recruit Valadez, following her graduation from Alexander Hamilton High School in Los Angeles, California.

Upon completion of basic training, then Private Valadez attended the Basic Administration Course at Camp Johnson, North Carolina, where she was promoted to Private First Class before reporting for duty with the First Marine Aircraft Wing in Okinawa, Japan on May 7, 1991. In 1st MAW's Wing Personnel Office, Blanca served successively as an Orders Clerk and was selected to participate in Ulchi Focus Lens in Osan, Korea. Upon returning from Korea, Blanca was meritoriously promoted to Lance Corporal on September 2, 1991.

After serving a year on Okinawa, on May of 1992, Lance Corporal Valadez reported to the Commanding Officer, Headquarters and Service Battalion, Camp Smith, Hawaii and was assigned to the Personnel Office as the only Separations Clerk. Within 3 months of her arrival, Lance Corporal Valadez was selected to stand before a Meritorious Corporal Board along with other Lance Corporals of her battalion—she was chosen to be meritoriously promoted to Corporal on August 2, 1997. Two years later, Corporal Valadez was promoted to Sergeant.

After 2½ years of serving with H&S Bn in Camp Smith, Hawaii, Sergeant Valadez was transferred to H & S Bn in Quantico, VA. She was attached to Headquarters company and served as the Company Clerk. During this tour, she handled the training and education as well as the administrative duties that kept the company mission-ready. Sergeant Valadez was also able to attend the Sergeants' Course where she graduated on September 21, 1995.

Sergeant Valadez was called for duty as the Marine Corps' Liaison Non-Commissioned Officer here at the Capitol in April of 1996. Soon thereafter she was married to Thurman H. Burnley II. She became well known on Capitol Hill as Sergeant Burnley, and has been instrumental in providing this Congress and its predecessor with a working knowledge of the Marine Corps. Most importantly Mr. Speaker, Sergeant Burnley has come to epitomize those qualities that we as a nation have come to expect from Marines—absolutely impeccable integrity, moral character and professionalism.

Sergeant Burnley's personal awards include the Navy Commendation Medal and the Navy Achievement Medal. Mr. Speaker, Blanca Zoila Burnley has served this nation with distinction in war and in peace for the last eight years. As she reaches the end of her military career, I call upon my colleagues from both sides of the aisle to wish her, her loving husband Thurman, and their proud son Alexander Scott every success as well as fair winds and following seas.

TRIBUTE TO JOSEPH P. KENNEDY,  
II, MEMBER OF CONGRESS

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LaFALCE. Mr. Speaker, the Kennedys of Massachusetts have served their country—from the White House to the state house—with distinction and a sense of tradition and honor.

As a Member of the House of Representatives, JOSEPH P. KENNEDY II, has served his nation, his constituents and his family with the same vigor demonstrated by his father and his uncles, John and TED KENNEDY. While other Members of his family will continue the Kennedy legacy of public service, JOE KENNEDY's decision to leave the House will be a very real loss for the House and, in particular, the Committee on Banking and Financial Services.

Those of us who have served on the Banking Committee with JOE will miss him for many reasons. We'll miss his personal presence, his energy and warmth, the way he enters meetings and personally greets each colleague and staffer with his legendary broad grin.

More importantly, the Committee will miss his passion. Throughout his Congressional career, JOE KENNEDY rarely missed an opportunity to direct the attention of the Committee toward issues affecting people not represented by the traditional Washington lobbyist. Low-income housing, community reinvestment, consumer protections are just a few of the issues JOE KENNEDY championed during the twelve

years he represented Massachusetts's Eighth District.

We know JOE KENNEDY will never fully leave the public service arena for it is just not in his nature to do so. He simply has a new mission—to seek different ways to serve the underserved and to accept greater responsibility for the affairs of his extended family.

In closing, Mr. Speaker, the House and the Banking Committee will not easily replace someone like JOE KENNEDY, but his contributions to the work of the United States Congress and the people of this country will remain. As JOE embarks on another path through life's journey, I wish him every success and happiness.

JOE, best wishes for all you have yet to accomplish.

**DISCOVERY CREEK CHILDREN'S  
MUSEUM OF WASHINGTON  
GRAND OPENING AT GLEN ECHO  
PARK**

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mrs. MORELLA. Mr. Speaker, I rise today to celebrate the expansion of the Discovery Creek Children's Museum of Washington to a very special cultural and natural site, Glen Echo Park. Discovery Creek is known as a "living laboratory for science, history, and arts exploration." This organization has offered creative and original environmental education programming for children, schools, and families since 1994. The grand opening ceremony will be held on October 17, 1998.

I welcome Discovery Creek to Glen Echo Park. I am pleased to note that the environmental features of Discovery Creek will complement the dynamic programming of arts and humanities education, public dance, and cultural festivals that have flourished at the Park for years. More than 100 years ago, this gorgeous location was chosen as an assembly site for the national Chautauqua movement. This movement focused on education, culture, science, and the humanities. Discovery Creek's environmental education components continue this notable tradition.

The expansion of Discovery Creek's programming and exhibits will provide additional opportunities for science, history, and art exploration to thousands of children and families each year. A major focus of the exciting growth in the educational initiatives will be the exposure of inner-city children to the joy and discovery of Glen Echo Park's natural environment.

Historically, the Glen Echo site has also served a crucial environmental role. A priority for Glen Echo Park has been the protection of the Potomac Palisades. This preservation function complements the new environmental education initiatives of Discovery Creek, which will encourage respect for the Park and its rich natural resources.

Glen Echo Park is a true gem of the Washington metropolitan region. The beauty and magic of this special place play a crucial role in the cultural life of our area residents. I have

no doubt that Discovery Creek will have an immediate success as a partner with Glen Echo Park. Mr. Speaker, congratulations to Discovery Creek on their exciting expansion!

**PERSONAL EXPLANATION**

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on October 12, 1998, during rollcall vote Nos. 521, 522, and 523. Had I been present, I would have voted "yea" on rollcall vote No. 521, "nay" on rollcall vote No. 522, and "no" on rollcall vote No. 523.

**TRIBUTE TO THE TOWN OF  
ATHERTON**

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Ms. ESHOO. Mr. Speaker, I rise to honor the Town of Atherton in San Mateo County, California as it celebrates its 75th Anniversary.

The Town, incorporated in 1923, was named after Faxon Atherton and his daughter-in-law, writer Gertrude Atherton. Faxon Atherton's home, Valparaiso, was built in the 1860s and was among the first of the great estates in San Mateo County. The Town grew as these properties were subdivided and Atherton is now home to some of the best and brightest minds in San Mateo County and the Silicon Valley. From this quiet bedroom community, the leaders of the economic engine that has driven California, emerge daily to fuel further growth.

Atherton is an educated, civic-minded community. Its residents are known for their leadership, serving on boards and civic organizations whose work is felt throughout the Bay Area and California. Atherton is also known for the philanthropic endeavors of its residents who give most generously of their resources to assist those issues that are near and dear to their hearts.

In the midst of wooded surroundings, Atherton boasts some of the finest educational institutions. Sacred Heart Preparatory, the Menlo School and Menlo College make their home in Atherton. The student population at the Town's eleven schools surpasses the number of residents. These schools are active in the community and educate the next generation of community leaders and Atherton residents.

The Town government is mindful of preserving a country atmosphere as urban growth continues in San Mateo County. The Town's General Plan specifically states that Atherton desires "to preserve its character as a scenic, rural, thickly wooded residential area, with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel."

With its quiet tree lined streets and beautiful homes, Atherton is one of the jewels in the

coron of the 14th Congressional District, a place I'm proud to call my home. I ask my colleagues to join me in celebrating the 75th Anniversary of the incorporation of the Town of Atherton and commend its residents for their extraordinary achievements and contributions to our community and our country.

**HONORING REVEREND W.D.  
BROADWAY**

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. BRADY of Texas. Mr. Speaker, soon a remarkable man of faith will bid farewell after 13 years as CEO and executive director of INTERFAITH of The Woodlands, Texas. Our nation should take proud note of the inspiring life and the immeasurable contributions of the Rev. W.D. Broadway.

A graduate of Schreiner Institute in Kerrville, Texas, Reverend Broadway earned a bachelor of arts degree from the University of Corpus Christi followed by bachelor and master of Divinity degrees from Southwestern Baptist Theological Seminary in Fort Worth, Texas.

After school Reverend Broadway was guided to the Texas communities of Rockport, Lancaster, Portland and The Woodlands, where in each he served as pastor of the Southern Baptist Church. With him were his most treasured blessings—wife Hugh Delle Manahan, daughter Jerene and son Mike.

It was through his extraordinary leadership of INTERFAITH of The Woodlands that I proudly became one of his many friends and admirers. Although no one word can hope to illustrate this bountiful life to date, on reflection Reverend W.D. Broadway is, above all, a builder:

A builder of spirit. In men and women, young and old alike, through the World of the Lord. As powerful and compelling in person as in the pulpit, Reverend Broadway frequently provided a crucial moral compass by smiling and announcing "I feel a sermon coming on \* \* \*"

A builder of houses of worship. Under Reverend Broadway's stewardship fourteen building programs were launched in the churches he ministered. His hands and heart have been directed to serve as the fund raising consultant for another 67 churches—Methodist, Baptist, Nazarene and Presbyterian. Think a moment about that: What a remarkable seed Rev. Broadway has sown throughout this land, to so exalt the Lord by helping others attain their vision of constructing much-needed houses of faith.

He is a builder of hope. This I know first hand. During the terrible Texas economic recession during the late 1980's, many families found themselves without jobs, without a means to feed their children or to meet their mortgage payments. In some disheartening instances, both parents suddenly found themselves without work, shattering years of hard earned hopes and dreams.

Reverend Broadway and I worked together back then to create the Interfaith Training & Employment Project to help laid off workers

find new jobs—to help them develop new skills and survive the emotional toll of financial uncertainty. Thankfully, the Private Industry Council of the Houston-Galveston Area Council supported the effort.

Since 1987, under this astute and caring leadership, ITEP has helped 24,112 people find new jobs and new hope. It has become one of the most successful job training partnerships in Texas. And it is due to the strength and vision of W.D. Broadway.

He is a builder of the community. When Reverend Broadway was named 1995 Citizen-of-the-Year for South Montgomery County, chamber of commerce Chairman Mike Karlins noted "of the churches, community groups and residents listed in INTERFAITH's annual directory, few have not benefitted from his encouragement, compassion and service to our community. He and his army of volunteers have welcomed thousands to our community, watching over our children as we work, helping families get through tough situations, providing assistance in finding jobs and enriching the lives of our senior citizens."

Mr. Karlins also observed that Rev. Broadway "is happiest and at his best when facing the challenges of planting and nurturing the seeds of our religious infrastructure." In times of crisis, "his ability to marshal community resources was never more apparent than in the days following the devastating flood of the past year."

"Above all, he loves this community and those in it. As a result, we are all better for it."

Soon Rev. Broadway will walk out the door of his INTERFAITH office for the last time to begin a well-earned retirement. To his friends and co-workers it seems unthinkable: a day at INTERFAITH without the kind eyes and broad smile that distinguish the ruddy countenance of "W.D."

His wife of 47 years, Hugh Delle, remembers a long time neighbor in The Woodlands who once commented, "W.D., you have INTERFAITH in your head." Rev. Broadway quickly replied, "I like to think I have it in my heart."

Humble and at heart a servant of the Lord, W.D. will surely be embarrassed by this tribute—even more so if all of his amazing accomplishments, service to the community and national professional leadership positions were identified. In total or in part, his contributions are testament to a life dedicated to living the Gospel and forging the good works of the Lord here on earth.

Reverend W.D. Broadway is truly a builder—of love, inspiration, grace and compassion. As a community and as a nation, we are better for it.

THE ECONOMIC DEVELOPMENT  
ADMINISTRATION AND LONG  
BEACH—A TRUE PARTNERSHIP  
FOR PROGRESS

**HON. STEPHEN HORN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HORN. Mr. Speaker, I am a resident of the city of Long Beach, CA. In 1974, then

Mayor Wade asked a number of us to form an Economic Development Corporation in order to turn the city around.

The Economic Development Administration [EDA] provided an original grant of \$750,000 in the 1970's which was leveraged into a title IX grant of \$7.65 million.

This amount was later leveraged into more than \$200 million in private funding for the large urban renewal program which changed the face of downtown Long Beach in the 1970's and 1980's. The result was new hotels, new businesses, a major world trade center, an expanded convention facility.

EDA's help meant jobs.

EDA funds also contributed to roadway improvements to allow further renewal of the downtown and shoreline areas of Long Beach.

In the words of City Manager James Hankla and Jerry Miller, deputy city manager, the EDA has been the most responsive agency in the Federal Government in helping Long Beach address the impact of three major base closings through the Defense adjustment program.

EDA provided half of the funding—\$6 million—for the parking facilities critical to one of Long Beach's premier attractions, the recently opened Aquarium of the Pacific. This project has been a cornerstone of the city's recovery plan following the closing of three major Navy facilities in the 1990's—naval hospital, naval station, and naval shipyard. With the loss of the Navy, thousands of jobs were lost. Beginning in March 1988, and the end of the cold war, 400,000 jobs in aerospace were lost in Los Angeles County alone. With 450,000 residents, Long Beach is the second largest city in the county.

EDA has also provided \$3 million to help establish the California State University, Long Beach Research Park on land formerly belonging to the Long Beach Naval Station. So the newer technologies will grow in place of the old thanks to the EDA which agreed with the community's vision.

EDA has helped provide funding to perform feasibility studies of bridges as part of the Alameda Corridor Transportation Project. That is the major intermodal in the Nation.

The Economic Development Administration is a proven vehicle to bring together Federal and local government, small and large business, so that the end result is a better community which provides opportunities for residents and visitors alike. EDA means a better future.

CONGRATULATING ALLISON  
BECKWITH

**HON. JENNIFER DUNN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. DUNN. Mr. Speaker, I would like to take this opportunity to congratulate Allison Beckwith for her winning entry in the National Business Plan Competition. Ms. Beckwith, who hails from Redmond, Washington, is one of five young women whose business plan was selected by women business owners to receive this distinguished award. She will be

recognized at the Women's Economic Summit during the Young Entrepreneur Awards luncheon on Thursday, October 15.

Mr. Speaker, I am extremely proud of Ms. Beckwith and her achievement. In her business plan, Ms. Beckwith envisions an online "catazine" (catalog and magazine combined) venture through which teenagers can buy merchandise and read articles written by other teenagers. This entrepreneurial spirit is one of the reasons why women are starting businesses at twice the rate of men and are a powerful and growing economic force in the global marketplace.

I also applaud Independent Means, Inc., sponsor of the National Business Plan Competition, for giving young teenage women the opportunity to turn their dreams of starting a business into reality. By engaging girls in entrepreneurship with female role models and placing an emphasis on the importance of economic self-sufficiency, Independent Means helps thousands of young girls become independent women.

When girls are given the tools and information they need to make informed decisions, they will act responsibly. I believe that we must continue to invest in teaching and inspiring young women in America—for they are our future.

On behalf of the Eighth Congressional District in Washington State, I again congratulate Ms. Beckwith for her outstanding accomplishment and wish her much success in her future pursuits.

SIKH HUMAN RIGHTS ACTIVIST  
CALLS PUNJAB A POLICE STATE  
(PEOPLE'S COMMISSION MUST  
BE SUPPORTED)

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BURTON of Indiana. Mr. Speaker, many of us have spoken out over the years about the ongoing human-rights violations by the Indian government in Punjab. I have recently come into possession of a very interesting document on that subject. Thanks to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, I have seen a letter written by Professor Jagmohan Singh, General Secretary of the Akali Dal (Amritsar), in which he declares that Punjab is still a police state, even under the Akali-BJP government of Chief Minister Badal.

"Human rights abuse in Punjab in the last decade and a half has shattered the lives of a number of individuals and their families," Professor Singh wrote. "Effectively, Punjab has been administered as a police state," he added. "No fresh legal or political initiative has been taken to reinforce rule of law and protect the most endangered primary fundamental right—the right to life."

Jagmohan Singh writes that five false cases are still pending against longtime Sikh activist Simranjit Singh Mann, a political opponent of the Badal government. His is just one prominent case among many. Tens of thousands of Sikhs remain in Indian jails; with no charges

pending against them. Alarming, some of them have been rotting in jail since 1984! Human-rights activist Jaswant Singh Khaira, who exposed the Indian government's brutal policy of mass cremations of Sikhs, was killed in custody by the police, according to a police witness. Jaspal Singh Dhillon, another prominent human-rights activist, was picked up by the police on a false charge as recently as July of this year. And if that wasn't enough, the police even picked up his attorney! Mr. Speaker, the judicial system in Punjab is a joke, no one is given an ounce of justice.

Jagmohan Singh points out that no action has been taken to punish the police who have committed these atrocities against the Sikhs. In fact, the Badal government even boasts that it has taken no action against these police officers. More than 150 atrocities have been documented since the Akali government took power in Punjab in February of 1997.

Professor Singh cites 15 separate ways in which human rights are violated in Punjab. Mr. Speaker, allow me to list just a few of these horrible and inhumane acts that police commit upon the innocent people of Punjab. Professor Singh has included, among other despicable acts, the promotion of police officers based upon the number of Sikh youth they have killed; bounties offered for the murder of particular individual Sikhs; forces occupation of public places, including houses of worship, like the Golden Temple in Amritsar; extrajudicial killings of political workers, relatives of political leaders and activists; and the planting of illegal weapons and explosives on unsuspecting people who are then labeled as "militants" or "terrorists."

Jagmohan Singh strongly defends the work of the People's Commission in exposing the tyranny of the Punjab police, and supports its continuation. The Commission has come under vigorous attack from the Punjab government, which is desperately trying to interfere in its mission and close it down. The Commission issued 90 citations against police officers and has taken on 3,000 more cases. Now the government has gone to court to stop the People's Commission. I agree with Professor Singh that the Commission's work must continue so that police atrocities can be exposed, and will cease to be covered up by India's political sponsors.

Mr. Speaker, Professor Jagmohan Singh's letter is a chilling description of the ongoing police state in Punjab. I am placing it into the RECORD, and I recommend to my colleagues that they read it carefully.

JAGMOHAN SINGH, GENERAL SECRETARY, SHIROMANI AKALI DAL (AMRITSAR),

Rahon Road, Ludhiana, September 24, 1998.  
Rtd. Justice V. K. KHANNA,  
Chairperson, Panjab State Human Rights Commission, Kendriya Sadan, Sector 9A, Chandigarh.

DEAR JUSTICE KHANNA: Is Panjab still a police state?

Human rights abuse in Panjab in the last decade and a half has shattered the lives of a number of individuals and their families. Effectively, Panjab has been administered as a police state. The situation did not change even after the election of Beant Singh's Congress government in 1992 and diminution of alleged extremist activities. The people of Panjab expected that the political and

human rights environment would change with the election of the Akali Dal Badal-BJP government in February 1997.

Panjab, however, continues to be a police state. The Panjabis now realize that all along they were chasing a mirage. For the last 18 months, the Badal-BJP government has taken no steps to undo the wrongs perpetuated during the last decade. No fresh legal or political initiative has been taken to reinforce rule of law and protect the most endangered primary fundamental right—the right to life.

Let us examine the scenario in present day Panjab:

1. Release of Detenues: No political detainee, including those who have been languishing for more than 8-10 years without trial or protracted trial, has been released from the jails of Panjab. Their cases have not been reviewed. No attempt has been made to bring back detainees from Panjab languishing in the jails of Rajasthan, Delhi, Madhya Pradesh, Maharashtra and Gujarat. There are five false cases still pending against party president, Simranjit Singh Mann.

2. Trial of Police Officers: No attempt has been made to expedite the trial of police and other security force personnel against whom cases of human rights abuse are pending in various courts, including cases in the Panjab and Haryana Court and the Supreme Court. Actually, the prosecution has been delayed under one pretext or the other.

3. Speedy Trial of the Guilty: To ensure speedy trial, it was necessary to constitute a Tribunal with instructions to conduct day to day proceedings to try the guilty police officers, bureaucrats and politicians responsible for executing and directing crimes against humanity. Despite the poll promise to do so, the present government has failed to take any initiative in this direction.

4. Suspension or Dismissal of Police Officers: No police officer or bureaucrat, at various levels in the hierarchy, responsible for formulating policies and strategies for harassment, torture, illegal detention and extrajudicial murder of Sikh youth, in total violation of rule of law, has been suspended or dismissed by the state government. No enquiry has been constituted to expose and identify the conspiracy of the police, the high-ranking bureaucrats and the politicians in Delhi. No step has been taken in the case of the involuntary disappearance of human rights activist Jaswant Singh Khaira. The report of the police inquiry in the extrajudicial murder of former Jathedar of Sri Akal Takht Sahib, Bhai Gurdev Singh Kaunke has not been released. Human rights and political activists have documented the involuntary disappearance of Jathedar Kaonke at the hands of the then Senior Superintendent of Police of Jagraon police district and his officers in January 1993. No attempt has been made to order enquiries about gross abuses in all districts of Panjab to unearth cases as have been detected in the "cremation of unclaimed bodies case" in Amritsar district.

5. Unlawful Promotion of Police Officers: A large number of police officers, who had been promoted on the basis of the number of Sikh youth killed by them, have not been reverted to their original positions or ranks. To rub salt on our wounds, police officers like SSP Iqbal Singh, who has a consistent track record of lawlessness and maltreatment has been recommended for the President's medal for his 'meritorious' service. We cannot forget that it was SSP Iqbal Singh, then posted in Tarn Taran, who sent a police team which

tortured and extrajudicially murdered Kashmir Singh of village Pandori Rukman of district Hoshiarpur on March 14-15, 1997. Kashmir Singh was propaganda secretary of the Youth Wing of our party. Many such officers have been awarded medals for their genocidal role. On the other hand, responsible police officers, who have refused to participate in the genocide of the Sikhs, are still not on active duty.

6. "Head Count" of the Sikhs and Rewards From the State Exchequer: Hundreds of Sikhs have been killed and hundreds of policemen have become rich with the 'head prizes'. With this unlawful enrichment, police personnel have acquired movable and immovable properties. The Panjab State Human Rights Commission should carry out a detailed enquiry into the Comptroller and Auditor General's Report of the last 15 years and prepare a report on the 'head prizes'. It will also be befitting to find out the issuance of any more secret orders or circulars, as the one issued by the then Director General of Police, K.P.S. Gill on 30 August 1989 to the senior police officers ordering the liquidation of 53 alleged militants with price money against each name.

7. Impoundment of Illegal Properties of Police Officers: A survey of all the illegal properties acquired by police personnel is a prerequisite for peace in Panjab. This research will unearth properties not only bought but also those which were "just taken over". Such properties and moneys should be deposited with the state exchequer. Ill-gotten wealth has fuelled disrespect for human rights and further desensitized the police.

8. Police Districts and "Peace" in Panjab: Police districts (Khanna, Jagraon, Majitha, Tarn Taran, Batala and Barnala) were created on the ground that the law and order situation require a small command area. However, although the senior police authorities and the Badal-BJP government claim that "peace has descended on Panjab", the police districts have not been dismantled. De facto, the police administration has become so top heavy that senior police officers, including Senior Superintendents of Police of various districts and the Director General of Police, Mr. P.C. Dogra ingratiate a pliable section of the media in Panjab, without fear of their political masters in Panjab and in active connivance with their political masters in Delhi, to perpetuate the hegemony of the police in Panjab. The state government or the Panjab State Human Rights Commission has failed to monitor the contradictory claims of the Panjab police chief. The State Commission should procure data regarding the cost of the exchequer of these police districts and recommend the winding of the same.

9. Occupation of Public Places by Police Administration: A large number of public places, including parks, private houses, in villages and cities, have been forcibly occupied and converted into police stations, police posts and torture centers. In spite of public protests, the Badal-BJP government has failed to direct the police authorities to vacate these places.

10. Extrajudicial Acts of the Police: In the last 18 months, a number of political workers, relatives of political leaders and activists, (Kashmir Singh of Shiromani Akali Dal (Amritsar), Vijayinder Singh— a nephew of party leader Simranjit Singh Mann, Avtar Singh Karimpuri, General Secretary of Bahujan Samaj Party), human rights activists (Jaspal Singh Dhillon) witnesses in human rights abuse cases (Rajiv Randhawa, Kirpal Singh) and a multitude of alleged

militants, have been tortured, harassed, detained or extrajudicially killed by the police. Families of slain militants continue to face the vengeance of the police. Even in cases not related to militants, there has been a spurt in deaths in police custody. No attempt has been made by the Badal government to dignify the police and to train them to respect human rights.

11. "Confiscation" of Explosives: The Director General of Police has "confiscated" tons of explosive material. Apart from the news-story that such material was recovered from "such and such militant" or "former militant", the DGP has failed to inform the people of Panjab about the ineffectiveness of the police and other security agencies when the material was brought inside Panjab (that is, if we believe the police version to be correct). Is it inertia or is it a well planned conspiracy to allow the monster to grow and then make a big fuss to catch it?

We strongly suspect that the movement of arms, ammunition and explosives in Panjab is a new strategy of the pervert masterminds of the Panjab police-Home Ministry nexus. We cannot forget that journalist Dhiren Bhagat of the Indian Post was killed by Indian security agencies, in 1993, soon after he had documented the illegal and unlawful movement of arms and ammunition by the Indian state through its secret services.

We are closely monitoring the progress made by the police in recovering the huge arsenal of arms and ammunition ostensibly recovered from militants and now missing from police records and stores. According to a communication from the Additional Director General of Police (Crime), Mr. Jarnail Singh Chahal (as mentioned in internal memos to all district SSPs in Panjab in September 1997) as many as 10,451 weapons comprising AK47s, AK57s, rifles, revolvers, pistols, rocket launchers, rockets are missing. There is no iota of doubt that they have either been distributed as bounties to the pet vigilantes of the Panjab police or to the Congress leaders of Panjab. To make matters worse, a large number of such arms have been given to untrained "special police officers" to provide security cover to a large number of people for whom such security is not a requirement but a status symbol.

The Panjab State Human Rights Commission must study the records of the Firearm Bureau at Phillaur and the police stores (Malkhanas) of police stations in the Panjab. We request the Panjab State Human Rights Commission to prepare a compilation of the total amount of explosives seized by the Panjab police in the last one year and inform the people about the disposal of the same, lest it be used to implicate more innocent youth of Panjab.

12. Extension of Services of Panjab Police Chief. We strongly urge the Commission to look into the reasons cited by the state government while granting extension to the Director General of Police, Mr. Puran Chand Dogra, six months ago. The Commission must also look into the reasons for the state government to recommend the case of DGP Mr. Dogra (bypassing the rules laid down by the Central Administrative Tribunal) for another extension of six months. Media reports say that the government has sought the extension "to combat terrorism in Panjab". This investigation alone by the State Human Rights Commission will be enough to know whether "Panjab is still a police state" and whether "peace has descended on Panjab".

13. Human Rights Defenders in Danger: Defending human rights is a dangerous activity in all banana republics or near-banana re-

publics. Panjab has been governed as such. It is not for the first time; even during his earlier tenure as chief minister, Mr. Parkash Singh Badal resorted to extrajudicial methods to crush opposition in the state. Today, either under pressure or in complicity with the police, human rights defenders are behind bars. Those still working continue to face the wrath of the state in one form or the other.

14. Why Forgive and Forget? Human rights include civil and political rights. Therefore politics and human rights are related to each other. Mr. Parkash Singh Badal, 18 months ago, had promised to the people of Panjab to investigate the causes and factors; and identify the individuals and the political parties responsible for the tragedies in Panjab and to pinpoint the administrative and political accountability for the same. Nothing has been done so far. The present signature tune is "Forgive and Forget". This was the tune of the Congress and the BJP against which the traditional Akali leadership instigated hundreds upon thousands of Sikh youth to revolt! Panjab and its people have forgiven enough and forgotten a lot. Today is the time to prosecute each one of the alleged perpetrators—executive, police and political—for crimes against humanity.

15. The Only Incomplete Positive Step: The only positive step taken by the present government is the formation of the Panjab State Human Rights Commission. Unfortunately no changes have been made in the powers and authority of the commission. The commission can investigate only those cases that fall within the last one year. So, the commission, according to the current mandate, cannot redress the fears, grievances and genuine complaints of families of victims of the last decade and a half.

#### FROM POLICE STATE TO PEOPLE'S COMMISSION . . .

In this frightening police state scenario, what should the people do? The people have come together and formed a People's Commission that will listen to their woes and deliberate upon the merits of each case of violation of human rights in the Panjab, irrespective of the time lag. The Commission has been formed at the initiative of dedicated human rights and political activists under the aegis of the "Committee for Coordination on Disappearances in Panjab." This Commission comprises of Retd. Chief Justice D. S. Tewatia, Retd. Justice H. Suresh and Retd. Justice Jaspal Singh. After the first session of the commission at Chandigarh on 8-9-10 August 1998, the affected families see a glimmer of hope. The People's Commission is the people's response to the non-fulfillment of election promises by the present government at the state level and the incapability of the ruling coalition at the Centre to rectify the wrongs of yester-years. If people can form governments surely they can form commissions as well; can they not?

Now, the Congress, the BJP and the Police (the trinity responsible for gross human rights abuse in the Panjab through acts of omission and commission) are pressurizing the Badal government to wind up the People's Commission, calling it "illegal" and "harbinger of disturbance" and other names.

We appeal to the Panjab State Human Rights Commission, to advise the state government, not to stoke the fires that are lying buried. Though we contest the "quality of peace" that has "descended on the Panjab", any attempt by the state "not to let people cry for their beloveds" will boomerang. The endorsement of the Panjab

State Human Rights Commission of the work of the People's Commission will go a long way to enhance respect for human rights and to smother the politically motivated propaganda against this humble attempt by the people to assuage the hurt of victims and their families. This certainly is part of the moral mandate of any human rights body, more so of a state-sponsored Human Rights Commission.

Moreover the labour of the People's Commission will not go in vain. The report of the People's Commission will not meet the same fate of hundreds of Commissions set up by the Indian state under the Commissions of Enquiry Act. It will perhaps be useful for the Human Rights Commission to conduct a statistical analysis of the total number of Commissions of enquiry instituted by the state and those whose recommendations have been accepted.

The focus of the work of the People's Commission is also not at loggerheads with the working of the judiciary as is being propagated by the wanton statements of the Panjab Advocate General, Congress and BJP leaders and the Panjab police chief. Their consternation is more about the uncovering of truth about their shameful deeds. Those opposing the People's Commission will do well to remember that before the official Srikrishna Commission was setup to pinpoint the responsibility for the riots in Bombay in 1992-93, a People's Commission was set up by an independent body, The Indian Peoples Human Rights Commission. Justice S.M. Daud and Justice H. Suresh made an extensive enquiry and submitted a report on the role of the government and the police in the rioting in Bombay. The report was first published in August 1993. The evidence collected by that People's Commission made the task of witnesses much easier when they deposed before the official Srikrishna Commission.

It may also be noted that the panel of judges on the Indian People's Human Rights Tribunal have conducted enquiries into the firing in Arwal in Bihar in 1987, the burning of 646 huts of tribals in Vishakapatnam district by the Andhra Pradesh government in 1988, the role of the Provincial Armed Constabulary in the riots in Meerut in 1988, the role of the Karnataka government in anti-Tamil riots and the role of the Tamil Nadu government in anti-Kannadiga riots in 1992.

At the international level, the journey for trial of guilty officers, bureaucrats and political leaders responsible for crimes against humanity, which started with the Nuremberg trials has fructified this year in the formation of an International Criminal Court.

The Panjab State Human Rights Commission and the National Human Rights Commission will do well to train the Indian police, paramilitary and military forces to recognize the harsh reality that sooner or later nemesis will catch up. Transparency and not secrecy is the watchword. "Reasons of state", "demoralization of the police forces" and "amendments to the Criminal Procedure code to make it difficult to prosecute police officers", "orders of superiors", "ignorance of law, especially international and humanitarian law" will not be adequate to protect either the protagonists or the perpetrators of human rights abuse.

We are concerned that no serious effort has been made by the government of Panjab or the Commission to popularize the commission and its work among the people of Panjab. No public sitting of the commission has taken place since its formation. The people of Panjab are eager to know the number

of cases in which suo moto action has been taken by the Commission. We look forward to the first annual report of the Panjab State Human Rights Commission and we anxiously wait to see how it nails down the state government and the police machinery. Should the commission require details on the above points, we shall gladly furnish them.

We appeal to you and through you also to the overindulgent Advocate General of Panjab, Mr. Gurdarshan Singh Grewal, to advise the present State government in Panjab whether it wants to join the sanguineous trinity of the Police-Congress-BJP or to find a respectable place in contemporary history, particularly in a year, when the international community, in spite of India's abstention, has formed the International Criminal Court to try individual cases of gross human rights abuse.

(Prof.) JAGMOHAN SINGH,  
General Secretary.

### TRIBUTE TO RETIRING CONGRESSMAN DELLUMS

#### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. OWENS. Mr. Speaker, RON DELLUMS, a great member of the House of Representatives, and a great member of the Congressional Black Caucus retired last February. On several occasions I spoke enthusiastically of my great admiration for Congressman DELLUMS; however, I was absent on the day tributes to my esteemed colleague were made on the floor of the House. Today, for the RECORD, I would like to summarize my tribute to a friend, a mentor and a great role model.

RON DELLUMS is a man defined by magnificent contradictions. He is the activist who took a great risk when he joined the establishment; but he won the bet that he could never be corrupted. He is the peacemaker who rose to the position of Chairman of the powerful war-making Armed Services Committee.

RON DELLUMS was and is a steady keeper of a broad and integrated vision of this complex world. He is a tribune broadcasting a consistent, universal message. Throughout his long career in the Congress he remained loyal to certain fundamental principles advocating peace with justice—and his order of priorities never became confused. Despite his world view, his philosophical and intellectual loftiness and his intensity concerning administrative excellence, RON remained first and foremost a descendant of Frederic Douglass, first and foremost an African American with an abiding dedication to his people.

