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 judgement, supplemented by short-term liquidity support. When the IMF focuses on multi billion-dollar loans, it plays a poker game it cannot possibly win. But just as the reckless lancer-foresaw 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 imposed austerity on the basis of directives imposed from abroad. The temptation to seek reverse—or at least to buffer— was 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 rapid rise of financial markets 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 overvalued and local currency holders converted their savings into dollars at the rate of borrowing—at no apparent currency risk. The borrowers invested in real estate and became overvalued and local currency holders converted their savings into dollars at the rate of borrowing—at no apparent currency risk. The borrowers invested in real estate and ended up with large devaluation.
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 may be overwhelmed. Institutions, large 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 was never designed, the IMF has failed to grasp the political impact of its actions. In the name of free-market orthodoxy, it usually attempts—in an almost academic manner—to compare the economic efficiency 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 that the prospects 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 case, the economic recovery has followed the forecast of the growth rate, which, in Indonesia, is now a negative 10 percent. In Thailand a negative 6 percent. In Korea, an optimistic positive one percent. It could be argued that without the IMF program, conditions would be worse, but his is no consolation for thousands of 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.

HONORING HOWARD ST. JOHN
HON. MAURICE D. HINCHLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 13, 1998

Mr. HINCHLEY. 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 and to expand its membership.

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 reinvigorated growth is essential.

Above all, the institutions that are set with international shareholders in mind of reform. A new management to replace that of Brenton Woods is essential. It must find a way to distinguish between systematic 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 earliest role 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 are taken 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 in 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.

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. Although extending this deduction benefits many charitable organizations, it is a powerful 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 must be able to 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 our social needs, the government cannot 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 individuals from disposing of their businesses in this manner.

Earlier this year, I was joined by Senator Feingold and Senators Nader, Smith and Brownback 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 within a year. The legislation mandates a 90 percent charitable deduction for contributions of stock to private foundations.

The underlined 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 donors to give significant amounts of closely-held stock. H.R. 3029 and S. 1412, the Charitable Giving Incentive Act of 1998, would permit the tax-free liquidation of closely-held corporation into a charitable 1 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 have been 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 legislation 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,


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 (DRUM), which is legislation to ensure that the basic democratic rights of union members are protected. The bill is sponsored by many distinguished members of the House, including Mr. Gilman, who I understand is a cosponsor.

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 hearing testimony 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 Borellakers 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 editor 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 merger 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. Mr. Benson has called 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 aftermath, the LMRDA led to 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 union 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 “Loop-holes” 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 amendments would provide a framework 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 1946 after receiving his law degree. In 1962, 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. His writings and lectures 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 developed a system of bribery and election irregularities as a means of fighting 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 elected their local union officials. 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 involving 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 Labor Law at the University of Pennsylvania Law School.

In considering the proposed bill, we must first ask ourselves 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, which governs 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 a Bill of Rights which has increased transparency and responsibility in union finances; it has established standards for fair elections; and it has articulated the fiduciary obligations of union officials. It has enriched the democratic processes in union government, has encouraged union members to make their voices heard.

The requirement 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 foreseen 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 which the Landrum-Griffin Act overlooks when the statute was drafted. I will argue that, by properly reducing the stifling of the democratic process at the local union level, this does not mean that the statute is void of error.

During that period, the members do not have a trustee in office unless they have been tried and found guilty of conduct justifying their removal from office. They are not immediately guilty of obstruction, but the 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. In Title IV, Section 404(e), a procedure is provided in Section 404 that local union officers should be elected by direct vote of the members, as contrasted with election by delegation of the national 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 recognizes traditionally that the representative functions in most unions of negotiating collective agreements and handling grievances, with an inevitable increase in the effectiveness of the law by closing two windows 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 LMRA has strengthened the labor movement by strengthening the rights of members in their unions. This is the purpose.

I am a founder and secretary treasurer of the Association for Union Democracy, established in 1969 to promote the principles and values 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 a moral 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 for 33 years, have been 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.
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 is most important politically to the rank and file 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 officials.

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 hall referrals. By legally evading over the collective bargaining process, locals are reduced to mere administrative shells. The members continue to elect local officers, but they are not essentially the self-governing units they once were. Real power passes into the hands of district officers.

But the district council setup permits officials to evade the provisions of the law for direct elections because the law now permits officers by such "intermediate" bodies to elect officers 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 control of an 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, favors or gifts, personal or political support in their locals, etc.

Direct election by local members allows the rank and file to control their officers. Instead, the LMRDA officials control the delegates and the officers; the LMRDA is evasively exercised.

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 officers by direct majority vote.

Union spokesmen and others argue that it is necessary to centralize power in the hands of district organizations in order to strengthen their bargaining power and to make them more efficient in organizing the unorganized. I would not quarrel with that contention. However, the amendment 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 tendency. It had been anticipated that 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 Constitution of the United States. It was a measure that 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 1940's 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 officers used the trusteeship device to undermine and repress the independent-minded critics, even to prevent the replacement of corrupt officials by reformers, and to manipulate the votes of locals to suit the interests of the international.

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 with the rest of the law, Title III had some positive effect. At the time the LMRDA was adopted in 1959, the Labor Department reported, 467 trusteeships were current. In 1967, however, only 98 trusteeships were reported. But 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 from misusing the trustee device to undermine and repress membership or to prevent the entry of independent-minded critics. The trouble is that, at time passed, those who use trusteeships for devious aims have learned how to thwart and evade the provisions of Title III, which is why it needs strengthening.

Title III permits trusteeships to be imposed for certain legitimate reasons; and, if it happened 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.

To meet that point, the trustee can call for new elections, supervised by a committee chosen by him or his cronies, fairly confident that no one will protest. The reality of that procedure; and nothing in the proposed amendment would do 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 limitations on the validity of the LMRDA, 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 go to court, the 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 to the leadership for the post-trusteeship period. The amendment would require either the reinstatement of the local officers previously elected by the membership or the election of new officers 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 in character, clearly improve, 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—to 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've 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 praised—are who we remember as 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 BLAZONCYK
HON. ROD R. BLAGOJEVICH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 13, 1998

Mr. BLAGOJEVICH. Mr. Speaker, my colleagues, Mr. Kucinich, and I rise today to honor Mr. Eddie Blazoncyk 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. Blazoncyk 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. Blazoncyk 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 banquete 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. Blazoncyk 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 Blazoncyk 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.

IN HONOR OF JACK CORRIGAN
HON. SHERWOOD H. BOEHLEHT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 13, 1998

Mr. BOEHLEHT. 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.

