EXTENSIONS OF REMARKS

ENVIRONMENTAL TECHNOLOGIES ACT OF 1993

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. BROWN of California. Mr. Speaker, today, we are introducing the Environmental Technologies Act of 1993, a bill designed to promote the development of technologies that are more environmentally sound and that will contribute to the long-term economic growth of the Nation. There are 21 of us joining in this effort today, along with Representatives ESHOO, KLEIN, MINGE, MORELLA, and SWETT who have dropped in separate environmental technology legislation over the past few days. Together, we represent a significant part of the membership of the House Science, Space, and Technology Committee who will be working on this issue in the second session of the 103d Congress.

This bill joins other legislative proposals in the House and Senate on this topic. Mr. STUDDS' legislation on environmental technologies exports has been reported from the Merchant Marine and Fisheries Committee. Senator BAUCUS is moving legislation on environmental technologies in the Senate. Other Members in the House, Mr. FINGERHUT, Mr. HOCHBRUECKNER, and Mr. KENNEDY to name a few, have interesting legislative proposals pending. It is my hope that the introduction of this bill will help spur Congress into acting on a comprehensive environmental technologies bill next year.

Our bill presents a comprehensive approach toward achieving the twin goals of environmental quality and economic opportunity. It proposes the improved coordination and use of Federal resources, and the mitigation of market externalities that would otherwise tend to reduce the benefits achievable through the implementation of environmental technologies. The provisions of the legislation address five areas in which science and technology policy improvements can make important contributions toward achieving environmentally sound, long-term economic growth. The proposed science and technology policy initiatives are: First, improved coordination and management of Federal programs that contribute to the development of environmental technologies; second, improved risk-sharing associated with environmental technology development and deployment; third, greater national awareness of the benefits associated with the use of environmental technologies; fourth, increased access to international markets for U.S.-developed environmental technologies; and fifth, improved Government incentives for enhanced environmental technology development.

This legislation uses the term "environmental technologies" to refer to the following: First, technologies that address pollution control and cleanup; second, pollution prevention technologies; and third, technologies, products, and processes which offer significant efficiency improvements in the use of energy and/or materials and are economically viable.

To improve existing Federal programs that contribute to the development of environmental technologies, the legislation calls for the Office of Science and Technology Policy to promote interagency coordination of activities involving environmental technologies, and also amends various science and technology statutes to provide clear authority for engaging in this activity. In addition, the legislation requires the coordination and networking of live cycle assessment activities to facilitate the availability of life cycle assessment methodologies and data.

To help share the risks associated with the development of technologies which contribute substantially to the public as well as the private good, the legislation proposes means for promoting the development and/or demonstration of environmental technologies, for rewarding organizations which have exhibited exceptional performance in developing and using environmental technologies and practices, and for rewarding individuals who develop highly innovative environmental technologies.

To enhance national awareness of the benefits to the public and private sectors associated with environmental technologies, the legislation calls for measures to improve the availability of relevant information, performance data and standards, and educational materials. Provisions in the legislation include the following: Developing an electronic clearinghouse network that would provide more efficient access to information about new environmental technologies, potential markets, and export opportunities; allowing the use of Federal facilities for environmental technology development and demonstration; supporting the development of performance standards for environmental technologies; directing the National Science Foundation to support the development of curricula that would promote environmentally sound engineering across all undergraduate technical disciplines; and, developing public education materials to improve the public's understanding of the relationships between technology and the environment.

To enhance the international use of environmental technologies developed and manufactured in the United States, the legislation encourages existing technology transfer and export assistance centers to provide environmental technology export assistance. The export assistance is to be achieved by the distribution to potential overseas customers of information about the likely benefits due to the implementation of these technologies, by the dissemination of relevant data about international markets to existing and potential exporters in the United States, and by the establishment of a revolving loan and loan guarantee program to promote exports of environmental technologies in coordination with existing export promotion and aid programs.

Finally, the legislation has provisions that call for the Government to establish a strategy for evaluating and purchasing environmental technologies; to study the impacts of environmental regulations on effective environmental technology development; and, to study the impacts of environmental tax incentives and penalties on environmental technology development and deployment.

This legislation attempts to join the public interest in maintaining environmental quality, taking advantage of new economic opportunities, and in helping our private sector acquire more efficient processes and new markets. The green technology market is a large and growing global economic opportunity. Current estimates place the global market at $200 billion 1990, with a growth to $300 billion in the year 2000. Studies estimate that the largest percentage growth will be in environmental services, with the largest total market in pollution control equipment. Many other countries are developing strategic business plans to take advantage of this growing market area.

The private environmental technology sector in the United States is just not getting organized. Many State and local governments have launched initiatives in this area. Federal Government programs are being initiated and expanded. This legislative push comes at a very critical time and will serve to help focus and enhance these separate efforts.

This legislation is the result of many months of work and many days of hearings. Earlier drafts of this bill were reviewed by Federal agencies, State and local government, the private sector, public interest groups, and the academic community. We plan to move briskly on this legislation early in the next session and hope to be in conference with our Senate colleagues as soon as possible after that.

I urge my colleagues to take a careful look at this proposal and join with us in this effort.

SECTION BY SECTION

TITLE I—GENERAL PROVISIONS

Sec. 101. Short Title: "Environmental Technologies Act of 1993;" table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

SUBTITLE A—POLICY COORDINATION AND PROGRAM PLANNING

Sec. 201. Coordination of Environmental Technology Research and Development Program.—Directs the Director of the Office of Science and Technology Policy to develop mechanisms to assure the coordination of Federal environmental technologies research and development and to develop Federal priorities. In executing these activities, the Administration shall establish mechanisms to ensure participation of non-Federal entities, State and local governments, United States industry, institutions of higher education,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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worker organizations, professional organizations, and nonprofit organizations.

Sec. 202. Life Cycle Assessments.—Directs the Director of the Office of Science and Technology Policy, as part of activities carried out in Section 201, to coordinate ongoing Federal activities in life-cycle assessment to facilitate the development and utilization of life-cycle data and methods for greater environmental sustainability and industrial efficiency. To the extent feasible, this program shall draw on existing resources and focus on disseminating information through electronic networks.

Sec 203. Environmental Technologies in Ongoing Programs.—Amends selected statutes in science and technology to explicitly provide the authority to conduct research and development in environmental technologies.

SUBTITLE B—ENVIRONMENTAL TECHNOLOGY

Sec. 211. Environmental Technologies Development and Integration Program.—Establishes a program to promote the development of technologies that enhance economic growth and the more environmentally sustainable use of materials and energy through cost-shared research, development and demonstration of advanced technologies, and the innovative integration of technologies and materials flows. Encourages the Administrator to cooperate with other agencies that have appropriate technical expertise in executing this program.

Sec. 212. Environmental Remediation and Monitoring Technologies.—Directs the Administrator, the Secretary of Energy, the Secretary of Defense and other heads of agencies that the President deems appropriate to, within one year, jointly submit to Congress a plan for the timely development, demonstration, and deployment of innovative pollution control, remediation, and monitoring technologies.