When the oppressed Blacks three thousand miles away in South Africa needed a champion, RON DELLUMS was there with his parliamentary skills managing a difficult controversial resolution through the House. The effort was greatly enhanced by this oratorical eloquence and the fact that he had already accepted jail and arrest to promote his position. In a historic moment on the floor of the House, which has not yet been accorded its appropriate recognition, the Dellums South African sanctions resolution passed and set in motion

a process which doomed the evil of apartheid. Nelson Mandela was later set free and a new South Africa nation was born.

Although he was the Chairman of the Armed Services Committee in 1993 when the call came for direct action to return democracy to Haiti, RON DELLUMS was again on the front lines accepting arrest and jail to promote a policy of sanctions against an oppressive regime.

To promote justice and a better utilization of our national resources throughout the world RON led the drive to reallocate the military budget. He continued to support the Congressional Black Caucus alternative Caring Majority Budget. His concerns for full employment and job training as well as a more generous and sustained investment in education never waiver while he executed his duties as Armed Services Committee Chairman.

Today, the portrait of RONALD V. DELLUMS in the National Security Committee Hearing Room speaks symbolic volumes about the magnificent contradictions of this Renaissance Man. This great room of the warriors, with forbidding portraits all around, many with a background including some weapon of destruction, is transformed by the Dellums portrait which makes a complete and almost perfect statement. From this powerful portrait the sunshine of peace and hope triumphantly invades the war room. This masterpiece leaves the bright shining signature and spirit of a conquering hero: RONALD V. DELLUMS.

### HONORING THE PINK RIBBONS PROJECT

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize the tremendous contribution that the Pink Ribbons Project is making in the battle against breast cancer.

Every October, we celebrate Breast Cancer Awareness Month to highlight the efforts by medical providers, community organizations, and businesses to ensure all women have access to the breast cancer screening and treatment they need. It is particularly gratifying to acknowledge the efforts of the Pink Ribbons Project, Dancers in Motion for Breast Cancer, whose generosity is helping to achieve this goal and save lives.

The Pink Ribbons Project was conceived and created in New York City in May 1995 by four artists whose lives were personally touched by breast cancer. One of these dancers is Jane Weiner, the sister of Susan Raffe, a Houstonian who is a survivor of metastatic breast cancer.

I believe that Susan's story is important for all women to understand. In 1992, at age 30, Susan discovered a lump during self-examination, but her doctor did not believe it could be cancer for such a young, healthy patient. In 1994, Susan was diagnosed with metastatic breast cancer. She opted for a bilateral mastectomy and reconstructive surgery. Regrettably, her battle was not over. In 1996, she discovered that her cancer had spread to her

spine and she opted to undergo a new bone marrow transplant procedure. Under this procedure, patients undergo extensive chemotherapy and radiation treatment to kill the cancer cells. As a result of these treatments, many patients lose their bone marrow and are susceptible to infections. In order to protect against infections, patients donate healthy bone marrow prior to their radiation and chemotherapy treatments and then transplant their analogous bone marrow after undergoing treatments. Susan's treatment has been a success and today she is fighting to ensure healthier futures for all women with her family, husband Alan Raffe, also a cancer survivor, and her 4-year-old daughter Marika as a special inspiration. In particular, Susan wants to encourage other women to be aggressive about their health and get second opinions when they are not satisfied with diagnoses and treatments.

The Pink Ribbons Project is the first dance initiative to join the fight against breast cancer. In 1996, the dance was introduced in Los Angeles. This year, these Pink Ribbons dancers will create a dance benefit called Hot Pink Houston to be performed at the Cullen Theater on November 12, 1998 in Houston. These dancers donate their time, service and talents to help raise funds for breast cancer advocacy, education and research.

With their first performance, the Pink Ribbons Project raised more than \$10,000 that was donated to the National Alliance for Breast Cancer Organizations (NABCO). NABCO used these funds to send 10 women with metastatic breast cancer to Washington, D.C., where they testified before the Federal Drug Administration, the Federal agency responsible for reviewing drug treatments and therapies. Their testimonies helped three new drugs win approval for treatment use.

I congratulate all involved in this vital project, including the Houston Ballet, Chrysalis, the Weave Dance Company, Sarah Irwin, Fly, Robin Staff, Hope Stone, Shake Russell, and Dana Cooper, who are all donating their talents for the Houston show. It is my hope that the Hot Pink Houston event will encourage more in our community to join the fight against breast cancer.

The value of the Hot Pink Houston program cannot be overstated. One in eight women can expect to develop breast cancer during her lifetime, and one in 28 women will die from it. Every 15 minutes, a woman dies from breast cancer. During this decade, it is estimated that more than 1.8 million women, and 12,000 men, will be diagnosed with breast cancer. Nearly half a million will die of this disease. Such statistics can be numbing, but they are all too real to those of us whose families have been affected by breast cancer.

But the saddest fact of all is that so many of these deaths are preventable. With the exception of skin cancer, breast cancer is the most survivable of cancers and when detected in its earlier stages, it has a 95 percent survival rate. So it is vital that women conduct regular breast self-examinations and obtain regular mammograms.

Because of the tremendous generosity of Pink Ribbon dancers, more women will learn about breast cancer and how we can work together to save lives.

## EDUCATION

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. PACKARD. Mr. Speaker, I would like to voice my outrage for President Clinton's veto record with regards to the education of our nation's children.

Over the past Congress, President Clinton has vetoed 7 major Republican education initiatives. That's seven times the President chose politics over our children. I truly believe the key to our children's future is the education they receive. Nothing can be of more importance to our families, our communities and our country than the quality of education in America. Apparently President Clinton does not see it this way.

Despite the President's heavy veto pen, the Republican's have been able to enact legislation which will benefit this nation's education system. We now have the lowest student loan interest rate in 17 years and have enacted a tax deduction for student loans. We also passed a Head Start reauthorization, providing for more funding to help states meet the needs of students with disabilities.

Mr. Speaker, the President's decision to play politics with our children's education and future is a bad choice. The fact is, it doesn't take a bureaucrat from Washington to tell us how to teach our children when parents have always and will always know best. We need to keep Washington out of our schools and ensure that parents and teachers are able to make their own decisions about how they want their children taught. I would like to commend my Republican colleagues for the hard work this Congress has done for our children's future.

TRIBUTE TO JOSEPH P. KENNEDY,  
II, MEMBER OF CONGRESS

SPEECH OF

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a few moments today to pay a special tribute to a colleague of mine who at the end of this legislative session will be retiring after a long and distinguished career from the United States House of Representatives.

Congressman JOSEPH P. KENNEDY, II, a native son of Massachusetts and the eldest son of Ethel and the late Robert F. Kennedy, will soon be returning to our great State to, along with other pursuits, run Citizens' Energy Corporation, the low-income assistance program he founded in the early 1980's. Before he departs, I would like to take a few moments today to honor his accomplishments here in the House and to tell you more about the man I regard as my friend.

JOE KENNEDY roots for the underdog and leaves behind in Washington a long track record of standing on the side of people who don't view government as an intrusion, but in-

stead, as a means for achieving justice and dignity in life.

Whether working to assist the homeless, children, the poor, the elderly or the disabled, JOE KENNEDY has always brought a special earnestness and passion to his work. As a result, his legislative achievements on the Banking Committee and in the House have been many, and the impact of his charitable and meaningful work will continue to be felt for years to come.

Since 1986, his constituents in the 8th District of Massachusetts have known of Congressman JOE KENNEDY's dedication. They, like those of us who work with him regularly, also know of the many endearing qualities he brings to the table.

JOE KENNEDY is a remarkably kind man, and it is his heart, not political polls or newspaper headlines, that is the compass that guides him in here in Washington. Congressman JOSEPH P. KENNEDY, II has continued the great legacy of his father and his uncle, and it is his heart and his commitment to what is right and just that people from Massachusetts and across the Nation will miss most.

I would like to take this opportunity to thank JOE KENNEDY, my friend, for his many years of hard work in the United States Congress. I wish JOE and his wife Beth all the best on the road that rises to meet them in the years that lie ahead.

CLARITIN AND SPECIAL INTEREST  
LOBBYING

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, as all of my colleagues know, this is the time of year when special interests come out in force to take advantage of our busy schedule. They try to slip last-minute riders into conference reports and sneak lucrative patent extensions into crucial appropriations bills. If history is any guide, a number of pharmaceutical companies are at the very head of this unsavory pack.

You may recall that, in the dead of night, someone smuggled a drug patent extension into the conference report of the 1997 Kennedy-Kassebaum Health Care Reform Act. Neither Senator KENNEDY nor Senator Kassebaum were informed of this corporate giveaway. Only public protest prevented the drug company from scoring a multimillion dollar coup at the expense of consumers.

It is the widespread rumors about a similar effort that have brought me here. I want to alert my colleagues to the efforts of Schering-Plough to sneak a backdoor patent extension onto the continuing resolution.

For many years, Schering has sought to extend its patent protections for Claritin, a prescription antihistamine with over \$900 million in annual U.S. sales. Last year, Schering lobbied the Senate for an amendment to omnibus patent reform legislation granting outright five-year patent term extensions for a number of drugs, including Claritin. In 1996, Schering tried unsuccessfully to attach Claritin patent extensions to the omnibus appropriations bill,

the continuing resolution and the agriculture appropriations bill. In the first half of that year alone, Schering spent over \$1 million in lobbying the Congress.

Schering's proposal is a terrible deal for consumers. It would require the Patent Office to adjudicate patent extensions for drug companies who have experienced regulatory delays at FDA. In reality, it is a backdoor opportunity for companies to undercut the scientific judgment of the FDA and its expert advisory committees.

What Schering calls "regulatory delay" is the time needed by our public health agencies to ensure drug safety and efficacy. Often, a company will cause its own delays through miscalculations, complications in its research and new questions about its products. Schering claims that the approval of Claritin was subject to regulatory delay. The company never mentions that its delay resulted from the unexpected discovery that Claritin might cause cancer.

Mr. Speaker, putting the Patent Office in the position of trying to second guess the FDA and its expert advisors on Claritin's possible carcinogenicity would be like having the IRS deciding which research proposals should be funded by NIH.

This proposal would also burden the Patent Office with meritless cases like Claritin. The Patent Office has limited resources and crucial responsibilities. It does not have time to coddle companies like Schering when patents for breakthrough technology are awaiting approval.

Even worse, this proposal would cost taxpayers millions of dollars in additional health care spending for Medicaid, Veterans health programs, the Defense Department and Public and Indian Health Services. Private insurers and HMOs will have to pay higher prices for drugs like Claritin. And ordinary consumers, especially older Americans, will have to pay much more out of pocket for their medicines.

Let me make a final point about this proposal. I am the coauthor of the 1984 Waxman-Hatch Act. The Act grants patent extensions to drug companies for the patent time expended obtaining FDA approval. One of the points of the 1984 Act was to stop companies like Schering from lobbying Congress for patent extensions. It has been very successful, with the exception of rogue companies like Schering.

In fact, I seriously doubt that Schering has told anyone that it already received a 2-year patent extension under this law. The company just wants another pass at the trough.

Lobbying efforts like Schering's are bad for the consumer. They also do harm to the 1984 Act, which strikes a balance between promoting innovation and ensuring that consumers have timely access to affordable medicines. Senator HATCH and I have publicly emphasized that revisions to the 1984 Act be made in a careful, deliberative process to preserve that balance. Dropping the Schering proposal onto the CR without notice, without committee proceedings, and without publicity is the exact opposite of what we meant.

For these reasons, I urge my colleagues to oppose Schering-Plough's proposal, wherever it should appear in these final days of the session. It would cost taxpayers millions, hurt

consumer choice, distract the Patent Office, undercut the FDA and do violence to the need for committees of jurisdiction to deliberate carefully over these important issues.

TRIBUTE TO THE LIFE OF JAMES  
FLETCHER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. DAVIS of Illinois. Mr. Speaker, it is with exceeding regret that I advise my colleagues of the death of a great American and one of the most socially conscious bankers in Chicago.

A former Chicago public schools teacher and a 1960's city planner with a focus on urban renewal, James Fletcher with three other extraordinary individuals established America's first community development bank—in 1973. Soon after, Mr. Fletcher became president and chief executive officer of South Shore Bank in 1983. He served on that post until 1994 and was elected chairman of the bank in 1996.

With the logic of a philosopher, the passion of a preacher, and the precision of a banker he helped redevelop communities who have long been forgotten by all of the major banks in Chicago. Indeed, in the hands of James Fletcher, community development was a creative act. With his foresight, community development is an encounter between socially conscious bankers and private investment. Slowly, step by step, they proved that a strong, independent banking presence in the neighborhood could help get a community back on its feet again.

Beyond his many professional accomplishments, James Fletcher was one of those rare and wonderful individuals who relished being a mentor, role model and always a generous father. We cherish his memory as his work touched the lives of whole communities: men, women and youth alike. Mr. Speaker, I commend to the United States House of Representatives and to the American people the life and service of James Fletcher.

CHINA: A POTEMKIN ECONOMY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SOLOMON. Mr. Speaker, in 1787, Prince Grigory Potemkin, Catherine the Great's longtime prime minister and occasional lover, decided that the recently-annexed Crimea needed a little fixing up in preparation for an official visit by the empress. He is said to have erected a number of false-front buildings along Catherine's travel route so as to create the appearance of a happy and thriving peasant society. Thus was born the legend of the "Potemkin village."

Today, autocratic regimes have more resources at their disposal than Potemkin ever dreamed of. In fact, it can fairly be said that

the Chinese communists have managed to build a "Potemkin economy"—an entire national economy that has the surface appearance of being dynamic and prosperous when, in truth, the real situation is something very different. The present-day equivalent of Potemkin's false-front villages are the empty skyscrapers that loom over every large Chinese city.

The September 30 edition of the Washington Post contains a compelling article by Michael Kelly that looks behind China's imposing economic facade and finds an altogether different story than is usually reported. "The central question of the most consequential of all American foreign policy issues is whether the People's Republic of China is evolving, under the munificent influence of capitalism, away from communist totalitarianism and toward democracy." If the answer given to that question is yes, then that "answer, it is now authoritatively revealed, is dead wrong—and so is America's China policy."

Mr. Kelly based his article on a new book China's Pitfall, that was published in Hong Kong last year. This book, which has not yet been translated into English, is the subject of an extensive review by two China scholars in the current edition of The New York Review of Books. That review concludes with these words: "What happened in China in the 1990's is thus becoming clear. Reform was aborted when Deng Xiaoping strangled China's democratic forces in 1989 and when . . . he decided in 1992 to buy stability for his regime by pursuing rapid economic growth whose price was sharply increased corruption, financial deception, and the erosion of the moral basis of society."

Corruption. Deception. Erosion. Hardly the foundation on which a stable economy, to say nothing of a decent society, can be built. Indeed, the author of China's Pitfall, He Qinglian, identifies five negative trends that are tearing at the fabric of Chinese life: "population size, agricultural stagnation, inequality, corruption, and low standards in education." Ironically, the author reports, each of these problems is as bad or worse today as it was a century ago, when the Qing Dynasty was disintegrating and the entire country was plunging headlong toward revolution.

How then to explain China's "rapid economic growth" in recent years? This is, after all, an economy that expanded at an annual rate of 10 to 12% in the years from 1981 through 1996.

According to He Qinglian, economic growth in the 1980's was largely based in rural China. As the communist command system in the agricultural sector was dismantled and rural communes were abandoned, the productivity of farms shot up and many farmers and villagers also established light industries and other entrepreneurial ventures. Agriculture and rural industry account for about three-fifths of China's gross domestic product, and so progress in these areas was bound to be reflected in the country's overall performance.

By the end of the 1980's, however, the rural economy was stumbling: "the immediate gains from freeing agriculture could not be continued" and "extortion, overtaxation, and embezzlement by local officials" were taking their toll. Moreover, the effects of "decades of envi-

ronmental devastation and neglect" began to be felt. China has lost one-third of its topsoil and arable land in the last 40 years. When floods come, as they did this year, rural areas bear the brunt because the government deliberately blows up small dams and dikes, inundating farmlands, so as to spare the cities.

Small wonder then that an estimated 120 million people—twice the population of France—have migrated from rural China into the cities since the late-1980's. And small wonder that Deng Xiaoping decided that he needed a new strategy, especially in the wake of the 1989 Tiananmen Square massacre and unrest in the interior provinces.

China's economic growth in the 1990's has been essentially an urban phenomenon, with many city-dwellers registering visible gains in personal income. Urban free enterprise employs only three percent of the Chinese people but accounts for about one-tenth of China's gross domestic product. Predictably, enterprises that employ cheap labor to make consumer products for export have proved to be the most profitable.

But the real story of Deng Xiaoping's post-1989 "reforms" has been missed by the Western media. He Qinglian puts the truth in stark terms: Deng's so-called reforms are really a "marketization of power"—"a process in which power-holders and their hangers-on plundered public wealth. The primary target of their plunder was state property that had been accumulated from forty years of the people's sweat, and their primary means of plunder was political power."

China's Pitfall describes in detail how China's economy in the 1990's has been fueled by plunder, a process in which wealth hasn't so much been created as it has been transferred. The plunder has taken place two ways.

First, party and government officials manipulate the state-controlled sector of the Chinese economy, which represents about one-third of gross domestic product and includes all of the important industries, commodities, and essential services. A two-track pricing system has been put in place by which unscrupulous officials buy raw materials and industrial products at a government-controlled price and then turn around and sell them on the open market for a much higher market-dictated price.

The "huge illicit profits" that result from this maneuver get plowed into speculation in securities and real estate; they also provide the grease whereby officials allow foreign investors to evade having to deal with market costs when they set up joint ventures and other enterprises in China. Many of the more powerful officials in China also use these profits to establish so-called "tertiary industries" in which favored friends and relatives "take control of the most productive section of a state enterprise . . . in order to run it as a semi-independent company." In other words, for a minimal investment they get the benefit of state protection while cashing in at market prices.

The second means of plunder is even more brazen. All banks in China are state-controlled, and they serve as veritable cash cows for state-controlled industries. He Qinglian estimates that \$240 billion—nearly half of all personal savings that have accumulated in China since the 1950's—have been transferred, as emergency loans, from banks to state-controlled industries.

There is little or not hope of recovering these "loans." China's banking sector is verging on bankruptcy by any objective measures, with a huge burden of nonperforming loans that is overwhelming a shrinking capital base—a base that is shrinking all the more now that the equity value of most state enterprises (one-third of the economy, remember) has been reduced to zero and corrupt officials have discovered how to circumvent the restrictions against sending hard currency overseas.

The net result of all this is a society in which *zai*, the Chinese equivalent for "rip off" has become pervasive, in both attitude and practice. According to *The New York Review of Books*, "Probably in no other society today has economic good faith been compromised to the extent it has in China. Contracts are not kept; debts are ignored, whether between individuals or between state enterprises; individuals, families, and sometimes whole towns have gotten rich on deceitful schemes.

"He Qinglian sees the overall situation as unprecedented. 'The championing of money,' she writes, 'has never before reached the point of holding all moral rules in such contempt.' She finds the collapse of ethics—not growth of the economy—to be the most dramatic change in China during the Deng Xiaoping era. The challenge facing China is not just 'survival' . . . but 'how to avoid living in an utterly valueless condition.' She does not hold out much hope."

Nor do I. The danger signs are already appearing. The growth in average personal income has fallen sharply since 1996, and for millions of Chinese—in both urban and rural areas—personal income has actually declined. By the end of 1998, an estimated 22 million employees will have been laid off from the state-run sector of the economy, and millions more are subject to late payment, partial payment, or even nonpayment of their wages.

The outflow of capital, which during the 1980's amounted to a level of about half of what was coming into China as foreign investment since 1992. Meanwhile, an estimated inventory of \$360 billion worth of consumer goods has piled up—unsold and, for increasing numbers of people, unaffordable. China's much-congratulated decision not to devalue the yuan is not as impressive, upon close examination, as it first appeared to be to distant observers. For the Chinese communist regime, currency control is an instrument of political control. But even that may have to change now that China's export performance is slowing down.

Organized crime, a substantial problem in the Chinese economy for decades, is getting much worse, and He Qinglian's book traces the emergence of a *de facto* "government-underworld alliance" that is serving to merge the legitimate economy with the underground economy controlled by the mafioso "triads." Progress toward the development of a civil society, to say nothing of the rule of law, is being severely retarded, and the country is increasingly plagued by "drug trafficking, smuggling, sale of human beings, counterfeiting, prostitution, and pornography."

The true nature of the Chinese economy was brought home to me with startling clarity this past August when I had occasion to visit

the Shanghai Stock Exchange. Far from being some kind of citadel of capitalism, it was actually a good example of so-called "virtual reality." Red-vested operatives were essentially there to sit around at the desks, because all the action is done through electronic transactions. When I was there, I saw various "traders" sleeping, reading newspapers, and wandering around talking to friends. But the real scorcher was to learn that the building which houses the stock exchange is owned by Wang Jun and Polytechnologies. Wang Jun is a notorious, internationally-known arms merchant whose military-backed conglomerate, Polytechnologies, supplies weapons of mass destruction to terrorist states and was caught red-handed smuggling AK-47 machine guns into California in the spring of 1996, barely three months after Wang had been feted at a White House tea party. Months later, with the 1996 election out of the way, a Washington Post reporter asked about Wang's White House visit and was given what would come to be an oft-repeated, one-size-fits-all response: "clearly inappropriate."

Mr. Speaker, I began these remarks by suggesting that China has become a "Potemkin economy," a national economy whose growth and stability under its present management will be no more sustainable in the long run than Prince Potemkin's false-front villages were a lasting solution to economic problems in the Crimea. Potemkin's villages may have fooled some people 200 years ago, but there is no excuse for our being fooled today about what is really happening in China.

In my considered judgment, U.S. policy toward China for the past twenty years has been one long exercise in wishful thinking. I have never ceased to marvel at how many otherwise reasonable people, from both parties and all points on the philosophical spectrum, manage to suspend their critical faculties whenever China is the focus of debate or decision-making. The notion that China is emerging as some kind of 21st century economic colossus is just plain bunk.

A more apt analysis might be to draw a comparison with Argentina in the early decades of this century or Iran in the 1960's and '70's. One hundred years ago, more than a few commentators were predicting the "Argentine Century." Well, it never happened. And the principal architects of U.S. policy toward China, Richard Nixon and Henry Kissinger thought Iran was a safe bet, too.

China has built what appears to be an imposing economic edifice, but it stands on a foundation of sand. Sustained economic growth and stability in the modern age require a foundation of comprehensive institutional modernity, legitimacy, and transparency—and even these come with no guarantees. But China has none of it. And as the bills come due for China's peculiar brand of crony—and phony—"capitalism," the price will be very steep.

Mr. Speaker, I salute Michael Kelly for bringing the insightful review from *The New York Review of Books* to wider public attention. Liu Binyan and Perry Link, who translated He Qinglian's book, *China's Pitfall*, and whose review in the *New York Review of Books* provided the source, unless otherwise noted, for the facts and quotations in my remarks, are

also to be thanked. I ask that Michael Kelly's article from the September 30 edition of *The Washington Post* appear at this point in the RECORD.

[From the Washington Post, Sept. 30, 1998]

CHINA'S ROBBER BARONS

(By Michael Kelly)

The central question of the most consequential of all American foreign policy issues is whether the People's Republic of China is evolving, under the munificent influence of capitalism, away from communist totalitarianism and toward democracy. Since reversing its China policy in 1993, the Clinton administration has bet the future that the answer to this question is yes—that Beijing is "reforming," and that, therefore, Beijing must be befriended, its virtues made much of and its flaws overlooked.

That answer, it is now authoritatively revealed, is dead wrong—and so is America's China policy. This news arrives in "China's Pitfall," a book by the Chinese economist He Qinglian that is not yet available in English but is reviewed in the current issue of the *New York Review of Books* by China scholars Liu Binyan and Perry Link, perhaps the most important article published in recent years on the China issue.

The reviewers begin by fairly stating the terms of the debate over the meaning of what took place in China during the Deng Xiaoping era of capitalist "reform" in the 1980s and 1990s: "In the U.S., many business leaders, followed by the Clinton administration, argued that Western commercial engagement with China creates not only more wealth but progress toward democracy as well. Skeptics countered that more wealth, by itself, does not necessarily cure social problems or lead to democracy."

Who was right? Binyan and Link write: "'China's Pitfall,' the first systematic study of the social consequences of China's economic boom, vindicates the skeptics so resoundingly as to force us to reconceive what 'reform' has meant." China's reform, argues He Qinglian, was nothing more than "the marketization of power," and it has resulted not in anything approaching a democracy "or even a market economy in the normal sense," but instead has created an immensely rich and immensely corrupt kleptocracy.

What the American business community and the White House chose to see as reform was, He Qinglian writes, actually one of the great robberies of history, "a process in which power-holders and their hangers-on plundered public wealth. The primary target of their plunder was state property that had been accumulated from 40 years of the people's sweat, and their primary means of plunder was political power." The butchers of Beijing were also the looters of Beijing, and it was to save their power to loot that they butchered.

The plunderers were nothing if not bold, nothing if not creative. He Qinglian chronicles quite an array of techniques by which Beijing's evil old despots—sorry, reformers—exercised the levers of the state on behalf of helping themselves to everyone else's money. One breathtakingly simple way was to periodically tap into private savings accounts. Other equally straightforward approaches included "borrowing" public funds for speculation in real estate and stocks, and reselling commodities purchased by the state at fixed prices at much higher prices on the private market.

The pro-Beijing camp points to Deng's 1992 call for everyone in China to go into business

and get rich "even more boldly \* \* \* even faster" as a milestone in China's evolution. Indeed it was He Quiglian reports: Deng's message was correctly interpreted by the power elite as a signal that the government and the party would look with a benign eye on even the most outrageous acts of the theft. In the words of Binyan and Link, this message "led virtually every official, government office, and social group or organization in China to 'jump into the sea', and try to make money."

"Reform" simply served as cover for crooked schemes by which these power-holders made money by transferring the wealth of the state to themselves. Consider the denationalization of state industries, and the creation in their places of for-profit companies called "tertiary industries." This was hailed as clear progress toward a free, open-market society. In fact, the state officials who oversaw the denationalization process established their children and friends as the owners of the new industries.

Perhaps all of this is true, China apologists will argue, but it is also true that China, in the process of making money, is necessarily moving away from Communist Party totalitarianism.

Yes, but not toward capitalism and not toward democracy. As Binyan and Link put it: "The party indeed has lost some of its political power, but has lost it not to the citizens but to a new robber-baron class that now allies itself with the party in opposing the rule of law."

This is the reality of China: a country where the primary function of the state is to preserve power so that it might preserve plunder. This is what the Clinton administration praises, and supports, and defends against all efforts to admit the truth.

## HAROLD HOLT: A LIFETIME OF PUBLIC SERVICE AND CONTRIBUTIONS TO HIS COMMUNITY

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, for 50 years Harold Holt has been active in public service. For many more years than that, Harold Holt has positively contributed to the quality of life of his fellow citizens, not only in Dyersburg and Dyer County, but throughout West Tennessee.

Today, I want to salute a good friend and former colleague, who I served together with in the Tennessee General Assembly. An aggressive leader for his community, Harold Holt never lost a race for public office and built a respected career in banking.

His solution-oriented, consensus building style helped pave the way for the widening of U.S. 412, now a four-lane highway connecting Dyersburg and Jackson. He was known for his strong support for the best education possible for Tennessee's children and effective law enforcement in our communities.

He is rightfully proud, as we all are, of his wife, Bonnie, and their two sons, Jeff and Steve.

Printed below is a copy of a story published in the Dyersburg State Gazette titled "A Lifetime of Concern for Others."

### A LIFETIME OF CONCERN FOR OTHERS

When Harold Holt was growing up on a farm near Finley during the Depression, he saw neighbors pitching in to help those facing hardships such as serious illness of the family bread-winner.

He never has forgotten the spirit of cooperation and helpfulness.

"Each neighbor took care of their neighbor," he said. "If a family couldn't get a crop in, other neighbors would pitch in and put in the crop for them."

"Everybody in the community was close; even though they weren't related, they were very close."

That closeness and concern for others has made Holt perhaps the premier politician in Dyer County. He has served as county trustee, county commissioner and state representative and has never lost a political race. His son, Jeff, has followed in his public service footsteps and now is serving his second term as Dyer County sheriff.

"I've been involved in the political process since 1948," Holt said. "That was my first presidential election, and I voted for Harry Truman."

Former Dyer County Executive P.H. White said Holt is a person who can be trusted.

"Harold is a very trustworthy person in both word and deed," White said. "He's always done what he thought was right, and he's very dedicated and devoted to his family."

Longtime friend Dr. Douglas Haynes said he admires Holt's integrity—and memory.

"He's a person of absolute integrity, and he has the most fantastic memory," Haynes said. "He knows a story about just about everyone in the county."

Doug Williamson, another long-time friend, said Holt has gained respect through his honesty.

"He's a real forthright, honest person," Williamson said. He's just a fine man, and many people respect him for his honesty."

Holt said he has never been tempted to seek political office on a larger stage than representing the local population.

"Dyer County is one of the greatest communities anybody could ever have the privilege of living in," he said. "The people here have been so kind to me and to my family."

He said he has been approached several times to run for Congress but never really considered it.

"I was approached a few times, but I never gave it much thought because I would have had to run against Ed Jones," Holt said. "I always supported Ed Jones, and he's a good friend to this day."

Holt's devotion to his friends and his integrity are remarkable, said Jere Bradshaw.

"Harold Holt is a true gentleman," Bradshaw said. "In my opinion, he's absolutely honest, above board and considerate of other people. I've always been able to rely completely on what he says."

"I've supported him in what he does because it's always for the good of the community."

Holt said Bradshaw's race for county clerk was the first local political race he ever got involved in.

"I probably worked harder for Jere Bradshaw's election than I ever worked for any of my own," he said.

Holt served in the Tennessee General Assembly, representing Crockett and Dyer counties, from 1986-91, when he decided to retire from active involvement in politics.

In the legislature, he was known as hard-working and fair.

Though it is little known in Dyer County, Holt was one of the legislature's most accomplished pranksters.

"Harold was a good representative," said state Rep. Frank Buck (D-Dowelltown), one of Holt's closest friends. "He took his job very seriously, and he did a good job for Dyer County."

Holt often played his pranks in cahoots with Buck and former state Rep. Floyd Crain (D-Ripley).

"When the scandal about funeral directors was exposed several years ago—about one or two mistreating corpses and burying trash and that sort of thing—we sent a letter purporting to be from a woman who (state Rep.) Robb Robinson (D-Nashville) had mistreated at his funeral home," Buck recalled. "Robinson took it seriously and, though he didn't remember the case we made up, contacted the state funeral directors board to ask if anyone had filed a complaint against him."

"When Robinson found out it was a joke, he got pretty testy with Crain and me, but Harold wasn't there."

"When he saw Harold, he looked at him and said, 'I'm disappointed in you, because I knew those other two were common, but I expected more of you.'"

"Holt's a good guy, but he's sneaky," Crain said.

Josephine Binkley, who was Holt's secretary when he first went to the General Assembly, said she can still get Holt riled up by saying she is going to tell Buck something about him.

"If I want Harold ribbed about something, I know Frank Buck is the one to do it," she said. "If I just mention telling something on Harold to Buck, Harold will say, 'Now, that's not necessary.'"

Binkley said Holt is fun but has another side, too.

"Harold is a fun person to be around," she said. "But he can be tough if that's necessary."

Buck said the pressure-packed life of a legislator needs to be leavened with humor.

"In the General Assembly, if you can't maintain a sense of humor, especially about yourself, you'll go crazy," he said. "Harold was always able to maintain a sense of humor."

Since retiring from the legislature, Holt has worked briefly as a lobbyist.

"I worked for Kemmons Wilson for about six weeks when we were trying to enhance and extend the logo sign bill to permit them on state highways and not just interstates," he said. "I still go to Nashville pretty often to visit my friends who still are in the legislature."

He also served a term on the state's judicial council, which looks at proposed legislation about the judicial system and makes recommendations. He was appointed to the council by former Gov. Ned McWherter.

Asked if he has any regrets about his years in the legislature, Holt thought a short while.

"I think the drainage situation at the Tigrett Wildlife Management Area could have been handled better," he said. "We didn't fight hard enough to get legislation that would have given us the type of relief on Stokes Creek that I think is necessary. It needs to be restored to the original course so water can rise and recede naturally."

Holt says he remembers the area from his childhood.

"When I was a kid there was bottomland hardwood timber there," he said. "But now it's a stagnant swamp."

"If we let it return to its natural course we can restore at least part of that area to what it was when I was a kid."

LIFELINES

FAMILY BACKGROUND

Harold Henry Holt was born Oct. 1, 1926, at Richwood in western Dyer County. His parents were Buford and Stella Yarbro Holt. His mother died of complications of childbirth, and his father moved away soon after to seek work during the Depression. Holt was raised by his grandparents, Richard and Lora Holt. "They were 50-years-old when I was born, so they raised me more as their child than their grandchild," he said.

He never lived with his father, who remarried and fathered two more sons. Holt's half brother, Richard Holt, died in 1984. Another half brother, Ralph Holt, lives in Mayfield, Ky.

FAMILY MATTERS

Holt met Bonnie Bivens at a ball game, and they married on Oct. 2, 1949. They have two sons, Jeff Holt, the current sheriff of Dyer County, and Steve Holt, supervisor of children's services in Tipton, Lauderdale and Fayette counties for the Tennessee Department of Human Services. They have two grandchildren, Steven, a sophomore at the University of Memphis and Katherine, a senior at Covington High School.

EDUCATION

Holt attended Richwood School and Dyersburg High School, graduating in 1945. He has taken courses at Dyersburg State Community College and the Southeastern School of Banking at Louisiana State University.