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 career. 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 Mr. Corrigan's tenacity 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—in local matters—would 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 from 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 on the agenda to celebrate the role 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 can the coming conflict be embraced as a vehicle to 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. A little discussion 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 shame. The dispute is whether the Federal government ought to make efforts to alter the productive structure of such areas so that they may be able to compete with their neighbors in the production of goods and services, 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 it is most competitive. Thus the lagging regions suffer not only from a failure of the internal use of 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. The result is that outlying rural areas are lagging, in part, because they are not able to invest in infrastructure, both human and physical, which would make the areas more attractive to businesses and new residents. This was true in 1960, when the U.S. Census Bureau estimated that 30 percent of the nation’s economically disadvantaged population lived in the South. The massive Bonneville hydro project on the Columbia River was built to provide employment in the Pacific Northwest. But it has not been able to help the people in Washington State pay one-fifth the rate of electricity that a similar plant pays in the East because of Bonneville power and the other Federal subsidies which are eating up the difference. 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 plans, and fertilizer plants have lifted the 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 was not enough. In his 1965 State of the Union address, President Johnson recommended that the solution to the problem of economic development in these 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, 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.

In 1966, 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 matter what 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 debate was not over whether we could afford the State of the Union, as it 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 America?"

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 Region 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 many significant achievements were made by ARA, 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 October 13, 1965, President Johnson signed into law the Public Works and Economic Development Act. The new legislation reaffirmed the ARA mission of permanently alleviating conditions of substantial and persistent unemployment and underemployment in distressed areas and emphasized the related importance of the creation of the right employment opportunities for our displaced workers. This legislation also provided the Federal government with the tools to implement its development policy in a way that would ensure that Federal assistance was used to contribute to the long-term economic development of the nation, in the form of balanced regional economic development.

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 economic development and training programs at the site. EDA also provided funding to a number of small, isolated communities which had suffered directly from the closing of the Yard and in the years since, EDA has continued to support these communities with focused efforts to revitalize the yards and other industrial sites in the nation.

EDA showed the way in 1976 in supporting the development of the first successful regional comprehensive planning initiative in the nation—EDA’s Regional Policy Strategy (RASTA) process. Since its inception, RASTA has provided the framework for EDA’s efforts to support regional economic development planning efforts in the nation’s distressed areas.

EDA showed the way in 1991 in responding to the closure of the Northglenn, Colorado, missile site and the challenges it posed for the local area and the nation. EDA provided substantial support to the development of a successful economic development strategy that led to the creation of a new regional economic development strategy for the site and a new regional economic development strategy for the nation.

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October 13, 1998

EXTENSIONS OF REMARKS

26079

EDA responded in 1974 by promptly adminis-
trating a $400 million Title X program on the off of EDA
before our committees and who strongly sup-
ports EDA.

We have the leadership of Assistant Sec-
yetary Ginsberg who is developing a stra-
tegic vision for a new EDA—an EDA that
will involve change—change which we must
be prepared to embrace. He is the only As-
sistant Secretary EDA has had who is an
economic development professional. Under
his guidance, new programs are being de-
veloped. You will hear later about our Competi-
tive Communities initiatives which will
data new economic base of globally com-
petitive, 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 re-
dundant 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 applica-
tions and by continuing the review of applica-
tions in 60 days or less. We did it in LPW—
we did it in the Drought Program. We have
done it in 12 months in our Disaster re-
coveries efforts—we will do it.

What else must we do? Assistant Secretary
Ginsberg has given us a charge to mount an
outreach effort to educate EDA’s new lead-
role and its continuing importance to Amer-
ica’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 Hammelund, our
EDF for Connecticut and Rhode Island, who
has already completed his plan, offered the
following. In the plan he submitted to our
federal service, in this plan stated: “I did
not have to reach out to the economic develop-
ment 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 out-
reach process and we must not simply de-
pend on the vigorous commitment and work
by our leaders in Washington. A few week
ago I was discussing this outreach effort
with a businessman from New Hampshire, Char-
lie 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
work of action will 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 temporary, but one that is permanent
the promise of a better tomorrow.

I was young,

I did not

who once wrote about an over-
whelming day in her life. She said, “The
washing machine broke down, the telephone
brought a bill I had to no money to pay. Al-
most to the breaking point, I lifted my one
hand to take off the belt around my waist, put
my head against the tray, and began to cry.

I could have used that pacifier all week, as
I kept thinking about something Rabbi Mil-
ton 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;
not for his wife or his child, not for the country;
not for anyone. In many ways it seems to have
brought out the worst of human nature—meanness of spirit, vindic-
tiveness, derision, humiliation.

The worst” because as British philoso-
pher 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
with a whirwind of sex, lies and videotape. A media
feeling frenzy to have everything about ev-
everyone sent everywhere, instantly—it is the
information age run amuck.
EXTENSIONS OF REMARKS

Today is Yom Hazikaron the Day to Remember—what? Remember who we are. Remember that we think we are human beings, 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." Don't look at the other person, but at the lie. There is nothing new about the lie. This is what Jewish tradition calls, Avak HaTefutzo—a thief and murderer. The thief is caught, and every one of us from the lowest to the highest is accorded dignity and respect. Because we believe 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.

And the saying is true, we are committing one of Judaism’s gravest sins. That is why I so desperately want us to seize this moment as an opportunity to remember who we are—we who can be—who we must be. To remember perhaps the core, fundamental truth that each of us, up to and including the latest-born, has a spark of divinity 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 something that dishonors each person as a 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.

So we have lost our moral balance—from political sound-byte attacks ads to hard copy to what passes for the nightly news—we have cheaper, no-cost entertainment than anything I have ever

"Death and life are in the power of the tongue." Remember Richard Jewell who became a hero overnight by saving President Bill Clinton from an assassination attempt at 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 Bill Clinton from an assassination attempt at 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 can kill a person only once, but when you humiliate, you kill him many times over.

What can we teach our children?

This is what Jewish tradition calls, Avak Lashon Hara—"The Dust of the Evil Tongue"—and it is settling 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? We can teach them that tomorrow morning hour after hour of the President’s taped testimony will be broadcast over the nation’s airwaves. This is what Jewish tradition calls, Avak Lashon Hara—"The Dust of the Evil Tongue." And it is settling around us.

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

Mr. Speaker, I guess I’m just one of God’s kids. 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.

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 of a sharecropper's son in Itta 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 inspired 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 Coordinating 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 80'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 was personalized for special occasions. Utilizing the entrepreneurial skills she acquired at Camp Start-Up to launch the business, HerStory 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 congratulation her on this impressive accomplishment.

USEFUL RECOMMENDATIONS ON NORTH KOREA

HON. LE 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 U.S. Department of State, the National Academy of Sciences, and the National Academy of Engineering, headed by Mr. KENNEDY of Massachusetts. Mr. Kennedy has long been a leader in the fight against nuclear proliferation and weapons of mass destruction (WMD), and also developed a view to ensuring the non-proliferation of nuclear weapons for all inspectors 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 ensure bipartisan support in the Congress and to work closely with our South Korean and Japanese allies on a common approach. This senior representative should convene representatives of the various diplomatic, political, and military front of power in Pyongyang the seriousness with which the United States views recent North Korean actions and should test North Korean willingness to engage in more constructive approaches to our long-standing confrontation.

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 the North Korean's part to do so will lead eventually to a collapse of the accord in any case.