Sec. 213. President's Total Environmental Quality Award and National Environmentally Sound Technology Award.—Amends the Stevenson-Wydler Technology Innovation Act of 1980 to establish an award, modeled on the Malcolm Baldridge Award and using to the fullest extent practicable Malcolm Baldridge Award procedures and facilities, recognizing organizations that have made exceptional progress in the research, development and use of environmental products, processes or service. Also provides authority to grant National Environmentally Sound Technology Awards to individuals for outstanding environmentally sound technology innovations.

Sec. 214. Incorporation of Information on Environmental Technologies into Existing Networks.—directs the Administrator, in cooperation with the Department of Commerce and heads of other appropriate agencies to use existing electronic information network capabilities of the Federal government to provide access to data on environmental technologies developed, tested, or vertified in this Act and other appropriate Federal and non-Federal sources. Authorizes the Administrator to engage in partnerships with State and local governments or existing technical information outreach services such as manufacturing extension programs to facilitate the transfer of technology.

Sec. 215. Use of Federal Facilities for Environmental Technology Demonstration.—Establishes a program to authorize the use of Federal facilities to demonstrate innovative environmental technologies, and to develop data that would clarify the performance characteristics of those technologies.

Sec. 216. Federal Acquisition and Use of Environmentally Efficient Building Materials.—Directs the Administrator to establish a three-year pilot program to promote research on, and development of, environmentally efficient building materials in the construction of new Federal facilities and buildings and in existing Federal facilities and buildings.

TITLE III—EDUCATION

Sec. 301. Environmentally Advanced Education.—Directs the National Science Foundation to provide assistance to colleges and universities for enhancing technical curricula to incorporate environmental sustainability and total cost accounting principles.

Sec. 302. General Education in Environmental Technologies.—Directs the Director of the Office of Research and Development in cooperation with the Director of the National Science Foundation and State and local governments to develop curricula, materials, and training and information dissemination programs to provide greater understanding of the relationships between technology and the environment for technical schools, and primary and secondary education.

TITLE IV—STANDARDS

Sec. 401. Performance Standards.—Authorizes the Secretary of Commerce, in cooperation with the Administrator and other Federal and non-Federal entities, to establish a program to support the clarification of standards of performance for environmental technologies, particularly those directed toward ensuring quality, performance, and substitutability for conventional products, and to support international harmonization activities.

Sec. 402. Verification of Environmental Technologies.—Authorizes the Administration to enter into joint agreements with State and local government organizations and private entities to operate centers that would verify, evaluate, and disseminate performance and cost information on environmental technologies appropriate for meeting the performance criteria of various regulations.

Sec. 403. Consumer Claims on Environmental Technologies.—Directs the Federal Trade Commission to conduct a study of scientific and technological information needed for the fair evaluation of commercial performance claims regarding environmental technologies, and to develop and implement a plan for the close collaboration with Federal agencies and Departments that have expertise in environmental technologies to assure the use of the best available information.

TITLE V—INTERNATIONAL PROGRAMS

Sec. 501. Findings.

Sec. 502. International Environmental Technology Demonstration.—The Administrator, in cooperation with the Secretaries of Commerce and Energy, to the maximum extent practicable using existing programs, is authorized to support international environmental technology demonstrations for the purpose of promoting U.S. exports and the contribution of U.S. environmental technologies to sound international economic development through the provision of data and information on U.S. technologies and services. These activities would be conducted in regions of the world that are determined to have the largest environmental needs and which represent major opportunities for the contribution of U.S. technology and services.

Sec. 503. Promotion of Environmental Technology Exports.—Directs the Secretary of Commerce, in consultation with the Administrator and the heads of other appropriate agencies, using to the maximum extent practicable existing programs of the Federal and State governments, to provide information that would enhance the export of environmental technologies manufactured by U.S. firms by making more accessible information regarding international markets and regulations, and export financing opportunities.

Sec. 504. Financial Assistance for Technology Adaptation to Promote Exports.—Establishes the Environmental Technology Export Revolving Fund to provide financial assistance, in the form of loans and loan guarantees, for the modification and demonstration of environmental technologies manufactured by U.S. companies to meet the requirements of major export markets and enhance worldwide environmental sustainability.

TITLE VI—FINANCIAL AND REGULATORY INCENTIVES

Sec. 601. Use of Environmental Technology Products by the Federal Government.—Directs the President to establish a program for evaluating and approving the purchase of environmental technology products.

Sec. 602. Study of Regulatory Influences on Innovation in Environmental Technologies.—Directs the Administrator to undertake a review of current environmental regulations and their effect upon innovation in environmental technologies. Requires a report to Congress within one year of the enactment of the Act.

Sec. 603. Study of the Impact of Tax Incentives on Innovation in Environmental Technologies.—Directs the President to review existing tax incentives and potential tax incentives to encourage innovation in environmental technologies, and to report to Congress.

TRIBUTE TO RED HALL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a very special man who is a native of the Fourth Congressional District of Texas, Mr. Red Hall.

Although Mr. Hall and I share the same last name, unfortunately, I cannot claim any relation to him. However, I would like to relate to this body his story.

Red Hall was born in Farmersville, TX—a small town in Collin County north of Dallas. Interestingly, this is the home town of another famous individual—Audie Murphy, the most decorated veteran of World War II.

Like Audie Murphy, Red Hall served his country in World War II. Following that, he owned and operated the Oklahoma City Bottling Co. for 27 years. And, my colleagues from my neighboring State of Oklahoma will certainly be familiar with Mr. Hall's son, David, who served that State as Governor during the 1970's.

However, despite this illustrious record as a patriot Air Force captain, successful businessman, and proud father, the reason I rise today is to recognize Red Hall's more recent accomplishment.

At the National Senior Olympics held in June at Baton Rouge, LA, Red set a world record for his age division. He ran 1,500 meters in 17 minutes and 22.26 seconds. That

may not seem very fast until you know that his age bracket is 90 to 94. You see, Mr. Speaker, world record-holder Red Hall is 92 years old. And not only did he set this new record, but he won a silver medal for the 100 meter dash.

When asked about his accomplishments, Red said, "If I can influence [people] to take care of themselves, I think I'm doing them a favor."

Mr. Speaker, as we adjourn today I suggest we do ourselves a favor and adjourn in honor of the influence of Red Hall and his accomplishments.

GREG WYATT HONORED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the achievements of Mr. Greg Wyatt, the sculptor-in-residence at Cathedral Church of St. John the Divine in New York, a long-term appointment to a Renaissance studio within the crypt of the world's largest Gothic cathedral. Mr. Wyatt resides in Manhattan where earlier this year, borough president Ruth W. Messinger proclaimed Wednesday, May 26, 1993, Greg Wyatt Day.