EMPLOYMENT

Right out of high school, Holt worked at Rhea Wholesale in Dyersburg for about 18 months. Then he worked at a hardware store for a year before becoming a deputy trustee. He held that job for six years until the trustee retired and he was elected county trustee in 1954. He served until November 1969, when he took a job with First Bank and Trust Co. as public relations director. First Bank and Trust was acquired by First Tennessee Bank in 1971, and Holt remained with the bank in public relations until 1992. "In a small bank, you do a lot of things," Holt said. "I was also a loan officer and other things. I never was janitor, but I was custodian."

HOBBIES

Holt loves to fish and has a cabin on Kentucky Lake for about 20 years. He once was an avid hunter but has given up hunting. "My grandfather taught me to play checkers," he said. "I still like to play checkers and dominoes at the (Dyer County) Office On Aging."

ACTIVITIES

Holt was elected to the county commission in 1970 and served until he failed to seek reelection in 1978. He was elected to the Tennessee House of Representatives in 1986 and served until he retired in 1992. He served a term on the Tennessee Judicial Council, which considers proposed legislation relating to the state's judicial system and makes recommendations. During this service in the legislature, he received awards from the State Election Commission, the Dyersburg/Dyer County Chamber of Commerce and the Dyer County Office On Aging for his legislative leadership. He served on the House Commerce, Transportation, State and Local Government and Calendar committees and was secretary of the State and Local Government Committee.

QUOTE

"My grandmother used to tell me, 'If you always tell the truth, you don't have to

worry about keeping up with the tales you've told.' That's pretty good advice."

IN HONOR OF THE HONORABLE  
ADDISON MCLEON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to former State Assemblyman Addison McLeon for his innumerable contributions and many years of honorable service to the community. Assemblyman McLeon has been an icon of African American politics in Jersey City, Hudson County and the State of New Jersey for many years.

Addison McLeon's career exemplifies his selfless dedication to the community. Addison McLeon was Hudson County's first African American to serve in the State Assembly (1966-1970). He has served as a member of the Jersey City Board of Education, the Director of Housing for the Essex County Urban League, a member of the Jersey City Branch of the National Association for the Advancement of Colored People (NAACP) and on the Jersey City Housing Authority. He is also a founder of the Civic Awareness Council, a citizen's action organization.

It is an honor to have such an exceptional gentleman working on behalf of the residents of my home state of New Jersey. I ask that my colleagues join me in recognizing the outstanding work of Addison McLeon who exemplifies community service at its best.

IN HONOR OF DR. HAROLD L.  
CEBRUN, SR., EDUCATOR, 30  
YEARS OF SERVICE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to Dr. Harold L. Cebrun, Sr. who has dedicated thirty years of service to education.

During his thirty year career as an educator, Dr. Cebrun has lived his life according to his personal beliefs. He once stated, "We make a living by what we get, we make a life by what we give." By deed and example, Dr. Cebrun demonstrates this belief in all his actions.

Dr. Cebrun has been an active participant and leader in education, athletics and youth sports programs. As a young man Dr. Cebrun was an outstanding student athlete at Yates High School in Houston, Texas, and throughout his college career at the University of Nebraska, Lincoln.

His academic career earned him a Bachelor's Degree in Physical Education and Sociology, a Masters degree in Intergroup Education and a Doctorate in Counseling Psychology and Education Administration. He began his educational career in 1967 as a substitute teacher. He retired as the Superintendent of Schools for Compton Unified

School District. During his thirty year tenure as a teacher he taught elementary, junior high school and high school. He was also a coach for basketball, baseball, and track, high school principal, and director of student services.

In July of 1997 Dr. Debrun started a new career as athletic administrator. He was selected as Assistant Commissioner of Athletics for the California Interscholastic Federation (CIF) Southern Section and, notably, is the first African-American Administrator to serve in the CIF office since the organization began in 1913.

Dr. Cebrun is a leader in the war against ignorance striving always to share his wealth of knowledge with schools, school districts, businesses and corporate executives. He is an eloquent speaker and consultant who views are sought by many organizations. His expertise in team building, team management and effective leadership has earned him the respect and admiration of peers and community leaders.

Colleagues, please join me today in paying tribute to an exceptional educator and mentor—Dr. Harold L. Cebrun, Sr.

TRIBUTE TO ESTEBAN TORRES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, it has been an honor to serve in the House of Representatives with ESTEBAN TORRES, who is retiring as a Member of Congress after sixteen years.

ESTEBAN's legislative achievements stand out because they address the concerns of average Americans who don't have the clout in Washington to make themselves heard. When concerns were raised that the North American Free Trade Agreement (NAFTA) would degrade the quality of life on the Mexican/American border and take jobs from lower-income working Americans, ESTEBAN worked hard to find a solution. He sponsored an innovative proposal that led to the creation of the North American Development Bank (NADBank), a binational institution that provides loans to improve the environment along the border and to create jobs for Americans adversely affected by NAFTA.

ESTEBAN has long devoted himself to measures that would strengthen environmental protections. He led the fight to address the problem of groundwater pollution in the San Gabriel Basin and worked to craft a widely supported agreement to clean it up. He worked to close to toxic chemical dump in West Covina. And, he has been the champion of legislation to recycle used oil, tires, and batteries.

When he led the effort for the World Cup commemorative coin, ESTEBAN obtained an additional public benefit by ensuring that ten percent of the proceeds be set aside for scholarships for Latino students. And, when he was a member of the Banking Committee, he sponsored the Truth-In-Savings legislation that give consumers the right to information in readable language about banks' interest rates, yields, and fees.

ESTEBAN also has a strong record on international human rights. He sponsored the

Cuban Humanitarian Trade Act, which recognizes the failure of U.S. policy toward Cuba and would exempt food, medicine, and medical supplies from the Cuban trade embargo.

ESTEBAN's efforts in Congress have been guided by firm principles and compassion. It has been a privilege to serve with him and I wish him and his family all the best as he begins this new phase in his life.

HAPPY 50TH ANNIVERSARY,  
LEONARD AND MARY KRYGIER

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BARCIA. Mr. Speaker, we have all heard of the golden rule. It has a special application in marriages. Couples who reach that very special 50th anniversary are golden. They have a sheen that surrounds them, and they have earned the admiration of everyone who has the privilege to know them. On October 23, another special couple, Leonard and Mary Krygier, will be celebrating their 50th anniversary.

Leonard and Mary Krygier came from large families that appreciated one another. Leonard has five brothers and four sisters. Mary has three brothers. They were married at St. Stanislaus Catholic Church in Bay City's South End. Their reception, an event I am told was one of the most memorable ever, was held at Michalski Hall. They have one son, Kenneth, and one grandson, Shawn.

Throughout their lives together, they worked hard, appreciating the opportunities that life offered to them. Leonard worked at General Motors for many years. He and Mary operated Krygier Flowers, a quality neighborhood florist shop, on Columbus Avenue. The friends and admirers they developed through this business grew into a bouquet of happiness that any of us would be lucky to have.

Their anniversary party will be held at the Olde Tyme Broadway Restaurant in Bay City, where just as they have so many times during their years together, they will be joined by family and friends to celebrate the love they have for one another, and the model they have created for so many of us to follow.

Mr. Speaker, it is fitting for us to pause to recognize important events worth celebrating. I urge you and all of our colleagues to join me in wishing Leonard and Mary Krygier a most joyous 50th anniversary, with many, many more to come.

TENNESSEE'S DALE CALHOUN RECEIVES NATIONAL ENDOWMENT FOR THE ARTS "1998 NATIONAL HERITAGE FELLOWSHIP"

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, Dale Calhoun is a fourth generation builder. What he builds has brought him richly deserved recognition.

Mr. Calhoun builds boats. They are special boats with a unique history forever tied to the legend of Reelfoot Lake. He builds them by himself and he builds them by hand.

And this week, his talents, nurtured with four generations of family experience, were recognized at the White House. Mr. Calhoun was one of 15 recipients of the National Endowment for the Arts' prestigious 1998 National Heritage Fellowship, which recognizes outstanding contributions to America's folk and traditional arts.

Along with the National Heritage Fellowship, Mr. Calhoun received \$10,000.

For 52 years, Mr. Calhoun became a master builder of the famed Reelfoot Lake "Stump Jumper" after honing his craft with skills learned from his father, William Calhoun. His father learned the craft from Dale's grandfather, Boone Calhoun, and his great-grandfather, Joe Calhoun.

The boats are made of cypress and covered with fiberglass. Each one is nearly 16 feet long. And they are typically powered by anything from a three horse-power engine to an eight horse-power engine. The boats have become known as "Stump Jumpers" because they can go in 12 inches of water, or even less as long as the boat is able to float.

People as far away as California call to order these boats that are built to last for decades.

What's more, they have become part of the legend of Reelfoot Lake, the largest natural lake in Tennessee. Reelfoot Lake was created during the earthquakes of 1811 and 1812 when for a time during each of the earthquakes the Mississippi River flowed backwards and filled in what is now Reelfoot Lake.

Dale Calhoun is carrying on the tradition with his fourth-generation mastery of the craft, and he is being correctly honored with the 1998 National Heritage Fellowship.

I want to congratulate Mr. Calhoun for the skills he has honed over more than 50 years of boatmaking, his wife, and his father, grandfather and great-grandfather for all of the stories they have made possible with the thousands of "Stump Jumpers" they have built by hand.

Printed below is a story published in the Union City Daily Messenger with the headline: "Reelfoot Lake boatmaker reels in \$10,000 award."

REELFOOT LAKE BOATMAKER REELS IN \$10,000  
AWARD

(By John Brannon)

At Calhoun Boat Works at Blue Bank, the phone sometimes rings and rings. That's because Dale Calhoun has to stop whatever it is he's doing to walk over and answer it.

Phones ring every day everywhere. No need to get in a hurry.

But this call got his attention, took him by surprise, even stunned him. It was from Washington.

"It was unreal. Unbelievable. It's something that happens to somebody else, not you," Calhoun said. "It's like the lottery. You have a ticket but somebody else always wins."

Not this time, though.

The caller was an official from the National Endowment for the Arts. The occasion was good news: NEA had selected Calhoun to receive one of its 1998 National Heritage Fellowships.

The award, one of the nation's most prestigious honors in folk and traditional arts, includes a \$10,000 cash prize for each of 15 artists in 11 states.

Calhoun, a well-known builder of the Reelfoot Lake "stump jumper" boat, still finds it hard to believe.

"They told me I'd won but not to tell anybody about it until their press release came out," he said. "Well, the press release is out and I'm telling everybody."

Other honorees include a jazz fiddler from Kansas City, a silversmith from Oklahoma, a beadworker from Oregon, and a trio of Jewish musicians from Florida.

"These performers and crafts-people, who together represent a rich cross-section of America's many cultures, are honored for their achievements as artists, teachers, innovators, and keepers of traditional art forms," said Cherie Simon of NEA.

"They join the ranks of previous National Heritage Fellows who include bluesman B.B. King, Irish stompdancer Michael Flatley, cowboy poet Wally McRae, and acclaimed musicians Bessie Jones, Doc Watson and Bill Monroe."

Calhoun and other honorees will attend a special presentations program Oct. 5 at Washington. Calhoun said he will be accompanied by his wife, Joanne. He's already kidding about it.

"She's going to be there to get the check. I told her I'd bring it back, but that didn't work," he said with a grin.

Calhoun, who in July 1997 retired from 25 years service with the Tennessee Department of Corrections, is anything but retired from building Reelfoot Lake boats. In fact, he is a fourth-generation boat builder, in direct lineage from previous masters of the craft—his father, William Calhoun; his grandfather, Boone Calhoun; and his great-grandfather, Joe Calhoun.

Calhoun estimates in his time he's built thousands of the shallow-draft boats a writer once dubbed the African Queen of Reelfoot Lake.

"Standard length is 15½ feet. Made of cypress, covered with fiberglass, powered by anywhere from a 3- to an 8-horsepower motor and a set of oars," he said.

"It's called a stump-jumper because it'll run in about 12 inches of water. As long as it can float, it will go. You take care of it, it'll last a long time. There's some around here that's 50 and 60 years old."

Price of one of his boats ranges from \$1,500 to \$2,500.

Calhoun has displayed his boats and demonstrated his craftsmanship at the World's Fair at Knoxville in 1982, the Tennessee Aquarium at Chattanooga, and at the Smithsonian Institute at Washington.

At the boat-building demonstrations, a curious public stops and watches, he said. Invariably, wherever he's set up shop, a curious public always asks the same three questions.

"Those questions are, 'What kind of wood do you use?', 'How many do you make in a year?', and 'How long does it take you to make one?'" he said.

"I don't know how many I make in a year. It takes me about 10 days to make one, but I take my time, and the phone rings, and ain't nobody here but me. Besides, I'm supposed to be retired. So who knows? I still have orders to fill. I just put their names down and get to 'em when I can."

A Reelfoot Lake boat is one permanent display at Obion County museum, Dixie Gun Works, the Tennessee State Museum at Nashville, and the Fish and Wildlife Museum at Atlanta, GA.

Calhoun's customers are nationwide.

"I keep a boat on hand for a man in California. He might call today and say, 'Send it to me.' He's the largest wholesale grocer in California, and he gives Reelfoot Lake boats to his customers," Calhoun said.

"He says they can't get one like it anywhere else, so it's something unique for them."

#### A TRIBUTE TO FRED GOSLEY

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great Philadelphian, Fred Gosley. Fred is a father and grandfather. He is an honored veteran, who continues to give back to his fellow vets through his work in the VFW. He is a community activist, who is well known for his efforts in the 13th Ward. But, more than anything else, Fred is a man of God.

Fred Gosley made a lifelong commitment to his church. And Fred always keeps his commitments. His Pastor, Rev. Barry Williams, told me that Fred is one of the most active members of New Inspirational. He is an example to old and young of the benefits of hard work and living according to the scriptures.

Mr. Speaker, Fred Gosley will be honored by his church for his service to the community and to New Inspirational. I join them in paying homage to a man who has few peers, Fred Gosley.

#### IN HONOR OF THELMA GAMMELL ON HER 103RD BIRTHDAY

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to honor Thelma Gammell on her 103rd birthday.

Thelma is a resident of Santa Ana, California. She was born in South Dakota and grew up on the South Dakotan prairie. Her family worked hard. A closely knit family, they enjoyed life in an old-fashioned way. Thelma and her sister played with their dolls and "kitten playmates." And when it snowed, the whole prairie became their playground.

Thelma is a joy to know. Witty, humorous, full of the spirit of life. Her life has been one of many wonderful adventures. She met her husband, John Gammell in 1912, and the two of them lived in several states—North Dakota, South Dakota, Montana, Wyoming and Nebraska—before moving to Laguna Beach, California. Their son and daughter were born in Wyoming.

In Laguna Beach, John worked as a carpenter and Thelma worked as a pottery designer. After retirement, they traveled, visiting their friends in the Midwest. In 1967 her husband passed away. Thelma became an active volunteer for the Santa Ana Senior Center and has continued to volunteer for the past 13 years.

Everyone who knows Thelma is captivated by her charm and her outgoing personality. She has truly graced our world by her life.

Please join me today in wishing this most remarkable woman a very happy birthday.

#### IN HONOR OF THE 1998 ROBERTO CLEMENTE AWARD RECIPIENTS OF THE PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to the 1998 Roberto Clemente Award Recipients of the Puerto Rican Association for Human Development (PRAHD) for their innumerable contributions to Hispanic communities throughout New Jersey. For years, this agency has been committed to improving the standard of living of Hispanic families through the administration of programs and services which address the social, economic, health, and educational status of these communities. On October 4, 1998, PRAHD is sponsoring the Annual Roberto Clemente Award, honoring five individuals for their outstanding public service and community involvement.

The award recipients honored this year by PRAHD are: Outstanding Professional, Eralides Cabrera; Outstanding Community Service, Melvin Ramos; Outstanding Educator, Senovia Robles-Cruz; Outstanding Academic Student, Jose Garcia; Outstanding Corporation, Goya Foods and Special Roberto Clemente Award, Minister Robert McCoy.

Founded in 1974 as a charitable organization by the Hispanic leadership of the Perth Amboy area, the Puerto Rican Association for Human Development operates a number of service programs, such as day care services, educational tutoring, emergency legal, housing, and medical assistance, drug prevention, youth and family counseling, and various senior services which serve more than 12,000 people annually. The agency is governed by an eleven-member board of directors selected from the community and administered by Executive Director Lydia Trinidad, who is also PRAHD's Chief Executive Officer. PRAHD also relies on the support and effort of community volunteers who work in all areas of agency operations.

I ask that my colleagues join me in recognizing the outstanding work of these honored individuals and the Puerto Rican Association for Human Development. I further commend their accomplishments and encourage them to continue to serve their communities for many more years to come.

#### PERSONAL EXPLANATION

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my

vote on several measures. Had I been present, I would have voted "aye" on rollcall No. 521; "nay" on rollcall No. 522; and "nay" on rollcall No. 523.

#### HEROIN CRISIS STARTS IN COLOMBIA

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. GILMAN. Mr. Speaker, while the Administration has fought the Congress tooth and nail over the last few years to prevent the provision we wanted of high performance (greater lift and range capacity) and crash survivable as well as ballistically hardened helicopters to the Colombian National Police (CNP) excellent DANTI anti-narcotics unit in a real shooting war on drugs, something dramatically has happened on the heroin front here at home.

In the last five years, first time teen (12-17) heroin use has risen a mind boggling 875%, and according to latest DEA seizure and street buy data, 75% of that heroin now comes from Colombia. So while the Administration slept, the Colombian narco-traffickers shifted gears and took over the former Asian dominated U.S. heroin market with cheaper, purer and more deadly South American heroin.

The Washington Times outlined the recent U.S. move towards South American heroin in its edition yesterday in a extensive and comprehensive piece called "Cocaine Cartels Take on New Product-Heroin". The article notes this Colombian heroin on the streets of the U.S. approaches (according to DEA) 70% to 80% purity, while the average of other heroin is only 39% purity. Our DEA, FBI and Customs Service agree that the best place to fight drugs is at the source, and in this case, it's the high Colombian Andes fields of opium poppy, which the native people call the "devils flower".

Sadly, the Times piece also notes that in nearby Prince Georges' county here in the Washington area, we have witnessed 42 persons who died last year from heroin overdoses. What's happening abroad, also has consequences here at home.

From the front lines in the high Colombian Andes the news isn't any better. The CNP without high performance helicopters needed to reach the opium poppy fields with enough troops to secure the area for later aerial eradication is seeing more and more poppy. In 1997, according to some Colombian sources we may have had a 1/3 increase in Colombian opium growth, and at best we are only eradicating 1/3 of the small but ever growing and valuable poppy crop. All this means hard times and more overdose deaths in our communities from deadly Colombian heroin.

Mr. Speaker, I request that the Washington Times article dated 10/12/98 I referenced be included at this point in the RECORD:

[From the Washington Times, Oct. 12, 1998]

**COCAINE CARTELS TAKE ON NEW PRODUCT—  
HEROIN**

**SOUTH AMERICAN SUPPLIERS ECLIPSE ASIA IN  
BURGEONING U.S. MARKET**

(By Jerry Seper)

South America's cocaine cartels have moved into a lucrative new market, becoming the dominant force in supplying heroin to a rapidly expanding clientele of eager U.S. buyers—many as young as 15 years old.

The U.S. Drug Enforcement Administration details in a new report that the agency calls a "dramatic shift" over the past four years as South American drug traffickers have wrested control of the U.S. heroin market from once-dominant smugglers in Southeast Asia.

About 75 percent of the heroin seized in 1997 throughout the United States originated in South America, and the numbers are expected to rise for 1998. By contrast, 97 percent of the heroin seized in the United States in 1991 came from dealers in Southeast or Southwest Asia, which now accounts for only about 5 percent of the heroin shipped each year into this country.

Most of the increase comes from smugglers in Colombia, with the drug being shipped clandestinely to buyers throughout the country, particularly in Boston; New York; Newark, N.J.; Philadelphia; and Baltimore—a region known as "Heroin Alley."

DEA Administrator Thomas A. Constantine said Colombian cartel leaders, working with Mexican-based drug traffickers, have made management decisions over the past four years aimed at increasing their share of the U.S. heroin market.

"The situation we face today, one of high rates of trauma in our hospital emergency rooms and high mortality rates among heroin users, was brought about by strategic management decisions made by both Colombian- and Mexican-based trafficking organizations to increase their respective shares of the lucrative U.S. heroin market," Mr. Constantine said.

Of the more than 6 tons of heroin produced in 1997 in Colombia, virtually the entire stock was delivered to buyers in the United States. Colombia, which already supplies about 80 percent of the world's cocaine, has become both a grower and processor of opium poppies in Bolivia and Peru, which are then refined in jungle labs under the protection of highly paid left-wing guerrillas.

Colombia's new president, Andres Pastrana, has vowed to step up his country's fight against drugs—a promise in sharp contrast to efforts by his predecessor, Ernesto Samper, who accepted \$6 million from drug smugglers to help finance his 1994 election campaign.

"Traffickers today know no national boundaries and will utilize the latest technologies and delivery systems to enhance their illicit activities," Mr. Constantine said, noting that Colombian-based smugglers drew on the expertise of drug chemists in Southwest and Southeast Asia to produce the higher-quality product flooding the East Coast.

Mr. Constantine said Mexican drug traffickers are working with Colombian chemists to increase the purity level of Mexican-produced heroin to "expand their markets in the United States."

The DEA report said there are two general U.S. heroin markets:

- One centered on the East Coast, supplying a high-purity, white powder heroin that can be snorted as well as injected.

- One in the West, specializing in injectable-quality heroin, primarily Mexican black tar.

The Office of National Drug Control Policy has estimated that 810,000 hard-core drug addicts are involved in the use of heroin as their principal drug of choice, and that the high-quality South American product has spawned a new breed of users—those more amenable to snorting rather than injecting the drug.

Records show increasing numbers of young people are becoming involved—particularly in Philadelphia, St. Louis and New Orleans, where about 12 percent of those arrested were between 15 and 20.

Locally, both Montgomery and Prince George's counties have seen the number of addicts entering rehabilitation centers double and triple in recent years, averaging about 500 a year. Prince William County treated about 70 persons for heroin use from July 1997 to June 1998. The total for that period has not yet been tallied for comparably sized Howard County, but authorities expect it to exceed 250.

Last year, heroin overdoses killed 42 persons in Prince George's County.

The DEA has tracked the increasing dominance of South American heroin since 1993 and, according to the report, has found that the purity of the product appears to be its draw. While the national average purity of all heroin is about 38 percent, South American heroin—of that confiscated in New York, Boston, Newark, Baltimore and Philadelphia—registers between 70 and 80 percent pure.

In 1996, Baltimore led the nation in hospital emergency room admissions for heroin overdoses and was second only to San Francisco last year. Of the 401 persons who died of heroin overdoses in Maryland in 1997, 252 fatalities occurred in Baltimore.

The DEA has said that in Baltimore 40,000 addicts pay dealers an estimated \$2 million a day for heroin. In the District, there are an estimated 17,000 heroin users, although crack cocaine and marijuana continue to be the drugs of choice.

Mr. Constantine said the agency plans to increase manpower levels and spending totals over the next several years for domestic and international heroin enforcement. He said information collected in hospital emergency rooms, police departments, courts, schools, treatment programs and "on the street" shows that heroin consumption in the United States is rising.

"For years, we've seen a hardcore older population of approximately 600,000 heroin addicts," Mr. Constantine said. "Today, we are seeing 11th- and 12th-graders turning to heroin. These 'initiates' are, in all likelihood, at the outset of a long, downward spiral into hard-core addiction or death."

About 14 percent of the heroin seized last year in the United States came from Mexico. Virtually all of it was headed for buyers in Dallas; Houston; Denver; Phoenix; San Diego; Los Angeles; San Francisco; Portland, Ore.; Seattle; St. Louis; and Chicago.

Despite Mexico's continuing involvement in the drug trade, the Clinton administration certified that country this year as a full partner in the war on drugs—meaning it keeps its eligibility for U.S. aid.

The certification came on a recommendation from the State Department. Colombia was among four countries that were decertified, but it continues to enjoy an exemption from the aid cuts. The administration has said that Colombia, along with Cambodia, Pakistan and Paraguay, are too important to U.S. national security to punish.

Southeast Asian traffickers, mainly in Burma, Laos and Thailand, have been squeezed out of the business by South American smugglers, who have seized the market by offering a higher quality heroin at lower prices—even arranging for easy payments.

"Asian groups traditionally demand either sizable down payments or cash on delivery," said Mr. Constantine, noting that Colombia distributors "often provide drugs on consignment or offer credit."

"Given their reputation for strict enforcement of drug deals, few buyers dare risk renegeing on a drug deal with criminal organizations operating from Latin America," he said.

**BOB OWEN: THE LAST OF THE  
COUNTRY BANKERS**

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, the McKenzie Banner's Chuck Ross tells the story of Bob Owen and what Bob has meant to the town of Gleason as well as anyone could.

I have known Bob Owen since the late 1970's when I served in the Tennessee General Assembly. Bob is the Bank of Gleason without question and his service to the community is what makes Gleason and the surrounding communities such good places to raise a family.

As we celebrate Bob Owen Day in Gleason, I want to add my thanks and appreciation to Bob for everything he has done to improve the quality of life for those who live and work in and around Gleason.

Printed below is a copy of a story published in The McKenzie Banner on October 7th, and written by Chuck Ross.

**BOB OWEN: THE LAST OF THE COUNTRY  
BANKERS**

(By Chuck Ross)

It has been said many times that a trip of a thousand miles begins with a single step. In this instance, a distinguished banking career began by default. The wartime army called him for induction, yet turned him down on three occasions. As a young high school graduate, shortly after the great depression and right in the middle of a world war, he could not find employment. Then a helpful uncle got him a job as the lowest man on a small banking staff, the first step in a career that has spanned 54 years.

Robert Hiron "Bob" Owen was born on February 19, 1927, in the Old Union Community in Henry County Tennessee, the third of four children born to the union of Robert Owen and Katie Highfill Owen. Both parents had migrated to this area from North Carolina.

The first of the children was James Flemming, who died as an infant. The second was Mary Elizabeth Owen Travillian who lives in Gleason. Bob's younger brother Oscar lives in McKenzie.

Owen said his middle name is unusual, and not many people refer to it when using his name. His mother said she once saw the name in a book, and liked the sound of it. Only his sister still calls him Bob Hiron—when she is mad at him.

Bob's father worked a small farm of 67 acres. The family's property consisted of

three or four old cows, a team of mules, and the farm on which they lived. The elder Owen died in 1939 when Bob was only 12 years old, leaving his mother to do odd jobs in order to raise the children.

Few jobs were available for women in those days, so she worked as a seamstress, and took in washing and ironing in order to provide for her young family. The only material possession the family had was the small farm, but they made a go of it because, as Bob said, "Mom worked hard and provided plenty of love."

When work was caught up on their farm, he remembers that the family worked on the farms of neighbors for fifty cents a day, carrying their lunches to the field in a tin bucket.

He started school at four and one half years of age, in the Liberty Four area in Henry County's New York Community, beginning early because retention of teachers at that time depended upon having a minimum number of pupils in the classes.

His first years of school were spent in a one-room facility which housed all eight grades of elementary school, with a single teacher for all grades.

After completion of the elementary grades, he began high school at Henry Station, but changed schools after two weeks. At that time, a school bus route began which transported students from his area to Cottage Grove. He graduated from Cottage Grove High School in 1944.

When he graduated high school, he had very little success in finding work. With World War II in full swing, all young men who were of draft age could expect to receive a summons from Uncle Sam to join in the defense of our country, and nobody wanted to hire a man who would probably be absent from the job within a matter of weeks.

He knew there was very little chance that he could enroll in college, because his family did not have the means to pay the costs, and there were no loans and grants available at that time.

Bob tried to get a job at Wolf Creek Arsenal (now Milan Arsenal) but they were not interested because of his draft status. He wound up doing odd jobs he could find until he indeed received his invitation from the Army.

He was registered in Henry County, and was sent to Fort Oglethorpe Georgia for induction. As part of his physical examination, it was determined he was not qualified because of a hearing problem, and his draft classification was changed to 4F and he was sent back home. Subsequently, he was recalled on two other occasions, and was rejected both times because of his hearing.

Mr. Owen said that, although he had not originally volunteered, it was embarrassing not to be in service. Every able-bodied man of his age was off fighting the war, and he was forced to stay at home.

Then along came the Korean Conflict, and despite being married and within six months of being too old for military service, he received another call from his government. This time, he boarded a bus along with 52 other younger inductees, bound for the Veterans Hospital in Memphis. This time, he was one of the few to pass the physical examination.

In 1952, he was sent to Fort Jackson, South Carolina for 16 weeks of basic and infantry training, and was assigned to army finance. He served for a time at Fort Jackson, and later in Japan, Okinawa, and Formosa, converting money and making sure the troops were paid. Having served a two year hitch,

he came home based on an accumulation of service points.

After high school and prior to military service, Bob had spent quite a lot of time in trying to locate employment. Finally he had been able to find a company that would hire him. Irish Gates, who ran a sawmill near the Como Community, agreed to give him a job.

His mother did not like the idea of him working at the sawmill because it was somewhat dangerous, and just plain hard work, but he was determined to have a job and that was the only one available. In expressing her concern regarding this job, his mother told him it would be hard work, and informed him that the new guys got the toughest and dirtiest jobs. But she also informed him that "We didn't raise any quitters!"

He worked carrying slabs cut off the logs as lumber was processed. After two months, the sawmill closed down, and he again found himself unemployed, but not too sorry because he indeed found it to be hard work.

On August 13, 1944, Bob got a break which proved to be a turning point in his life. His uncle, Bennie Oliver, found that the Bank of Gleason was going to hire somebody to work in the bank, and helped him get an interview. He was signed on as the lowest of the three employees at the bank—for a trial period of six months. Those six months turned out to be more than 54 years.

He had grown up in Henry County and didn't know anybody in Gleason, and didn't even know how much he would be paid until he received his first paycheck after 30 days, when he found he would receive a whopping 50 dollars a month. He didn't really like the job, but was afraid to quit because nothing else was available, so he continued to work six days a week from 8 o'clock until 4 o'clock, including sweeping the floor, building a coal fire in the stove every morning, and doing all the tasks assigned to the junior employee.

After a while the Gleason community began to "grow on him," and the job turned out to be better than he thought. As he proved himself to his employer regarding his ability, he began to move up in the bank. Owen then established a self-imposed objective of becoming a bank officer by the time he was 21 years old.

He was appointed Assistant Cashier, which afforded him officer status, in January 1947, just a month before his 20th birthday. In 1950, he received his appointment as Cashier, and became Vice President in 1951. In 1954, he was appointed Executive Vice President and was elected to the bank's board of directors. He was elected President and Chief Executive Officer of the Bank of Gleason in 1965; and was advanced to his current position as Chairman of the Board in 1993.

When he returned from his tour of duty with the Army, he attended Bethel College for a while, not pursuing a degree, but working on courses that would help him do a better job in the banking business. He is also a graduate of the Tennessee School of Banking at Vanderbilt University.

When asked, he agreed that people in the community refer to him as "the last of the country bankers." He went on to explain that there is a great deal of difference between country and city banks. People in the country are very loyal to the bank with which they do business.

Owen said, "We're in the retail money business. We work hard to give people the service they're so entitled to. We never lose sight that service to our customers is really what it's all about." He continued, "Over the years the community could not have been

nicer to me, what with me being an outsider!"

The greatest changes he has noted in 54 years in the banking business are "air-conditioning and computers—in that order!"

He noted that he began working at the bank when it had three employees. They now have 28 employees between the main bank in Gleason and the satellite facility in McKenzie. When he started, the total assets of the bank were about one half million dollars. Today, their assets total 82 million dollars.

In 1947, Bob Owen married Darreen Shaw, from the Tumbling Creek Community. At that time, she worked at Salant and Salant, a shirt factory in Paris. After they married, she went to work at Martin Manufacturing Company, which manufactured army shirts.

Prior to his entry into military service, the Owen family started an insurance agency, the Owen Insurance Company, which was pretty much a "moonlighting" operation necessary to let them make enough to support the family. While he was in the Army, Darreen operated the business, and continued to do so until, as he so aptly put it, "we got in the boy business."

Their first son, Robert Shaw Owen, was born in 1955; Alan came along in 1958; and Eric was born in 1960. Robert received a degree in agriculture from the University of Tennessee. Martin, and Eric completed a double-major degree in chemistry and math at Bethel College. Robert and Eric now have a farming partnership in the county, farming more than 2,000 acres.

Alan Owen completed a business administration degree at Bethel College. He worked part-time at the Bank of Gleason during his college years, and is now a Senior Vice President of the bank.

Their sons gave Bob and Darreen seven wonderful grandchildren; Robert Blaine; Kody; Megan; Ericka; Ellen; Samuel; and James. Darreen passed away in November 1989.

Robert Hiron Owen has served his community for many years. He served as Mayor of Gleason, is past Commander of the Gleason American Legion Post #166, is a 32nd degree mason and a shiner—having received his 50 year pin as a mason recently, is a member of the First Baptist Church in Gleason, and is a charter member and past president of the Gleason Rotary Club.

He also served as President of the Tennessee Bankers Association in 1992-93; presently serves as a Director on the State and Federal Legislative Committee, has served on the Board of the West Tennessee Public Utility District for Benton, Carroll, Weakley, and part of Henry County since 1957—and currently is chair of the Utility District.

Bob has served as a member of the Weakley County Jury Commission for the past 25 years, has been a partner in Finch-Owen Insurance Agency since 1957, and is a former partner of the Gleason Lumber Company. He is presently a partner with Travillian-Owen Farms.

And his community service has been appreciated. He has garnered a list of honors which is much too long to print in this article. A partial list includes the following.