In our opinion, the Agreed Framework is a process that not only seeks to specify a policy designed to enhance stability on the peninsula. Unless and until it is proven that North is violating the accord, it should remain in place. Should the agreement with 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. 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 reading the recommendations of the KEDO, which also could lead to a collapse of the Agreed Framework.

EXTENSIONS OF REMARKS

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
EXTENSIONS OF REMARKS

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 different 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, with politeness, truthfulness and politeness and politeness, she is a problem solver 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 the Good Lord and Wynel Parker, and had 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 prevents 2,500 overseas companies (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 (re­luted 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 protectionism 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 thinking. The British newspaper 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 not 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 bad decisions and a lack of self­reckoning. Such was the case recently with the Jones Act. The Ben Thomas story is the Jones Act story. The Ben Thomas story starts on Kodiak Island, Alaska. There's a fellow there named Ben Thomas who run a lumber company. This man was a kind, decent fellow, who could not have been a ship owner, but he wanted 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 ship them back to their home base, to send them to Olympia, Washington. Even if he wanted to pay the outrageous shipping prices. Mr. Thomas says, during good years, the 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 offload the 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 Freedom to Transport Act is the same for producers in many other industries—oil, agriculture, steel, coal, automobiles, to name but a few. Thanks to the
EXTENSIONS OF REMARKS

October 13, 1998

Jones Act, the U.S. today has a downsized, overaged, shipbuilding 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. State Department, more like the 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 overbuilt. A landlocked 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 the facts suggest the opposition has concentrated on the high price of ships.

According to the U.S. Maritime Administration, the U.S. has only 120 self-propelled vessels capable of carrying cargo that 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 in 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 sore replacement for real shipping. Forget about foreign competition: as it stands now, the domestic shipping industry has enormous barriers to entry for potential entrants because of the high price of 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, Inc’s $1 billion 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 is Washington is that the shipbuilding industry provides politicians with steady, lucrative cash flow.

According to a 1995 International Trade Commission study dealing with only oceanborne 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 $1.8 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 alms.

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 $2 million to Congressmen in contributions and individual campaign contributions.” Mr. Quartel says that in 1994, three officers of the United Marine Administrative Officer, Mr. Quartel says that in 1994, three officers of the United

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. Burmey II. She became well known on Capitol Hill as Sergeant Burnley, and has been instrumental in 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 Burnley has served this nation with distinction in war and in peace for the last eight years, and in her reaching to 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 SGT. BLANCA ZOILIA 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, 1992, Sergeant Burnley completed a highly successful tour as the Marine Corps’ Liaison Non-Commissioned Officer to the 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 Ord ners 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 Company, as a Supply Specialist 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. Lance Corporal Valadez was subsequently promoted to Corporal on August 20, 1992. Two years later, Corporal Valadez was promoted to Sergeant.

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

SPEECH OF
HON. JOHN J. LAFAULCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, October 12, 1998

Mr. LAFAULCE. Mr. Speaker, the Kennedys of Massachusetts have had a distinguished history, 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 name and his constituents in 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
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

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 philanthropy 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 crown 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 Broadway, daughter Jerene and son Mark.

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 saying and doing "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, shuttering 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 benefited 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 Marshall 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 embarrased 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.

EXTENSIONS OF REMARKS

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 that. With the help of private and 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 most significant projects, 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.

In INTERFAITH’s 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 Samrjit 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. Alarmingly, some of them have been rotting in jail since 1984! Human-rights activist Jaswant Singh Khalra, 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 turned upside down in the face 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 cases that clearly illustrate the facts that police come 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; forcible occupation of public places, including houses of worship, like the Golden Temple in Amritsar; extrajudicial killings of political workers, relatives of political and illegal 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 and that police atrocities can be exposed, and will cease to be covered up by India's political leaders.

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, SHIRMOANI 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 Punjab still a police state?

Human rights abuse in Punjab in the last decade and a half has shattered the lives of a number of individuals and their families. Effectively, Punjab has been administered as a police state. The situation did not change even after the victory of Bhindranwale's Congress government in 1992 and diminution of alleged extremist activities. The people of Punjab expected that the political and human rights environment would change with the election of the Akali Dal Badal-BJP government in February 1997. Panjab into 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 ensure the legal and judicial system in Punjab is a place where justice prevails. Human-rights activist Jaswant Singh Khalra, 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 turned upside down in the face of justice.

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October 13, 1998

EXTENSIONS OF REMARKS

26086

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militants, have been tortured, harassed, de-
talented, and killed. Families of slain militants continue to face the vengeance of the police. Even in cases not related to militants, there has been a spate of killings of innocents. A recent attempt has been made by the Badal government to dignify the police and to train them to respect human rights.

13. Extension of Remarks: The Director General of Police has “confiscated” tons of explosive material. Apart from the news-story that such material was recovered from the “first batch” of militants, 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. Is it possible to train the police 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 Express was killed by In-
dian security agencies in 1993, soon after he had documented the illegal arms smuggling. Is this material missing by the Indian state through its secret services.

We are closely monitoring the progress made by the police in recovering the huge ar-
senal of arms and ammunition ostensibly re-
covered from militants and now missing from police records and stores. According to a communication from the Additional Direc-
tor General of Police (Crime), Mr. Jarnail Singh Chalal (as mentioned in internal memos to all district SSPs in Panjab in Sep-
tember 1997) as many as 10,451 weapons com-
prising of AK47s, AK57s, rifles, revolvers, pis-
tols, rocket launchers, rockets are missing. There is no iota of doubt that they have ei-
ther been distributed as bounties to the pet vigilantes of the Panjab police or to the Con-
gress leaders of Panjab. To make matters worse, a large number of such arms have been given to untrained “special police offi-
cers” (in the name of paramilitary forces). Mr. Jarnail Singh Chalal had promised to the people of Panjab that he would keep an eye on the role of the government and the police in anti-Kannadiga riots in 1992. The endorsement of the chief minister’s action, calling it “illegal”, and its political use is not for the first time; even during his ear-
lier tenure, Mr. S.M. Daud and Justice H. Suresh made an ex-
tensive enquiry and submitted a report on the firing in Arwal in Bihar in 1987, the burning of 400 huts of tribals in Vishakapatnam dis-
trict in 1996 and the burning of 120 huts in the Andhra pradesh in 1997 and the burning of 120 huts in the Andhra pradesh in 1997.

The focus of the work of the People’s Com-
mission will not go in vain. The report of the People’s Commission will go a long way to enhance respect for human rights and to smother the politically moti-
vated propaganda against this humble at-
tempt to place human rights before the needs 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 Com-
mission will not go in vain. The report of the People’s Commission will not meet the same fate as the Panjab Advocate General, Congress and BJP will not be able to ignore the recommendations of the commission, according to the current man-
date, cannot redress the fears, grievances and genuine complaints of victims of the disturbances in Panjab. Moreover the labour of the People’s Commission will go a long way to enhance respect for human rights and to smother the politically moti-
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tempt to place human rights before the needs 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.