Mr. Wyatt is president of the Fantasy Foundation Fund, incorporated in 1984 as a not for profit corporation to cultivate, promote, and sponsor the understanding and study of the fine arts, especially but not limited to the art of sculpturing. The fund holds competitions and exhibits and engages in other artistic activities related to the advancement of the fine arts. Their apprenticeship program is a prototype for the national arts organization. The fund boasts a decade of accomplishments and has encouraged apprentices beginning at the elementary level through college. In doing so, it provides a rare opportunity for apprentices to gain further insight into the Renaissance craft tradition.

Mr. Wyatt's works are found in private and corporate collections throughout the country. He has completed commissions for J.C. Penney Co., Inc.; American Broadcasting Co.; Sports Illustrated; Macy's, Princeton University; the National Arts Club and the Newington-Cropsey Foundation among many others. Following his outstanding exhibition at the Metropolitan Museum of Art, Greg Wyatt was invited recently by Dudley House Graduate Student Center of Harvard College to place three heroic-scale works on the brick pavement in front of Lehman Hall in Harvard as part of a major sculpture exhibition.

Currently, he is building a 17-ft. bronze monument, "Soul of the Arts," for the new museum of the Newington-Cropsey Foundation, Hastings-on-Hudson, New York. A homage to the Hudson River School of Painting, it contains images that beckon a spiritual and artistic Renaissance. It will be placed within the small pond directly in front of the Academy of Art of which he has been named director.

His work has also been exhibited in the rotunda of the Cannon House Office building in 1992 and in mid-September 1993 in the rotunda of the Russell Senate Office building. It was an exhibit created by Mr. Wyatt and his apprentices to demonstrate the teaching and creative processes of his studio. The exhibit featured two- and three-dimensional models of monuments, plexiglass architectural models, and numerous computer rendered images, bas-relief sketches and anatomical studies.

His apprentices participated in a youth symposium, "Excellence in Education Beyond the Classroom," moderated by Mr. Wyatt, and discussed the values of art apprenticeship programs. That important decision on the need for apprenticeship education in America was held in conjunction with Mr. Wyatt's, "Birth-By-Fire: A Renaissance in Bronze," exhibit.

Participants in a panel discussion on "Creating An Art Renaissance in America" included: Thomas J. Polecki, principle of the South Bronx's renowned St. Augustine School of the Arts; Carrie Rebora, director of the Henry R. Luce Center at the Metropolitan Museum of Art; Ivonne A-Baki, artist-in-residence at Dudley House on the Harvard campus; and David W. Heleniak, immediate past president of the MacDowell Colony, Inc., an artist colony in Peterborough, NH.

Finally, the exhibit here last September was specially created for the Washington, DC, community to demonstrate how students' potential for learning can be enhanced through creative apprenticeship educational programs, and the role these programs play in developing higher levels of professional achievement.

Because of his tremendous achievements, I hope my colleagues will join with me today in honoring Greg Wyatt for his work and wish him the best in the future for his art and his apprenticeship program.

INTRODUCTION OF NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966 AMENDMENTS OF 1993

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. KILDEE. Mr. Speaker, BILL GOODLING and I are today introducing a bill containing amendments to the National School Lunch Act and Child Nutrition Act of 1966.

These amendments propose changes in a number of the areas that need to be addressed in the 1994 child nutrition reauthorization, and we welcome comment on the amendments and broader reauthorization issues in the months ahead.

The child nutrition programs are an essential tool for ensuring that our youth have a chance to reach their potentials and become productive citizens. In the next several months the Congress will put a lot of time and energy into reforming health care and elementary and secondary education, but good nutrition is the cornerstone of good health and the prevention of disease, and hungry children cannot learn.

We cannot expect to curb costs in health care if we do not focus on prevention, and we cannot expect children to take advantage of new reforms in the classroom if they are tired, distracted, and irritable because they have not been fed.

The amendments that we are proposing today would provide greater access for needy children to the National School Lunch and Summer Food Programs and provides the first steps toward simplifying program administration.

We are pleased to be joined today by our colleagues LYNN WOOLSEY and TOM SAWYER, who are introducing bills concerning the Child and Adult Care Food Program and School Breakfast Program, respectively.

We look forward to working with them and the rest of our colleagues in the months ahead to craft a child nutrition reauthorization bill that provides greater access to meals, improves their nutritional content, and streamlines the administration of these important programs.

TRIBUTE TO DR. HELEN S. FAISON

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. COYNE. Mr. Speaker, I want to salute today Dr. Helen S. Faison, an outstanding educator in the city of Pittsburgh who retired recently after 43 years of service in the public schools of Pittsburgh.

It is fitting that the U.S. House of Representatives should pay tribute to Dr. Helen S. Faison. This woman has embodied the ideals of educational excellence throughout her career. She has served the public schools of Pittsburgh in a number of positions, including teacher, activities director, counselor, vice principal, principal, and assistant superintendent, office of school management. At the time of her retirement, Dr. Faison was the deputy superintendent for school management.

Dr. Faison has been a pioneer in opening doors of opportunity for educators in the public schools of Pittsburgh. She was herself a trailblazer when she became the first female and the first African-American principal of a secondary school in the Pittsburgh public school system. She has also given her strong support to professional organizations including the American Association of University Women, Administrative Women in Education, Pi Lambda Theta, the National Council of Negro Women and the Greater Pittsburgh Alliance of Black School Educators.

Numerous civic organizations have benefited from her leadership roles. She served as chairman of the board of directors of the Negro Educational Emergency Drive. She has also been a member of the board of directors for Children's Hospital of Pittsburgh, television station WQED, and Health America. She is also member emerita, board of trustees for the University of Pittsburgh. In addition, she has been an advisory board member of the Pitt Engineering Impact Program and the Three Rivers Shakespeare Festival, and she has also been a member of the Harriet Tubman Guild, the Young Women's Christian Association, and the George Washington Carver Commemorative Committee. Finally, Dr. Faison is proud to be a life member of the National Association for the Advancement of Colored People.

Over the years, Dr. Helen S. Faison has gained stature and great respect in the city of Pittsburgh and the Nation for her work as an educator. She has been awarded numerous awards and honors, including the Outstanding Educator Award of Hand-in-Hand, Inc.; the University of Pittsburgh Alumnae Award; Election to the "Executive Educator 100" list; appointment to the Superinendent's Work Conference held at Teachers College, Columbia University and participation in the First Leadership Training Conference for Women conducted by the American Association of School Administrators.

Dr. Faison has brought to her work as an educator a dedication to serving others that has been rooted in her love for her family, especially her husband, George, and her commitment to her church.

Mr. Speaker, the city of Pittsburgh is proud to have had Dr. Helen S. Faison serve in a position of leadership at the public schools of Pittsburgh. She deserves the thanks of her community and of the Nation for working so hard over 43 years to prepare future generations of Americans for the challenges that they may face in the future.

MINING LAW REFORM COSPONSORS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. RAHALL. Mr. Speaker, Thursday by an overwhelming majority, the House approved legislation to reform the Mining Law of 1872, H.R. 322. I would like to thank all of the Members who voted for this bill, and in particular, the bill's cosponsors.