He was appointed Aide-de-Camp on the Governor's Staff by both former Governors Lamar Alexander and Ned McWherter; was appointed to the Tennessee Student Assistance Corporation by Governor McWherter in 1988, and continues to serve in that capacity; he was Grand Marshal of Tatertown Festival in 1978 and 1990; he was named a "Paul Harris

Fellow" by the Rotary Club; he received the outstanding citizenship award in 1959, and was named "Boss of the Year" by the local Jaycee Chapter in 1978.

He was honored by local townspeople with a "Bob Owen Day" in his honor. At that time, an annual "Bob Owen College Scholarship" was set up by the Bank of Gleason, to be awarded to a high school senior, based upon their overcoming financial and hardship difficulties.

The Tennessee House of Representatives passed a resolution in his honor, he was made an honorary staff member of the 77th Legislative District of the Tennessee House of Representatives by then State Representative John Tanner.

The Woodmen of the World Life Insurance Society presented him an Honor Plaque for Outstanding Citizenship, and he was named Rotarian of the Year by the Rotary club in 1978 and 1979.

In keeping with his humble nature, Bob Owen, said, "I'm in the banking business by default, because I couldn't find anything else to do."

Regarding his life, he continued, "It's been a great ride, I came from a humble background. My Mom had to be something out of this world. My father died when she was only 47 years old, and she raised three children with the sweat of her brow, and a lot of love."

It may be accurate for the community to refer to him as the last of the country bankers, but Bob Owen is a world-class citizen, who cares deeply for his community and the people he serves.

As was so appropriate by stated by the late Billy O. Williams, Associate Poet Laureate of the State of Tennessee, during a presentation on Bob Owen Day in Gleason:

"He must have done some things just right, as he walked down life's highway,  
'Cause folks have come from all around,  
on this his special day.

Being fair, being honest and being kind,  
has been his life's ongoing.

May the good 'Lord' bless, years of happiness,

for Robert H. 'Bob' Owen."

#### A TRIBUTE TO GUS A. PEDICONE

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to utter a few words about Gus Pedicone, a man truly worth honoring. Born and raised in Philadelphia, Mr. Pedicone has been a great leader to his community. His achievements are well worth noting as they demonstrate the positive results that come with hard work and determination.

Perhaps such determination and desire to succeed came about through Gus's early years as a soldier. Serving in both World War II and the Korean conflict, Gus displayed his commitment to serve this community, a commitment that has now spanned over fifty years. Soon after his career as a soldier, Gus entered the political arena, first as a committeeman, then as a Republican Ward Leader for the 26th Ward. At the pinnacle of his political career in 1971, he was even a candidate for United States Congress.

Obtaining degrees from both the Palmer Business School, and the highly esteemed Wharton School of Business at the University of Pennsylvania, Mr. Pedicone's business savvy is self-evident. He started his own air freight business in 1965, which became a very successful endeavor. Gus was also on the State Tax Equalization Board for 14 years, and was a recent appointee to the State Board of Automotive Manufacturers. While too often such success is coupled with a loss of community spirit, Gus has proven his loyalty as a member of the Sons of Italy and as a past member of the Lions Club.

Aside from all these accomplishments, Mr. Speaker, Gus Pedicone should be recognized for his legacy as a role model. He is well known throughout the Philadelphia community as a gentleman and a man of his word. Just the other day, I spoke to his Democratic counter part, the Honorable Ronald Donatucci. Although Mr. Pedicone and Mr. Donatucci spent years opposing each other on election day, Ron had nothing but praise for Gus. All of us can only hope to be so well thought of by our opponents.

Gus Pedicone is a truly remarkable man. His diverse achievements in both the private and public realms give way only to his continuing desire to serve his community as best he can. He has had a positive effect on all aspects of our community for over fifty years, and for this I would like to express my deepest gratitude.

#### IN HONOR OF HERMAN FINK ON HIS 102ND BIRTHDAY

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Herman Fink of Santa Ana, California, on his 102nd birthday. As a well-known Santa Ana resident, Mr. Fink has lived on the same street (Flower Street) in Santa Ana for 59 years. During that time he has become known as "the Honorary Mayor of Flower Street" to all those who live around him.

An avid world traveler, Mr. Fink has been to the farthest reaches of the world. He has traveled to nearly every land on earth, from Egypt to Australia, from France to South America. He loves to travel and has lived his life as an adventure, seeking out the treasures of discovery and savoring the immense richness of many foreign lands.

Herman Fink was married for 67 years to his wife, Clara. Theirs was a perfect marriage, according to his only daughter, Lorraine Ellison of Garden Grove, California. Many happy years of marriage, a lovely daughter, two granddaughters and two great grandchildren have filled his life with love and joy.

To this day, Mr. Fink lives in his own house in Santa Ana. He is in excellent health and his days are filled with friendship. At his birthday party on September 26, his favorite restaurant beamed with love and friendship. Herman Fink is a man who is loved by many people, a genuine testament to a life well-lived.

#### IN HONOR OF THE COMMUNITY UNITED FOR THE REHABILITATION OF THE ADDICTED 25TH ANNIVERSARY

### HON. ROBERT MENEDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENEDEZ. Mr. Speaker, I rise today to pay special tribute to the Community United for the Rehabilitation of the Addicted, Inc. (CURA) for their innumerable contributions throughout New Jersey. For years, this agency has been dedicated to the treatment and rehabilitation of Spanish speaking individuals who are addicted to drugs or alcohol. Because of its unique treatment philosophy, the program boasts one of the highest success rates of any similar program in the country.

CURA was established in 1973 in response to the poor success rate of Spanish speaking addicts in other programs. CURA offers long-term residential drug-free rehabilitation programs, outpatient drug-free rehabilitation programs, short-term residential programs for alcoholic addicts who are 18 years or older, an outreach prevention program in surrounding communities for "high risk" youngsters 12-17 years of age, and supplemental services which include vocational evaluation and training, high school equivalency preparation, a health examination, HIV education and prevention, recreational activities and job placement assistance.

I ask that my colleagues join me in recognizing the outstanding work of the Community United for the Rehabilitation of the Addicted. I would like to commend the CURA staff, Board of Trustees and Chairman Miguel Rivera. I encourage them to continue to serve their communities for many more years to come.

#### WORLD POPULATION AWARENESS WEEK

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SANDERS. Mr. Speaker, I rise today to call World Population Awareness Week 1998 to the attention of my Colleagues. October 24-31 marks the 13th annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call the Governor of Vermont's, the Honorable Howard Dean, proclamation to the attention of my colleagues.

#### WORLD POPULATION AWARENESS WEEK PROCLAMATION—1998

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to

all people, including every citizen of the State of Vermont concerned for human dignity, freedom and democracy, as well as for the impact on the global economy;

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished;

Whereas demographic studies and surveys indicate that at least 120 million married women in the developing world—and a large but undefined number of unmarried women—want more control over their fertility but lack access to family planning;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political commitment and appropriate programs aimed at providing universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

Now, therefore, I Howard Dean, Governor of the State of Vermont, do hereby proclaim the week of October 25-31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance.

#### SAVE THE INTERNATIONAL SPACE STATION ACT OF 1998

#### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing H.R. 4820, the Save the International Space Station Act of 1998. This is a straightforward bill that contains several provisions that will restore accountability to the program while preserving our commitment to our international partners in the Space Station program. More importantly, it lays the groundwork to help prevent future cost growth and schedule delays by putting NASA on a track to solve systemic problems. The bill should be non-controversial. Most members have seen these provisions before. This legislation was drafted around the bipartisan Sensenbrenner-Brown amendment to the Civilian Space Authorization Act for fiscal year 1998 and 1999, which the Committee on Science adopted and the House of Representatives passed last year.

Basically, the bill precludes additional payments to the Russian Space Agency to meet its existing obligations unless Congress concurs that additional payments serve the taxpayer's interest. It requires the Administration to develop a contingency plan and report that plan to Congress for removing each element of the Russian contribution from the critical path for assembling the International Space Station. It does contain two new provisions from the Senate, which were worked out on a

bipartisan basis. The first of these new provisions is a total cost cap on the program. The International Space Station has never had a legislatively imposed cap on the total cost of the program before. The Senate has made such a cap a priority and the bill contains a measure worked out between the Senate and the Administration. The second new provision concerns cross-waiver authority under which NASA will negotiate agreements with other Station partners to reduce our liability to one another in the event of problems with the Space Station. Ultimately, this measure must be passed for the Space Station to be assembled and operated in space.

By passing this bill sooner rather than later, Congress can do its part to contain future cost growth and put this program back on track towards developing and operating a world-class scientific laboratory in space.

#### A TRIBUTE TO H.E.R.O.

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor H.E.R.O., the Philadelphia based non-profit organization which endeavored, and succeeded, to make a positive change in our local community. Their motto, which is "Helping to Energize and Rebuild Ourselves", has become a prophecy fulfilled. They have served a dual role since their inception, gathering teens off the street to participate in positive events, while also helping to ease the pain of those who have suffered great loss.

H.E.R.O. came into the spotlight about two years ago after the Philadelphia community was emotionally torn over the grueling murder of Aimee Willard, a 22 year old star athlete who was killed after leaving a bar in Wayne, PA. In an effort supervised by Dorris Phillips, the assistant director of H.E.R.O., the organization transformed the site of where Aimee's body was found. Instead of allowing this site to remain a source of angst in the community, these volunteers decided to turn it into a source of pride.

They have put in an astounding effort to create a memorial for Aimee. Today, the place where Willard was found is marked by two plastic covered photos of her and a two-foot cross draped with a graduation tassel and rosary, set amid fifteen flower pots. Finding lots of help from neighbors, unions, and various city agencies, H.E.R.O. has assisted in planting a garden, building picnic tables and gazebos, and painting a mural of Aimee which was presented to the Willard family on September 13th of this year.

These contributions cannot go unnoticed. In the wake of tragedy, H.E.R.O. has emerged as an organization that is predicated on positive change in the Philadelphia community. Their success in changing the perceptions of the local youth are typified in the comments of one of its youth volunteers, Eugena Humphrey. As Humphrey stated in an article for the Philadelphia Inquirer, "People always talk bad about it; I know I sometimes do. Maybe if you make one change, other changes will

develop." With organizations like H.E.R.O. around, positive change does not remain an intangible dream, but is rather allowed to become a reality. For this, the City of Philadelphia owes its sincerest thanks.

#### IN HONOR OF THE 1998 COLUMBUS DAY HONOREES

#### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today, October 12, 1998, Columbus Day to pay special tribute to the 1998 Hudson County Columbus Day Parade and the Bayonne Columbus Day Parade Honorees.

From the Hudson County Parade: Michael Ricciardone, Parade Chairperson; Guy Catrillo, General Chairman; Nick Fargo, Jr., Grand Marshal; Scott Ring, Honorary Grand Marshal; Reverend James Pagnotta, Italian Clergy of the Year; Lois Shaw, Italian Woman of the Year; Mayor Anthony Russo, Italian Man of the Year; Renee Bettinger, Italian Stateswoman of the Year; Damian Andrisano, Italian Statesman of the Year; Surrogate Donald DeLeo, Italian Diplomat of the Year; Andrew Muscamero, Italian Educator of the Year; Peter Varsalona, Italian Veteran of the Year; Patricia Cassidy, Italian Policewoman of the Year; Frank Scarpa, Italian Policeman of the Year; Michael Pierro, Italian Fireman of the Year; Susan Loricchio, Miss Columbus; Glorio Esposito, Recipient of the Special Achievement Award; and Caroline Guarini, Recipient of the Golden Chalice Award.

From the Bayonne Columbus Day Parade: Marie Sestito, Parade Chairperson; Joseph Pelliccio, President, Parade Committee; Matthew Guerra, Grand Marshal; Captain Ralph Scianni, Public Safety Officer of the Year; and Lauren Boch, Miss Columbus.

I thank these men and women for their hard work and dedication. I am honored to have such outstanding individuals residing in my district. I am certain my colleagues will join me in paying tribute to them today.

#### TRIBUTE TO TOM BRADLEY

#### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, it was an honor to know Tom Bradley and we are all saddened by his death.

People wouldn't, by any stretch of the imagination, think of Tom Bradley as a revolutionary. He was soft-spoken. He was a conciliator. He didn't often show his emotion. And, while he labored hard, he always did so quietly and behind the scenes. He was a gentleman in every sense of the word.

No other single person, however, did more than Tom Bradley to break with the past and redefine the promise of the future.

Tom's own life marked a string of firsts.

He attended Polytechnic High School in Los Angeles—a majority white school—where he

was the first elected black president of Poly's Boys League; he was the first black student inducted into Ephebian, a national honor society; and he was the captain of his school's track team.

When Tom joined the Los Angeles Police Department in 1940, there were 100 blacks on a force of 4000. When he retired in 1961, he was a lieutenant, the highest rank of any black officer on the force.

Tom was the first black person elected to the Los Angeles City Council and he was Los Angeles' first black mayor.

The truth is I could spend the next hour reciting a list of barriers that Tom broke down. But recognizing that he was a pioneer only tells half the story. His achievements once those barriers were broken tell the rest of it.

Tom served as mayor of Los Angeles for five terms during twenty years of tremendous economic growth, rapid change, and flourishing diversity.

Tom was a terrific mayor and uniquely suited to those times. He was a consensus builder. He never practiced the politics of division. Under his stewardship, Los Angeles became the financial capital of the West Coast. It became a city that valued its multiethnic people and nurtured their entry into the middle class.

Tom was the son of a sharecropper and the grandson of a slave. He experienced the hard existence of the least fortunate of our society in the early twentieth century. From those humble beginnings, he rose to become a leader of one of the most dynamic and prosperous cities of our nation. His story is uniquely American.

I want to express my condolences to Tom's widow, Ethel, and his daughters, Phyllis and Lorraine, during this very sorrowful time.

#### GEOGRAPHY AWARENESS WEEK

### HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. BARTON of Texas. Mr. Speaker, today I rise to recognize Geography Awareness Week in Texas. Geography is about knowing where things are. It's about being able to read a map to find your way, calculate the time difference before making a long distance, and even situate a place heard about on the news onto your mental map of the world. But geography is also about understanding why things are located where they are. It offers perspectives and information in understanding ourselves, our relationship to the Earth's resources and our interdependence with other people of the world. By knowing geography, we can see how historical processes and present activities influence people, places and things. Geography education better prepares us to understand, interpret and find our place in this changing world at a time when tools like the Internet take us to every corner of the world with the click of a button.

This year, state geographic alliances across the country, including in my home state of Texas, are celebrating the theme: "People, Places and Patterns: Geography Puts the Pieces Together." The state of Texas has

begun the task of improving geographic education by adopting state geography standards, and through the support of the teachers' organization Texas Alliance for Geographic Education, is actively working to implement these standards by disseminating new advances in teaching geography at the kindergarten through senior high level.

November 15th to 21st will be Geography Awareness Week in Texas. I urge residents to recognize the importance of geography, and to work toward the development of geographic knowledge in our schools and communities.

#### ANKARA'S DECISION TO SENTENCE LEYLA ZANA

### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 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 fifteen year sentence, to two 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 ever elected to the Turkish parliament. She won her office with more than 84% of the vote in her district and brought the Turkish Grand National Assembly a keen interest for human rights and 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, D.C., 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.

#### A TRIBUTE TO SAM MEYERS

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. OWENS. Mr. Speaker, on November 8, 1998, Sam Meyers will be honored with a Lifetime Struggle and Achievement Award by the citizens of Central Brooklyn; however, his career is one with far-reaching significance for the national labor movement and for American progressive political leadership.

Sam Meyers, retired President of United Auto Workers Local 259, has been honored by many groups numerous times over the last few decades and all of the accolades have been deserved. Now eighty years old, he can relax with the satisfaction and assurance that he has been to the mountain top. Beyond his individual giving there are also the contributions of his wife, Carolyn, a retired East New York teacher, and his sons, Dan and Matt. Attorney Dan Meyers has devoted much of his life to the case seeking justice for the victims of the Attica assault.

Sam has been a special hero of Central Brooklyn for nearly twenty years. The Frank Barbaro campaign to unseat Koch and the victorious campaign which elected Mario Cuomo are two of the key events which forged the longstanding alliance of Sam Meyers and Major Owens. The Barbaro mayoral campaign created the opportunity, for fighters who had previously briefly met each other only on speaking platforms, to then become permanent partners for progressive politics and empowerment. Beyond his immersion in the strategy and tactics of everyday leadership for his union, Sam Meyers had a vision and acted with others to fulfill the dream of a citywide political coalition.

In the Summer of 1982, on the same day that major Owens announced the formation of the Brooklyn Coalition for Community Empowerment as his congressional campaign committee, Sam Meyers delivered a check from the United Auto Workers. It was a maximum contribution for the primary and the only such Political Action Committee donation received by the new and unknown Brooklyn political movement. Owens and his political partners—Vann, Green, Norman, Boyland—had

nothing concrete that they could trade for support. Indeed, Sam Meyers, angered many powerful old friends of his when he endorsed the dissidents who were despised by the old Kings County machine.

Sam's adoptions of the Brooklyn empowerment effort was an act of political faith with roots in his mother's aspirations for a better world. Across boundaries of race, ethnicity and age, without hesitation, he applied the same principles that had guided his building of a great UAW Local 259. Always present in the mind of Brother Meyers was the credo of the street fighter. You have to believe and you have to dare.

Sam Meyers began his lifetime struggle in 1940 as a sheet metal worker and a member of UAW, Local 365. In 1943 he joined the Army Air Corps. In 1958 he led the successful fight to oust a leadership that had become too far removed from the membership and was elected President of Local 259. In the late 60's he was a co-founder of the New York Labor Committee Against the War in Vietnam. In the early 70's Sam helped to bring national attention to the impact of plant closings and runaway shops. In the late 80's he served as a Jesse Jackson Brooklyn delegate to the Democratic National Convention.

For several decades Local 259 championed the forces of liberation and democracy in South Africa, South America, Haiti and throughout the globe. Numerous refugee labor leaders found safe haven, support and solidarity at Local 259. To continue expanding his legacy Sam Meyers now serves on the Commission for the Future of UAW. His career offers both inspiration and challenge for future generations.

The personality of Sam Meyers can be summarized in the same manner that author Edith Hamilton described the mentality of the great Greek civilization. He maintains a steady gaze on the world as it is with all of the harshness and pitfalls, but he never retreats into cynicism and despair. He is tough but full of hope. Central Brooklyn is proud to salute Sam Meyers for his Lifetime Struggle and Achievement.

#### TRIBUTE TO TOM BRADLEY

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BERMAN. Mr. Speaker, few elections have given me greater satisfaction than Tom Bradley's victory as mayor of Los Angeles in 1973. At a time when militants and cynics were beginning to dominate the debate over race, Tom ignored the trend and assembled a coalition of blacks, whites and Latinos in his campaign. I know Martin Luther King would have been proud of Tom's accomplishment.

Courage and strength are the words that come to mind when I look back at the life of Tom Bradley. I can't imagine many of us would have persevered when faced with the same barriers that Tom faced again and again. Grandson of a slave, son of sharecroppers. Tom moved to Los Angeles at the age of seven in 1924. LA in those days was not a city especially hospitable to black peo-

ple. Certainly there were very few examples anywhere in the country of African-Americans who had achieved success in politics or other fields. But Tom embarked on his career as if none of that mattered.

In 1941, Tom became a member of the Los Angeles Police Department, placing near the top on a recruitment exam. He spent 20 years on the force, eventually becoming lieutenant. At the time of his retirement, Tom was the highest-ranking black officer in the Department.

Now began the most famous phase of Tom Bradley's life. Two years after leaving the LAPD, he ran for a seat on the Los Angeles City Council. In a preview of what was to come, Tom brought together blacks, Asians and whites to defeat a white candidate for the seat. He was the first African-American in the history of Los Angeles to be elected to the City Council.

Tom always remained true to the idea of building coalitions among different groups. This was not only a political strategy, but an honest expression of Tom's humanity. He genuinely liked people, and was as comfortable in the neighborhoods of Fairfax Avenue, Chinatown and Boyle Heights as in South Central Los Angeles. He was exactly the kind of person you would want to be mayor of a large and incredibly diverse city.

In 1969, Tom Bradley ran for mayor of LA. The incumbent, Sam Yorty, waged a blatantly racist campaign to defeat Tom. Rather than reacting with anger and hostility, which would have been understandable, Tom took the loss with equanimity. He vowed to fight again—at the ballot box. Tom's 1973 victory changed Los Angeles forever. For one, he proved that a black person could be elected mayor in a city with a relatively small black population. Even more important was the vivid demonstration that unity can triumph over divisiveness. Unlike many others then and now, Tom didn't play the "race card."

I don't want to cover in detail Tom's 20-year record as mayor, except to note that he opened up city hall to people from all backgrounds and brought the Olympics to LA in 1984. It says something that he was re-elected four times with only token opposition. I can't imagine Los Angeles will ever have a more popular mayor than Tom Bradley.

I ask my colleagues to join me in remembering Tom Bradley, who represented the best America has to offer. He was a gentleman, a fighter for equal rights and justice and a man who fervently believed in the idea that through hard work and determination anything is possible. I hope that future generations will look to Tom Bradley as a model for how to live one's life.

#### AFRICAN DEVELOPMENT FOUNDATION

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. PAYNE. Mr. Speaker, I rise in support of the African Development Foundation (ADF) and appeal that it be funded at the full request

of \$14 million. ADF plays a unique role within the United States government foreign aid programs. It is the only agency providing assistance directly at the community level to alleviate poverty and promote economic and social empowerment in Africa. It uses an approach premised on self-help and fosters self-reliance and local ownership. ADF has an impressive track record of high-impact projects that are sustained by the local community.

Working in fourteen countries, full funding of ADF will leverage an additional \$2.0 million from external sources and will finance almost 100 innovative projects that will benefit tens of thousands of poor Africans. ADF efforts are focused in four areas:

Promoting micro and small enterprise development to generate jobs and income for poor women, unemployed youth and other marginalized groups;

Expanding the participation of small African enterprises and producers groups in trade and investment relationships with the U.S. and within Africa;

Improving community-based natural resource management for sustainable development; and

Strengthening civil society and local governance to reinforce democratic structures and values.

I would like to strongly endorse the excellent work of the ADF and encourage my colleagues on both sides of the aisle to do the same. In conclusion, I ask you to join me in supporting full funding for the African Development Foundation.

#### TRIBUTE TO CARNEY CAMPION

### HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. RIGGS. Mr. Speaker, I rise today to give a special thank you to Carney Campion, who is retiring next month as General Manager of the Golden Gate Bridge, Transportation and Highway District.

San Francisco's Golden Gate Bridge is a national symbol and national treasure. Carney Campion has been with the Bridge District for 23 years, and is its eighth General Manager. He continually dedicated himself to assuring that the Golden Gate Bridge remained structurally sound, and that Golden Gate Bus and Ferry Transit performed efficiently.

Carney has guided the Bridge District through labor strikes, has managed repeated demonstrations and celebrations, and has assured that tolls are sufficient to meet all of the Bridge District's needs. Recently, he helped obtain Federal support for seismic retrofit of the Golden Gate Bridge. Among other of Carney's numerous contributions are successful re-decking of the Bridge, modernization of transit and ferry service and facilities, and re-organization of the District's management and operations structure. He also had the foresight to help acquire the Northwestern Pacific Railroad right-of-way, which represents the Northern San Francisco Bay area's best hope for commuter rail service.

Born in Santa Rosa, California, Carney is a 1950 graduate of the University of California at

Berkeley. He received his Bachelors of Arts degree in Personnel and Public Administration. He has held numerous positions in national and California business, transit and service organizations.

Mr. Speaker, Carney Campion is a true son of Northern California. His contributions will long contribute to the quality of life that we in the area all enjoy. As he begins a well-deserved retirement, I wish him and his wife, Kathryn, best wishes and Godspeed.

THE LOS FRESNOS CISD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to explain why it is particularly painful for me to be here in Washington DC today, as opposed to the event on my schedule for today in Texas. I was to speak to an elementary school in the Los Fresnos Consolidated Independent School District.

Villareal Elementary is a school which has, for the last three years running, scored an exemplary rating from the Texas Education Agency's Texas Academic Achievement Scores (TAAS) test. These tests in Texas gauge our children's progress in learning, as well as the progress by school boards to incorporate various teaching techniques into the curriculum.

The first year I went there, I urged them to do well on their TAAS tests, telling them if they did well, I would come back to urge them on for the next year. They did well, and I went back the next year. It has become a matter of habit for us now, Villareal Elementary scoring high on their TAAS, and their local congressman coming back to shout bravo for their efforts.

Perhaps it will be helpful to explain why this school district does so well academically. This is a school district with a creative and energetic leader, Dr. Eliseo Ruiz, the superintendent of LFCISD, who attributes the high academic achievements to "purposely setting some very high goals."

Dr. Ruiz was named one of 10 "exemplary superintendents" in Texas, and the school district itself ranked fourth in the state in the education of Hispanics, according to research by Texas A&M University. According to Dr. Ruiz, the stars began to line up for the school district about four years ago when they began aligning curriculum, establishing timelines and monitoring benchmarks.

He insists that a greater parental involvement was the key to the schools' collective success. Each school requires a parents' fair at the beginning of the year, followed by various keynote speakers to parents about how to work with children in learning responsibility. Once again, we have an example of what really works in our nation's schools . . . parental involvement from the beginning to the end.

While Congress labors mightily today to complete our work for the year, be aware of the fact that there is a school which very much wanted their congressman to see them today.

For the RECORD, their congressman wants very much to see them today; they never fail to move me and inspire me.

AUTOMOBILE NATIONAL  
HERITAGE ACT OF 1998

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. DINGELL. Mr. Speaker, I would like to thank Representative HANSEN for bringing this legislation before the House for consideration. I am deeply grateful for his support and the work he has done on H.R. 3910.

The industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant; they have made this a greater country. In cities across Michigan, such as Detroit, Dearborn, Flint, Kalamazoo, Lansing, and Saginaw, the automobile was designed and manufactured and in turn helped establish and expand the United States as an industrial power. The industrial strength of automobile manufacturing was vital to defending freedom and democracy in two world wars and fueled our economic growth in the modern era.

Automobile heritage is more than the assembly lines and engineering rooms where cars were created and built. Turning a vision into a reality, the story of the automobile is a tale of hard work and growth. It is the shared history of millions of Americans who fought, during the labor movement, for good wages and benefits. This industry shaped 20th Century America like no other; it is the quintessential American story. It is a story worth celebrating and sharing.

The end product of all this hard work and cooperation, the Automobile National Heritage Area, creates something special and lasting both for Michigan and America. Again, I thank my colleague from Utah, Representative HANSEN, along with Chairman DON YOUNG. The gentleman from Utah has done a superb job, and I salute him. I say to my colleagues from both sides of the aisle, and from all regions of America, that the Automobile National Heritage Area will enormously benefit the people of the 16th District in the State of Michigan and those who work in and are dependent upon the auto industry. This area is very, very important to us in Michigan in terms of remembering our history, who we are, and what we have done to build America.

But all these efforts in Washington would not have come about if not for the years of planning by educators, local officials, and business leaders to bring together—in one package—a way to preserve this story. These local, grassroots efforts have been supported by many organizations in Michigan, including our major automobile manufacturers, labor organizations, businesses, towns and cities, chambers of commerce, and elected officials from both parties. There are too many individuals to thank today. But I would like to extend my gratitude to Ed Bagale of the University of Michigan-Dearborn, Steve Hamp of the Henry Ford Museum, Sandra Clark of the State of

Michigan, Maud Lyon of the Detroit Historical Museum, Bill Chapin, and Barbara Nelson-Jameson of the National Parks Service.

I urge my colleagues to support the rich history and tradition of the automobile. Support this unique American story. Support H.R. 3910.

DIGITAL MILLENNIUM COPYRIGHT  
ACT

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12,  
1998\*\*\*SHD\*\*\*Clarification of Provisions of H.R. 2281 Relating to Stock Market Data

Mr. BLILEY. Madam Speaker, I rise to correct a clerical error that resulted in the omission of an important portion of my statement of August 4, 1998 in support of H.R. 2281.

In my statement, I had included clarification of certain portions of the legislation that provide for the protection of electronic databases, specifically with respect to entities that collect and disseminate information about our stock markets.

I supported this legislation because my good friend, Chairman HYDE of the Judiciary Committee, agreed to my request to include provisions that ensure that the protections provided in the Act in no way undermine or affect the provisions of the Federal securities laws relating to the collection and dissemination of information about the stock market.

Section 11A of the Securities and Exchange Act of 1934, and the rules promulgated thereunder, charge the Securities and Exchange Commission with the duty to assure the prompt, accurate, reliable and fair collection, processing, distribution, and publication of information about stock quotes and transactions. The ability and extent to which self-regulatory organizations such as stock exchanges may collect fees for the dissemination of this information is subject to the approval of the Commission. Pursuant to this authority, the Commission has, in the past, approved of fees charged for stock market quotations by self-regulatory organizations such as stock exchanges, which have used these fees to fund the collection and distribution of market data pursuant to the requirements of the Exchange Act, among other activities.

Similarly, pursuant to the authority granted it under Section 11A of the Exchange Act, the Commission may, in the future, reexamine the fee structure associated with the dissemination of market data to better serve the public interest, protect investors, and promote efficiency, competition, and capital formation. The legislation explicitly preserves the ability of the Commission to take such action, with respect to both real-time and delayed data. In this regard, I wish to emphasize that this legislation does not create a property right in either real-time or delayed market data for self regulatory organizations, and preserves the full and complete authority of the Commission over the ways in which stock market data is collected and disseminated.

This is critical because some experts have described stock quotation information as being "as necessary as oxygen" to investors, especially as investors turn more and more frequently to their computers to invest on-line.

As the Internet and electronic communication make it increasingly easier for investors to seek out information about the marketplace and participate in our stock markets, we must ensure that these technological advances provide maximum access to information for investors, consistent with the competitive and efficient functioning of our marketplace.

In this regard, I intend to continue the Committee's vigorous oversight of this important area to ensure that the Commission is using its authority under the Exchange Act to ensure that fees that are charged for market data neither hamper the development of the most efficient means for investors, especially retail investors, to obtain this information nor undermine the ability of the stock markets to fulfill their obligation to provide it.

#### CELEBRATION OF POLISH-AMERICAN HERITAGE MONTH

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. ROTHMAN. Mr. Speaker, I rise today to mark Polish-American Heritage Month which is being celebrated throughout our nation during the entire month of October. For seventeen consecutive years, the more than one million Polish-Americans in New Jersey have participated in events that honor and recognize the remarkable accomplishments of the Polish-American community.

The Polish values we celebrate during the month of October are universal values, embraced by millions of Americans. On behalf of the active and growing Polish-American community that I am proud to represent in northern New Jersey, I urge all my colleagues to reaffirm our nation's warm relations with Poland during Polish-American Heritage Month.

To be sure, Polish-Americans are rightly proud of the high level of cultural, social, economic and political involvement they have established in America. By assisting Poland's current transition to democratic governance and a market economy, the Polish-American community is continuing a long tradition of aiding their homeland. Following World War II, it was the Polish-American community that initiated legislation that enabled the resettlement to America of over 200,000 members of the Polish Armed Forces who had fought for the cause of freedom. These efforts, coupled with the unbridled patriotism and ingenuity of millions of Polish-Americans, have made our country a better place to live.

Mr. Speaker, I want to praise the dedicated work of the Polish-American Heritage Month Committee and the hard work of the Polish-American Congress in sponsoring this worthwhile month-long celebration of the Polish experience in America. I salute the efforts of all those who have endeavored to highlight the tremendous contribution Polish-Americans have made to our nation.

#### CALLING ON THE PRESIDENT TO RESPOND TO INCREASE OF STEEL IMPORTS AS A RESULT OF FINANCIAL CRISES IN ASIA AND RUSSIA

SPEECH OF

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. LIPINSKI. Mr. Speaker, I rise today in strong opposition to H. Con. Res. 350.

This resolution, while drafted with the best intentions, falls far too short. It completely misses the mark. Foreign nations are illegally dumping their cheap steel in our market, and with this resolution, what is the U.S. going to do? With this non-binding resolution, we're only asking the Administration to go and consult. We're not even telling them. We're asking if they could please go and consult with Japan, Taiwan, South Korea, Russia, Europe, and so forth. Consult? Under this Administration, under the Republican controlled Congress, we've been consulting for years. How much longer do we have to consult? How many more reports do we have to look at? How much longer should workers in Illinois and across this nation suffer? How many more good-paying jobs in the steel industry do we have to lose? How long do we have to wait?

With this resolution, we might as well wait. Let us continue to wait as American workers see their paychecks shrink. Let us continue to wait as the U.S. steel industry closes more plants and factories. Let us continue to wait for more consultations and more reports that tell us what we already know. Let us continue to wait as American workers wind up on the unemployment lines. Let us continue to wait as more and more families file for bankruptcies.

Mr. Speaker, we can talk all we want, but if our talk isn't backed up with action, foreign nations will see all the talk as hot air, and unfortunately, that is what has happened. Instead of hot air, let's back up our words with trade sanctions. Instead of a non-binding resolution, why not pass a law that directs the President to take a stronger stand against cheap imports and unfair competition?

Since I've been a Member of this body, I have always advocated a simple philosophy. If you don't let us sell American products in your market, we won't let you sell your products in ours. But instead of fighting for American workers and American industry, this Administration and free trade advocates continue to bend over backwards to let foreign competitors flood our markets with cheap products while putting up protectionist barriers around their markets. How is that free trade? Let us not kid ourselves any longer. We do not live in a world of free trade. We live in a global economy of special interests. Our special interests should be American workers, but our trade policies don't reflect that.

Mr. Speaker, I urge all my colleagues to vote against this empty resolution. This resolution is watered-down, toothless, and ineffective. A yes vote for this is pure political posturing and does nothing for the U.S. steel industry. We don't need more talk. We need the

force of law, and this toothless resolution isn't it.