The Panjab State Human Rights Com-
mision will do well to train the Indian po-
lace, paramilitary and military forces to rec-
ognize the harsh reality that sooner or later the 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 humani-
tarian law” will not be adequate to protect either the protagonists or the perpetrators of human rights abuse.

We are convinced that no serious effort has been made by the government of Panjab or the government to popularize the commission and its work among the people of Panjab. Law and order in Panjab has taken place since its formation. The people of Panjab are eager to know the number of
of cases in which suo moto action has been taken by the Commission. We look forward to the first annual report of the Punjab State Human Rights Commission, and anxiously wait to see how it nails down the above points, we shall gladly furnish them.

We appeal to you and through you also to the overindulgent Advocate General of Punjab State, Gurudaran Singh Grewal, to advise the present State government in Punjab 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, inspite 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 magnificient 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 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 Dellsouth 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 to take 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 a man RON led the effort to relocate the military budget. He continued to support the Congressional Black Caucus alternative Caring Majorlity Budget. His concerns for full employment and job training as well as a more generous and sustained investment in education never wavered 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 of many with a background including some weapon of destruction, is transformed by the Dellsouth 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 BENSTEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BENSTEN. 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. It is an opportunity for 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. Regretably, 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. 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 living a productive life, enjoying a future filled with healthy and productive 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 be in 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, Dancers in the Wind, 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.

EXTENSIONS OF REMARKS

October 13, 1998

by

of

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EXTENSIONS OF REMARKS

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 Bank­ling 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 enduring 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 all of the 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 windfall for its shareholders and for the consumers who will have to pay higher prices for their Claritin.

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 five­year 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 states 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 review medical research proposals which research 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. In the course of the 1984 Waxman-Hatch Act, The Act grants patent extensions to drug companies for the patent time expired 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 Chi­
cago.

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 1963. Soon afterwards, 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.

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.

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 Giappo 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 facade is an altogether emptier sky scraper that looms over every large Chi­

nenese city.

The September 30 edition of the Wash­
ington Post contains a compelling article by Michael Kelly that looks behind China's impos­
ing 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 unin­

"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 uninfluent influence of capitalism, away from communist totalitarianism and to­
ward 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."

In this new book, which has not yet been translated into English, is the subject of a review 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 demo­
cratic forces in 1989 and when ... he de­

cluded in 1992 to buy stability for his regime by purging rapid economic growth whose price was sharply increased corruption, financial de­

ception, 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. In­
deed, 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 plunging headlong toward revolution.

How then to explain China's "rapid eco­
nomic 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 ag­
ricultural sector was dismantled and rural com­

munes were abandoned, the productivity of farms shot up and many farmers and villagers also established small entrepreneurial ventures.

Agriculture and rural indus­

try 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 contin­
ed" and "extortion, overtaxation, and embezz­

lement 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, inun­
dating families who dare to live in 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, 80 years old, decided 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-dwelling registering visible gains in personal income. Urban free enterprise em­

ploys only three percent of the Chinese people but accounts for about one-tenth of China's gross domestic product. Predictably, enter­

prises that employ cheap labor to make con­

sumer products have export proved to be the most profitable.

But the real story of Deng Xiaoping's post­
1989 reforms" has been missed by the West­
ern media. He Qinglian puts the truth in stark terms: Deng's successes are really a "manifestation 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 accumu­
lated from forty years of the people's sweat, and their primary means of plunder was polit­
ical power."

China's Pitfall describes in detail how Chi­

na'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 trans­
ferred. The plundering has taken two ways.

First, party and government officials manipu­
late 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 essen­
tial services. A two-track pricing system has been put in place by which unscrupulous offi­
cials 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 secu­
rities and real estate; they also provide the grease whereby officials allow foreign inves­
tors to evade having to deal with market costs when they set up joint ventures and other en­
terprises in China. Many of the more powerful officials in China also use these profits to es­

tablish so-called "tuyery industries" in which favored friends and relatives "take control of the most productive section of a state enter­
prise... in order to run it as a semi-inde­
pendent company." In other words, foreign ini­tial 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-con­
trolled, and they serve as veritable cash cows for China's government. A two-track pricing system has been instituted by which estimates that $240 billion—nearly half of all per­
sonal savings that have accumulated in China since the 1950's—have been transferred, as emergency loans, from banks to state-con­
trolled industries.
There is little or not hope of recovering these "loans." China's banking sector is verging on bankruptcy by any objective measure. "What the American business community wants is to extract the maximum possible value from the debtors," says Sherwin, who believes that the debtors have the wherewithal to pay the money. The Chinese government is trying to prevent the collapse of the banks by injecting capital into them, but this is not enough to stem the flow of losses. The banks are already in serious trouble and the situation is worsening. The government is trying to find solutions, but the problem is complex and will require a substantial injection of new capital.

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 mandate of influence of capitalism, away from communist totalitarianism and toward democracy. Since revering its China policy in 1989, the Clinton administration has argued that the answer to this question is yes—that Beijing is "reforming," and that, therefore, Beijing must be befriended, its virtues made clear of and its flaws overlooked.

That answer 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, who translated Qinglian's book, China's Reform, from the Chinese (an unfortunately belated act).

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 reevaluate what 'reform' has meant. China's reform, argues He Qinglian, was nothing more than 'the marketization of power,' and it has resulted in an unbridled 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 they who had the power to loot that they butchered. The butchers of Beijing were nothing if not bold, nothing if not creative. He Qinglian chronicled the process in an array of techniques by which Beijing's evil old despot—sorry reformers—exercised the levers of the state on behalf of helping themselves to everyone else's plunder."

The reviews go on to examine the roots of this situation in China's past and the processes by which it developed. China's economy was a creation of Deng Xiaoping, who was a master at using the state to benefit his cronies. "Under Deng, the power-holders and their friends plundered public wealth with impunity," the reviews note. "They were poll tax, whereas the state was poll tax."

The reviews focus on the consequences of this situation for China's future. "China's Reform," they write, "is a valuable book that will be of great interest to students of China and to anyone concerned about the future of the world's most populous country."

And it is a book that should be read by all Americans who care about the future of their country and the world.
and get rich "even more boldly *** even faster" as a milestone in China's evolution. Indeed it was He Quiglian reports: Deng's and get rich make money.''

crooked schemes by which these power-hold­
on even the most outrageous acts of the
theft. In the words of Binyan and Link, this
in the places of for-profit compa­
ies called "tertiary industries." This was

eclined toward democracy, as Binyan and Link put it:

The party indeed has lost some of its politi­
cal power but has lost it not to the citizens but
to a new robber-baron class that now al­
lies 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 administra­
tion praises, and supports, and defends against
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 Dyerburg 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 Dyerburg and Jackson. He was known for his strong support for the best education possible for Tennessee's children and effective law enforce­ment in our county. He is rightly 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."

October 13, 1998

"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 sec­
retary when he first went to the General As­
ssembly, said she can still get Holt riled up by
saying she is going to tell Buck something and

"If I want Harold riled 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 nec­

cessary."