In this regard, when the committee report accompanying H.R. 322 was filed we were precluded from being able to add any additional cosponsors to the bill. At the time, four Members had wished to be added to the list of cosponsors. Since we were not able to officially add their names, I would like to take this opportunity to recognize them. The Members are MARTIN SABO of Minnesota, TOM ANDREWS of Maine, MAURICE HINCHEY of New York, and GARY ACKERMAN of New York.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

AFFIDAVIT

SOURCE A

c. The source alleged that the setup conspiracy was facilitated through fabricated civil rights and embezzlement allegations by complainant Jose Liberato. In addition, Mr. Liberato recently made similar allegations against a New York Sanitation Official.

d. The source alleged that complainant Rene Suarez knowingly perjured himself at trial relative to his involvement in criminal activity and prior criminal record. The source alleged Mr. Suarez using an alias was previously arrested in New York City and is reputed to be a kingpin of a major Cuban gambling operation, which operates an unlicensed casino.

e. The source alleged complainant Richard Kinipping is a co-conspirator in a large scale loan sharking operation involving New York City bodegas. It should be noted officer Occhipinti was initially indicted for an unlawful search at Mr. Kinipping supermarket, however, that count was dismissed by the prosecution.

f. Source "A" was immediately referred to various law enforcement organizations in order to document these allegations. He was interviewed by the FBI and Detectives of the Bergen County Sheriffs Department. The source agreed to work with law enforcement in order to infiltrate the Federation and expose the setup conspiracy.

g. The source was debriefed by members of Staten Island President Guy Molinari's staff. The interview was tape recorded.

SOURCE B

a. The source confirms the testimony provided by Source A relative to the alleged setup conspiracy and involvement in suspected criminal activity by certain members of the Federation.

b. The source alleged that he spoke to a board member of the Federation, who stated that the Federation's name was being misused by persons attempting to stop officer Occhipinti's activities in the community. The Board member postulated that the entire matter smelled of a set up.

c. The source alleged that the principal Coconspirator in the set-up conspiracy were complainant Jose Liberato and Federation President Simon Diaz.

d. The source alleged that he was told by several members of the Federation that they had received calls from Mr. Liberato and/or Mr. Diaz urging them to falsely testify against officer Occhipinti regarding searches and seizures conducted at their businesses.

e. The source alleged that one of the complainants had told the source on two occasions that officer Occhipinti conducted a lawful search of his place of business and that complainant Reymundo Tejada knowingly perjured himself in the Grand Jury regarding the civil rights violations.

f. The source stated that complainant Nurys Brito admitted to the source that the search at her travel agency was lawful. In a consentually monitored conversation, Ms. Brito confirmed the above. Ms. Brito alleged that the US Attorney translator most probably misinterpreted what she declared.

g. On December 12th, 1991 the source executed an affidavit attesting to the above. Exhibit "G".

h. During the period of December 1991 until present, the source had numerous consentually monitored conversations with the individuals enumerated above. In those conversations said individuals corroborated what the source alleged in the affidavit.

i. The Source was debriefed by members of Staten Island Borough President Guy Molinari's office, relative to the above testimony.

SOURCE C

a. The source is an Executive Board Member of the Federation who has served since the early eighties, and knows all it's members on a personal level.

b. The source said that he received a call from Federation President Simon Diaz warning him of an impending investigation of Federation members and an article to be released by the Post attacking the Federation. The source stated that he was concerned with having his name used by complainant Liberato in his activities against Occhipinti.

c. The source admitted that he knew that the Federation was involved in the loan business and that some of it's members ran the loan process of Capital National Bank. Capital National Bank's top officials were indicted and implicated in a series of irregularities including money laundering and illegal wire transfer activities.

d. The source confirmed what I learned in a personal conversation with Federation Vice President Erasmo Taveras. In that conversation, Mr. Taveras revealed that complainant Liberato did not sneeze without first consulting with Federation President Simon Diaz. Mr. Traveraz was recently convicted of illegal money wire transfers involving over $70 million dollars.

The source stated that Federation President Diaz and complainant Liberato served as officers of a failed banking institution. The Dominican Hispanic Bank, Inc., as it was called, was closed because of alleged criminal activity. The source stated that he was scared and that he did not want Diaz nor Liberato to know of his cooperation. Exhibit "H"

SOURCE D

a. The source is a housewife who resides in the Washington Heights section of Manhattan.

b. The source in a sworn affidavit stated that while food shopping at Mr. Liberato's bodega, the source overheard Mr. Liberato boasting that "he was going to find people to make declarations against the federal agent that had gone to his business.

TRIBUTE TO MEYLING LY FOR HER WINNING ESSAY ON PREVENTING DRUG ABUSE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. HALL of Texas. Mr. Speaker, it is a pleasure to recognize today Meyling Ly, a seventh grade student at O.P. Norman Junior High School in Kaufman, who was recently awarded a $50 U.S. savings bond for her prize-winning essay in the fifth annual Kaufman County Red Ribbon Campaign for the prevention of drug abuse.

Miss Ly received the award on October 23, 1993, at Mulberry Park in Forney during kickoff activities for the drug awareness campaign October 23–31 In her essay, she pointed to the need to begin education at home and also for a "united, close community." She called for an organized crime watch program as well as increased police patrols.

Her essay reads in part, "Striving to eliminate and terminate drug use can't be done alone. We need cooperation from parents at home, educators, churches, law enforcement agencies, just about everyone to join together."

I commend Miss Ly and all those who participated in the red ribbon campaign for their

efforts to increase public awareness of the drug abuse problem in our society and their suggestions for how to combat it. The red ribbon campaign was sponsored by the Kaufman County Drug Abuse Prevention Committee and the Texas Agricultural Extension Service. Rita M. Winton, county extension agent, and Sylvie Millson, chairperson of the committee, were instrumental in making this event a success.

Other members of the Drug Abuse Prevention Committee include Edna Beltz, secretary; Pat Adams, treasurer; Albert Davis, Rhitt Jackson, Rita Kent, Don Legg, Mary Lyons, Jack Millson, and Inez Williams. Also contributing to the event were Kaufman PALS—Peer Assistance Leaders, Kemp PALS and Crandall PALS.

Miss Ly is the daughter of Mr. Kein Augly and Ms. Heng Muy Soang. The theme of the campaign was "No Excuse . . . For Drug Abuse." I was pleased to participate in the day's events, which featured a family fun run/walk, speeches, performances by bands, cheerleaders, and drill teams. During the week participants wore red ribbons and T-shirts, attended educational programs, and held a red balloon release.

The red ribbon campaign was established when Federal agent Enrique Camarena was murdered by drug traffickers in 1985. The red ribbon became the symbol to reduce the demand for drugs. Kaufman County began participating in the event in 1989.

Mr. Speaker, in addition to honoring Miss Ly for her outstanding essay, I wish to recognize the contributions of Ms. Winton, Ms. Millson, and all those who are dedicated to drug prevention and public awareness in Kaufman County.