#### SENSE OF CONGRESS REGARDING FORMER SOVIET UNION'S REPRESSIVE POLICIES TOWARD UKRAINIAN PEOPLE

SPEECH OF

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. HINCHEY. Mr. Speaker, this fall marks the 65th anniversary of the Ukrainian famine, or more precisely, of the world's recognition of the famine that had been developing in Ukraine for two years. We have seen many horrors in this century of civilization. The holocaust in Germany and Central Europe in World War II was the most shocking and has justifiably attracted the most recognition. But it was by no means the only incident of diabolic mass slaughter. We have seen the slaughter of Armenians in the early years of the century, the massacre of Cambodians by their own leaders, and most recently the horrors in Rwanda and Bosnia.

We should not allow the abundance of horrors to dull our senses or to allow us to forget any of these terrible incidents. We must remember that the instruments and techniques we have developed in this century can be used against any people in any country, no matter how advanced or supposedly civilized.

As a Ukrainian-American I wish to call the attention of the House and the American people to the crimes against my family's people. Ukraine is the most fertile farmland of Europe, long called the breadbasket of the continent. Yet millions of Ukrainians—perhaps as many as 10 million, we will never have an exact figure—starved to death in the midst of plenty in the early 1930's. They starved because Stalin decided that traditional farming in the Ukraine would stop, and with the power of the Soviet state, he was able to make it stop. If people did not conform to his will, he would see to it that they had no food to eat, no seeds to plant. The wheat that was harvested was sold at cheap prices on world markets. Protests around the world did not stop the famine; instead, the markets found ways to profit from it and conduct business as usual.

In this respect and others, the Ukrainian famine resembled the great Irish famine of the nineteenth century, when the British government allowed people to starve by the millions rather than interfere with grain markets. I am an Irish-American too, and many of us in this chamber are descended from the people who fled that famine.

The Ukrainian famine did not end until Stalin had gotten his way and subjugated the Ukrainian people. They still suffer today from the consequences of his actions: they have never been able to fully rebuild the agricultural economy that had once made Ukraine the envy of the region. I believe they will rebuild it, hopefully with our help.

But let us learn from the horrors they endured. Let us commit ourselves to the principle that people should always come first,

that no one should be allowed to starve. Let us apply that lesson at home, and pledge that no one should go hungry in our prosperous country because of the strictures of ideology or because of the discipline of the market. Let us commit ourselves to opposing oppression around the world, when oppression leads to genocide and death, whether the tools of that oppression are overly violent, or whether they are the subtler but no less cruel tools of deliberate starvation, deliberate hunger, deliberate poverty. Let us remember that all people are our brothers and sisters.

#### PERSONAL EXPLANATION

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on final passage of H. Res. 494, Commending the Loyalty of the U.S. Citizens of Guam; "aye" on final passage of S. 1364, Federal Reports Elimination Act; "aye" on final passage of H.R. 4756, Ensuring that the U.S. is Prepared for the Year 2000 Computer Problem; and "aye" on final passage of S. 1754, Health Professions Education Partnerships Act. I appreciate being granted a leave of absence, and thank the Speaker for having my remarks appear in the CONGRESSIONAL RECORD.

#### TRIBUTE TO REVEREND LYNN HAGEMAN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to an extraordinary human being and a man who made an enormous contribution to the lives of the people of East Harlem, New York City and State, and the United States, the Reverend Lynn LeRoy Hageman. Reverend Hageman, who died last Saturday evening at the age of 67, was known in New York, the United States and around the world as a pioneer in the area of addict rehabilitation for his integrated, comprehensive approach to helping drug addicts.

Reverend Hageman was born in 1931 in Lincoln, Nebraska. In 1956, he received a Bachelor of Divinity from the University of Chicago. Upon graduation, he worked with children in the Department of Welfare in Chicago and at St. Mark's Episcopal Church in Chicago, the site of the first church-centered program for addict rehabilitation.

In 1959, he moved with his wife Leola and their three children, Erika, Hans and Ivan, to East Harlem, where he began serving as an Evangelical United Brethren minister at the East Harlem Protestant parish. In 1963, he founded an experimental narcotics program at Exodus House on 103rd Street, between Second Avenue and Third Avenue. There, Rev-

erend Hageman developed a step-by-step approach to rehabilitation, involving total abstinence, spiritual guidance, group therapy and artisan training. The program served thousands of addicts with exceptional rates of success.

As a result of his work, Reverend Hageman served on the Mayor's Committee on Narcotics Addiction and frequently appeared in professional journals, newspapers and on television. Reverend Hageman was an active participant in the fight for civil rights and spent time in an Albany, Georgia jail with Reverend Martin Luther King, Jr. Even as he was carrying on his work, Reverend Hageman received a Doctor of Ministry from Drew Theological Seminary in 1976.

Reverend Hageman was a man of rare courage, intelligence and dedication, whose energy, creativity and perseverance were without limit. His legacy is simple and powerful: he worked tirelessly to improve the lives of others, particularly those women and men who were working to overcome drug addiction. He helped thousands, but approached each as an individual, one by one, step by step.

His legacy is also very much alive and can serve as an inspiration to all of us. It is alive in the lives of the thousands of individuals he was able to help, and who are living more fulfilling and productive lives today. It is also alive at Exodus House on 103rd Street. After Reverend Hageman suffered a stroke in 1981, and was unable to carry on his work as fully, his wife Leola reinvented Exodus House as an after-school program for the children of drug addicts. In 1991, his two sons, Hans and Ivan, transformed Exodus House into the East Harlem School, a highly successful middle-school now in its seventh year of operation.

Mr. Speaker, the people of the 15th Congressional District, the City of New York and the United States owe Reverend Lynn Hageman a great debt of gratitude for his exceptional life of service to others. Through his work and energy and courage, his warmth and wonderful sense of humor, he was an enormous presence in our community. He will be sorely missed.

#### CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

SPEECH OF

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

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. CRAMER. Mr. Speaker, I rise today in support of passage of the Senate Amendments to H.R. 3494, the Child Protection and Sexual Predator Punishment Act. As a former District Attorney and founder of the National Children's Advocacy Center, I can state, without a doubt, that this legislation will make a positive impact on the lives of children across this nation.

This bill will protect children from Internet-based sex crimes and toughen punishments for sexual predators. It will crack down on the criminals who prey on our kids.

The Internet has opened up new ways for sexual predators to get access to our children,

and we have to take serious measures to stop these criminals and punish them. The bill makes it a federal crime to use the Internet to contact a minor for illegal sexual activities such as rape, child sexual abuse, child prostitution, or statutory rape. Under this legislation, using the Internet to contact a minor for these kinds of sex crimes would result in a punishment of up to 5 years in prison. The bill also makes it a federal offense to use the Internet to knowingly send obscene material to a minor.

I am especially proud of the provision in the bill that would allow volunteer groups that serve children to perform background checks to make sure their volunteers have no record of crime against kids.

The bill gives groups like the Boys and Girls Clubs and Big Brothers-Big Sisters access to fingerprint checks to make sure their volunteers haven't been convicted of crimes against children, like child sex abuse. Most states, including Alabama, don't have laws to let volunteer groups do these kinds of background checks. For the sake of our children's safety, we have to change that, and that's what this bill is designed to do.

I appreciate the bipartisan approach to this legislation. In matters dealing with the safety of our children, it is important that we put politics aside and focus on solutions.

#### DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. BLILEY. Mr. Speaker, as Chairman of the Committee on Commerce, I want to make some additional comments. Specifically, given that the Conference Report contains several new provisions, I want to supplement the legislative history for this legislation to clarify the Conferees' intent, as well as make clear the constitutional bases for our action. Given the inherent page and time limitations of spelling everything out in a conference report, I wanted to share our perspective with our colleagues before they vote on this important legislation. Moreover, given the unfortunate proclivity of some in our society to file spurious lawsuits, I don't want there to be any misunderstanding about the scope of this legislation, especially the very limited scope of the device provisions in Title I and the very broad scope of the exceptions to section 1201(a)(1).

Throughout the 105th Congress, the Committee on Commerce has been engaged in a wide-ranging review of all the issues affecting the growth of electronic commerce. Exercising our jurisdiction under the commerce clause to the Constitution and under the applicable precedents of the House, our Committee has a long and well-established role in assessing the impact of possible changes in law on the use and the availability of the products and services that have made our information technology industry the envy of the world. We therefore paid particular attention to the impacts on electronic commerce of the bill produced by the Senate and our colleagues on the House Judiciary Committee.

Much like the agricultural and industrial revolutions that preceded it, the digital revolution has unleashed a wave of economic prosperity and job growth. Today, the U.S. information technology industry is developing exciting new products to enhance the lives of individuals throughout the world, and our telecommunications industry is developing new means of distributing information to these consumers in every part of the globe. In this environment, the development of new laws and regulations could well have a profound impact on the growth of electronic commerce.

Article 1, section 8, clause 8 of the United States Constitution authorizes the Congress to promulgate laws governing the scope of proprietary rights in, and use privileges with respect to, intangible "works of authorship." As set forth in the Constitution, the fundamental goal is "[t]o promote the Progress of Science and useful Arts. . . ." In the more than 200 years since enactment of the first federal copyright law in 1790, the maintenance of this balance has contributed significantly to the growth of markets for works of the imagination as well as the industries that enable the public to have access to and enjoy such works.

Congress has historically advanced this constitutional objective by regulating the use of information—not the devices or means by which the information is delivered or used by information consumers—and by ensuring an appropriate balance between the interests of copyright owners and information users. Section 106 of the Copyright Act of 1976, 17 U.S.C. 106, for example, establishes certain rights copyright owners have in their works, including limitations on the use of these works without their authorization. Sections 107 through 121 of the Copyright Act, 17 U.S.C. 107–121, set forth the circumstances in which such uses will be deemed permissible or otherwise lawful even though unauthorized. In general, all of these provisions are technology neutral. They do not regulate commerce in information technology. Instead, they prohibit certain actions and create exceptions to permit certain conduct deemed to be in the greater public interest, all in a way that balances the interests of copyright owners and users of copyrighted works.

As proposed by the Clinton Administration, however, the anti-circumvention provisions to implement the WIPO treaties would have represented a radical departure from this tradition. In a September 16, 1997 letter to Congress, 62 distinguished law professors expressed their concern about the implications of regulating devices through proposed section 1201. They said in relevant part: "[E]nactment of Section 1201 would represent an unprecedented departure into the zone of what might be called paracopyright—an uncharted new domain of legislative provisions designed to strengthen copyright protection by regulating conduct which traditionally has fallen outside the regulatory sphere of intellectual property law."

The ramifications of such a fundamental shift in law would be quite significant. Under section 1201(a)(1) as proposed by the Administration, for example, a copyright owner could deny a person access to a work, even in situations that today would be perfectly lawful as a legitimate "fair use" of the work. In addition,

under section 1201(b) as proposed by the Administration, a copyright owner could successfully block the manufacturing and sale of a device used to make fair use copies of copyrighted works, effectively overruling the Supreme Court's landmark decision in *Sony Corporation of America v. Universal Studios, Inc.*, 464 U.S. 417 (1984).

In the view of our Committee, there was no need to create such risks, including the risk that enactment of the bill could establish the legal framework that would inexorably create a "pay-per-use" society. The WIPO treaties permit considerable flexibility in the means by which they may be implemented. The texts agreed upon by the delegates to the December 1996 WIPO Diplomatic Conference specifically allow contracting states to "carry forward and appropriately extend into the digital environment limitation and exceptions in their national laws which have been considered acceptable under the Berne Convention" and to "devise new exceptions and limitations that are appropriate in the digital network environment."

Thus, the Committee endeavored to specify, with as much clarity as possible, how the anti-circumvention right, established in title 17 but outside of the Copyright Act, would be qualified to maintain balance between the interests of content creators and information users. The Committee considered it particularly important to ensure that the concept of fair use remain firmly established in the law and that consumer electronics, telecommunications, computer, and other legitimate device manufacturers have the freedom to design new products without being subjected to the threat of litigation for making design decisions. The manner in which this balance has been achieved is spelled out in greater detail below.

In making our proposed recommendations, the Committee on Commerce acted under both the "copyright" clause and the commerce clause. Both the conduct and device provisions of section 1201 create new rights in addition to those which Congress is authorized to recognize under Article I, Section 8, Clause 8. As pointed out by the distinguished law professors quoted above, this legislation is really a "paracopyright" measure. In this respect, then, the constitutional basis for legislating is the commerce clause, not the "copyright" clause.

I might add that the terminology of "fair use" is often used in reference to a range of consumer interests in copyright law. In connection with the enactment of a "paracopyright" regime, consumers also have an important related interest in continued access, on reasonable terms, to information governed by such a regime. Protecting that interest, however denominated, also falls squarely within the core jurisdiction of our Committee.

We thus were pleased to see that the conference report essentially adopts the approach recommended by our Committee with respect to section 1201. Let me describe some of the most important features of Title I.

Section 1201(a)(1), in lieu of a new statutory prohibition against the act of circumvention, creates a rulemaking proceeding intended to ensure that persons (including institutions) will continue to be able to get access to copyrighted works in the future. Given the overall

concern of the Committee that the Administration's original proposal created the potential for the development of a "pay-per-use" society, we felt strongly about the need to establish a mechanism that would ensure that libraries, universities, and consumers generally would continue to be able to exercise their fair use rights and the other exceptions that have ensured access to works. Like many of my colleagues in the House, I feel it will be particularly important for this provision to be interpreted to allow individuals and institutions the greatest access to the greatest number of works, so that they will be able to continue exercising their traditional fair use and other rights to information.

Under section 1201(a)(1)(C), the Librarian of Congress must make certain determinations based on the recommendation of the Register of Copyrights, who must consult with the Assistant Secretary of Commerce for Communications and Information before making any such recommendations, which must be made on the record. As Chairman of the Committee on Commerce, I felt very strongly about ensuring that the Assistant Secretary would have a substantial and meaningful role in making fair use and related decisions, and that his or her views would be made a part of the record. Given the increasingly important role that new communications devices will have in delivering information to consumers, I consider it vital for the Register to consult closely with the Assistant Secretary to understand the impact of these new technologies on the availability of works to information consumers and to institutions such as libraries and universities. As the hearing record demonstrates, I and many of my colleagues are deeply troubled by the prospect that this legislation could be used to create a "pay-per-use" society. We rejected the Administration's original proposed legislation in large part because of our concern that it would have established a legal framework for copyright owners to exploit at the expense of ordinary information consumers. By insisting on a meaningful role for the Assistant Secretary and by ensuring that a court would have an opportunity to assess a full record, we believe we have established an appropriate environment in which the fair use interests of society at large can be properly addressed.

Sections 1201(a)(2) and (b)(1) make it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in so-called "black boxes"—devices with no substantial non-infringing uses that are expressly intended to facilitate circumvention of technological measures for purposes of gaining access to or making a copy of a work. These provisions are not aimed at widely used staple articles of commerce, such as the consumer electronics, telecommunications, and computer products—including videocassette recorders, telecommunications switches, personal computers, and servers—used by businesses and consumers everyday for perfectly legitimate purposes.

Section 1201(a)(3) defines "circumvent a technological protection measure," and when a technological protection measure "effectively controls access to a work." As reported by the Committee on the Judiciary, the bill did not contain a definition of "technological protection measure." The Committee on Commerce was concerned that the lack of such a definition

could put device and software developers, as well as ordinary consumers, in an untenable position: the bill would command respect for technological measures, but without giving them any guidance about what measures they were potentially prohibited from circumventing. Given that manufacturers could be subject to potential civil and criminal penalties, the Committee felt it was particularly important to state in our report that those measures that would be deemed to effectively control access to a work would be those based on encryption, scrambling, authentication, or some other measures which requires the use of a "key" provided by a copyright owner to gain access to a work. Measures that do not meet these criteria would not be covered by the legislation, and thus the circumvention of them would not provide a basis for liability.

Section 1201(b)(2) similarly defines "circumvent protection afforded by a technological measure," and when a technological measure "effectively protects a right of a copyright owner under title 17, United States Code." In our Committee report and in my own floor statement accompanying passage of the original House bill, I felt it was important to stress in this context as well those measures that would be deemed to effectively control copying of a work would be those based on encryption, scrambling, authentication, or some other measure which requires the use of a "key" provided by a copyright owner. The inclusion in the conference report of a separate new provision dealing with the required response of certain analog videocassette recorders to specific analog copy protection measures extends this scope, but in a singular, well-understood, and carefully defined context.

Section 1201(c)(3) provides that nothing in section 1201 requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201. With the strong recommendation of my Committee, the House had deleted the "so long as" clause as unnecessary and potentially circular in meaning. However, with the addition by the conferees of new subsection (k), which mandates a response by certain devices to certain analog protection measures, the "so long as" clause of the original Senate bill finally had a single, simple, and clear antecedent, and thus was acceptable to me and my fellow House conferees.

If history is a guide, someone may yet try to use this bill as a basis for filing a lawsuit to stop legitimate new products from coming to market. It was the Committee's strong belief—a view generally shared by the conferees—that product manufacturers should remain free to design and produce consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Imposing design requirements on product and component manufacturers would have a dampening effect on innovation, on the research and development of new products, and hence on the growth of electronic commerce.

The Committee on Commerce recognized that it is important to balance the interest in

protecting copyrighted works through the use of technological measures with the interest in allowing manufacturers to design their products to respond to consumer needs and desires. Had the bill been read to require that products respond to any technological protection measure that any copyright owner chose to deploy, manufacturers would have been confronted with difficult, perhaps even impossible, design choices, with the result that the availability of new products with new product features could have been restricted. They might have been forced to choose, for example, between implementing two mutually incompatible technological measures. In striking a balance between the interests of product manufacturers and content owners, the Committee believed that it was inappropriate and technologically infeasible to require products to respond to all technological protection measures. For that reason, it included the "no mandate" provision in the form of section 1201(c)(3). As a result of this change, it was the Committee's strongly held view that the bill should not serve as a basis for attacking the manufacture, importation, or sale of staple articles of commerce with commercially significant non-infringing uses, but it would provide content owners with a powerful new tool to attack black boxes. Except for the one recognition in the conference report of the balanced requirements of section 1201(k) as "otherwise" imposing certain obligations, this provision remains unchanged from the House bill.

Based on prior experience and the extensive hearing record, the Committee also was concerned that new technological measures and systems for preserving copyright management information might cause "playability" problems. For example, the Committee learned that, as initially proposed, a proprietary copy protection scheme that is today widely used to protect analog motion pictures could have caused significant viewability problems, including noticeable artifacts, with certain television sets until it was modified with the cooperation of the consumer electronics industry. Concerns were expressed that H.R. 2281 could be interpreted to require consumer electronics manufacturers to design their devices not only so that they would have to respond to such similarly flawed schemes, but also that they, and others, would be prevented by the proscriptions in the bill from taking necessary steps to fix such problems.

As advances in technology occur, consumers will enjoy additional benefits if devices are able to interact, and share information. Achieving interoperability in the consumer electronics environment will be a critical factor in the growth of electronic commerce. Companies are already designing operating systems and networks that connect devices in the home and workplace. In the Committee's view, manufacturers, consumers, retailers, and professional servicers should not be prevented from correcting an interoperability problem or other adverse effect resulting from a technological measure causing one or more devices in the home or in a business to fail to interoperate with other technologies. Given the multiplicity of ways in which products will interoperate, it seems probable that some technological measures or copyright management information systems might cause playability problems.

To encourage the affected industries to work together with the goal of avoiding potential playability problems in advance to the extent possible, the Committee emphasized in its report and I made clear in my floor statement that a manufacturer of a product or device (to which 1201 would otherwise apply) may lawfully design or modify the product or device to the extent necessary to mitigate a frequently occurring and noticeable adverse effect on the authorized performance or display of a work that is caused by a technological measure in the ordinary course of its design and operation. Similarly, recognizing that a technological measure may cause a playability problem with a particular device, or combination of devices, used by a consumer, the Committee also emphasized that a retailer, professional servicer, or individual consumer lawfully could modify a product or device solely to the extent necessary to mitigate a playability problem caused by a technological measure in the ordinary course of its design and operation. The conferees made clear in their report that they shared these views on playability.

In this connection, the Committee on Commerce emphasized its hope that the affected industries would work together to avoid such playability problems to the extent possible. We know that multi-industry efforts to develop copy control technologies that are both effective and avoid such noticeable and recurring adverse effects have been underway over the past two years. The Committee strongly encouraged the continuation of those efforts, which it views as offering substantial benefits to copyright owners in whose interest it is to achieve the introduction of effective technological protection measures and, where appropriate, copyright management information technologies that do not interfere with the normal operations of affected products.

I was particularly pleased that the Senate conferees shared our Committee's assessment of the importance of addressing the playability issue and of encouraging all interested parties to strive to work together through a consultative approach before new technological measures are introduced in the market. As the conferees pointed out, one of the benefits of such consultation is to allow the testing of proposed technologies to determine whether they create playability problems on the ordinary performance of playback and display equipment, and to thus be able to take steps to eliminate or substantially mitigate such adverse effects before new technologies are introduced. As the conferees recognized, however, persons may choose to implement a new technology without vetting it through an inter-industry consultative process, or without regard to the input of the affected parties. That would be unfortunate.

In any event, however a new protection technology or new copyright management information technology comes to market, the conferees recognized that the technology might materially degrade or otherwise cause recurring appreciable adverse effects on the authorized performance or display of works. Thus, with our Committee's encouragement, the conferees explicitly stated that makers or servicers of consumer electronics, telecommunications, or computing products who took steps solely to mitigate a playability problem (whether or not taken in combination with

other lawful product modifications) shall not be deemed to have violated either section 1201(a) or section 1201(b). Without giving them that absolute assurance, we felt that the introduction of new products into the market might be stifled, or that consumers might find it more difficult to get popular legitimate products repaired.

I want to add, however, that we shared the concern of our fellow conferees that this construction was not meant to afford manufacturers or servicers an opportunity to give persons unauthorized access to protected content or to usurp the rights under the Copyright Act—not title 17 generally—of copyright owners in such works under the guise of "correcting" a playability problem. Nor was it our intent to give the unscrupulous carte blanche to convert legitimate products into black boxes under the guise of fixing an ostensible playability problem for a consumer.

Moreover, with respect copyright management information, the conferees also made it explicit that persons may make product adjustments to eliminate playability problems without incurring liability under section 1202 as long as they are not inducing, enabling, facilitating, or concealing usurpation of rights of copyright owners under the Copyright Act.

Section 1201(k) requires that certain analog recording devices respond to two forms of copy control technology that are in wide use in the market today. Neither employees encryption or scrambling of the content being protected, but they have been subject to extensive multi-industry consultations, testing, and analysis. With respect to this provision, I think it is important to stress four points. First, these analog-based technologies do not create "playability" problems on normal consumer electronics products. Second, the intellectual property necessary for the operation of these technologies will be available on reasonable and non-discriminatory terms. Third, we specifically excluded from the scope of the provision professional analog videocassette recorders, which the motion picture, broadcasting, and other legitimate industries and individual businesses use today in, and will continue to need for, their normal, lawful business operations. And finally, and most importantly, we have established very definitive "encoding rules" to ensure that we have preserved long-standing and well-established consumer home taping practices.

As Chairman of the Committee on Commerce, which has jurisdiction over such communications matters as the distribution of free and subscription television programming, I think it is important to stress that the encoding rules represent a careful balancing of interests. Although copyright owners may use these technologies to prevent the making of a viewable copy of a pay-per-view, near video on demand, or video on demand transmission or prerecorded tape or disc containing a motion picture, they may not use such encoding to limit or preclude consumers from making analog copies of programming offered through other channels or services. Thus, in addition to traditional over-the-air broadcasts, basic and extended tiers or programming services, whether provided through cable or other wireline, satellite, or future over-the-air terrestrial systems, may not be encoded with these

technologies at all. In addition, copyright owners may only utilize these technologies to prevent the making of a "second generation" copy of an original transmission provided through a pay television service.

Given that copyright owners may not use these technologies to deprive consumers of their right to copy from pay television programming, the distinction between pay-per-view and pay television services is critical. Where a member of the public affirmatively selects a particular program or a specified group of programs and then pays a fee that is separate from subscription or other fees, the program offering is pay-per-view. Where, however, consumers subscribe to or pay for programming that the programmer selects, whether it be one or more discrete programs, or a month's worth of programming, then that package itself is a pay television service, even if it represents only a portion of the programming that might be available for purchase on the programmer's channel.

In short, with the conferees essentially having endorsed the approach of the Committee on Commerce to WIPO implementing legislation, we have produced a bill that should help spur creativity by content providers without stifling the growth of new technology. In fact, with a clear set of rules established for both analog and digital devices, product designers should enjoy the freedom to innovate and bring ever-more exciting new products to market.

I think we have struck fair and reasonable compromises, and have produced a bill of appropriate scope and balance. I urge my colleagues to support the conference report.

WHY THE JOINT COMMISSION ON ACCREDITING HEALTHCARE ORGANIZATIONS (JCAHO) MUST DO BETTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. STARK. Mr. Speaker, we need to take immediate action to make JCAHO accountable to the public. The Administration's July 1, 1998 report on nursing home quality ["Private Accreditation (Deeming) of Nursing Homes, Regulatory Incentives, and Non-Regulatory Initiatives, and Effectiveness of the Survey and Certification System"] shows that the nation's premier, private health accrediting organization—the Joint Commission on Accrediting Healthcare Organizations needs to do a much better job of protecting Medicare patients and dollars. Before JCAHO extends its accrediting activities to other areas—such as hospice agencies where it is applying to be an accrediting organization—it needs to prove it can do its current job of inspecting nursing homes and hospitals.

As I said in my opening remarks to the Ways and Means Health Subcommittee on July 1, 1990, "Validating the JCAHO status is critical given that HCFA, through a process termed 'deemed Status' relies on JCAHO to assure that most hospitals are providing quality health services to Medicare beneficiaries. If

a hospital (or now other health care facility) is accredited by JCAHO, it is deemed to meet the Medicare conditions of participation." We found many problems eight years ago and many still continue, which would indicate a fundamental problem with JCAHO culture caused, I believe, by the system of financing JCAHO inspections. This is why I have introduced H.R. 800 to increase public access to and influence on JCAHO.

H.R. 800 will require that one-third of the members of the governing boards of Medicare-accrediting agencies are members of the public. JCAHO currently claims to have 6 public members on its board. In fact, a recent appointee to one of the scarce public seats, is also a director of the second-largest investor-owned hospital company. This recent appointment is just one example of the conflict of interest rampant in JCAHO's operating procedures. My bill also outlines a definition of "members of the public" to prevent similar appointments in the future.

On July 1, 1998, HCFA issued a Report to Congress entitled, "Study of Private Accreditation (Deeming) of Nursing Homes, Regulatory Incentives, and Effectiveness of the Survey and Certification System". This damning report detailed numerous deficiencies in JCAHO's current inspection system. To extend JCAHO's deeming to hospice care would permit an inadequate program greater authority.

JCAHO recently announced its intention to expand its scope of inspection to include hospice facilities. JCAHO currently surveys nursing homes, hospitals, and other health providers. But according to a recent HCFA/Abt study, JCAHO is unable to effectively administer surveys, identify problems, and implement problem correction policies. Allowing an organization riddled with problems further authority would be a terrible mistake.

JCAHO accredits health care facilities at the facilities' request. The federal government recognizes JCAHO hospital and home health agency accreditation as equivalent to meeting its Medicare Conditions of Participation.

According to the recent HCFA/Abt report to Congress, JCAHO has to make drastic changes to meet the basic Medicare requirements. JCAHO continues to deem facilities Medicare eligible, when in fact these facilities do not meet Medicare standards. Facilities that want to be accredited pay JCAHO to survey their site. Allowing JCAHO to accredit facilities that pay for surveys represent a conflict of interest. JCAHO's lack of objectivity plagues the current accreditation process.

Furthermore, JCAHO accreditation does not meet current Medicare guidelines for allowing facilities to participate in the program. The most serious allegation against JCAHO is that it overlooks regulatory infractions at the expense of patients for example: One nursing home administrator responded to questions about JCAHO's procedures with the following, "They (JCAHO) are big into policies and procedures \* \* \* they are more interested in quality improvement and assessment than problem correction."<sup>1</sup>

<sup>1</sup> Pp. 617-618 "Study of Private Accreditation of (Deeming) of Nursing Homes, Regulatory Incentives and Non-Regulatory Initiatives, and Effectiveness of the Survey and Certification", Health Care Financing Administration, July 1, 1998.

Lack of problem correction is of special concern given the nature of nursing home residents. This population is one of the most vulnerable parts of the health care population, with 48 percent of nursing home patients suffering from some form of dementia.

JCAHO is unable to effectively accredit private nursing homes, and thus should not be allowed to additionally accredit hospice facilities until its inspection system is improved. The results of empirical studies included in the Study demonstrate the need for overhaul of the current regulatory system.

While the medicare system may benefit from reduced regulatory costs by using JCAHO, the savings do not outweigh the risk of severe deficiencies in care. Although deeming may save Medicare \$2 to \$37 million a year by private accreditation, JCAHO surveyors often miss serious deficiencies, which in some cases may even result in unjustified deaths. We must not sacrifice the welfare of the most vulnerable for minimal financial gains.

JCAHO does not effectively administrate regulatory surveys. The timing of JCAHO surveys was easy for nursing home administrators to predict. Surveys were never conducted at night or on the weekends. Thus once a provider paid JCAHO to accredit the facility they could hypothetically increase staff levels on only Monday and Tuesday day shifts in anticipation of a pending survey.

Furthermore, the current system fails miserably to identify problems. The incidence of serious deficiencies found decreased with the implementation of the new accreditation program. The new process may also tend to identify deficiencies as less serious than they actually are.

Flaws in the problem identification system are evidenced by the fact that simultaneous public accreditation found more serious deficiencies than JCAHO did. More importantly, the current system under-addresses malnutrition and violence problems. Currently nursing home aides are not required to undergo criminal background checks. Furthermore some employers seek out recent parolees knowing that these employees will work for a lower salary. JCAHO fails to detect inadequate and even fraudulent staff training practices: Frequently reported actions to provide in-staff training to staff result in no evidence on quality and content. Very high staff turnover suggests that the staff is not benefitting from the required training. In one case, workers were asked to sign an attendance sheet for an in-staff training session they never attended.<sup>2</sup>

HCFA standards are generally more stringent than JCAHO standards. JCAHO surveyors seem to miss serious deficiencies that HCFA surveyors frequently identify. JCAHO standards are heavily weighted toward structure and process measures, while HCFA standards have a more resident-centered and outcome-oriented focus.

The JCAHO accreditation and HCFA validation inspections differed widely in their approach as well. JCAHO surveyors spent little time assessing quality of life issues or observing clinical treatments. JCAHO surveyors also spent little time observing clinical care or with

## EXTENSIONS OF REMARKS

residents, and those residents who JCAHO surveyors did interview were often pre-selected by nursing home staff.<sup>3</sup>

In the Report to Congress HCFA said that JCAHO lacked the ability to enforce findings and to regulate nursing home care: Some Nursing homes need the punitive threat of review and enforcement to secure improvements. The current system has not worked as well as it should to eliminate poor quality nursing care.<sup>4</sup>

The Study concludes that JCAHO is not adequately ensuring quality nursing care. The potential cost savings of deeming does not appear to justify the risk to the health and safety of the vulnerable nursing home population.

Although the study also found problems with the HCFA survey procedures, these concerns pale in comparison to the inadequacies of JCAHO survey procedures.

The result of this study raise alarming concerns about the quality of nursing care in the nations nursing homes. JCAHO has proven itself unable to identify with facilities are providing substandard care and to implement programs which will correct these problems. JCAHO should not be allowed to accredit hospice facilities until we are sure fundamental changes in JCAHO's system of inspections are in place. The federal government has a responsibility to reevaluate the current deeming system to protect its most vulnerable citizens.

## INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SPEECH OF

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. MORAN of Virginia. Mr. Speaker, I was among those who voted against this bill when it came before us earlier this year. I did so primarily because I was concerned that the sanctions in the bill would have adverse impact on our ability to combat religious persecution and other abuses of human rights across the globe.

I am pleased that this bill has been amended to address these concerns and I now fully support this legislation. The sanctioning mechanism now gives the Administration a wide array of powerful tools with which to combat persecution. It also provides the flexibility necessary to ensure that our efforts to combat religious persecution do not harm our programs to combat other serious human rights abuses such as forced labor and prostitution, slavery, and female infanticide.

I commend my colleague, Mr. Wolf, for his tireless work on this important issue and urge my colleagues to support this critically important bill.

<sup>3</sup>Pg. 18, Vol. I Study: Health Care Financing Administration

<sup>4</sup>Pg. 13 Vol. I "Study: Health Care Financing Administration July 1, 1998

*October 13, 1998*

## RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

SPEECH OF

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. BURTON of Indiana. Mr. Speaker, as Chairman of the Committee on Government Reform and Oversight, responsible for overseeing the economy and efficiency of the federal government, I rise to recognize our Federal Inspectors General, who in the twenty years since their inception, have been a critical asset in the war against waste, fraud and abuse in our Federal Government.

Twenty years ago this month, the Government Reform and Oversight Committee worked to establish Inspectors General in the largest executive agencies. Today, the Inspector General Act of 1978 provides for Inspectors in 27 major agencies and in 30 of our smaller Federal agencies.

Inspectors General were established to correct deficiencies in the way Government agencies addressed performance problems: deficiencies in organizational structure which placed audit and investigative units under the supervision of the officials whose programs they were to examine; deficiencies in procedures which allowed agency officials to intervene in audits and investigations; and deficiencies in amount of resources devoted to preventing and detecting waste, fraud, and abuse.

In addition to their original duties of conducting audits and investigations under the 1978 Act, IGS are playing key roles under recent management reform laws that were enacted to address financial and programmatic problems within agencies. Among them, the Chief Financial Officers Act and the Government Performance and Results Act. The IGS hard work with regard to these laws enables agencies and the Congress to further address serious management and financial problems, making our government more efficient, more effective, and less costly.