Buck said the pressure-packed life of a leg­
slator 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 Remmons 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 legis­
lature.

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

As questioned 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
we can rise and recede naturally."

Holt says he remembers from his area
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."
EXTENSIONS OF REMARKS

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 McLeod for his innumerable contributions and many years of honorable service to the community. Assemblyman McLeod has been an icon of African American politics in Jersey City, Hudson County and the State of New Jersey for many years.

Addison McLeod’s career exemplifies his selfless dedication to the community. Addison McLeod 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 McLeod 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. Ceburn, Sr. who has dedicated thirty years of service to education.

During his thirty year career as an educator, Dr. Ceburn 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. Ceburn demonstrates this belief in his actions.

Dr. Ceburn has been an active participant and leader in education, athletics and youth sports programs. As a young man Dr. Ceburn 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 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. Ceburn is a leader in the war against ignorance, mistrust, and prejudice. It is in the 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. Ceburn, 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 dumps 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 Michialski Hall. They have one son, Kenneth, and one grandson, Shantelle. 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 who 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 when 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 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.

Phone rings 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. He told Calhoun he had been selected 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 recipients in 11 states.

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

"I'm speechless. I didn't know 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 are 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 Cherrie Simon of NEA.

"They join the ranks of previous National Heritage Fellows who include bluesman B.B. King, Irish stepdancer 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 15¾ feet. Made of cypress, covered with fiberglass, powered by anything from a three 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 run it. It'll take a little time. There's some around here that's 50 and 60 years old."

Printed below is 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. Who knows? I still have orders to fill. I just put my names down and get to 'em when I can.'"

A Reelfoot Lake boat is one permanent display at Dixie Gun Works, the Tennessee State Museum at Nashville, and the Fish and Wildlife Museum at Atlanta, GA.
October 13, 1998

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 to always keep his commitment. 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 1987 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.

EXTENSIONS OF REMARKS

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.

These award recipients are:
- Outstanding Professional: Erasides 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 including 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 rolcall No. 521; "nay" on rolcall No. 522; and "nay" on rolcall 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 vision we wanted of high performance (greater lift and range capacity) and crash survivable as well as ballistically hardened helicopters to Colombians 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 an extensive and comprehensive piece called "Cocaine Cartels Take on New Product-Heroin." The article notes the 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 form 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 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.
EXTRNSIONS OF REMARKS

October 13, 1998

Southeast Asian traffickers, mainly in Burma, Laos and Thailand, have been squeezed out of the business by South American suppliers, mainly in Colombia, 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."

"What we recommend for strict enforcement of drug deals, few buyers dare risk negating 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 wrote an excellent story about 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 the surounding 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 with football.

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 the area from North Carolina.

The first of the children was James Fleming, 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's nickname is not merely an 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—where he is mad at her.

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

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[From the Washington Times, Oct. 12, 1998] COCAINE CARTELS TAKE ON NEW PRODUCT—HERION

SOUTH AMERICAN SUPPLIERS ECLIPSE ASIA IN U.S. HERION MARKET

(By Jerry Seper)

South America's cocaine cartels have moved into a lucrative new market, becoming the dominant force in supplying heroin to many established dealers in affluent 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 "more than a shift" over the last six 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, which are able to deliver heroin 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 risk and trauma for four 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.

Mr. Constantine said 8 tons of heroin produced in 1997 in Colombia, virtually the entire stock was delivered to buyers in the United States, Colombia, which already supplies 700 tons a year, and its production has become both a grower and processor of opium poppies in Bolivia and Peru, which are then refined in jungles 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 the 1993 presidential campaign, when candidates in Colombia—"more than a shift" over the last six years as South American drug traffickers have wrested control of the U.S. heroin market from once-dominant smugglers in Southeast Asia—vowed to increase the purity level of Mexican heroin.

Mr. Constantine said Mexican drug traffickers are working with Colombian chemists to increase the purity level of Mexican heroin by "fusing the two agents in the United States."

The DEA report said there are two general types of heroin on the market.

• 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, pure heroin has spawned a new breed of users—those more amenable to snorting rather than injecting the drug.

Recent DEA 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 younger than 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, as a result, it 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 90 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 401 persons who died of heroin poisoning 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.

"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 'initiatives' are, in all likelihood, at the outset of a long, downward spiral into hard-core addiction or death."

About 80 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; Portland, Ore.; Seattle; St. Louis; and Chicago.

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

The drug policy recommenda tion from the State Department. Colombia was among four countries that were decertified, but it continues to enjoy an exemption from the list because it is said that Colombia, along with Cambodia, Pakistan and Paraguay, are too important to U.S. national security to punish.
three or four old cows, a team of mules, and the dirtiest jobs. But she also informed him that working at the sawmill because it was some­thing he had to do. For his part, Bob was determined to have a job and that he could enroll in college, because his family could not afford to send him back home. Subsequently, he was re­garded as a hard worker and informed him that the new guys got the toughest and dirtiest jobs. But she also informed him that he indeed found it to be hard work. After completion of the elementary grades, he began high school at Henry Station, but changed this when 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 were supposed 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 in hiring a draft-age recruit. He wound up doing odd jobs he could find until he indeed received his invitation from the Ar­senal.

He was registered in Henry County, and was sent to Fort Oglethorpe Georgia for in­duction. As part of his physical examination, it was determined that he was not qualified to serve in the army because of his hearing. His draft classification was changed to 4P 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 drafted into 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 82 other younger inductees, bound for the Vet­erans Hospital in Memphis. This time, he was one of the few to pass the physical exam­i­nation.

In January 1944, 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, while working, he put away enough money to make the United States of America.
26098

Fellow" by the Rotary Club; he received the outstanding citizenship award in 1959, and was named “Boss of the Year” by the local Jaycees Chapter in 1976. He was honored by local townspeople with a “Bob Owen Day” in his honor. At that time, an annual “Bob Owen College Scholarship” was established by the Bank of Glasson, to be awarded to a high school senior, based upon their overcoming financial and hardship difficulties.

The Pennsylvania House of Representatives passed a resolution in his honor, he was made an honorary staff member of the 77th Legislative District of the Pennsylvania 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 Bill Williams, Associate Poet Laureate of the State of Tennessee, during a presentation on Bob Owen Day in Glasson: “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. In addition to his career as a soldier, Gus entered the political arena, first as a commissioner, 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.

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. They are 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.
all people, including every citizen of the State of Vermont, do hereby proclaim October 13, 1998, to be Vermont's Day of Remembrance 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 860 million people—one-third 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 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 SENSDKRENNER, JR.
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 13, 1998

Mr. SENSDKRENNER. 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. The legislation 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 1998 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 consents 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 would never have 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 Space 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 toward developing and operating a world-class scientific laboratory in space.

EXTENSIONS OF REMARKS

26099

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 principal of the high school, 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.

The individuals 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 fourteen 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 gazebo, 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 dedicated on positive change in the Philadelphia community. Their success in changing the perceptions of those who have suffered great loss; their success in changing the perceptions of the community to a community that is proud of Aimee, not only because of her athletic ability but as a person, however, did more than 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 talent 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 indicted into Ephebeans, 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 4,000. 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 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.