TRIBUTE TO ELEANOR KAHLE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Ms. KAPTUR. Mr. Speaker, I rise today to recognize an outstanding citizen in my community. Eleanor Kahle has been a sterling voice for seniors in northwest Ohio and our Nation. As she retires this week from her duties as executive director of the West Toledo Senior Center, we wish to recognize her for a lifetime of selfless service.

In the late 1970's, Eleanor Kahle organized West Toledo area seniors into a strong coalition which was able to bring forth the West Toledo Senior Center in 1979. Today over 15,000 members strong, the West Toledo Senior Center is widely regarded as the most vocal, well-informed, and active group of seniors in our community. Its members proudly call themselves the swingingest senior center in the city of Toledo, and continuously live up to that ideal. Although no one individual can take credit for the center's success, Eleanor Kahle has been the seniors' guiding light since the center's inception. It is she who has shaped it into the prominent local force it has become.

In 1981, Eleanor Kahle was a delegate to the White House Conference on Aging. She was a leading voice for seniors as the coming decade's policies were formulated. When I began my term in Congress in 1983, Eleanor Kahle served as my special assistant for senior citizen concerns, providing me with invaluable assistance as the Congress deliberated Social Security reform that year. Since that time, I have looked to her for learned advice and counsel on issues as they relate to senior citizens.

At the age of 77, Eleanor Kahle serves on Toledo's City Council and is the city's current vice mayor. First elected to Toledo City Council in 1987, Eleanor Kahle has recently been reelected to another term. Throughout her tenure on the council, she has been a tireless advocate for our city's seniors, with a particular emphasis on issues of housing. Yet in spite of her unwavering advocacy for Toledo's seniors, she is a responsible representative for all Toledoans. She has also been a tireless promoter of our city, forging sister city relationships with cities in Hungary, Poland, and China.

Prior to her career in public service, Eleanor Kahle was an integral part of her parish, St. Clement's Catholic Church, breaking new ground for women when she served as a pastoral associate—a position she developed beyond what the parish initially envisioned. While a pastoral associate—the highest ranking female in the church—Eleanor Kahle provided pastoral ministry to seniors, served as outreach for the sick and shut-in, acted as a counselor to those in need, supervised rectory and sacristy staff, coordinated parish activities, and served as communications director through the organization and distribution of the parish newsletter. Although her prominence as a woman made it difficult for her at times, Eleanor Kahle's devotion to her ministry won her the respect of the church leadership, and enabled her to play a vital role in a growing and prosperous church. While serving as a pastoral associate at St. Clement's, it was one of the largest churches in its diocese with more than 2,300 families. She has also served as president for the Toledo Diocesan Council of Catholic Women and Church Women United of Toledo. Eleanor Kahle was a trailblazer for women in the Catholic church through the 1970's, and continues to promote prominent roles for women in the Catholic church today.

Eleanor Kahle has worked hard on behalf of our community for decades, but she will tell you that her proudest achievement is her family. Widowed with six young sons, she raised them all into successful adults who have given her sixteen grandchildren and two great-grandchildren.

A lifetime of awards have been bestowed upon this ordinary woman who has quietly attained greatness. A few of these include the President's Award—of the NWO Area Office on Aging, the Mother Adelaide Award, WIC's Women of Achievement, Ohio BPW's Woman of the Year Award, Ohio's Senior Citizen Hall of Fame Award, and the city of Sylvania's Hall of Fame Award.

She may be stepping down as executive director of the West Toledo Senior Center, but Eleanor Kahle remains active in a number of other community ventures. In addition to her city council service, she has been a part of the Center for Women's Concerns, Zonta, the Toledo Council of Senior Citizens, Ohio Gerontological Association, National Council on Aging, Toledo Metro Churches United, Business and Professional Women's Club, Community Relations Commission of St. Clement's Parish, Church Women United of Toledo, the Diocesan Council of Catholic Woman, Diocesan Commission on Aging, AARP, and the Older Women's League.

We in Toledo are profoundly grateful to this genteel and unassuming lady who has devoted herself to the betterment of all of us, even as she concentrated her efforts on women and seniors. No stronger advocate for our community exists than Eleanor Kahle, and as we take the time to recognize her on her retirement from the West Toledo Senior Center, we offer a collective and heartfelt thank you.

TRIBUTE TO CECIL K. WATKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. TOWNS. Mr. Speaker, I rise today to salute Mr. Cecil K. Watkins, president and CEO, National Pro-Am City Leagues Association Inc. He was born and raised in New York City. He attended John Adams High School where he played varsity basketball and baseball. Cecil continued his sports interests at Adelphi University where he earned his bachelor of arts and masters degree in sports administration.

Cecil Watkins worked for the New York Park and Recreation Department and the Board of Education for 20 years. He retired from his position as a teacher and director of community recreation. Throughout his professional career Cecil was involved in a number of prominent sports programs including: the Harlem Tennis Center, U.S. Youth Games, Ray Felix Tournaments, NBA/Pro-Am Basketball League, and the ELMCOR Youth & Adult Activities Inc., of which he is the founder and former executive director.

Among his other achievements, for 18 years Cecil Watkins was employed by the National Basketball Association as director of community and special programs. He also served as referee development administrator in charge of development and recruiting programs and worked as an NBA observer-scout for 5 years prior to joining the staff full-time as the assistant supervisor of officials. For four seasons he assigned and supervised the Continental Basketball Association's referee staff and coordinated 26 NBA/Pro-Am city leagues.

In addition to coordinating programs, Cecil has been instrumental in acquiring more than 1,600 scholarships over the past 30 years for student athletes from the Metropolitan New York area. Cecil Watkins is acknowledged as a pioneer in sports recreation and development programs in New York. His efforts have been largely responsible for providing countless inner city youths with positive outlets to express themselves and grow through their participation in sports. It is my honor and pleasure to highlight the vast accomplishments of Cecil K. Watkins.

INTRODUCTION OF THE HEALTH SECURITY ACT OF 1993

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. GEPHARDT. Mr. Speaker, today I am proud to join with 99 of my colleagues in introducing the Health Security Act of 1993. The bill we are introducing is President Clinton's health care reform proposal, and represents a historic commitment by the Clinton administration and the Congress to provide to the American people the security of guaranteed, affordable coverage for high quality health care.

The President's proposal, as embodied in this legislation, is by far the most thorough and comprehensive legislative proposal to achieve health care reform in the history of our Nation. The bill we are introducing today is the result of a process of development that was in itself historic in its scope and depth. I salute President Clinton, First Lady Hillary Rodham Clinton, the President's Cabinet, and many other members of the Clinton administration for their dedication and hard work in producing this proposal.

The most important goal of the Health Security Act of 1993 is to do away—forever—with the anxiety too many Americans feel today about their health insurance: that it will cost more than they can afford; that they can't get coverage or will lose it; that it won't cover what they need.