Not only the Government Reform and Oversight Committee, but the entire Congress has come to rely heavily on the critical work of the Inspectors General. Their audits and inspections help root out serious problems in Federal programs and bring them into the light of day, saving taxpayers billions of dollars every year. The following statistics compiled by the Presidents' Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE) illustrate the impact of IGS. In Fiscal Year 1997, IG audits and inspections identified a total of \$25 billion in funds that could be put to better use; more than 15,000 individuals and businesses were successfully prosecuted; restitutions and investigative recoveries resulting from IG investigations returned \$3 billion to the Government; and more than 6,000 individuals or firms were disqualified from doing business with the Federal Government.

Mr. chairman, American taxpayers deserve no less from us than to provide the utmost accountability for their hard-earned money. On

this, the eve of the twentieth year anniversary of the Inspector General Act of 1978, I salute our Inspectors General and thank them for their extremely important work on behalf of the American taxpayers.

I urge my colleagues to support S.J. Res. 58 and join me in recognizing and thanking our Federal Inspectors General.

#### BACKGROUND—INSPECTOR GENERAL ACT OF 1978

Concept of inspector general dates back to the Revolutionary War when the Continental Congress appointed an Inspector General to audit expenditures by General Washington's army.

In 1976, Congress established the first statutory Inspector General in the Department of Health, Education and Welfare.

All cabinet level Departments and most major Executive Branch agencies now have a statutory Inspector General. There are 27 Presidentially appointed Inspectors General required by the Inspector General Act of 1978 as amended (including the new IG for Tax Administration which will not be formally established until January 1999). Additionally, the Inspector General Act establishes 30 Inspectors General in other Federal agencies who are appointed by the head of their agency.

#### CHRONOLOGY

H.R. 8588 was introduced in the 95th Congress by Congressman L.H. Fountain.

August 5, 1977: Reported by the House Committee on Government Operations by an unanimous vote.

April 18, 1978: Passed House of Representatives by a vote of 388 to 6.

August 8, 1978: Reported by Senate Committee on Governmental Affairs by a vote of 9 to 0.

September 22, 1978: Passed Senate by voice vote.

October 12, 1978: Signed into law (Public Law 95-452).

#### PURPOSE

The original Act established Inspectors General in six Executive Branch Departments and six government agencies.

To conduct and supervise audits and investigations relating to government programs and operations.

To provide leadership and coordination and recommend policies for activities designed to:

(a) promote economy, efficiency and effectiveness in the administration of government programs and operations.

(b) prevent and detect fraud and abuse in government programs and operations.

To provide a means for keeping the heads of Departments and agencies and the Congress informed about:

(a) problems and deficiencies relating to the administration of government programs.

(b) the necessity for and progress of corrective actions.

NEED FOR LEGISLATION (FROM REPORT OF THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS, S. REPT. 95-1071)

Failure by the Federal Government to make sufficient and effective efforts to prevent and detect fraud, waste and mismanagement in Federal programs and expenditures.

A lack of resources dedicated to prevent and detect fraud, waste and abuse. Audit cycles of up to 20 years in some agencies before all activities would be audited.

The lack of independence of many audit and investigative operations in the Executive Branch. Auditors and investigators

must report to and are under the supervision of officials whose programs they are reviewing.

#### ACCOMPLISHMENTS

During Fiscal Year 1997: IG Audits identified \$25 billion in funds that could be put to better use; returned to the Government \$3 billion in restitution and investigative recoveries; more than 15,000 successful criminal prosecutions; over 6,000 debarments, exclusions and suspensions of firms or individuals doing business with the Government.

#### AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

#### SPEECH OF

#### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. TIERNEY. Mr. Speaker, we should not be here today in the position where we are being asked by the Majority to embark upon an impeachment inquiry unlimited in scope and unlimited in time.

On September 11, 1998, this body referred to the Committee on the Judiciary the responsibility to review the communication received on September 9, 1998, from the Independent Counsel; to determine whether sufficient grounds existed to recommend to the House that an impeachment inquiry be commenced. Nothing in that Resolution directed the Committee on the Judiciary to recommend to the House that an impeachment inquiry on matters extraneous to that September 9, 1998 communication be pursued. In fact, the Independent Counsel indicated that, in his view, as soon as information came to his attention which he believed necessitated a referral to the House, it was his duty (in his mind) to make that referral immediately. By inference, then, we can assume that after four years of investigations and over \$40 million in expenditures of public funds, there was no other referral forthcoming on any other matter.

Further, Mr. Speaker, the appropriate order of business for the Committee on the Judiciary, if it was to make a recommendation, would be to first, define the standard of what constitutes an impeachable offense. Then, secondly, the Committee should have measured the narrative of the Independent Counsel against that standard. Only then could the Committee properly determine whether or not to recommend that an impeachment inquiry be commenced. That was not done, despite the four weeks that have passed since the House sent the matter to the Committee on the Judiciary.

The American people want this matter resolved. They want this matter resolved fairly and promptly. They have important issues demanding consideration—educating their children within an invigorated and innovative public education system; they need sufficient health coverage for all members of their family; they need job security; they need assur-

ance that people moving from welfare to work, folks going from school to work, and workers displaced who need to go back to work, are adequately trained and educated to be able to support their families well above the poverty line; and, they need retirement security. These are all matters foremost on their minds. The American people know we must deal with these serious issues, but believe the last four weeks have produced little, except clear partisanship and a seeming unending willingness by the Majority to put salacious material before our children and the American public—unnecessarily.

Despite the comments of the Chairman of the Committee on the Judiciary—that he hopes to end this inquiry before the end of the year, and hopes it will not be expanded in scope—the reaction of the Majority side of the House, and statements by many of its Members, indicate that is not the prevailing desire or attitude. That is why it is important, at the very least, that we support the Democratic Motion to Recommit the matter to the Committee, and instruct the Committee to recommend an inquiry limited in scope and time, establish a standard of what constitutes an impeachable offense, and determine whether or not the narrative of the referral meets that standard.

Innumerable constitutional scholars and experts have already given their opinion that, even taken in the light most unfavorable to the President's position, the assertions in the Independent Counsel's narrative do not raise to the threshold of an impeachable offense, as defined by our founding fathers, and which has, by history and precedence, been established. If, in fact, that threshold is not met, then we owe it to the American people to determine just what action is appropriate to address the President's acknowledged personal misconduct. Perhaps more in line with the interests of the American public would be an alternative that allows us to vote and embark upon a process which sets about determining what action would be appropriate to address the President's conduct so that other business of Congress can be pursued.

This is not a parliamentary system, but a presidential system, Mr. Speaker. This should not be a system where the dominant legislative party can decide that a person running the country is a bad person and get rid of him. Persons holding themselves out as Speakers of this body have admitted not telling the truth in several venues, and have met a punishment short of being dispossessed of their elected position and have even, in at least one instance, been re-elected by the members of their political party to the austere position of Speaker of the House. Thus we know that other remedies are available.

Impeachment is really a remedy for the Republic. It is not intended as a personal punishment for a crime. Alexander Hamilton, in Federalist 65, made that assertion and, it is accurate. The Judiciary Committee should have been working this past month to determine whether or not the asserted conduct constituted an action undermining the Republic and/or the American people. The Committee was charged with the review of the communication received on September 9, 1998, and with determining if grounds exist for an inquiry.

The Committee has not fulfilled that responsibility and it is now incumbent upon this body to recommit this Resolution so that any proceedings will be fair, limited in scope to the matters referred, and resolved quickly so that the public's business can receive the attention it deserves. The present Committee Resolution seeks to broaden and drag out this endless process. If the people are, in fact, to be represented, we need a fair process and not a political excursion.

### DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mrs. MORELLA. Madam Speaker, I am pleased to see that the disparate parties could come together and work out a compromise on the Digital Millennium Copyright Act. I believe that it is critical that we ensure that there is a balance between the compensation received by developers of copyrighted works and the public's fair use of those copyrighted works.

However, as I stated when this bill was being considered on the House floor, I am deeply troubled that H.R. 2281 did not update the copyright law concerning distance education. Although the Conference Report authorizes the Register of Copyrights to submit to Congress recommendations on how to promote distance education through digital technologies, I believe the amendment that I was planning to offer struck the appropriate balance between the copyright owners and the educational community.

As we enter the 21st Century, distance education will play an even more pivotal role in educating our children, as well as those individuals interested in life long learning. Distance education will fill an important gap for individuals who, because of family obligations, work obligations, or other barriers, are prevented from attending traditional classes. It will also allow educational institutions, from outlying rural towns to the heart of America's inner cities, to access a full range of academic subjects that would otherwise not be available to them.

Recently, Montgomery County Public Schools (MCPS) received a \$9 million federal grant to help the school system develop more effective ways of incorporating technology into the classroom. One of the most promising uses of technology in the classroom is the incorporation of distance education into the everyday lives of educators and students. I believe it will be an injustice if the public schools in my District are unable to fulfill the promise of distance education because we have an outdated copyright law that does not allow for the effective use of distance education in a digital world.

Due to the exceptional talent of our teachers and administrators, Montgomery County's educational system has always been in the forefront of educational innovation. I believe it is critical that we provide our teachers with all the available tools to allow them to continue to

find new and exciting ways of educating students. Thus, we must update the copyright law regarding distance education to meet the new challenges and allow for new and exciting technologies that will improve the education of our citizens as we prepare them to compete in this more competitive global economy. I intend to monitor the conduct of the distance education study and work closely with the Register of Copyrights, the educational community, the copyright owners and the relevant House committees over the next several months to develop legislation that will promote distance education in the digital age.

### TRIBUTE TO THE HONORABLE ESTEBAN TORRES

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 6, 1998*

Ms. ROYBAL-ALLARD. Mr. Speaker, I am honored to recognize the achievements of ESTEBAN TORRES, my esteemed colleague and friend.

As a member of the House for over 15 years, ESTEBAN has faithfully represented the people of East Los Angeles with enthusiasm, dedication and respectability.

As the highest-ranking hispanic member on the Appropriations Committee, longstanding member and former chair of the Congressional Hispanic Caucus, and Deputy Democratic Whip, ESTEBAN is an excellent role model for Latinos and young people across our nation.

Not only is ESTEBAN TORRES an inspiration for our future leaders, but for anyone who strives to improve his or her life. ESTEBAN embodies the wonderful American ideal that no matter who you are or where you come from, you can find success.

ESTEBAN comes from very humble beginnings. His father, a Mexican immigrant who toiled in Arizona's copper mines, was deported during the Depression along with many other Mexican immigrants. ESTEBAN never saw his father again. Later, living with his mother in East Los Angeles, ESTEBAN almost dropped out of high school.

But ESTEBAN defied the odds. Starting as an assembly line worker at the Chrysler Plant in Los Angeles, he rose through the ranks of the United Auto Workers, and later served in the Korean War. In the 1960s, he founded a critically important community development corporation, the East Los Angeles Community Union.

Recognizing ESTEBAN's superb diplomatic skills, President Jimmy Carter appointed him as Ambassador to the United Nation's Education, Scientific and Cultural Organization in 1976 and later, as Special Assistant to the President for Hispanic Affairs. In 1982, ESTEBAN was elected to represent the 34th Congressional District.

What I appreciate most about ESTEBAN is that he has never forgotten his roots. He has tirelessly advocated for the workers and low-income families of this country. He exemplifies the promise of the American dream.

Thank you for making a difference in so many people's lives. I will miss your compan-

ionship and kindness. I bid you a fond farewell, ESTEBAN.

### THURGOOD MARSHALL COURTHOUSE BILL, H.R. 2187

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for this initiative to rename the new Federal Courthouse in White Plains, New York, in honor of one of the outstanding Americans of the 20th Century, the Hon. Thurgood Marshall.

Recent biographies have spotlighted the remarkable career of this distinguished gentleman. His struggle to end segregation in public schools culminated in the *Brown vs. Board of Education* decision of 1954. As the chief counsel for the NAACP in this landmark decision, he successfully brought about not only an overturn of the 60 year old *Plessy vs. Ferguson* ruling, but one made by a unanimous vote which virtually every observer and constitutional expert predicted was impossible prior to the Court's decision.

Subsequently, Thurgood Marshall distinguished himself as a justice on the U.S. Court of Appeals, where he wrote over 150 decisions, many of which impact many lives. Support for immigrant rights, limiting government intrusion in illegal search and seizure, double jeopardy and right to privacy cases were only some of the landmark decisions he reached.

As U.S. Solicitor General, Marshall won 14 of the 19 cases he brought before the United States Supreme Court.

In 1967, President Lyndon Johnson appointed Thurgood Marshall as the first Supreme Court Justice in history of Afro-American heritage. He served on our nation's highest bench until 1991, where he left an indelible legacy on our nation.

I strongly urge our colleagues to join in this most fitting tribute. This legislation will remind future generations for many years to come of the tremendous debt our nation owes to Justice Thurgood Marshall.

### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

SPEECH OF

**HON. TOM BLILEY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 1998*

Mr. BLILEY. Mr. Speaker, I rise to commend the efforts of Congress in maintaining and strengthening the Regulatory Accounting Provisions in FY 1999 Treasury, Postal Service, and General Government Appropriations.

A regulatory accounting amendment has been signed into law for the past three years

as a part of the Treasury/Postal Appropriations Act. The amendment has two major components. First, the President, through the Director of OMB, must prepare and submit to Congress an accounting statement of the total annual costs and corresponding benefits of Federal regulatory programs for FY 1999. Second, after each year an accounting statement is submitted, the President shall submit a report to Congress providing an analysis of impacts on State, local, and tribal government, small business, wages, and economic growth as well as recommendations for regulatory reform. New this year to the regulatory accounting amendment is an independent and external peer review provision. Peer review will ensure the information produced from this report is accurate and balanced.

Recent studies estimate the compliance costs of Federal regulations at more than \$700 billion annually and project substantial future growth even without the enactment of new legislation. These costs are passed on to the public through higher prices and taxes, reduced government services, and stunted wages and economic growth. To manage and prioritize these regulatory programs better, we need more information provided by this amendment on the costs and benefits of existing regulatory programs and new rules.

Since 1995, I have introduced bipartisan permanent regulatory accounting legislation, most recently H.R. 2840, the Regulatory Right-to-Know Act. Senators Thompson and Breaux have introduced the analogue to H.R. 2840 in the Senate and have championed this year's regulatory accounting amendment. I thank them for their efforts.

It is vitally important that Congress permanently places regulatory accounting on the books, thereby ensuring this crucial information is provided to the American people. The Regulatory Right-to-Know Act must be one of our top priorities in the 106th Congress.

I urge my colleagues to join the bipartisan coalition in supporting regulatory accounting.

CONVEYING TITLE TO TUNNISON  
LAB HAGERMAN FIELD STATION  
IN GOODLING COUNTY, IDAHO,  
TO UNIVERSITY OF IDAHO

SPEECH OF

**HON. MICHAEL D. CRAPO**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CRAPO. Mr. Speaker, Idaho is the nation's leading producer of fresh water trout. This important industry depends on springs that supply the Snake River, which is coming under increasingly strict water quality regulations. The State also finds itself leading the debate on Salmon conservation and is continually looking for sound scientific solutions. The University of Idaho is already establishing itself as a significant resource in the science of identifying and developing preservation strategies for the nation's endangered and threatened fish species.

The University of Idaho currently operates the Tunnison Lab, approximately four acres of the Hagerman National Fish Hatchery, pursu-

ant to a cooperative agreement with the U.S. Fish and Wildlife Service. This agreement has allowed the University of Idaho to pursue research that will help conserve the region's endangered and threatened salmonids, and study alternative fish feed that may reduce nutrient loads normally associated with the aquaculture industry nationwide.

S. 2505 will transfer the title of the Tunnison Lab from the U.S. Fish and Wildlife Service to the University of Idaho. By doing this, the University will be able to take advantage of federal funding secured as part of the University's biotech improvement efforts. The University has proposed to spend \$1.75 million on improvements to the Tunnison Lab.

As part of the improvements, the University of Idaho will include an on-site learning center that will provide educational training on fish management for federal agents, industry representatives, and others interested in improved management of salmonid species. This bill has the support of the Administration, the Senate, the Governor of Idaho, local government officials, adjacent property owners, Idaho's aquaculture industry, and the U.S. Fish and Wildlife Service.

Knowing that the Hagerman Valley is a rich archaeological area, home to rich fossil sites, extra precautions have been taken to assure protection of any valuable sites discovered in the Environmental Assessment conducted as part of the transfer.

S. 2505 is good government in action. Because of the initiative of a state entity (the UI) and a federal entity (USFWS), we've taken federal resources and put them to the best use for the American public. It is going to address some very real research needs. The result is going to be a cleaner environment, a stronger Idaho aquaculture industry, and a more secure future for Idaho's wild salmon.

H.R. 2822

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, on November 5, 1997, my friend and colleague, Mr. KNOLLENBERG, introduced H.R. 2822, a bill that would recognize a group of individuals self-named the Swan Creek Black River Confederated Ojibwe as a distinct recognized Indian tribe. I have reviewed the bill in detail and have concluded that it reduces to two concepts: sovereignty and process. It is this bill's affect on these two concepts that convinces me that I must oppose this legislation. I encourage my fellow Representatives to oppose it as well.

Congress has been discussing sovereignty in relation to Indian tribes since the first instance a European settler set foot on this continent. It is time we learned to respect tribal sovereignty and uphold it to its fullest extent. The Saginaw Chippewa Indian Tribe of Michigan is a sovereign nation. It has exercised and retained its sovereignty throughout history and throughout its many encounters with the federal government. The Saginaw Chippewa Tribe's sovereignty is not something that Con-

gress granted to it. Rather, it is something the Tribe has retained. The Saginaw Chippewa Tribe is a nation unto itself—with the sovereign authority, power, and right to manage its own affairs and govern its own members. Congress must respect this and must not become involved in internal tribal political affairs—which H.R. 2822 asks us to do.

H.R. 2822 proposes to federally recognize a group that calls itself the Swan Creek Black River Confederated Ojibwe Tribes. This group claims to be the successor in interest to the Swan Creek and Black River Banks of Chippewa Indians. It is my understanding that although these bands were once considered parts of the larger Chippewa group in southeastern Michigan before and during the treaty process, that these bands, by virtue of the 1855 Treaty of Detroit, were affirmatively merged with the Saginaw Band to become the one sovereign nation of the Saginaw Chippewa Tribe. For over 140 years the Saginaw Chippewa Tribe has functioned as one tribe without regard to any band distinctions and has been treated as such by the federal government.

Further, I also understand that most of the participants of the Swan Creek Group pushing the bill, including its organizer, are currently members of the Saginaw Chippewa Tribe and that most tribal members, because of more than a century of intermarriage among the three component bands of the Tribe, find it difficult to determine from which band they descend. Of course, the Saginaw Chippewa Tribe has and continues to serve all of these members equally regardless of their band affiliation.

In reviewing the history and the circumstances surrounding this bill, I can only conclude that H.R. 2822 addresses nothing more than a tribal membership issue of the Saginaw Chippewa Tribe, and that Congress should not interfere in this matter. It is an issue for the sovereign Saginaw Chippewa Tribe and its governing body. Congress must respect this.

If Congress were to do otherwise and pass H.R. 2822, its effect would be to mandate that a splinter group of a well established and long recognized tribe break off and form its own nation, complete with the rights and privileges of all legitimate Indian tribes. It would allow the Swan Creek Group to claim the treaty-protected rights, jurisdiction and sovereignty currently held by the Saginaw Chippewa Tribe. This is an affront to the Saginaw Chippewa Tribe's sovereignty—and to the sovereignty of all Indian nations. If Congress were to split the Saginaw Chippewa Tribe with H.R. 2822, nothing will stop it from unilaterally splitting other federally recognized tribes when splinter groups come forward. This cannot be the precedent Congress sets—especially when, as in this case, gaming and the establishment of a casino are the motivating factors for recognition. H.R. 2822 would set this dangerous precedent—and I cannot allow that to happen.

Process. The second argument against H.R. 2822 boils down to process. Since 1978, the Bureau of Indian Affairs (BIA), through its Bureau of Acknowledgement and Research (BAR), has been the appropriate forum for determining whether groups merit federal recognition as Indian tribes. The BAR process

calls for extensive research and analysis. The BAR staff has the expertise and the experience to conduct such study and review. With all due respect to my fellow Representatives, Congress does not. Congress cannot play the role of the BIA.

Of course, I realize that Congress has granted legislative recognition to tribes in the past. Yet, the circumstances of those were quite different from what we see before us today with the Swan Creek Group. The Swan Creek Group has not even attempted the administrative process. It is my understanding that they filed a letter of intent with the BIA in 1993. This merely opens a file in anticipation of a petition for recognition. As of yet, however, the Group has filed to provide any documentation or to even pursue this process in any way. The Group's file lays dormant in line behind over 100 groups awaiting recognition.

It is my contention that the Swan Creek Group, if it is to pursue federal recognition, should be directed back to the BIA. It would be wholly unfair for Congress to allow this Group that has provided no documentation whatsoever for recognition to be recognized ahead of all the other groups who have abided by the process simply because the Swan Creek Group and its representatives have walked the halls of Congress pushing legislation.

Congress is not equipped to decipher the Group's history and genealogy to determine whether it merits recognition. This, along with the simple fact that many of the Group's participants remain members of the Saginaw Chippewa Tribe and receive the benefits and privileges as such, convinces me that Congress should not pass this bill. Congress must not interfere with the Saginaw Chippewa Tribe's sovereignty. If we are to take any action at all on H.R. 2822, it should be to oppose it to allow the Saginaw Chippewa Tribe, the appropriate governing body for this issue, to resolve the matter. Beyond that, the Group is welcome to pursue the established administrative process for recognition. In efforts to uphold tribal sovereignty and established process, I cannot condone any other action by Congress on this issue.

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#### SEEDS OF PEACE

### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize the important work of the non-partisan organization Seeds of Peace.

After decades of war, terrorism, and other forms of conflict, and after much bloodshed on both sides, Israel and the Palestinian Liberation Organization signed an official document on September 13, 1993 in which they pledged to pursue peace and resolve their differences.

While the peace process over the past five years has had its share of problems. I believe that the Middle East is a fundamentally different region since the historic ceremony on the lawn of the White House. The most concrete results, such as the peace agreement between Israel and Jordan, the end of Israel's

occupation of the West Bank, and the creation of the Palestinian Authority, give us hope that further progress is possible. Progress can only come from direct talks between Israel and the Palestinians, with the continued support and encouragement of the United States.

Today it is appropriate to look beyond the complexities of the peace process and consider the necessary ingredients to nurture a peaceful future in the Middle East. As important as the Oslo Accords were and future peace agreements will be, none of these documents will guarantee that peace will take hold in the hearts and minds of Israelis and their Arab neighbors. True peace will only emerge in that region if a new generation adopts attitudes that represent a break from the past.

Seeds of Peace has worked to fulfill this vision. Each summer since 1993, this organization has brought hundreds of teenagers from Israel and Arab lands to a camp in Maine. Over the course of five weeks, the youngsters are engaged in heated discussions about their perspectives and attitudes and build friendships that transcend their differences.

I was fortunate to meet two graduates of the Seeds of Peace camp earlier this year, an Israeli girl named Shani and a Palestinian boy named Abdalsalam, when they visited Detroit. I was very impressed by their stories about how camp opened them to a deeper understanding of their differences and led them to resolve to transcend those differences as they take positions of leadership in their respective societies. They carried their message to high schools throughout the Detroit area, to a joint gathering of Arab and Jewish youth groups, and to an event that brought together leaders of Detroit's Jewish and Arab communities.

This project has special meaning for Michigan's large Jewish and Arab American communities, who have strong cultural, historical, religious, and family ties with the Middle East and follow developments there very closely. Seeds of Peace offers them an opportunity to work together, along with others who seek a Middle East free of war and hatred.

I applaud the efforts of Seeds of Peace and of other similar organizations that are building a foundation for future peace in the Middle East. I encourage Americans to lend their support to their fine initiatives as a way of signaling hope for a brighter future for generations to come.

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#### DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. TAUZIN. Mr. Speaker, today, we bring to the floor H.R. 2281, the Digital Millennium Copyright Act of 1998. I am pleased that the Conference Report reflects the joint efforts of the Commerce and Judiciary Committees. The House played an extremely important role in the development of this balanced bill. We addressed some of the very tough issues that had yet to be resolved despite passage of the

bill by the Senate. The substance of our work resulted in amendments which were ultimately incorporated into the bill which we consider today.

Today, we take the final step toward passage of legislation which will implement the WIPO treaties. It is indeed an historic moment. By passing this legislation, the United States sets the standard for the rest of the world to meet. Our content industries are the world's finest, as well as one of this Nation's leading exporters. They must be protected from those pirates who in the blink of an eye—can steal these works and make hundreds if not thousands of copies to be sold around the world—leaving our own industries uncompensated. This theft cannot continue.

By implementing the WIPO treaties this year, we ensure that authors and their works will be protected from pirates who pillage their way through cyberspace. As we send a signal to the rest of the world, however, it is important that we not undermine our commitment to becoming an information-rich society—right here in the United States . . . inside our own borders.

The discussion generated by the House has been invaluable to finding the balance between copyright protection and the exchange of ideas in the free-market—two of the fundamental pillars upon which this nation was built. In drafting this legislation, we did not overlook the need to strike the correct balance between these two competing ideals. That is indeed the purpose of the legislative process—to debate, haggle, review and ultimately to hammer out what will be strong and lasting policy for the rest of the world to follow.

A free market place for ideas is critical to America. It means that any man, woman or child—free of charge!!—can wander into any public library and use the materials in those libraries for free. He or she—again, free of charge!!—can absorb the ideas and visions of mankind's greatest writers and thinkers.

In this regard, the most important contribution that we made to this bill is section 1201(a)(1). That section authorizes the Librarian of Congress to waive the prohibition against the act of circumvention to prevent a reduction in the availability to individuals and institutions of a particular category of copyrighted works. As originally proposed by the Senate, this section would have established a flat prohibition on the circumvention of technological measures to gain access to works for any purpose. This raised the possibility of our society becoming one in which pay-per-use access was the rule, a development profoundly antithetical to our long tradition of the exchange of free ideas and information. Under the compromise embodied in the Conference Report, the Librarian will have the authority to address the concerns of Libraries, educational institutions, and other information consumers threatened with a denial of access to work in circumstances that would be lawful today. I trust the Librarian, in consultation with the Assistant Secretary of Commerce for Communications and Information, will ensure that information consumers may continue to exercise their centuries-old fair use privilege.

We also sought to ensure that consumers could apply their centuries-old fair use rights in the digital age. Sections 1201(a)(2) and (b)(1)

make it illegal to manufacture, import, offer to the public, provide, or to otherwise traffic in "black boxes." These provisions are not aimed at staple articles of commerce, such as video cassette recorders, telecommunications switches, and personal computers widely used today by businesses and consumers for legitimate purposes. As a result of the efforts of the Commerce Committee, legitimate concerns about how these provisions might be interpreted by a court to negatively affect consumers have been addressed to the satisfaction of consumer electronics and other product managers.

Section 1201(c)(3), the "no mandate" provision, makes clear that neither of these sections requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201. Members of my Subcommittee included an unambiguous no mandate provision out of concern that someone might try to use this bill as a basis for filing a lawsuit to stop legitimate new products from coming to market. It was our strong belief that product manufacturers should remain free to design and produce digital consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Had the bill been read to require that new digital products respond to any technological protection measure that any copyright owners chose to deploy, manufacturers would have been confronted with difficult, perhaps even impossible, design choices. They could have been forced to choose, for example, between implementing one of two incompatible digital technological measures. It was the wrong thing to do for consumers and thus, we fixed the problem.

In our Committee report, we also sought to address the concerns of manufacturers and consumers about the potential for "playability" problems when new technological measures are introduced in the market. I was pleased to see that the conferees also recognized the seriousness of the problem and agreed to include explicit conference report language setting forth our shared perspective on how the bill should be interpreted in this respect.

With regard to the issue of encryption research, the Commerce Committee again made an invaluable contribution to this important legislation. The amendment provided for an exception to the circumvention provisions contained in the bill for legal encryption research and reverse engineering. In particular, these exceptions would ensure that companies and individuals engaged in what is presently lawful encryption research and security testing and those who legally provide these services could continue to engage in these important and necessary activities which will strengthen our ability to keep our nation's computer systems, digital networks and systems applications private, protected and secure.

Finally, I want to commend my colleagues, DAN SCHAEFER and RICK WHITE for their efforts in reaching agreement on a provision which has been included in this bill to address the concerns of webcasters. Webcasting is a new use of the digital works this bill deals

with. Under current law, it is difficult for webcasters and record companies to know their rights and responsibilities and to negotiate for licenses. This provision makes clear the rights of each party and sets up a statutory licensing program to make it as easy as possible to comply with. It is a worthy change to the bill and again, my thanks to Mr. WHITE and Mr. SCHAEFER and their staffs—Peter Schalestock and Luke Rose.

I can't emphasize enough to my colleagues the importance of not only this legislation, but also the timing of this legislation. An international copyright treaty convention is a rare and infrequent event. We thus stand on the brink of implementing this most recent treaty—the WIPO copyright treaty—knowing full well that it may be another 20 years before we can re-visit this subject. This bill strikes the right balance. Copyright protection is important and must be encouraged here. But in pursuing that goal we must remain faithful to our legacy, and our commitment to promoting the free exchange of ideas and thoughts. Digital technology should be embraced as a means to enrich and enlighten all of us.

Finally, I want to thank Chairman BLILEY and Ranking Member DINGELL as well as my colleagues Mr. MARKEY, Mr. KLUG, Mr. BOUCHER, and Mr. STEARNS. Also, I would like to thank Chairman HYDE, Ranking Member CONYERS, Chairmen COBLE, Mr. GOODLATTE, and Mr. BERMAN, as well as Senators HATCH, LEAHY, and THURMOND for their excellent work on this legislation. And finally, a special thanks to the staffs of these Members—Justin Lilley, Mike O'Reilly, Andy Levin, Colin Crowell, Kathy Hahn, Ann Morton, Peter Krug, Mitch Galzler, Debbie Laman, Robert Rabin, David Lehman, Bari Schwartz, Manus Cooney, Ed Damich, Troy Dow, Garry Malphrus, Marta Grossman, Bruce Cohen, and Beryl Howell.

MEDICARE HOME HEALTH AND  
VETERANS HEALTH CARE IM-  
PROVEMENT ACT OF 1998

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H.R. 4567 even though I support reforming the Interim Payment System (IPS) and I certainly support expanding the health care options available to American veterans. However, I cannot support this bill because this solution to home care is inadequate and it raises taxes on Americans instead of cutting wasteful, unconstitutional spending to offset the bill's increases in expenditures.

I am pleased that Congress is at last taking action to address the problems created by the IPS. Unless the IPS is reformed, efficient home care agencies across the country may be forced to close. This would raise Medicare costs, as more seniors would be forced to enter nursing homes or forced to seek care from a limited number of home health care agencies. In fact, those agencies that survive the IPS will have been granted a virtual mo-

nopoly over the home care market. Only in Washington could punishing efficient businesses and creating a monopoly be sold as a cost-cutting measure!

Congress does need to act to ensure that affordable home care remains available to the millions of senior citizens who rely on home care. However, the proposal before us today does not address the concerns of small providers in states such as Texas. Instead, it increases the reimbursement rate of home care agencies in other states. I am also concerned that the reimbursement formula in this bill continues to saddle younger home health agencies with lower rates of reimbursement than similarly situated agencies who have been in operation longer. Any IPS reform worthy of support should place all health care agencies on a level playing field for reimbursements.

A member of my staff has been informed by a small home health care operator in my district that passage of this bill would allow them only to provide an additional eight visits per year. This will not keep home health patients with complex medical conditions out of nursing homes and hospitals. Congress should implement a real, budget-neutral home health care reform rather than waste our time and the taxpayers' money with the phony reform before us today.

Mr. Speaker, I also support the language of the bill expanding the health care options available to veterans' benefits. Ensuring the nation's veterans have a quality health care system should be one of the governments' top priorities. In fact, I am currently working on a plan to improve veterans' health care by allowing them greater access to Medical Savings Accounts (MSAs). However, I cannot, in good conscience, support the proposals before us today because, for all their good intentions, it is fatally flawed in implementation for it attempts to offset its new spending with a tax increase.

Now I know many of the bill's supporters will claim that this is not a tax increase just an adjustment in the qualifications for a tax benefit or tightening a tax loophole. However, the fact is that by raising the threshold before a taxpayer can rollover their traditional IRA into a Roth IRA the federal government is forcing some people to pay higher taxes than they otherwise would, thus they are raising taxes. It is morally wrong for Congress to raise taxes on one group of Americans in order to provide benefits for another group of Americans.

Instead of raising taxes Congress should "offset" these programs by cutting spending in other areas. In particular, Congress should finance veterans health care by reducing expenditures wasted on global adventurism, such as the Bosnia mission. Congress should stop spending Americans blood and treasure to intervene in quarrels that do not concern the American people.

Similarly, Congress should seek funds for an increased expenditure on home care by ending federal support for institutions such as the International Monetary Fund (IMF), which benefit wealthy bankers and powerful interests but not the American people. At a time when the federal government continues to grow to historic heights and meddles in every facet of American life I cannot believe that Congress cannot find expenditure cuts to finance the programs in this bill!

Mr. Speaker, I must also note that the only time this Congress seems concerned with off-sets is when we are either cutting taxes or increasing benefits to groups like veterans or senior citizens. The problem is not a lack of funds but a refusal of this Congress to set proper priorities and put the needs of the American people first.

In conclusion, Mr. Speaker, I call upon this Congress to reject this bill and instead support an IPS reform that is fair to all home care providers and does not finance worthwhile changes in Medicare by raising taxes. Instead, Congress should offset the cost to these worthy programs by cutting programs that do not benefit the American people.