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 are able to plan and map our journey. Our 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 and sustainable educational practices.

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 her constituency's vote, and 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. All of 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 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 E. Hill House, the current home of this body, is 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 its 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 run-away 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 Board of Directors of the Brooklyn New York Labor Committee Against the War in Vietnam. 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 people. 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 time of his retirement, Tom left the building 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 program 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 sustainable 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 macro 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 25 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 reorganization 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 services.

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 at 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 congressmen 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 school's 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. A 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 congressmen to see them today.

EXTENSIONS OF REMARKS

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 protection 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 fully support his 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 Begal 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 BILLEY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 12, 1998

My colleagues, clarification of provisions 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 such 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 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 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 this 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. Our special interest should be American workers, but our trade policies don't reflect that.

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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 combating oppression around the world, when oppression leads to genocide and death, whether the tools of that oppression are overtly 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, Reverend 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 us help ourselves, had approached each of us 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 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 1996

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. 3464, the Child Protection and Sexual Predator Punishment Act. As a former District Attorney and President 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 gain 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, 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 BILEY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 12, 1998

Mr. BILEY. 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 Conference's intent, as well as make clear the constitutional basis 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 such provisions.

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 torrent of new products 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 endeavored to achieve 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 conduct that is not otherwise subject to certain 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]xcepting from 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, 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 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 inexcusably 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 anti­circumvention regulations proposed 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 had 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, we recommended language 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" soci‑ety, 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 our 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 determinations. Their role and 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 that the Assistant Secretary have a substantial role in making fair use determinations 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)(6) 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 computer and video games—which circum­vent the protection measure," and when "[e]ach 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 that the Assistant Secretary have a substantial role in making fair use determinations 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.

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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 to respect or 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 measure 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 "circuit protection afforded by a technological measure," and when a technological measure is "effectively protects a right of a copyright owner under title 17, United States Code." In one of its findings, and in my own 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, telecommunication, 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, even by the conference report's 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 conference.

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 Congress—that such 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 manufacturer would have a chilling 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 technological features 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 the conferees pointed out, one of the benefits of the Senate bill is that it viewed as offering 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 or copyright management information systems might cause compatibility 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 manufactured 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 conference report 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. Such modifications, however, must be done in a way that does not materially degrade the performance or playability of the work. The conference report indicates that the Senate conferees shared my Committee's assessment of the importance of addressing the playability problem. The Senate conferees, too, recognized that the 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 conference 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 conference report indicated that the conference 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
October 13, 1998

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 committees that this construction was not meant to afford manufacturers or service providers an opportunity to give persons unauthorized access to protected content or to usurp the rights under the Copyright Act—not to allow generic versions of content to work 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 conferences 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 conveying unauthorized access to protected content. And it 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.

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EXTENSIONS OF REMARKS

They are not inducing, concern of our standing and construction was not meant to afford manufactur­ing them that it is important to stress four points. First, technologies might be incurred, property necessary for the operation of these analog-based technologies for a consumer.

Second, with respect to this provision, distributed陉hprogramming offered through systems, may not be encoded with these channels.

Finally, with respect to the Joint Commission on Accrediting organizations (JCAHO) must do better.

HON. FORNEY 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 accrediting, private health accrediting organizations—a 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 or 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, 1998, "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 appointee 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 also identified the Yellowstone Nursing Home, which has over 100 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 agencies accreditation with 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 ineligible, which are equivalent to meeting its Medicare Conditions of Participation.

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 Medicare patients. JCAHO is not addressing the needs of Medicare 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."

1Pp. 617-618 "Study of Private Accreditation of (Deeming) of Nursing Homes, Regulatory Incentives and Non-Regulatory Initiatives, 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.

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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 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 administer regulatory surveys. The timing of JCAHO surveys is 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 they only work for a limited time. 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.  

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 programsDepartments differed in no evidence on the critical role 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 President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE) illustrate the impact of IGs. In Fiscal Year 1998 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 investigatory recoveries resulting from IG investigations returned unobligated billions 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 1976, 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 1976

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 armies.

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 Presidential appointees Inspectors General required by the Inspector General Act of 1976 as amended (including the new IG for Tax Administration which will not be formally established until January 1999). Additionally, the Inspector General Act establishes 26 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 Representative L.H. Fountain.

August 5, 1977: Reported by the House Committee on Government Operations by an unanimous vote.


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. The Act authorized investigations 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 Department 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. REP. 95-971)

Passed by the Federal Government to make sufficient and effective efforts to prevent and detect fraud, waste and mismanagement in Federal programs and expenditures.

As required to be 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 investigatory 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: 10 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 16,000 debarments, exclusions and suspensions of firms or individuals doing business with the Government.

EXTENSIONS OF REMARKS

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 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 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 assurance 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 they must decide among 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.

Notice 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 precedent, 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 constitutes an impeachable offense, and clear Hamilton whether or not the narrative of the referral meets that standard.

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 deposed as their elected position. Then, on at least one, 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 parliamentary finisher. Mr. 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 Constitution. The Independent Counsel 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 end- less 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 lifelong 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 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 global 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 committee to develop legislation that will promote distance education in the digital age.

EXTENSIONS OF REMARKS

SPEECH OF
HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THIS 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 the Democratic Whip, ESTEBAN is an excellent role model for Latinos and young people across our nation. Not only is ESTEBAN 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 Nations' 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 believe 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 companionship 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 searches and seizures, 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 BILLEY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 7, 1998

Mr. BILLEY. 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 Braux 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 THE UNIVERSITY OF 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, pursuant 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 a 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. KNOLENBERG, 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 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 Congress 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.

On July 25, 1999, the House passed H.R. 2822. Mr. KENNEDY of Rhode Island, the sponsor of H.R. 2822, recognized 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 Chip­ pewa 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 government, complete with its own rights, jurisdiction and sovereignty under the guise of all legitimate Indian tribes. It would allow the Swan Creek Group to claim the treaty-pre­served 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 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 gone to 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.

SEEDS OF PEACE

HON. JOE KOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KOLLENBERG. 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 to build contact and encourage 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 experiences 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, 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 cooperation in the Middle East. I encourage Americans to lend their support to these fine initiatives as a way of signaling hope for a brighter future for generations to come.

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, I rise 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 a 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 pilage 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 in 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 wave the prohibition against circumvention that restricts access to information consumers may continue to exercise in 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, or 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. Our objective is to provide a legal and technological protection that producers can rely on, and that consumers 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 conference also recognized the seriousness of the problem and agreed to include explicit conference report language setting forth our shared respective 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 the law enforcement 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, David O'Neal and Steve Roth, 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 revisit 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 BILLY and Ranking Member DINGELL as well as my colleagues Mr. MARKEY, Mr. KLEG, Mr. BOUCHER, and Mr. STEARNS. Also, I would like to thank Chairman HYDE, Ranking Member CONVERS, Chairman 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 Gailzter, Debbie Laman, Robert Rubin, David Lehman, Bari Schwartz, Manus Cooney, Ed Damich, Troy Dow, Garry Malphrus, Maria Grossman, Bruce Cohen, and Beryl Howell.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT 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 Mr. Dingell's "offset" that promotes 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 increase 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 monopoly 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. I am pleased, however, the bill being considered 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 care 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 reimbursemnts.