The introduction today of the Health Security Act demonstrates in concrete form the dedication of the Clinton administration and the cosponsors, who include the House Democratic leadership and the Chairs of the major committees and subcommittees of jurisdiction, to ensure that every American has health insurance. Their names on this legislation signal our shared commitment to pass a bill that halts the devastating spiral of health care costs and preserves and enhances the high quality of American health care we all value so highly.

Today's introduction also marks the beginning of another historic process: full congressional deliberation of truly comprehensive health care reform. The congressional experts in all of the committees of jurisdiction will hold numerous and thorough hearings on every aspect of the proposal. We will examine every issue and listen to every perspective. We will work closely with outside experts and the administration to bring forward a vote on a bill that has the support of the American people and a majority of their representatives in the House.

I want to take this opportunity to comment on the legislation that the committees will be receiving. Every effort has been expended to make this a high-quality document that they can work effectively with. I believe that these efforts have been successful, and I want to acknowledge and thank the Office of the Legislative Counsel, David Meade, for their major contribution. Wade Ballou, Douglass Bellis, John Buckley, Bob Cover, Susan Fleishman, Peter Goodloe, Stan Grimm, Jean Harmann, Larry Johnston, Greg Kostka, Ed Leong, Noah Wofsy, and especially Ed Grossman devoted long hours of hard work, as well as their expertise and talent, and have served the House and the American people well in getting us off to a solid start.

I look forward with great anticipation to working with the President and my dedicated colleagues in Congress to give the American people what they expect and deserve: the security of guaranteed, affordable access to the best health care in the world.

DEMETRIS KASTANAS HONORED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the tremendous achievements of an important member of the Astoria community in Queens, NY, Mr. Demetris Kastanas.

On February 18, 1968, Demetris Kastanas came to this country from his homeland of Greece like so many before him looking for a better life and future in this country. After working in a number of different jobs, including pumping gas and selling insurance, Mr. Kastanas managed to save enough money to open his first restaurant. A second restaurant soon followed.

As a successful businessman in his adopted country, Mr. Kastanas felt that he had to give something back to the community and his Hellenic heritage. On September 25, 1975, Mr. Kastanas began producing a weekly Greek television program which was broadcast in the New York metropolitan area. In July 1983, Mr. Kastanas expanded to the Chicago area. And in 1987, Mr. Kastanas began producing the Greek Channel on the Time-Warner Cable system in Queens and Brooklyn. This channel is the first and only Greek cable channel in the United States.

Mr. Kastanas was also not satisfied with contributing in just the television medium. That's why he also founded a Greek-American magazine entitled "Eseis." This name was chosen because it is the plural form of "you" in Greek, underlying that the magazine addresses itself to the needs and views of the Greek-American community.

Through his television programs, cable channel, and magazine, Demetris Kastanas has given Greece and Greek-Americans a voice in the United States that might otherwise not have been heard. His tremendous leadership has been evident in organizing rallies and demonstrations on the Cyprus issue which have communicated clearly the Greek-American community's strong feelings on this subject.

Mr. Kastanas' work has provided Greek-Americans with a link to their homeland, producing articles and programs which portray Greek news, folklore, music, and more. But his contribution has also been to help other Greek immigrants to assimilate into life in the United States by creating a vital source of support for the community.

Because of his tremendous contributions on behalf of his homeland and his adopted country, I hope my colleagues will join with me in saluting Demetris Kastanas for his accomplishments.

THE HEALTH SECURITY ACT OF 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. FORD of Michigan. Mr. Speaker, I am pleased today to sponsor the introduction of President Clinton's health care reform bill, the Health Security Act of 1993.

As we all know, the President has made reform of a troubled health care system the top priority of his administration. It was the primary plank of his Presidential campaign platform, and after the inauguration, President Clinton put in charge of developing a reform plan a person in whom he had the greatest confidence, First Lady Hillary Rodham Clinton.

I must, say, Mr. Speaker, the First Lady has confirmed to us the President's confidence, having produced—with the contributions of hundreds of administration officials, congressional staff and consultants from all sectors of society—a sweeping reform plan that retains aspects of the health care system that do work, while targeting for change elements that have proven inefficent and unfair.

We must have health care reform. While Americans who have adequate health insurance are satisfied with the care they receive from their doctors, all of us are burdened by a system that in many ways is broken.

I want to outline some of the problems we have. Health care and insurance costs are skyrocketing. Every year, insurance premiums, whether paid by individuals or their employers, are rising well above the general inflation rate.

The health care choices many of us have taken for granted are diminishing. Faced with increasing costs, many employers offer a single insurance plan, often with skimpy benefits. And every year, thousands of businesses, faced with rising costs, drop coverage for their employees.

Cost-shifting grows. People without insurance end up in the emergency room—and the bills they cannot pay result in higher premiums for those of us who still have it.

The stacks of paperwork related to each patient's care have turned into a mountain. Doctors and nurses spend more time filling out forms and less time taking care of their patients. The ranks of hospital administrators are growing four times faster than that of doctors. We're paying for all that paper.

The cost of prescription drugs is forcing many of our senior citizens to choose between food and medicine.

The challenge, Mr. Speaker, is daunting. That is why, whatever each of us may think of the particulars of this bill, we applaud the President for presenting a comprehensive solution.

The Health Security Act would guarantee comprehensive health care benefits to every American as a right of citizenship. These benefits would be available regardless of any preexisting condition, regardless of employment

status. It would preserve choice, allowing Americans to keep the doctors they have. In fact, many Americans would have more choice than they have now.

We have no doubt that the President's proposal will be changed as it makes its way through Congress. Every significant Presidential proposal I have been involved with, dating back to Lyndon Johnson's ambitious Great Society initiatives, has been modified on Capitol Hill. That will certainly be the case with a proposal that promises to alter almost one-seventh of our economy and to touch the life of every single American.

Over the next several months, the various committees of jurisdiction in the House, including the Committee on Education and Labor, will hold hearings, debate provisions and finally report a bill to the floor for a vote. As we formally begin this process, I am confident that we will enact, before the end of this Congress, comprehensive health care reform.

Mr. Speaker, we must do no less.

ENHANCING TECHNOLOGY TRANSFER FROM FEDERAL LABORATORIES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mrs. MORELLA. Mr. Speaker, in the 102d Congress, I introduced H.R. 191, the Technology Transfer Improvements Act of 1991. The bill sought to bolster our Nation's international competitiveness by encouraging the continued collaboration of Government and private industry. Specifically, H.R. 191 would have amended the Stevenson-Wydler Technology Innovation Act of 1980, in order to promote technology transfer for works prepared under certain cooperative research and development agreements [CRADA's] between Federal laboratories and private industry. My distinguished West Virginia colleague from the other body, Senator ROCKEFELLER, introduced S. 1581, the Senate companion bill.

In the previous Congress, four hearings in the House and Senate were held on both H.R. 191 and S. 1581. The bills received strong support from the administration and a series of Federal agency officials, as well as a broad spectrum of academicians and industry association representatives. The hearings sparked a very beneficial debate on the current role of our Federal laboratories in our Nation's global competitiveness.