HONORING SUNY BROOKLYN PROFESSOR ROBERT FURCHGOTT RECIPIENT OF THE NOBEL PRIZE FOR MEDICINE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor distinguished Professor Emeritus Robert Furchgott recipient of the Nobel Prize for Medicine.

Professor Furchgott received the Nobel Prize for Medicine as a much deserved salute for a long, distinguished and continually evolving career. Furchgott's love for science began as a young man growing up in the great state of South Carolina. After earning a doctorate in biochemistry at Northwestern University in Illinois, he headed to New York's Cornell Medical Center. In 1956, he landed a position at SUNY Downstate (now called SUNY Health Science Center in Brooklyn). He remained there until his retirement in 1989, and is now a professor emeritus.

Doctor Furchgott, always modest and unassuming, stated that a lucky mistake led to his discovery of the role in nitric oxide in vascular relaxation. Those that know him best know that this is his style. The Nobel Prize was not only for his pioneering discovery but it is also in recognition of his years of hard work and perseverance. Even as a tireless researcher, he has also been dedicated to the responsibility of shaping the next generation of pioneers. He never turns down students' request to read their research papers.

The professor, a giant in the field of medicine, is truly a role model and an inspiration for our children. A man of great conviction and passion for increasing the body of medical knowledge we will all benefit from, Mr. Speaker, I ask you and my colleagues on both sides of the aisle to join me in saluting the achievement of Professor Robert Furchgott.

## EXTENSIONS OF REMARKS

DANTE B. FASCELL NORTH-SOUTH CENTER ACT

SPEECH OF

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LANTOS. Mr. Speaker, I join the Chairman of the International Relations Committee, Mr. GILMAN of New York, and the Ranking Democratic Member of the Committee, Mr. HAMILTON of Indiana, in strongly supporting this legislation to rename the North South Center as the Dante B. Fascell North South Center.

Mr. Speaker, I had the great honor of serving in this House for 12 years without our distinguished former colleague from Florida, Dante B. Fascell, and for almost a decade of my service in the House, he was the Chairman of the House Foreign Affairs Committee. In that position he played a critical role in dealing with many of the vital foreign policy issues of that time—the Iran-Contra scandal, the collapse of the Soviet Union, the effort to encourage the democratic political transition and the development market economies in the republics of the Newly Independent States and the countries of Central and Eastern Europe, the end of the Berlin Wall and the unification of Germany, the outrageous suppression of democracy and free speech at Tiananmen Square in Beijing.

Dante was a critical player, Mr. Speaker, when the House of Representatives considered the War Powers Act in 1974, and throughout his service in the Congress, he was adamantly committed to assuring the importance of the Congressional role in the formulation of our Nation's foreign policy. In the 1970's the Conference on Security and Cooperation in Europe took place with the involvement of the nations of both Western and Eastern Europe and the United States in an effort to improve relations between Western Europe and the Soviet Union and its client states. At this crucial time, Dante was one of the most insistent and effective voices in advocating the importance of respect for human rights as a key element of any agreement with the communist countries. It was largely through his leadership that the United States Commission on Security and Cooperation in Europe—the Helsinki commission—was established.

Among the most farsighted concerns upon which Chairman Fascell focused his energies and attention, however, Mr. Speaker, was the effort to improve and strengthen United States relations with the nations of the Western Hemisphere, including Latin America, the Caribbean, and Canada. Among his most lasting contributions in this regard was his important legislation to establish the North South Center at the University of Miami in 1990.

Mr. Speaker, Dante Fascell worked tirelessly to promote democracy and foster an open dialogue among the nations of this hemisphere. His efforts in this regard were important in advancing our nation's security, competitiveness and economic viability. The East West Center has played a vital role in the national debate on the role of the United States

in the Western Hemisphere. The Center has done important work in focusing on regional topics of great importance to our nation—trade, economic growth, immigration, drug policy and drug control, and the spread of democracy and market economics.

In light of Dante's distinguished record of service in this body and the critical contributions which he and the North South Center have made in our nation's foreign policy in this hemisphere, Mr. Speaker, it is entirely appropriate and fitting that we rename the North South Center in his honor. I strongly support this legislation, and I urge my colleagues to support it as well.

FREE MARKETS, NOT THE IMF, IS THE ANSWER TO GLOBAL ECONOMIC CRISIS

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. CRANE. Mr. Speaker, one of the biggest issues being negotiated between our Congressional Leadership and the White House is funding for the International Monetary Fund, the IMF. Indeed, debate over how best to address the various international financial crisis de jour is taking place all over the world.

I urge the Leadership to consider the thoughts of monetary policy experts like the Nobel Prize winning economist Milton Friedman. Specifically, I commend to my colleagues' attention an article from the Tuesday, October 13, 1998 edition of the Wall Street Journal by Mr. Friedman entitled: "Markets to the Rescue".

Among other ideas, Mr. Friedman suggests that the IMF's interventions in markets around the world has caused or exacerbated the various economic crises which, in turn, are having a significant impact on the otherwise healthy U.S. economy.

I urge my colleagues to consider what Mr. Friedman has to say about the IMF before we give one more dime of our taxpayers' money to that international agency.

[From the Wall Street Journal, Oct. 13, 1998]

MARKETS TO THE RESCUE

(By Milton Friedman)

The air is rife with proposals to reform the International Monetary Fund, increase its funds and create new international agencies to help guide global financial markets. Indeed, Congress and the Clinton administration spent much of the last week's budget negotiations fine-tuning the details of the U.S.'s latest \$18 billion IMF subvention package. Such talk is on a par with the advice to the inebriate that the cure for a hangover is the hair of the dog that bit him. As George Shultz, William Simon and Walter Wriston wrote on this page in February: "The IMF is ineffective, unnecessary, and obsolete. We do not need another IMF. . . . Once the Asian crisis is over, we should abolish the one we have." Centralized planning works no better on the global than on the national level.

The IMF was established at Bretton Woods in 1944 to serve one purpose and one purpose only: to supervise the operation of the system of fixed exchange rates also established

at Bretton Woods. That system collapsed on Aug. 15, 1971, when President Nixon, as part of a package of economic changes including wage and price ceilings, "closed the gold window"—that is, refused to continue the commitment the U.S. had undertaken at Bretton Woods to buy and sell gold at \$35 an ounce. The IMF lost its only function and should have closed shop.

#### INTERNATIONAL AGENCIES

But few things are so permanent as government agencies, including international agencies. The IMF, sitting on a pile of funds, sought and found a new function: serving as an economic consulting agency to countries in trouble—an agency that was unusual in that it offered money instead of charging fees. It found plenty of clients, even though its advice was not always good and, even when good, was not always followed. However, its availability, and the funds it brought, encouraged country after country to continue with unwise and unsustainable policies longer than they otherwise would have or could have. Russia is the latest example. The end result has been more rather than less financial instability.

The Mexican crisis in 1994-95 produced a quantum jump in the scale of the IMF's activity. Mexico, it is said, was "bailed out" by a \$50 billion financial aid package from a consortium including the IMF, the U.S., other countries and other international agencies. In reality Mexico was not bailed out. Foreign entities—banks and other financial institutions—that had made dollar loans to Mexico that Mexico could not repay were bailed out. The internal recession that followed the bailout was deep and long; it left the ordinary Mexican citizen facing higher prices for goods and services with a sharply reduce income. That remains true today.

The Mexican bailout helped fuel the East Asian crisis that erupted two years later. It encouraged individuals and financial institutions to lend to and invest in the East Asian countries, drawn by high domestic interest rates and returns on investment, and reassured about currency risk by the belief that the IMF would bail them out if the unexpected happened and the exchange pegs broke. This effect has come to be called "moral hazard," though I regard that as something of a libel. If someone offers you a gift, is it immoral for you to accept it? Similarly, it's hard to blame private lenders of accepting the IMF's implicit offer of insurance against currency risk. However, I do blame the IMF for offering the gift. And I blame the U.S. and other countries that are members of the IMF for allowing taxpayer money to be used to subsidize private banks and other financial institutions.

Seventy-five years ago, John Maynard Keynes pointed out that "if the external price level is unstable, we cannot keep both our own price level and our exchanges stable. And we are compelled to choose." When Keynes wrote, he could take free capital movement for granted. The introduction of exchange controls by Hjalmar Schacht in the 1930's converted Keynes's dilemma into a trilemma. Of the three objectives—free capital movement, a fixed exchange rate, independent domestic monetary—free capital movement, a fixed exchange rate, independent domestic monetary policy—any two, but not all three, are viable. We are compelled to choose.

The attempt by South Korea, Thailand, Malaysia and Indonesia to have all three—with the encouragement of the IMF—has produced the external financial crisis that has pummeled those countries and spread

concern around the world, just as similar attempts produced financial crisis in Britain in 1967, in Chile in the early 1980's, in Mexico in 1995 and in many other cases.

Some economists, notably Paul Krugman and Joseph Stiglitz, have suggested resolving the trilemma by abandoning free capital movement, and Malaysia has followed that course. In my view, that is the worst possible choice. Emerging countries need external capital, and particularly the discipline and knowledge that comes with it, to name the best use of their capacities. Moreover, there is a long history demonstrating that exchange controls are porous and that the attempt to enforce them invariably leads to corruption and an extension of government controls, hardly the way to generate healthy growth.

Either of the other alternatives seems to me far superior. One is to fix the exchange rate, by adopting a common or unified currency, as the states of the U.S. and Panama (whose economy is dollarized) have done and as the participants in the Euro propose to do, or by establishing a currency board, as Hong Kong and Argentina have done. The key element of this alternative is that there is only one central bank for the countries using the same currency: the European Central Bank for the Euro countries; the Federal Reserve for the other countries.

Hong Kong and Argentina have retained the option of terminating their currency boards, changing the fixed rate, or introducing central bank features, as the Hong Kong Monetary Authority has done in a limited way. As a result, they are not immune to infection from foreign-exchange crises originating elsewhere. Nonetheless, currency boards have a good record of surviving such crises intact. Those options have not been retained by California or Panama, and will not be retained by the countries that adopt the Euro as their sole currency.

Proponents of fixed exchange rates often fail to recognize that a truly fixed rate is fundamentally different from a pegged one. If Argentina has a balance of payments deficit—if dollar receipts from abroad are less than payments due abroad—the quantity of currency (high-powered or base money) automatically goes down. That brings pressure on the economy to reduce foreign payments and increase foreign receipts. The economy cannot evade the discipline of external transactions; it must adjust. Under the pegged system, by contrast, when Thailand had a balance of payments deficit, the Bank of Thailand did not have to reduce the quantity of high-powered money. It could evade the discipline of external transactions, at least for a time, by drawing on its dollar reserves or borrowing dollars from abroad to finance the deficit.

Such a pegged exchange rate regime is a ticking bomb. It is never easy to know whether a deficit is transitory and will soon be reversed or is a precursor to further deficits. The temptation is always to hope for the best, and avoid any action that would tend to depress the domestic economy. Such a policy can smooth over minor and temporary problems, but it lets minor problems that are not transitory accumulate. When that happens, the minor adjustments in exchange rates that would have cleared up the initial problem will no longer suffice. It now takes a major change. Moreover, at this stage, the direction of any likely change is clear to everyone—in the case of Thailand, a devaluation. A speculator who sold the Thai baht short could at worst lose commissions and interest on his capital since the peg

meant that he could cover his short at the same price at which he sold it if the baht was not devalued. On the other hand, a devaluation would bring large profits.

Many of those responsible for the East Asia crisis have been unable to resist the temptation to blame speculators for their problems. In fact, their policies gave speculators a nearly one-way bet, and by taking that bet, the speculators conferred not harm but benefits. Would Thailand have benefited from being able to continue its unsustainable policies longer?

Capital controls and unified currencies are two ways out of the trilemma. The remaining option is to let exchange rates be determined in the market predominantly on the basis of private transactions. In a pure form, clean floating, the central bank does not intervene in the market to affect the exchange rate, though it or the government may engage in exchange transactions in the course of its other activities. In practice, dirty floating is more common: The central bank intervenes from time to time to affect the exchange rate but does not announce in advance any specific value that it will seek to maintain. That is the regime currently followed by the U.S., Britain, Japan and many other countries.

#### FLOATING RATE

Under a floating rate, there cannot be and never has been a foreign exchange crisis, though there may well be internal crises, as in Japan. The reason is simple: Changes in exchange rates absorb the pressures that would otherwise lead to crises in a regime that tried to peg the exchange rate while maintaining domestic monetary independence. The foreign exchange crisis that affected South Korea, Thailand, Malaysia and Indonesia did not spill over to New Zealand or Australia, because those countries had floating exchange rates.

As between the alternatives of a truly fixed exchange rate and a floating exchange rate, which one is preferable depends on the specific characteristics of the country involved. In particular, much depends on whether a given country has a major trading partner with a good record for stable monetary policy, thus providing a desirable currency with which to be linked. However, so long as a country chooses and adheres to one of the two regimes, it will be spared foreign-exchange crises and there will be no role for an international agency to supplement the market. Perhaps that is the reason why the IMF has implicitly favored pegged exchange rates.

The present crisis is not the result of market failure. Rather, it is the result of governments intervening to or seeking to supersede the market, both internally via loans, subsidies, or taxes and other handicaps, and externally via the IMF, the World Bank and other international agencies. We do not need more powerful government agencies spending still more of the taxpayers' money, with limited of nonexistent accountability. That would simply be throwing good money after bad. We need government, both within the nations and internationally, to get out of the way and let the market work. The more that people spend or lend their own money, and the less they spend or lend taxpayer money, the better.

## MENTAL HEALTH CRISIS

**HON. MARGE ROUKEMA**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mrs. ROUKEMA. Mr. Speaker, I am pleased to take this time (with the gentlelady from Ohio, Ms. KAPTUR) to illuminate what needs to be done to address the silent medical crisis in America of mental illness.

Mental illness is not a character flaw, but a tangible treatable health problem as real as hypertension or heart disease or tuberculosis or the many forms of cancer.

The good news: advances of our medical system have provided scientific breakthroughs that make appropriate mental health care as effective as insulin for a diabetic.

While we do have the ability to treat mental illness, we have a tremendous amount of work to do in the critical area of public understanding of mental illnesses—leading to appropriate treatment.

Unfortunately, America is witnessing more violence every day resulting from untreated mental illness and a failed policy of deinstitutionalization without any proper community follow-up.

All too often we hear of situations where an individual with a mental disorder has not received adequate treatment and has reacted violently and endangered him—or herself or, tragically, taken the life of another. Last year, alone, over 1,000 homicides were directly attributable to improperly treated mental illnesses.

This crisis is not just a crisis for adults. This crisis also affects our children.

The American Academy of Child & Adolescent Psychiatry estimates that 12 million American children have a mental illness at any one time, but fewer than one in five is identified as needing treatment. Early diagnosis, follow-up treatment, and prevention and intervention programs can help children and adolescents at risk for violent incidents.

My colleagues, these are the dimensions of this silent crisis. But we are not powerless. We can do something.

I, along with Representative KAPTUR, have introduced a sense of the House resolution to establish a mental illness working group to probe the gaping holes in the network of services designed to identify, assist, and treat those people with mental illness.

While treatment of the mentally ill is primarily a function of the separate states, there does exist significant sharing of costs and some joint federal/state responsibilities in such areas as reciprocity between states, the relationship of SSI and Medicaid to mental illness and the designation of Institutions of Mental Diseases.

Other key federal components that require oversight and analysis are the effectiveness of mental health block grants and the federal prison costs attributed to mental illness.

Our proposed mental illness working group would be charged with gathering information about the nature of the problem, current state and federal policy gaps as well as reviewing the need for reciprocity and how states and communities failed to provide follow-up treatments to these individuals.

This will involve Members of the various Committees that have jurisdiction over federal issues involving the mentally ill, including Ways and Means, Judiciary, Commerce, Veterans Affairs, Appropriation, Banking and the Education and the Workforce Committee. They are involved in issues ranging from discrimination in health care coverage to public housing.

We must take responsible action and seize this opportunity to ensure that something beneficial results from recent tragedies, such as that which occurred here on Capitol Hill.

I hope you will join us in this effort.

**OPPOSING REPUBLICAN LAST  
MINUTE EFFORTS TO PASS A  
MODIFIED VERSION OF H.R. 4006,  
THE LETHAL DRUG ABUSE PRE-  
VENTION ACT**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. STARK. Mr. Speaker, I rise to express my strong opposition to attempts that I understand are currently underway to attach a version of H.R. 4006, The Lethal Drug Abuse Prevention Act of 1998, to the omnibus appropriations bill that will soon be considered by Congress.

H.R. 4006 has been scheduled for floor consideration by the Full House several times this year. Each time it has been pulled from consideration because of the great concerns expressed by our medical community. The bill purports to simply combat the practice of physician-assisted suicide. Unfortunately, that is not all the bill accomplishes. It also presents real barriers to the appropriate care of terminally ill and dying patients.

It does not appear that the supporters of this legislation intend to affect palliative care for the dying. But, regardless of intent, it is the effect of this bill. The latest version of the bill would have the same result.

If it becomes law, doctors will be deterred from providing appropriate pain management to their terminally ill patients. If you've ever lost a loved one after a long, painful illness, you know the importance of these medications. They are vital to ease the pain of people in their final days of life. It should be up to the patient, the doctor, and the patient's family to develop an appropriate pain management program—without the doctor needing to fear intervention from the federal government.

The tools exist today at the state level through the State medical and pharmacy boards to seek out and discipline doctors and other health care providers that violate the law regarding the dispensing of controlled substances. This legislation is not necessary.

The medical community is opposed to this action and patient advocacy groups are opposed to it as well. In total, more than 55 such organizations have signed up to express their opposition. The Department of Justice, the very agency that would be required to enforce the policy if it were to become law, has also voiced strong opposition to this action. In a letter to Chairman Hyde regarding H.R. 4006,

the Departments states: "Virtually all potent pain medications are controlled substances. Thus, physicians who dispense these medications to ease the pain of terminally ill patients could well fear that they could be the subject of a DEA investigation whenever a patient's death can be linked to the use of a controlled substance."

If we've learned anything from the managed care debate, it is that the American public wants medical decisions made by doctors and their patients—not health plan or government bureaucrats. This bill goes in the opposite direction from those desires.

We are at this point not because of any need for a new law. We are here because the Christian right is pushing this issue as yet another part of their wish list. They want to force it through the process even though there are serious, legitimate questions about its unintended consequences. Its supporters want it passed regardless of those concerns so that it can send a political message. We should resolve those concerns, not shut our eyes and rush it into law.

The last minute appropriations gimmick is Congress at its worst. Because there is legitimate opposition to passing the legislation through the regular legislative process, this is an attempt to tie the Department of Justice's hands via Congress' ability to control their spending authority. I strongly oppose inclusion of this provision in the omnibus appropriations package and urge my colleagues to join me in defeating this misguided legislation, which attempts to please a political constituency at the cost of appropriate medical care for terminally ill patients.

**DISSENTING VIEWS TO H.R. 1842  
OMITTED FROM COMMITTEE ON  
RESOURCES REPORT**

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. MILLER of California. Mr. Speaker, due to an administrative error, dissenting views were inadvertently omitted when the Committee on Resources filed House Report No. 105-781, on H.R. 1842, a bill to terminate further development and implementation of the American Heritage Rivers Initiative. I submit a copy of the dissenting views that would have been filed on this legislation to be printed in the CONGRESSIONAL RECORD. I have also asked that these views be included in the official Archive of the legislative history of this bill.

**H.R. 1842—DISSENTING VIEWS**

The American Heritage Rivers Initiative is intended to make the government serve the people more efficiently—and in fact that is what it will do. The program would affect only rivers where the local citizens have specifically requested the designation of their rivers as American Heritage Rivers. H.R. 1842 is a bill that would prevent the President from responding to those requests and coordinating the delivery of government services to those local communities. We must oppose this bill, which would stand in the way of government efficiency and effectiveness.

The American Heritage Rivers Initiative is designed to help citizens who ask for assistance with federal river programs. It is driven

entirely by requests from local communities who ask to have their rivers designated, and specify the federal programs they believe can serve community goals for their rivers. Once the designations are made, the program will continue to be guided by local goals for river restoration and economic development. The designated "River Navigator" will respond to local requests to coordinate federal agency assistance.

The American Heritage Rivers Initiative doesn't involve new regulatory authority or new land acquisition. It simply coordinates existing federal programs and asks the federal government to be more responsive to the people. It will not impose any new federal mandates on private land. In fact, the Executive Order on the American Heritage Rivers Initiative provides repeated assurances that no such actions will occur and that Fifth Amendment rights will be protected. And of course, zoning and land use decisions will remain under local control. Nothing about the American Heritage Rivers Initiative changes that traditional local authority.

Concerns have been raised regarding the participation of designated "River Navigators" in local court proceedings and zoning board hearings. CEQ Chair Kathleen A. McGinty assured the Committee that the River Navigators would not take such action in their roles as River Navigators. Obviously, the White House cannot anticipate every circumstance where the government might be sued and federal employees might have to testify. But the White House has promised that River Navigators will not be intervening in local courts and zoning boards in their roles as River Navigators. This is as much as could be expected.

The American Heritage Rivers Initiative will not impose new zoning or new regulations on private property. It will not involve new federal land acquisition. It will simply respond to local communities who request help in accessing government services. We oppose the bill to terminate this worthwhile program.

GEORGE MILLER, ED MARKEY, NEIL ABERCROMBIE, ENI FALEOMAVAEGA, SAM FARR, PATRICK KENNEDY, ADAM SMITH, DONNA CHRISTIAN-GREEN, LLOYD DOGGETT, DALE KILDEE, FRANK PALLONE, NICK JOE RAHALL, BRUCE VENTO, MAURICE HINCHEY, CALVIN DOOLEY, WILLIAM DELAHUNT, CARLOS ROMERO-BARCELO

IN HONOR OF BROOKLYN COPS  
AWARDED THE TOP COPS AWARD

**HON. EDOLPHUS TOWNS**

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 13, 1998*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to the Brooklyn Police Officers who were honored in the Top Cop Award Ceremony.

These men, who everyday place themselves on the line are a vital resource to Brooklyn in particular and New York State in general. Their heroism above and beyond their call to duty is an admirable and honorable task. These officers without regard for their own safety, used their excellent training and resources to thwart a potential domestic terrorist act.

With the use of civilian informants, the officers were made aware of plans to use explosive devices with the intent of targeting and destroying a section of the New York subway system. One can imagine the tragedy that may have ensued had those deadly plans been carried out. Thanks to the expedient tactical plans created by the officers they were able to catch the would be domestic terrorists before they were able to do any harm. This act is just one of the many these officers do day in and day out constantly protecting civilians from unseen dangers and harm.

These officers embody the true and honorable spirit of law enforcement. They stand as shining examples of what it means to uphold law and justice. Though they deserve so much more for their constant and tireless commitment, this award shows our support and understanding of the danger of the job they do for us everyday. I want these officers to know that I personally thank them for protecting me and my loved ones from an all too close possible incident of domestic terrorism. May their honor and valor stand as an example to others, officers and civilians, of the true meaning of dedication and selflessness.

Mr. Speaker, I would like to ask you and my colleagues on both sides of the aisle to rise with me to give a well deserved round of applause for Brooklyn's Top Cops—Officer Joseph Dolan, Sergeant, John A. English, Jr., Officer Michael F. Kenan, Officer David Martinez, Lieutenant Owen C. McCaffrey, Deputy Inspector Raymond McDermott, Captain Ralph Pascullo, and Officer Mario Zorovic.

SENSE OF CONGRESS REGARDING  
FORMER SOVIET UNION'S RE-  
PRESSIVE POLICIES TOWARD  
THE UKRAINIAN PEOPLE

SPEECH OF

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. LANTOS. Mr. Speaker, I join my colleagues on the House International Relations Committee in supporting the adoption of House Concurrent Resolution 295 remembering the suffering of the people of Ukraine on the 65th anniversary of the horrendous 1932-1933 famine which resulted in the death of more than seven million people—a quarter of the population of that land.

Such massive loss of life, Mr. Speaker, is always a great tragedy, but the Ukrainian famine was a particularly devastating event because it was largely an artificial disaster—it was the consequence of vicious misguided policies of the Stalinist regime in the Soviet Union. In 1929, the Soviet dictator, Josef Stalin, decreed the implementation of the policy of collectivization in agriculture, largely to ensure government control over the country's agriculture. This was done in order for the totalitarian government in the Kremlin to control more of the country's agricultural products to provide hard currency and capital for investment in industrialization.

After forced collectivization began in 1929, the rural population of Ukraine began to suffer.

The diet of the population began to worsen. By the fall of 1931 the people of this rich breadbasket were trying to survive on a diet of potatoes, beets and pumpkins. Hunger people from Ukraine were traveling in ever larger groups to neighboring areas, particularly to Russia, to find food.

By the spring of 1932 people began to die of starvation. Conditions were so difficult that when peasants began the spring sowing, they kept the seeds that were necessary for that year's crop home for their children to eat. This further exacerbated the crisis. Western journalists provided reports of the seriousness of the situation in Ukraine, and the few non-Soviet visitors who were permitted to visit Ukraine confirmed the seriousness of this tragedy.

Demographers who have carefully studied this era have concluded that seven to ten million people died as a consequence of this government-induced famine and the terror and repression carried out against peasants in Ukraine. When Members of Congress wrote to the Soviet government at that time, the Soviet Foreign Minister responded by calling reports of the famine "lies circulated by counterrevolutionary organizations abroad."

Mr. Speaker, it is most appropriate that we commemorate—in sorrow and in regret—this tragic episode in the history of Ukraine. It is important that in remembering this period, we commit ourselves to take action to prevent similar atrocities in the future in Ukraine or in any other nation.

This is also an occasion, Mr. Speaker, for us to rejoice that the people of Ukraine are now in the position to determine their own destiny. As a free and independent nation, the fate of the people of Ukraine now lies in their own hands. It is important for the people of Ukraine to know that we in the United States welcome their independence and that we are committed to their success as they seek to move toward a free and open and democratic society and toward a prosperous and free market economy.

Mr. Speaker, I join in marking this tragic era in the history of Ukraine, and I extend my best wishes to the people of Ukraine as they work to assure that such a catastrophe never befalls their country.

LIHEAP PROGRAM

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. ROYBAL-ALLARD. Mr. Speaker, I am outraged that the Labor, Health and Human Services Appropriations bill has eliminated all funding for LIHEAP, the Low Income Home Energy Assistance Program.

This critical program provides energy assistance to over 170,000 households in my home state of California and over 4 million needy families nationwide. Many of these families have young children and over half include elderly or handicapped persons.

By eliminating LIHEAP, Congress is causing unnecessary suffering and forcing poor families to choose between heating their homes

and buying food for their children. When winter temperatures fall below zero, children can freeze to death.

When heat waves soar above 90 degrees, the elderly and handicapped are at high risk of heat stroke and other grave health complications. The heat wave in Texas this past summer killed over 100 people, many of whom were elderly. Clearly, air conditioning is a life and death matter.

This vital program can be fully funded for the modest sum of 1.1 billion dollars. It is unconscionable that we would even consider eliminating this inexpensive and compassionate program.

I urge my colleagues to restore full funding for the LIHEAP program in the omnibus appropriations bill.

#### MANAGED CARE MANAGES NOT TO CARE ABOUT MEDICAL PRIVACY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MARKEY. Mr. Speaker, on September 27, The Washington Post chronicled a shocking violation of patient privacy and the aggressive tactics of Pharmacy Benefits Managers. This article shines a light on efforts by PBMs, often owned by drug manufacturers to accumulate extremely sensitive and private medical data on individuals which they claim is being used to manage their health plans more economically. The article describes the experience of a woman whose prescription purchases were tracked by a pharmacy benefits manager, which in turn, used the information to inform her doctor that she would be enrolled in a "depression program", to monitor her prescriptions for anti-depression medication and to target her for "educational" material on depression. Even more alarming is that her employer had free access to all this sensitive information.

As it turns out, this woman was not suffering from any depression-related illness. Her doctor prescribed the medication to help her sleep. She had no idea that by signing up for her managed care plan, she was signing up for an invasion of her privacy. By using her prescription-drug-card, the privacy she had every right to expect between patient, doctor and pharmacist was breached and abused.

This story serves to underscore my concern that laws protecting the privacy of personal information are woefully inadequate. In this electronic age, we must strengthen our privacy rights in proportion to the supersonic speed at which privacy can now be stripped from unsuspecting patients. I urge my colleagues to reflect on this situation and to work to address it in the next Congress.

[From the Washington Post, Sept. 27, 1998]

PLANS' ACCESS TO PHARMACY DATA RAISES PRIVACY ISSUE—BENEFIT FIRMS DELVE INTO PATIENT RECORDS

By Robert O'Harrow Jr.

Joan Kelly knew she would save money at her pharmacy when she used her prescription-drug card to buy an antidepressant her doctor prescribed to help her sleep. Instead

of paying \$17 for a month's supply of trazodone, she paid just \$8.

But Kelly didn't know that when she filled her prescription last fall at a drugstore in Austin, Tex., she would also be swept up in a technology-driven revolution to control medical costs, a new kind of managed care that trampled on her notions of privacy.

Sensitive information about her prescription was flashed to PCS Health Systems, a company in Scottsdale, Ariz., that administers her pharmacy benefit on behalf of her health insurance plan. Computers instantly matched her information with other data previously collected about medications she had been taking, and the new data was stored for review by PCS administrators.

A few months later, PCS sent Kelly's doctor a letter. At the request of Kelly's employer, it said, the company had peered into one of its databases of more than 500 million prescriptions, pinpointed her as someone who used antidepressants and enrolled her in a "depression program." Kelly's prescriptions would not be monitored, it said, and the doctor would be notified of any lapses. Kelly also would be sent educational material on depression.

The aim of the company, the letter noted, was to "optimize pharmaceutical care."

When Kelly's doctor told her about the letter, Kelly began to fret about being watched. She wondered if her bosses at Motorola Inc., which runs its own health insurance plan, would mistakenly think she was mentally ill.

"I feel it's an invasion of privacy," said Kelly, 50, who has worked at Motorola for 20 years as an engineering assistant. "I feel that if I go looking for a job or a promotion, they'll say, 'She's on antidepressants.'"

A Motorola spokesman said the company chooses not to receive information about specific employee prescriptions, but there are no laws preventing it from doing so. Indeed, there are few federal rules governing the use of personal information by companies such as PCS.

They are called pharmacy benefit managers. Not long ago, such companies primarily determined if individuals' prescriptions were covered by a health plan. Today, they are technology-savvy giants that stand at the heart of a dramatic change in how medicine is being practiced under managed care.

Using powerful computers, these firms have muscled their way into what was once a close and closed relationship between patients and their doctors and pharmacists. They have established electronic links to just about every pharmacy in the United States. And they now gather detailed prescription information on the 150 million Americans who use prescription cards. PCS, which administers the benefit of 56 million people, adds about 35 prescriptions a second to a storehouse of 1.5 billion records.

PCS and other benefit managers said prescription cards should be considered an unprecedented opportunity to improve medical care and save health plans money.

Working on behalf of health plans, the benefit managers said, they use the data to pinpoint dangerous overlaps in medications that shouldn't be taken together, or to suggest generic drugs that might be just as effective at a fraction of the cost. They also reach out directly to patients and advise them on when and how to take their medication, a practice they say saves money by improving individuals' health. Industry officials estimate that their companies have saved health plans billions of dollars in recent years.

"They're the patient's caretaker," said Delbert Konnor, president of the Pharmaceutical Care Management Association, an industry group that represents some of the nation's largest benefit managers. "They're monitoring the physician. They're monitoring the patient. They're also monitoring the costs."

"The whole health care industry is in a state of strategic flux," Konnor added. "It's the information that really is the valuable portion of what's going on."

But a growing number of patients, doctors and pharmacists complain that they never gave explicit approval for personal information to be collected and analyzed. Some doctors contend that the benefit managers have overstepped their roles as administrators, and they worry that new programs touted as improving care mask efforts to market drugs.

Critics say the top three benefit managers sometimes highlight medications made by their parent companies—drug manufacturers Eli Lilly and Co., which owns PCS; SmithKline Beecham, which owns Diversified Pharmaceutical Services; and Merck & Co., which owns Merck-Medco Managed Care. At the same time, drug companies often pay for benefit managers to send in-house specialists to visit doctors in attempts to modify patient care—sometimes without asking patients' permission.

"Right now people live with this myth that the doctor-patient confidentiality is sacrosanct. We know that's not true," said Janlori Goldman, director of the Health Privacy Project at Georgetown University.

"Once they file a claim, once they fill a prescription, the personal, sensitive information they shared with their doctor is fair game," she said. "The information about them essentially becomes a commodity."

Some specialists fear that patients anxious about giving up their privacy may ultimately lose trust in the medical profession.

"There's a fundamental realignment of the players here," said Daniel Wikler, a professor of medical ethics at the University of Wisconsin. "The question is: Who is the patient supposed to look to?"

Regulators in Nevada, Ohio and elsewhere have begun examining possible violations of state confidentiality laws or regulations protecting medical records. Legislators in Virginia, New York and elsewhere also have begun considering laws that would give their states more control over pharmacy benefit managers.

"By what authority do these companies believe they have a right to collect this information?" asked Charles Young, executive director of the Massachusetts Board of Registration in Pharmacy. "And once they get it, how are they using it? Is it in the best interest of the patients? Or is it in the best interest of the company?"

Pharmacy benefit managers have been in business for more than two decades. They began playing a more central and controversial role in health care just a few years ago.

That's when drug manufacturers and pharmacy chains—including CVS, Rite Aid and others—began spending billions of dollars to acquire such companies as part of the race to capture a larger share of the fast-growing market for prescription drugs.

Improvements in computer technology also made it vastly easier to gather, store and track information about patients. This technology has become widespread in recent years, in part because of the plummeting cost of data storage and steady increases in computer processing speeds.