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 raising the thresholds for the tax payer 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 consumes ever more 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 offsets 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. FASCELLI 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. Fascelli 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. Fascelli, 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 political leader, Mr. Speaker, when this 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 1970s 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 influential congressmen 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 foresighted concerns upon which Chairman Fascelli 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 Fascelli 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 economies.

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 the IMF is managing, 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 go forward with 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 $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 incomplete. 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.
October 13, 1998

EXTENSIONS OF REMARKS

26115

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 to the U.S. to exchange dollars for Bretton Woods gold and sell gold at $35 an ounce. The IMF lost its only function and should have closed shop.

But few things are so permanent as government agencies, including international agencies. The IMF, sitting at a pile of funds, sought and found a new function: serving as an all-purpose agency to lend 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 pecuniary instability.

The Mexican crisis in 1994-95 produced a quantum jump in the scale of the IMF’s activity. The IMF’s classic "window"—a $50 billion financial aid package for Mexico, by far the largest yet floated—was followed by a $100 billion aid package from a consortium including the IMF, the U.S., Mexico, and other international agencies. In Latin America, true too.

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 misnomer. As a matter of fact, offering 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 default. However, it’s not wise to 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 of gold were reduced, we can see a fall in our own price level and our exchangeables stable. And we are compelled to choose.” When Keynes wrote, he could take free capital movement for granted. That is no longer the case, and the central question in our time is which of the two—dependent domestic monetary—free capital movement, a fixed exchange rate, independent domestic monetary policy—any two, but not both, are viable. We are compelled to choose.

The attempt by South Korea, Thailand, Malaysia and Indonesia to have all three—without their exchange rates being convertible in a pure form, a fixed exchange rate, and independent monetary policy—has produced 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 1982 and in many other cases.

Some economists, notably Paul Krugman, have suggested resolving the dilemma 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 no reason to suppose 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 as well, or as Hong Kong and Argentina have done. The key element of this alternative is that there is only one central bank for the countries involved: the Hong Kong Monetary Authority for the Euro countries; the Federal Reserve for the other countries.

Hong Kong and Argentina have retained fixed exchange rates, and are enjoying rising current account surpluses, growth, and increased foreign receipts. The economy is said to be growing more rapidly than it did under the old dollar peg. In Hong Kong, the Monetary Authority has done in a limited way what the Federal Reserve normally does, holding the foreign exchange reserves as a buffer. In Argentina, the peso has appreciated against the dollar, but the government has imposed import restrictions to limit imports.

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 to devalue the peso and decrease the money supply. The economic system cannot evade the discipline of external transactions; it must adjust. Under the pegged system, on the other hand, 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.

For 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 are insufficient. 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 of the baht. But if pegged the 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, the speculators liked the pegged exchange rates 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 dilemma. 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 has never 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 and 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 the extent to which the government can control the price of the 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, 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 non-transparent and unaccountable policies 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 gentleness 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 any other 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 as 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 illness.

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 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.

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.

Extensions of Remarks

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 presidential budget proposals, such as those that occurred here on the 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 PREVENTION 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 this week for 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 the bill it 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 become law today.

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 the 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 gimmick Congress at its worst. Because there is legitimate opposition to this legislation through the regular legislative process, this is an attempt to lie 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 place 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. 105-761, 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 officially 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 contribute to the local goals for 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 boards. Director Kathleen 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.

**EXTRAS OF REMARKS**

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 show 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 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—Inspector 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 REPRESSIVE 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, I was 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 food 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.

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 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 heat stroke cost of 1.1 billion dollars. It is inconceivable 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.

EXTENSIONS OF REMARKS

October 13, 1998

They're the patient's caretaker," said Delbert Konnor, president of the Pharmaceutical Care Management Association, an industry group that manages the nation's largest benefit managers. "They're monitoring the physician. They're monitoring the patient. They're also monitoring the patient's insurance company.

"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 drug manufacturers that are little used or are expensive. Some critics say Eli Lilly and Co., which owns PCS; SmithKline Beecham, which owns Diversified Pharmaceutical Services; and Merck & Co., which owns Medco Health Care, often pay for benefit managers to send in-house specialists to visit doctors in attempts to modify prescription practices 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, they know what information was used to make that decision, they say, 'She's on antidepressants.'" said Konnor.

"They're essentially becoming a commodity." said Konnor. "This 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?"

Some health care critics in California and elsewhere have begun examining possible violations of state confidentiality laws or regulations protecting medical records. Legislators in Virginia, New Jersey and other states 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 patient? Or is it in the best interest of the company?"

Pharmacy benefit managers have been in business for only a few years. 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 managed health care market.

Improvements in computer technology also made it vastly easier to gather, store and track information about patients. This technology revolution was driven by the drug companies, who have spent billions of dollars in recent years, in part because of the plummeting cost of data storage and steady increases in computer processing speeds.

But they stopped far short of collecting personal information, such as a prescription for an antidepressant medication.

Managed care does not have to be about medical privacy. It can be about the quality of care, about access to care, about the cost of care, about patient satisfaction..."
New benefit management companies popularized generic drugs, driven by pharmacy benefit managers managing $3 blion 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 plans has soared from about one in four to almost two of every three, according to IMS Health Inc., a health care information company.

The result: more patients buying at a lower cost or that health plan, industry officials say. 

They "are using medical histories of millions of unsuspecting patients. This is as little known as it is wrong," Green said. "It makes no sense to hope that anyone would trust the voluntary virtue of these PBMs."

If the benefit manager's computer approves a transaction, an affirmative message is sent to the pharmacist, who determines that a less expensive drug can be safely switched, that suggestion is sometimes flashed back. PFS 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, PFS officials said.

Meanwhile, a patient's information is stored in various computers, including data warehouses operated by the benefit managers. The files contain information about the pharmacy discount 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 au­ thors 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 en­ suring appropriate care for patients, while at the same time reducing pharmac­ eutical costs," said Jackson, spokesman for PCS Health Systems.

To assess the impact of the benefit man­ agement revolution on personal privacy, it is necessary to understand how the system works. But that's not easy. Even many regu­ lators and doctors have only recently begun to sort out how these companies gather, use and store medical 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.

It starts when someone uses a prescription card to get medication. Their information is electronically messaged to their health plan, and the in­ surance 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. In other cases, they remind patients to refill prescriptions and take their medicine at appropriate intervals, Medical officials say.

In the letter, the company acknowledged the possibility of making an incorrect as­ sumption about a patient's ailment and said those who have questions should consult their doctor.

Kelly said she had no idea when she en­ rolled 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."