Ultimately, H.R. 191 was reported out of the House Science, Space, and Technology Committee and was passed by the House as an amendment to the American Technology Preeminence Act. S. 1581 was reported out of the Senate Commerce, Science, and Transportation Committee but was not passed by the Senate.

In order to further continue the debate which we began in the previous Congress, I am very pleased to, once again, be joining forces with Senator ROCKEFELLER, the distinguished chairman of the Senate Science, Technology, and Space Subcommittee. Today, I am introducing the House companion bill to S. 1537, a bill which Senator ROCKEFELLER had previously introduced in the Senate on October 7. I look forward to holding hearings in the House Science, Space, and Technology Committee on this bill during the next session, hearing of potential concerns from interested parties, and working with Senator ROCKEFELLER to enact this important legislation.

Mr. Speaker, there is no doubt that Congress is concerned about America's competitive position. To affirm this point, we need only to have listened to yesterday's debate on the North American Free-Trade Agreement [NAFTA]. I believe the economic advances of the 21st century are rooted in the research and development performed in laboratories around the world today. Therefore, our future well-being as a nation becomes dependent upon the continuous transfer of basic science and technology from the laboratories to commercial goods and services.

Congress has long tried to encourage the transfer of technology and collaboration between the labs and industry. The 1980 Stevenson-Wydler Technology Innovation Act was Congress' first significant measure to foster technology transfer from Federal labs to the private sector. that landmark legislation was expanded considerably in 1986 with the Federal Technology Transfer Act, and again in 1989, with the National Competitiveness Technology Transfer Act. These laws explicitly instruct the Federal labs to seek commercial opportunities for their technologies and to make technology transfer a job responsibility of every Federal scientist and engineer.

This is eminently logical since Federal laboratories are one of our Nation's greatest assets. Yet they are also a largely untapped resource of technical expertise. There are over 700 Federal laboratories throughout the Nation, occupying one-fifth of the country's lab and equipment capabilities, and employing one of every six scientists in the United States. Representing Montgomery County, MD, I am fully aware of the high-quality work and the vital role which Federal laboratories play in our Nation's research and development. Our Nation's future economic well-being is too important to exclude the resources and abilities of our Nation's Federal scientists.

Mr. Speaker, the text of the Technology Transfer Improvements Act of 1993 follows:

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Improvements Act of 1993".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The commercialization of technology and industrial innovation are central to the economic, environmental, and socal well-being of citizens of the United States.

SEC. 3. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended as follows:

(1) In the text of subsection (b) immediately preceding paragraph (1), strike "Government-operated Federal laboratory, and to the extent provided in an agency-approved joint work statement, a Government-owned contractor-operated laboratory, may" and insert "Federal laboratory shall ensure that title to any intellectual property arising from the agreement, except intellectual property developed in whole by a laboratory employee, is assigned to the collaborating party or parties to the agreement in exchange for reasonable compensation to the laboratory, and may".

(2) In subsection (b)(2), strike "or in part".

(3) Amend subsection (b)(3) to read as follows:

"(3) retain a nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party or parties for any intellectual property arising from the agreement, and have such license practiced throughout the world by or on behalf of the Government, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license;".

(4) Amend subsection(b)(4) to read as follows:

"(4) retain the right, in accordance with procedures provided in regulations promulgated under this section, to require a collaborating party to grant to a responsible applicant or applicants a nonexclusive, partially exclusive, or exclusive license to use the subject intellectual property in any field of use, on terms that are reasonable under the circumstances, or if the collaborating party fails to grant such a license, to grant the license itself if the laboratory finds that—

"(A) the collaborating party has not taken, and is not expected to take within a reasonable time, effective steps to achieve practical application of the subject intellectual property in the field of use;

"(B) such action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(C) such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the collaborating party; or

"(D) the collaborating party has not entered into or is in breach of an agreement made pursuant to subsection (c)(4)(B).".

(5) In subsection (d)(2), strike "and" at the end;

(6) In subsection (d)(3), strike the period at the end and insert "; and".

(7) At the end of subsection (d), insert the following new paragraph:

"(4) the term "intellectual property rights' means—

"(A) in the case of government-owned, government-operated Federal laboratories, patents; and

"(B) in the case of government-owned, contractor-operated Federal laboratories, patents, copyrights, and computer chip mask work registrations.".

SEC. 4. DISTRIBUTION ON INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevension-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended to read as follows:

"SEC. 14. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL AGENCIES OR LABORATORIES.

"(a) IN GENERAL.—

"(1) Except as provided in paragraphs (2) and (4), any income received by a Federal agency or laboratory from the licensing or assignment of intellectual property under agreements entered into by Federal laboratories under section 12, and intellectual

property of Federal agencies or laboratories licensed under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the agency or laboratory and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory or his designee shall pay to the laboratory employee or employees who have assigned their rights in the intellectual property to the United States, to the laboratory operator, or to a collaborating party or parties to a research agreement an amount equal to the sum of—

"(I) the first $10,000 received by the agency or laboratory from the intellectual property; and

"(II) 15 percent of any income received by the agency or laboratory from the intellectual property in excess of the sum of the amount paid pursuant to item (I) and the value of unreimbursed research and development resources provided by the laboratory under the terms of the agreement.

"(ii) An agency or laboratory may provide appropriate incentives from royalties to laboratory employees who contribute substantially to the technical development of licensed or assigned intellectual property between the time that the intellectual property rights are legally asserted and the time of the licensing or assigning of the intellectual property rights.

"(iii) The agency or laboratory shall retain the income from intellectual property until the agency or laboratory makes payments to laboratory employees under clause (i) or (ii).

"(B) The balance of the income shall be transferred to the agency's laboratories, with the majority share of the royalties or other income going to the laboratory where the intellectual property originated, and the income so transferred to any such laboratory may be used or obligated by that laboratory during the fiscal year in which it is received or during the succeeding fiscal year—

"(i) for payment of not more than 15 percent of such income for expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to intellectual property which originated at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services;

"(ii) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(iii) to further scientific exchange among the laboratories of the agency; or

"(iv) for education and training of employees consistent with the research and development mission and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency.

All income retained by the agency or laboratory after payments have been made pursuant to subparagraph (A) and (B) that is unobligated and unexpended at the end of the fiscal year succeeding the fiscal year in which the income was received shall be paid into the United States Treasury.

"(2) If, after payments to employees under paragraph (1), the intellectual property income received by an agency and its laboratories in any fiscal year exceeds 5 percent of the budget of the laboratories of the agency for that year, 75 percent of such excess shall be paid to the United States Treasury and the remaining 25 percent may be used or obligated for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year. Any income not so used or obligated shall be paid into the United States Treasury.

"(3) Any payment made to an employee under this section shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible, or limit the amount thereof. Any payment made under this section to any employee shall continue after the employee leaves the employment of the laboratory or agency.