New benefit management companies popped up everywhere. Now more than 150 pharmacy benefit managers manage 1.8 billion prescriptions every year, and the number of people who use prescription cards has more than doubled since 1990 to more than 150 million, according to the industry association. At the same time, the proportion of prescriptions covered at least in part by managed care has soared from about one in four to almost two of every three, according to IMS Health Inc., a health care information company.

The market for prescription drugs is worth more than \$81 billion annually, more than twice the amount at the beginning of the decade. Officials at the benefit management companies say that figure would be significantly higher without them. Studies by the General Accounting Office, the Congressional Budget Office and other researchers tend to support that contention.

A GAO report said that three plans in the Federal Employees Health Benefits Program estimated benefit managers saved up to \$600 million in overall spending in 1995 "by obtaining manufacturer and pharmacy discounts and managing drug utilization." The report also found a "high degree of satisfaction" among Federal employees with pharmacy benefit management services.

A more recent analysis by the Congressional Budget Office concluded that pharmacy benefit managers have helped to slow the rising cost of prescription drugs. The authors suggested in July that the benefit managers accomplished this by directing doctors and pharmacists to use certain lower-cost drugs.

"We're achieving the dual objective of ensuring appropriate care for patients, while at the same time reducing pharmaceutical costs for health plans," said Blair Jackson, spokesman for PCS Health Systems.

To assess the impact of the benefit management revolution on personal privacy, it is necessary to understand how the system works. But that's not easy. Even many regulators and doctors have only recently begun to sort out how these companies gather, use and resell patient information.

To many consumers, the process is almost invisible, even though in most cases they have given their consent by signing up for a health plan, industry officials say.

It starts when someone uses a prescription card to get medication. Their information is electronically messaged to their health plan's benefit manager, a transaction that in most instances takes seconds. A computer checks to see if the medication is covered and whether the drug is safe for a particular patient, in many cases as the patient waits for the prescription to be filled.

The computers also match the prescription against a formulary, a list of medications the benefit managers have arranged for health plans to buy at a lower cost or that have been determined to be more effective. Health plans often get the discounts by pledging to use certain drugs exclusively. Sometimes the pharmaceutical companies give rebates as their drugs are dispensed, industry officials said.

These formularies are the cornerstone of efforts to control drug costs. They also are a contentious issue. Critics, including some federal and state regulators, contend that benefit managers appear to have shown a bias toward the products of their parent companies.

A study two years ago by the office of the public advocate for the city of New York, for example, found that benefit managers

steered doctors and patients toward their parent companies' drugs, an allegation that the benefit managers deny. Public Advocate Mark Green said the companies should not have such sweeping access to patient records.

They "are using medical histories of millions of unsuspecting patients. This is as little known as it is wrong," Green said. "It would be hopelessly naive to trust the voluntary virtue of these PBMs."

If the benefit manager's computer approves a transaction, an affirmative message is sent back to the pharmacist. But if it determines that a less expensive drug can be safely switched, that suggestion is sometimes flashed back. PCS offers pharmacists up to \$12 to secure approval from a patient and the patient's doctor for a "therapeutic interchange" of certain drugs. A change can't be made without such approval, PCS officials said.

Meanwhile, a patient's information is stored in various computers, including data warehouses operated by the benefit managers. The technology allows the benefit managers to keep close track of individuals. In some cases, they remind patients to refill prescriptions and take their medicine at appropriate intervals. Medical officials say that up to half of all patients with some conditions—such as hypertension or high cholesterol—fail to take their medicine as prescribed.

The benefit managers also can track people with chronic illnesses and offer suggestions about their care. These increasingly common efforts are known as "disease management" programs. One of the problems with these programs is the risk of misidentifying a person's ailment. Medical specialists say that's because certain drugs can be used to treat different problems.

Kelly, the Texas woman, said she was mistakenly enrolled in a program called "Journeys: Paths Through Depression." She took antidepressant medicine because she was having trouble sleeping because of menopause, she said, not because she was mentally ill. Karen Hill, the physician who was treating Kelly at the time, confirmed Kelly's account.

In the letter, the company acknowledged the possibility of making an incorrect assumption about a patient's ailment and said those who have questions should consult their doctor.

Kelly said she had no idea when she enrolled in her health plan that it would open the way to close scrutiny of her prescriptions.

"Mainly, what you're looking at is what you get and what you pay. I wasn't even thinking about personal information going out," Kelly said. "With managed care, I know it's getting more convoluted. But this never occurred to me."

Motorola officials said there was no reason for such anxiety. They described the PCS effort as a "stigma-free mental health" program that provides employees with help and educational material about depression. So far, 167 of the 5,721 employees enrolled in the program have opted out. Connie Giere, a benefit official at Motorola, said information about patients is protected. "Obviously, we own that data," she said. "But we have chosen not to receive that data because it's counter to our philosophy of confidentiality." Motorola officials said the company chooses only to receive general reports about trends, not the names of employees or other personal information.

Pharmacy benefit managers also routinely urge doctors to change a patient's medicine

to a brand or generic drug that the companies believe is less expensive or more effective. The benefit managers contact patients and doctors through letters, telephone calls and faxes. Some benefit managers also send messages to pharmacists as patients wait for their prescription.

Bernard Steverding of Fairfax County received a letter several months ago that said the prescription he was taking to lower his cholesterol had been changed by a pharmacy benefit manager to another drug. The letter he received was typical, but it made him furious.

The letter, from a company now called Express Scripts/ValueRx, said: "When we find a medicine that we believe to be better for a particular patient, we review the patient's medication profile and then confirm with the prescribing physician that a change of medication is appropriate. We know that the only way to help control prescription drug costs is in partnership with you and your doctor."

Steverding and his wife said the letter arrived after the new prescription was filled and the change was made without his consent. Souza Steverding said her husband wasn't sure if he should take the new drug concurrently with the remaining pills he had under the old prescription. "We got this new prescription and didn't even know what it was for," she said. "Nobody told us you can't take these two together."

Dan Cordes, a vice president at Express Scripts/ValueRx, said Steverding had given his consent to the program by signing up with his health insurance plan, which authorized the collection of his prescription information. Cordes said Steverding's doctor approved the switch. "It's a totally voluntary program," Cordes said.

Officials at benefit managers say they take great care with the information they collect and understand its sensitivity. At PCS, for example, employees must sign a pledge that they will respect the confidentiality of personal records. Patient information also is encrypted or depersonalized whenever PCS transmits it.

"We clearly recognize that by being a part of the health care system we have to abide by this type of ethics," said Nick Schulze-Solce, a vice president for health management services at PCS.

But given the limited oversight by state and federal authorities, there's no way to guarantee information will be used appropriately. In Las Vegas last year, patients who shopped at three independent drug stores later received \$5 coupons and promotional fliers in the mail from a pharmacy chain, American Drug Stores. Among them was Mary Grear, a pharmacist and owner of the independent stores.

Grear wondered why she and so many of her customers received the same flier. By looking in her own computers, she discovered they all had the same pharmacy benefit manager, a company owned by American Drug Stores. She complained to state authorities, who confirmed this spring that a pharmacy benefit manager owned by American Drug Stores had passed along the names and other information from confidential prescription records.

Grear said she was outraged, both as a patient and a pharmacist.

"I mean, it's medical information. That's how it should be used. It isn't for marketing," Grear said. "I believe it's between me and my health professional."

State authorities also were unsettled. "Something like this has never happened before," said Larry L. Pinson, president of

the Nevada State Board of Pharmacy, who described the prescription records involved as "very, very private medical histories."

In response, regulatory officials in Nevada recently sent out a stern letter to 275 pharmacy benefit managers and other administrators, warning that many of the companies' activities may be illegal. "You are now on notice," the letter said, "and the board hopes that these illegal practices will now stop."

Dan Zvonek, a spokesman for American Drug Stores, said the sharing of patient records by the companies was a mistake that would not happen again.

He acknowledged that pharmacy benefit companies are struggling with privacy issues, trying to determine what's appropriate as financial matters take an ever larger role in decision making.

"You run this risk of stepping over those boundaries of confidentiality. But no one knows where those boundaries are," Zvonek said. "You running a risk of ignoring the health care aspect and focusing on profit."

One source of profit for the benefit managers is the resale of aggregations of patient data. Although benefit managers remove patient names and other personally identifying information from the records, such data has become increasingly valuable for drug companies and health researchers.

During companies mine the data, for example, to track how much a health plan spends on each specific drug and to try to document whether treatment resulted in the desired outcome. They also use the information to measure the success of direct marketing campaigns and to focus sales forces on doctors who prescribe certain medicines.

Raymond Gilmartin, chief executive of Merck & Co., the giant pharmaceutical company that owns Merck-Medco, said that by monitoring how diabetics take their medication, the firm can save health plans \$260 a year per diabetic by keeping them well—and out of the hospital.

"This is exiting stuff," Gilmartin said. "This is the information everyone is looking for and that everyone wants."

Among the many unresolved questions posed by benefit managers is who has the final say on how personal data is used and maintained. In most cases, according to Schulze-Solce, the health plan that has contracted with a benefit manager to gather the information owns the information.

In many cases that owner is an employer that provides its own health insurance.

"That of course is something that needs to be recognized," said Schulze-Solce. "For society, it is important to get their arms around that because that is a potential source of leak. . . . In theory, [privacy] is depending on the self-discipline of those companies."

In any case, officials at pharmacy benefit managers said patients, doctors and the rest of the medical community might as well get used to them. Not only are they increasingly important to the health care system, but they're not going away anytime soon.

As medical professionals come to rely on a person's genetic history to recommend treatments, even more detailed data will be needed to provide proper care. Schulze-Solce said pharmacy benefit managers will be expected to help fill that need.

He likened the development of pharmacy benefit managers to the evolution of nuclear bombs: "In the case of nuclear weapons, you try to contain the risk," he said. "Trying to go back is moot."

## MULTIPLE CHEMICAL SENSITIVITY

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 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. I continue the submission 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 for the benefit of my colleagues.

#### U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

In a letter from HUD Assistant Secretary Timothy Coyle to Senator Frank Lautenberg, confirming HUD recognition of "MCS as a disability entitling those with chemical sensitivities to reasonable accommodation under Section 504 of the Rehabilitation Act of 1973" and also "under Title VIII of the Fair Housing Amendments Act of 1988" [26 October 1990, 2 pages, R-13]. This was followed by a formal guidance memorandum from HUD Deputy General Counsel G.L. Weidenfeller to all regional counsel, detailing HUD's position that MCS and environmental illness "can be handicaps" within the meaning of section 802(h) of the Fair Housing Act and its implementing regulations [1992, 20 pages, R-14]. Also recognized in a HUD Section 811 grant of \$837,000 to develop an EI/MCS-accessible housing complex known as "Ecology House" in San Rafael, CA, consisting of eleven one-bedroom apartments in a two-story complex. This grant was pledged in 1991 and paid in 1993. [2 pages, R-15] (See also Recognition of MCS by Federal Courts, Fair Housing Act, below.)

#### U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

In response to a disability rights complaint filed against the Baltimore County Parks and Recreation Department (BCPRD) by Marian Arminger on behalf of her three children, which the National Park Service (NPS) accepted for review pursuant to both Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. The Acting Equal Opportunity Program Manager of the NPS ruled that "the BCPRD must accept the determination of disability by the Baltimore County Public Schools [BCPS, see US Department of Education, above] regarding the children and their disability of MCSS [MCS Syndrome]. This will eliminate possible retaliation with a different conclusion by the same public entity." [Case #P4217(2652), 1996, 4 pages, R-102]. The NPS further ruled that "With the determination that these children are individuals with a disability (MCSS), it is necessary to make reasonable modifications to program facilities. It appears that discontinuing, temporarily or permanently, the use of outside or inside pesticide application and toxic cleaning chemicals is the basic reasonable modification necessary in this case. . . . Therefore we believe that steps should be taken by the BCPRD to provide the necessary communication with other affected agencies such as

the BCPS and develop, in consultation with the parents and others deemed appropriate, a plan for the reasonable modification of the program environment for these children."

#### U.S. DEPARTMENT OF JUSTICE

In its enforcement of the Americans with Disabilities Act of 1990, under the terms of which MCS may be considered as a disability on a case-by-case basis, depending—as with most other medical conditions—on whether the impairment substantially limits one or more major life activities. The Office of the Attorney General specifically cites "environmental illness (also known as multiple chemical sensitivity)" in its Final Rules on "Non-Discrimination on the Basis of Disability in State and Local Government Services" (28CFR35) and "Non-Discrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities" (28CFR36), as published in the *Federal Register*, Vol. 56, No. 144, pages 35699 and 35549 respectively [26 July 1991, 2 pages, R-16]. "Environmental illness," also is discussed in the *ADA Handbook*, EEOC-BK-19, 1991, p. III-21 [14 page excerpt, R-17], jointly published by the Department and the U.S. Equal Employment Opportunity Commission. The *ADA Handbook* describes environmental illness as "sensitivity to environmental elements" and, although it "declines to state categorically that these types of allergies or sensitivities are disabilities," it specifically asserts that they may be: "Sometimes respiratory or neurological functioning is so severely affected that an individual will satisfy the requirements to be disabled under the regulations. Such an individual would be entitled to all the protections afforded by the Act."

#### U.S. DEPARTMENT OF VETERANS AFFAIRS

In recognizing MCS as a medical diagnosis (although not as a "disability") in the case of at least one Persian Gulf War veteran [Gary Zuspahn, October 1992, 3 pages, R-18]. It is impossible to know exactly how many other Persian Gulf veterans may have been diagnosed with MCS as the diagnostic data recorded in the VA's Persian Gulf Registry are based on the International Classification of Diseases (ICD-9CM), which does not yet include a specific code for MCS. In June 1997, VA released its "Environmental Hazards Research Centers' Annual Reports for 1996." These included preliminary data from the New Jersey EHRC showing that, of the 1161 veterans randomly selected from the VA's Persian Gulf Registry (living in NJ, NY, CT, MA, MD, DE, IL, VA, OH or NC) who completed the center's questionnaire, 12.5% "endorsed symptoms compatible with a conservative definition of MCS" [1997, 5 page excerpt, R-144]. When the NJ EHRC published its first report on this study, however, in an abstract entitled "Preliminary prevalence data on Chronic Fatigue Syndrome and Multiple Chemical Sensitivity," it said 26% of 104 veterans randomly selected from the VA Register "were especially sensitive to certain chemicals, and 4% reported that this sensitivity produced at least 3 of 4 lifestyle changes . . . suggesting that something about serving in the Gulf substantially increased the risk of developing CFS and MCS" [1996, *Journal of CFS*, 2(2/3): 136-137; R-177]

#### U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF POLLUTION, PREVENTION AND TOXINS, HEALTH EFFECTS DIVISION, OCCUPATIONAL AND RESIDENTIAL EXPOSURE BRANCH, SPECIAL REVIEW AND REGISTRATION SECTION

In a peer-reviewed memorandum entitled "Review of Chlorpyrifos Poisoning Data" from EPA's Jerome Blondell, PhD, MPH, and

Virginia Dobozy, VMD, MPH, to Linda Propst, Section Head, Reregistration Branch. The memo discusses data from several sources on acute and chronic health effects, including MCS, associated with exposure to Dursban and other chlorpyrifos-containing pesticides, and recommends many changes (subsequently agreed to by DowElanco, the manufacturer) in the use and marketing of these products, including the phase out of all indoor sprays and foggers, consumer concentrates, and all pet care products except flea collars. Most significantly, the memo documents that of 101 cases of unambiguous chlorpyrifos poisoning reportedly directly to EPA in 1995, 38 had chronic neurobehavioral effects (including 4 who also had peripheral neuropathy), while 50 "reported symptoms consistent with multiple chemical sensitivity" [1977, 70 pages, R-145].

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RADIATION & INDOOR AIR, INDOOR AIR DIVISION

In its August 1989 Report to Congress on Indoor Air Quality, entitled *Assessment and Control of Indoor Air Pollution* (EPA/400/1-89/001C), the Environmental Protection Agency's Indoor Air Division describes MCS as "a subject of considerable intra professional disagreement and concern (Cullen, 1987). While no widely accepted test of physiologic function has been shown to correlate with the symptoms, the sheer mass of anecdotal data is cause of concern." [14 page excerpt from Vol. 2, R-19]. In 1991, the Indoor Air Division asked the National Research Council to sponsor a scientific workshop on "Multiple Chemical Hypersensitivity Syndrome" the proceedings of which are published in *Multiple Chemical Sensitivities: Addendum to Biologic Markers in Immunotoxicology* [National Academy Press, 1992].

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RESEARCH & DEVELOPMENT

Describes "chemical sensitivity" as an "ill-defined condition marked by progressively more debilitating severe reactions to various consumer products such as perfumes, soaps, tobacco smoke, plastics, etc." in *The Total Exposure Assessment Methodology (TEAM) Study, Summary and Analysis: Volume 1*, by L. Wallace, Project Officer, Environmental Monitoring Systems Division, EPA Office of Research and Development [1987, 2 page excerpt, R-20]. The Office of Research and Development (ORD) began conducting human subjects chamber research at its Health Effects Research Branch in Chapel Hill (NC) in 1992 to identify possible diagnostic markers of MCS. (See also joint entry under U.S. Consumer Product Safety Commission, above.) In the justification for its fiscal year 1998 budget, ORD devotes one paragraph to MCS in the section on Air Toxins, saying that it plans to release "Information comparing individuals who identify themselves as belonging to a particular subgroup (multiple chemical sensitivity) against established norms for a variety of health-related endpoints," and will make "recommendations for follow up to evaluate the potential relationship between the signs/symptoms reported by these individuals and objective/quantitative health endpoints" [1997, 3 page excerpt, R-160].

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

In the *ADA Handbook EEOC-BK-19* [1991], 14 page excerpt, R-17], jointly published by the EEOC and the Department of Justice (see above) and in a Determination Letter signed by Issie L. Jenkins, the director of the Baltimore District Office, recognizing MCS as a

disability under the Americans with Disabilities Act requiring workplace accommodation, consisting in this case of a private office with an air filter, *Mary Helinski v. Bell Atlantic*, No. 120 93 0152, 17 May 1994 [2 pages, R-22].

FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY, SUBCOMMITTEE ON RISK ASSESSMENT, WORKING PARTY ON NEUROTOXICOLOGY

In its *Final Report: Principles of Neurotoxicology Risk Assessment*, published in the Federal Register by the US EPA's Office of Health Research [17 August 1994, 45 pages for entire report, R-161, or 3 page excerpt, R-162], which says in Section 2.5.1 on "Susceptible Populations" that: "Although controversial [Waddell 1993], recent evidence suggests that there may be a subpopulation of people who have become sensitive to chemicals and experience adverse reactions to low-level exposures to environmental chemicals [Bell et al 1992]." The report is "the result of the combined efforts of 13 Federal agencies comprising the ad hoc Interagency Committee on Neurotoxicology," including ATSDR, the Center for Food Safety and Applied Nutrition, Center for Biologics Evaluation and Research, Center for Drug Evaluation and Research, Consumer Product Safety Commission, Dept. of Agriculture, Dept. of Defense, Environmental Protection Agency, National Center for Toxicological Research, National Institutes of Health, National Institute of Occupational Safety and Health, and the National Toxicology Program.

FEDERAL INTERAGENCY WORKGROUP ON MULTIPLE CHEMICAL SENSITIVITY

Formed in 1994 to review and coordinate the role of federal agencies involved in research on multiple chemical sensitivity [1 page agenda from 9/14/94 meeting, R-91]. The Work Group is so-chaired by Dr. Barry Johnson, Assistant Surgeon General and Assistant Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and Dr. Richard Jackson, Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention. Other agencies represented include the Departments of Energy, Defense, and Veterans' Affairs, the Environmental Protection Agency and two other institutes within the Department of Health and Human Services: the National Institute for Occupational Safety and Health, and the National Institute of Environmental Health Sciences. Draft report is expected to be released by ATSDR in September 1998 for a 60-day public comment period.

NATIONAL COUNCIL ON DISABILITY (AN INDEPENDENT FEDERAL AGENCY)

In ADA Watch—Year One, its "Report to the President and Congress on Progress in Implementing the Americans with Disabilities Act," which recommends that Congress and the Administration "should consider legislation to address the needs of people with "emerging disabilities," such as those . . . "with environmental illness who are severely adversely affected by secondary smoke or other pollutants in public places" [5 April 1993, 8 pages, R-23].

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

In its report to the President, entitled *Operation People First: Toward a National Disability Policy*, which recommends that the federal government "develop, refine and better communicate methods of 'reasonable accommodation,' in particular, the accom-

modation needs of people with . . . chronic fatigue syndrome and multiple chemical sensitivity" [1994, 5 pages, R-24] encouraging the Deputy Ministers of Housing, Health Community and Social Services "to begin a consultative process and help to establish some guidelines" spelling out exactly what services and benefits are available to provincial residents with MCS, including possible admission to treatment facilities in the United States [27 October 1989, 2 page letter and 2 pages of press coverage from the *Globe & Mail*, R-158].

RECOGNITION OF MCS BY 28 U.S. STATE AUTHORITIES

ARIZONA TECHNOLOGY ACCESS PROGRAM, INSTITUTE FOR HUMAN DEVELOPMENT, NORTHERN ARIZONA UNIVERSITY

In a report written for the general public entitled *Topics: Multiple Chemical Sensitivity* with sections on What is MCS, Symptoms of MCS, People Diagnosed with MCS, What Can Cause MCS, Treatments, MCS and the Medical Community, MCS is Now Recognized as a Disability, Accommodating Individuals with MCS in the Workplace, MCS is Preventable, and a list organizations and government agencies to contract for Help and Information. Funding for this document was provided by the US Dept of Education National Institute on Disability and Rehabilitation Research (NIDRR), grant #H224A40002, but a disclaimer notes that the content does not necessarily reflect the views of the US government [October 1996, 11 pages, R-129].

ARIZONA DEPARTMENT OF ECONOMIC SECURITY, REHABILITATION SERVICES ADMINISTRATION, AND STATEWIDE INDEPENDENT LIVING COUNCIL

In RSA's Interim Fiscal Year 1995 State Plan for Independent Living, specifying that "Services Related to Housing" include "modifications to accommodate people with EI/MCS" [Attachment 12, 1 October 1994, 7 pages, R-31] and in an administrative review decisions issued 22 June 1992 in the case of a vocational rehabilitation client determined to be "severely disabled" by "environmental illness, allergies." In addition, training on MCS was presented to both Vocational Rehabilitation and ILRS counselors at the 1994 state staff conference.

ATTORNEY GENERAL OF CALIFORNIA

In the final report of the *Attorney General's Commission on Disability*, recognizing environmental illness as a disabling condition [1989, 8 page excerpt, R-33].

ATTORNEYS GENERAL OF NEW YORK

Backed by 25 other Attorneys General from AL, AZ, CT, FL, IA, KS, MA, MN, MO, ND, NJ, NM, NV, OH, OK, OR, PA, SD, TN, TX, UT, VT, WA, WI, WV.)

In a thoroughly documented petition to the U.S. Consumer Product Safety Commission, requesting the issuance of safety standards and warning labels governing the sale of carpets, carpet adhesives and paddings suspected of causing MCS and other illness [1991, 1 page excerpt, R-32a, 350 pages total].

CALIFORNIA DEPARTMENT OF HEALTH SERVICES, ENVIRONMENTAL HEALTH INVESTIGATIONS BRANCH

In its extensive final report on "Evaluating Individuals Reporting Sensitivities To Multiple Chemicals," funded by the federal Agency for Toxic Substances and Disease Registry under Cooperative Agreement No. U61/ATU999794-01 [September 1995, 6 page excerpt including abstract, advisory panel members, and table of contents, R-34]. A cover letter sent by the EHB to the project's Advisory Panel members notes the

extraordinary preliminary results obtained from an annual survey of random Californians to which questions about MCS were added for the first time in 1995. Of the first 2,000 people surveyed, 16% reported suffering from MCS symptoms while 7% ("certainly far higher than any of us may have expected") claim they have been diagnosed with MCS by a physician. [3 October 1995, 2 pages, R-100]. Citing personal communication with Dr. R. Kreutzer, the acting chief of the EHB (also confirmed with Dr. Kreutzer by MCS R&R), Dr. Ann McCampbell reported the study's final results in a letter to the editor published by *Psychosomatics* 38(3): 300-301, May-June 1997: of 4,000 people surveyed, 15.9% reported chemical sensitivity and 6.3% said they had been given the diagnosis of MCS by a physician [1997, 1 page, R-141].

CALIFORNIA ENERGY COMMISSION

In its report on *California's Energy Efficiency Standards and Indoor Air Quality* (#P400-94-003), which says of MCS that "Its increasing incidence is suggested as accompanying the increasingly wide-spread use of products manufactured with potentially toxic chemical constituents. Available information points to this condition as an acquired disorder usually resulting from prior sensitization to chemicals in the environment" [1994, 2 page excerpt, R-35].

CALIFORNIA LEGISLATURE, SENATE SUBCOMMITTEE ON THE RIGHTS OF THE DISABLED

In its final report on *Access for People with Environmental Illness/Multiple Chemical Sensitivity and Other Related Conditions*, chaired by Senator Milton Marks, that summarizes four years of investigations by the subcommittee, [30 September 1996, 26 pages, R-109]. The report addresses common barriers to access in public buildings, transportation, institutions, employment, housing, and present detailed suggested solutions, both those required under law and others recommended. It covers the work of the subcommittee, its outside Advisory Panel, and its MCS Task Forces (on Building Standards and Construction, Environmental Illness, Industry, Medicine and Health).

FLORIDA STATE LEGISLATURE

In legislation that created a voluntary Pesticide Notification Registry for persons with pesticide sensitivity or chemical hypersensitivity, as long as their medical condition is certified by a physician specializing in occupational medicine, allergy/immunology or toxicology [Florida Statute 482.2265(3)(c), 1989, 7 pages, R-38]. The legislation requires lawn-care companies to alert registry members 24 hours in advance of applying chemicals within a half-mile of their home. Note that pesticide sensitivity registries also have been adopted in CO, CT, LA, MD, MI, NJ, PA, WA [1992, 6 pages, R-149], WV and WI, but these do not refer specifically (by any name) to MCS-type illness, and most require notification only of adjacent properties.

INTRODUCTION OF RESOLUTION SUPPORTING THE HAN YOUNG WORKERS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. LOFGREN. Mr. Speaker, I rise today to introduce a resolution on behalf of workers

who are on strike to improve conditions at the Han Young truck factory in Tijuana, Mexico. Congress has a moral obligation to support these workers, who are fighting for their basic democratic rights.

The Han Young factory is a contract factory that assembles truck trailer chassis for the Hyundai Corporation. The workers of the Han Young factory, consistent with their rights under Mexican law, formed a union to address issues like low wages and worker safety. However, the management of the Han young factory has refused to bargain with the union and local officials failed to recognize the union. Since May of 1998, eighty Han Young workers have been on strike to protect their basic right to organize.

Under the procedures outlined in the North American Free Trade Agreement, the United States National Administrative Office (NAO) in the Department of Labor has conducted a review of the conditions at the Han Young factory. The NAO found consistent and credible reports of a workplace polluted with toxic airborne contaminants, operating with unsafe machinery, and numerous violations of health and safety standards. The workplace of the Han Young workers lacked even "adequate sanitation facilities for workers to relieve themselves" or even "get a drink of water."

Our trading partners must address the issue of worker's democratic rights. In the case of Mexico this means enforcing already existing labor laws. It is vital that we in Congress send a strong message in support of the Han Young workers. I hope that you will join me in support of the Han Young workers.

COLONEL JAMES R. MARSHALL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SISISKY. Mr. Speaker, I want to recognize the honorable, selfless, and dedicated service to this country by Colonel James R. Marshall, who will be retiring from the U.S. Air Force on January 1, 1999 after over 28 years of military service. Colonel Marshall began active duty in the Air Force on August 22, 1970, after graduating from the Virginia Military Institute.

Colonel James R. Marshall distinguished himself by performing exceptionally meritorious services to the United States while serving in positions of increasing responsibility culminating as the Director, Environmental Restoration Program and Acting Assistant Deputy Under Secretary of Defense for Environmental Cleanup. During this period, his outstanding leadership and devoted service to the Office of the Secretary of Defense, the Department of Defense, the Services and the United States of America have been of the highest tradition of senior members of the United States Armed Forces.

From his first assignment as a Communications Maintenance Officer in Montana to his last in the Pentagon, Colonel Marshall distinguished himself by his ability, diligence and selfless devotion to duty. His assignments took him to across the U.S. to Montana, New

Jersey, Ohio, California, Hawaii, Georgia and Virginia as well as overseas to the Philippines and England.

The exemplary ability, diligence, and devotion to duty of Colonel Marshall were instrumental factors in the resolution of many complex problems of major importance to the Air Force and the Department of Defense. As Commander of the Civil Engineer Squadron and the Base Civil Engineer at Mather AFB, from July 1987 to August 1990, he superbly provided direct, day-to-day management of installation engineer projects and programs and well as ensured that his personnel were trained and ready to meet mission requirements. The fact that he guided his unit to earn the Installation's Heating, Ventilation and Air Conditioning Award attested his keen sense of environmental awareness as well as his interest in conserving resources.

In 1990, Colonel Marshall became the first Director for Environmental Management for the U.S. Pacific Air Force. While serving as the Director, from August 1990 to August 1993, he developed and established a program to oversee the closure of Clark Air Force Base in the Philippines. He readily identified environmental work that needed to be accomplished and successfully obtained a 70 percent increase in funding for the Environmental Program. Of particular note, Colonel Marshall ensured that hazardous material and hazardous waste was accounted for and properly disposed of, to include proper annotation of PCB's on the installation prior to base closure.

Following his assignment in the Philippines, he served as the Director of Environmental Management at Warner Robbins Air Force Base, GA from August 1993 to June 1995. Under his superb leadership and environmental stewardship, Warner Robbins Air Force Base won the coveted Department of Defense Environmental Award for the best Environmental Program in 1994. He was also instrumental in obtaining funding to repair damage following the severe flooding caused by Hurricane Andrew in 1994. In addition to the providing oversight for repair of flood damaged facilities and proper disposal of hazardous materials, he identified requirements for, successfully designed, and found funding for a new state of the art hazardous materials storage facility which serves the base today.

Colonel Marshall's superior performance as a Director of Air Force Environmental Management Programs resulted in his selection to serve as the Environmental Restoration program manager for the Deputy Under Secretary of Defense for Environmental Security's Environmental Restoration Program. He was instrumental in the development and coordination of the "Department of Defense Environmental Restoration" Instruction, which was published in April 1996. This hallmark publication implemented and refined policies as well as prescribed procedures for the Defense Environmental Restoration Program, funded by environmental restoration accounts, and the Base Realignment and Closure environmental restoration program. Additionally, he developed and coordinated a publication, "Management Guidance for the Defense Environmental Restoration Program," published in March 1998. The two publications serve as cornerstones for the entire Department of Defense Environmental Restoration Program.

As the Acting Assistant Deputy Under Secretary of Defense for Environmental Cleanup, Colonel Marshall was a key player in the complete integration of realistic environmental cleanup funding requirements into the Department of Defense's Planning, Programming and Budget System Process. This herculean achievement resulted in the creation of planning and budgeting documentation as well as development of reporting systems to forecast requirements using reliable data from over 1700 Department of Defense installations and 9000 formerly used Department of Defense properties. In addition, he was instrumental in the development and implementation of measures of merit, based on site level data, to measure past progress and to project future performance of the Department of Defense Environmental Restoration Program against Defense Goals. His efforts resulted in stable funding for the Department of Defense Environmental Restoration Program.

Throughout his military career he has brought innovative leadership skills to each of his assignments. He routinely demonstrated a superb ability to combine his extensive program management skills with certain intangibles that constitute leadership, promoting the best efforts of the Department of Defense's Environmental Restoration Program staff on a daily basis. He has gained the trust and confidence of everyone involved in this effort from installation commanders, to congressional representatives by building consensus among those with competing agendas.

As a cadet at the Virginia Military Institute, an old and respected institution that has produced many fine leaders, Colonel Marshall ab-

sorbed a heritage of duty, honor, and country that he has more than fulfilled. The singularly distinctive accomplishments of Colonel Marshall culminate a long and distinguished career in the service of his country and reflect great credit upon him, the United States Air Force, the Department of Defense and his country.

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AUTHORIZING THE COMMITTEE ON  
THE JUDICIARY TO INVESTIGATE  
WHETHER SUFFICIENT GROUNDS  
EXIST FOR THE IMPEACHMENT  
OF WILLIAM JEFFERSON CLIN-  
TON, PRESIDENT OF THE UNITED  
STATES

—

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to the Republican's Impeachment Inquiry Resolution.

Like so many Americans, I personally am disappointed by the President's conduct. The President demonstrated an extraordinary lack of judgment and respect for his family, the Presidency, and the American people.

The President's actions were wrong. But, as many Americans have indicated, they hardly warrant impeachment.

In pursuing their partisan attack on the President, Republicans are trivializing the im-

peachment standard. It is an insult to the traditions of this Chamber that the majority party allowed only two hours of debate on such a critically important matter as impeaching the President of the United States.

The power to impeach and remove a sitting President from office is one of the most important Constitutional responsibilities our Founding Fathers assigned to Congress. In the more than 200 years of our nation's history, the House has faced this weighty decision only twice. As elected officials we cannot take this matter lightly. To do so would degrade and undermine our judicial system and the U.S. Constitution.

And what about the Americans who voted to elect the President? While many Americans are unhappy with the President's actions, they are even more unhappy with the way the House is handling the matter. Many of my constituents—both Democrats and Republicans—have written to tell me that they are sick of this issue, do not appreciate the constant barrage of graphic details and want the President and Congress to do the work they were elected to do.

I couldn't agree more. Americans are far more interested in the status of our economy, reforming health care, reducing crime, improving our schools and preserving Social Security than the President's personal improprieties.

Does Congress have a duty to fully investigate any actual wrongdoings by the President? Of course. But this investigation must be based on facts, not politics.

I urge a no vote on the resolution.