Motivated by low enrollment, there was no reason for such anxiety. They described the PFS ef­ fort as a "stigma-free mental health" pro­ gram 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 Glere, a ben­ efit official at Motorola, said information about patients is protected. Obviously, she said, "But we have cho­ sen not to receive that data because it's counter to our philosophy of confidentiality." The company chooses only to receive general reports about trends, not the names of employees or other personal information.

The benefit managers also routinely urge doctors to change a patient's medicine to a brand or generic drug that the compa­ ny believes is less expensive or more effec­ tive. The benefit managers contact patients and doctors through letters, telephone calls and faxes. Some benefit managers also send letters to pharmacists as patients wait for their prescription.

Bernard Steverding of Fairfax County re­ ceived a letter several months ago that said the prescription he was taking to lower his choles­ terol had been changed by a pharmacy benefit manager to another drug. The letter he received was typical, but it made him fear for his life, "They just took my prescription without my consent or knowledge," he said.

The letter, from a company now called Ex­ press Scripts/ValuRx, 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 medi­ cation is appropriate. We know that the only consent is written on the prescription. 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 Soloe, a vice president for health manage­ ment 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 had been approved at the independent stores later received $5 coupons and pro­ motional 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 computer, she discov­ ered they all had the same pharmacy benefit manager, a company owned by American Drug Stores. She complained to state au­ thorities, who confirmed this spring that a pharmacy benefit manager owned by Amer­ ican Drug Stores had passed along the names and other information from confidential pre­ scription records.

"I mean, it's medical information. That's what we're supposed to keep. It is for com­ petitng," Grear said. "I believe it's between me and my health professional."

State authorities also were unswelt. 

They urge doctors to change a patient's medicine October 13, 1998

EXTENSIONS OF REMARKS

26119
the Nevada State Board of Pharmacy, who described the prescription records involved as "very, very private medical histories."

In response, regulatory officials in Nevada recommended that pharmacy benefit managers and other administrators, warning that many of the companies' activities may be illegal. "You are now on notice," said Mr. Zvonek, "and I hope that these illegal practices will now stop." Dan Zvonek, a spokesman for American Drug Companies, said sharing 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 are running a risk of ignoring the health care aspect and focusing on profit."

One source of profit for the benefit managers is the resell 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 identify important target segments for direct marketing campaigns and to focus sales forces on doctors who prescribe certain medicines.

Raymond Gilmartin, chief executive of Merck & Co., that largest pharmaceutical company that owns Merck-Medco, said that by monitoring how diabetics take their medication, the firm can save health plans $200 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." But it has triggered a new evolution of nuclear bombs: "In the case of nuclear weapons, you try to contain the risk," he said. "Trying to go back is moot."
EXTENSIONS OF REMARKS

Virginia Dobson, VMD, MPH, to Linda Fopson, Section Head, Reregistration Division, Environmental Protection Agency, reported that the Federal Indoor Air Division has received data on multiple chemical sensitivity from various sources including studies done by the National Center for Toxicological Research, National Institutes of Health, National Institute of Environmental Health Sciences, and the Centers for Disease Control and Prevention. Dobson noted that in the final report of the National Research Council entitled "Multiple Chemical Sensitivity: Addendum to Biological Markers in Immunotoxicology" (Volume II, 1992) the work group is so-chaired by Dr. Barry Jenkins, the director of the Baltimore District Office, recognizing the need to address the needs of people with emerging disabilities, such as those who "with particular disabilities or suffering severe adverse effects affected by secondary smoke or other pollutants in public places" (5 April 1988, 8 pages, R-23).

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

In the 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 who "with particular disabilities or suffering severe adverse effects affected by secondary smoke or other pollutants in public places" (5 April 1988, 8 pages, R-23).

PRESIDENT’S COMMITTEE ON EMPLOYMENT OPPORTUNITY FOR PERSONS 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 implement a comprehensive, reasonable accommodation," in particular, the accommodation needs of people with chronic fatigue syndrome and multiple chemical sensitivity" (1991, 5 pages, R-94) directed 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 and Canada. (October 13, 1998, 2 pages and 2 pages of press coverage from the Globe & Mail, R-136).

RECOGNITION OF MCS BY U.S. STATE AGENCIES

ARIZONA TECHNOLOGY ACCESS PROGRAM, INSTITUTE FOR HUMAN DEVELOPMENT, NORTHERN ARIZONA UNIVERSITY

In a report written for the general public entitled Toxic 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 governmental agencies represented include the federal government, the state of Arizona, and the National Institute of Occupational Safety and Health, and the National Toxicology Program. (OCTOBER 13, 1998, 2 pages, R-136).

ARIZONA DEPARTMENT OF ECONOMIC SECURITY, REHABILITATION SERVICES ADMINISTRATION, AND STATEWIDE INDEPENDENT LIVING COUNCIL

In its report to the President, entitled Operation People First: Toward a National Disability Policy, which recommends that the federal government "develop, refine and implement a comprehensive, reasonable accommodation," in particular, the accommodation needs of people with chronic fatigue syndrome and multiple chemical sensitivity" (1991, 5 pages, R-94) directed 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 and Canada. (October 13, 1998, 2 pages and 2 pages of press coverage from the Globe & Mail, R-136).

ATTORNEYS GENERAL OF CALIFORNIA

In the final report of the Attorney General’s Committee on Disabilities entitled "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, 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 BUREAU

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. UG1 AT0099704-01 [September 1995, 6 page excerpt including abstract, advisory panel members, and table of contents, R-94]. A declaration by the EHHB to the project’s Advisory Panel 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 1986. Of the first 2,300 people surveyed, 21% reported symptoms 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 1996, 2 pages, R-100]. Citing personal communication with Dr. R. Kreutzer, the acting chief of the EHB (also confirmed with Dr. Kreutzer by Members of Congress), it was pointed to this condition as an acute problem that needed to be addressed.

The study's final results in a letter to the editor published by Psychosomatics (38:3: 300-301, May-June 1997): 4,000 people surveyed, 15.9% reported chemical sensitivity and 8.3% 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 (EP-90-43-003), 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 Concerned Conditions, chaired by Senator Milton Marks, that summarizes four years of investigations by the subcommittee, (30 September 1996, 20 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 Constructing Environmentally Illness, Industry, Medicine and Health).

FLORIDA STATE LEGISLATURE

In legislation that created a voluntary Pesticide Notification Registry for persons with pesticide sensitivity or chemical hyper-sensitivity, as long as their medical condition is certified by a physician specializing in occupational medicine, allergy/immunology or toxicology [Florida Statute 482.2253(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], N.Y., 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 has taken disciplinary action against the local officials. Since May of 1996, 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 SISIKSY OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SISIKSY. 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 after over twenty 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 service in the United States and 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 in meeting the resolution of many complex environmental restoration problems and in moving 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 Plan 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.

EXTENSIONS OF REMARKS

October 13, 1998

Mr. SISIKSY. 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 has been 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.
EXTENSIONS OF REMARKS

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 absorbed 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.

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. 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 impeachment 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.