"(4) A Federal agency receiving income as a result of intellectual property management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such income to the extent required to offset the payment of income from intellectual property under paragraph (1)(A)(i), and costs and expenses incurred under paragraph (1)(B)(i), including the cost of foreign protection of the intellectual property of the other agency. All income remaining after payment of the income, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with clauses (i) through (iv) of paragraph (1)(B).

"(b) CERTAIN ASSIGNMENTS.—If the intellectual property from which the income is derived was assigned to the Federal agency—

"(1) by a contractor, grantee, or participant in a cooperative agreement with the agency; or

"(2) by an employee of the agency who was not working in the laboratory at the time the intellectual property was originated;

"the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

"(c) REPORTS.—

"(1) In making its annual submission to the Congress, each Federal agency shall submit, to the appropriate authorization and appropriations committee of both Houses of the Congress, a summary of the amount of income received from intellectual property and expenditures made (including employee awards) under this section.

"(2) Not later than October 1, 1996, the Comptroller General shall review the effectiveness of the various income-sharing programs established under this section and report to the appropriate committees of the House of Representatives and the Senate, in a timely manner, the Comptroller General's findings, conclusions, and recommendations for improvements in such programs.".

SEC. 5. AMENDMENT TO BAYH-FOLE ACT.

Section 210(e) of title 35, United States Code, is amended by inserting "and the Technology Commercialization Act of 1993" after "Federal Technology Transfer Act of 1986".

TRIBUTE TO MELINA LHOTAN FOR HER WINNING ESSAY ON WHAT WE CAN DO TO STOP DRUGS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. HALL of Texas. Mr. Speaker, I am pleased today to recognize Melina Lhotan, a seventh grade student at Forney Middle School who was a recent winner in the fifth annual Kaufman County Red Ribbon Campaign for her essay on what we can do to stop drugs.

The campaign, held October 23–31, 1993, was sponsored by the Kaufman County Drug Abuse Prevention Committee and the Texas Agricultural Extension Service. I had the pleasure of meeting Miss Lhotan October 23 at Mulberry Park in Forney during the kickoff event.

Miss Lhotan pointed to the need for families to discuss the problems and dangers of using drugs and the importance of education through school programs. Her essay reads in part, "Everyone will know someone in their life that will start doing drugs, and I hope that our education will help us to help them. Talk to your little brothers and little sisters and help the future."

"My mother says 'Educate, Communicate, Graduate and Stay Straight.' I like that," Miss Lhotan concluded.

I like that philosophy, too, and I commend this young person for her commitment to education. She is the daughter of Mr. Richard Lhotan and Mr. and Mrs. James and Danice Gibson. I also want to acknowledge all those in Kaufman County who contributed to the success of this red ribbon campaign.

Rita M. Winton, county extension agent, and Sylvie Millson, chairperson of the County Drug Abuse Prevention Committee, devoted many hours to this event. Other committee members include Edna Beltz, secretary; Pat Adams, treasurer; Albert Davis, Rhitt Jackson, Rita Kent, Don Legg, Mary Lyons, Jack Millson, and Inez Williams.

Also contributing were Kaufman PALS, Peer Assistance Leaders, Kemp PALS, and Crandall PALS. The theme of the campaign was "No Excuse . . . For Drug Abuse." The day's events featured a family fun run/walk, speeches, performances by bands, cheerleaders, and drill teams. Activities for the week included displaying red ribbons, wearing the red ribbon T-shirt, education programs, a red balloon release, and other school-related programs. As an essay contest winner, Miss Lhotan received a $50 U.S. savings bond.

The red ribbon campaign originated when Federal agent Enrique Camarena was murdered by drug traffickers in 1985. The red ribbon became the symbol to reduce the demand for drugs. Kaufman County participated for the first time in 1989.

Mr. Speaker, in addition to congratulating Miss Lhotan for her excellent essay, I wish to recognize Ms. Winton, Ms. Millson, and the many others who have devoted much time and effort to drug prevention in Kaufman County.

THE PENNY-KASICH AMENDMENT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. ROSTENKOWSKI. Mr. Speaker and my colleagues, you are by now well aware of my reservations about H.R. 3400. It is a combination of bad policy, poor timing, and good intentions. In my view, it would be best if we simply

adjourned for the year without further budget debates, knowing full well that we will face these debates—and real discussion about further reducing our deficit—again next year. We have already approved nearly $500 billion in deficit reduction this year. We are unlikely to accomplish any more real progress this year. Let us admit it.

Today, however, in keeping with the commitment I made at the Whip meeting and to several of my colleagues, I want to share with you my even more serious reservations about the Penny-Kasich substitute to H.R. 3400.

At first blush, many of you may find Penny-Kasich appealing. After all, its proponents promise more than $100 billion in deficit reduction through what they would have you believe are easy, even painless, cuts. Be careful, my friends. They are promising you more than they can deliver. The cupboard is bare. There are no more easy and painless cuts to be had.

The cuts included in this amendment are by no means painless. Think about it. I do not consider $34 billion in Medicare cuts directed at senior citizens to be painless. Do you? And I think we are kidding ourselves if we think we can further reduce discretionary spending below the hard freeze we adopted as part of this year's budget process. There is real pain in that freeze; do we really have the stomach for more?

The Penny-Kasich amendment also includes the usual assortment of recycled budget proposals—things that have been rejected as unworkable, bad policy, or inappropriate on numerous occasions. But they get included in proposals like this to make it look like it is easy to achieve big savings. The reality is we will not enact these proposals. Let us not kid ourselves.

Let us not kid ourselves either about the proposal to further consolidate social services funding. It makes no sense at a time of rising demands in our cities—and elsewhere—for social services. If Members truly are concerned about the growing number of families who must rely on welfare, they will see the Penny-Kasich proposal on social services for what it is: A step backward in our efforts to end welfare as we know it.

I am most bothered, however, by the $34 billion in Medicare cuts proposed in the Penny-Kasich amendment. Remember, these cuts are on top of the $56 billion in Medicare savings that we approved as part of OBRA 1993 just this past August. And, in OBRA we were able to shield beneficiaries from experiencing much pain by targeting our reductions on providers. This proposal would impose significant, new, out-of-pocket expenses on senior citizens who already spend three times more for health care than the under-65 population.

For those of you worried about efficiency and Government bureaucracy, I urge you to keep your eye on Penny-Kasich. Our Federal bureaucracy is likely to mushroom if this amendment becomes law. IRS will become an even bigger brother, developing income data on millions of Medicare beneficiaries so that another Federal agency—HHS—can match that information with the records for upward to $11 million hospital stays. That is a computer nightmare. Do you really think that this confidential information should be so widely available? And is it appropriate for hospitals—who ultimately charge patients for their services—to have access to the patient's private income information? Under Penny-Kasich, the hospital will need it. Do not underestimate the havoc that these new policies will wreak with Medigap insurance either.

The proposal for a 20-percent coinsurance on home health services is equally troubling. It will impose a big, new, regressive burden on some of the oldest and frailest of our elderly citizens. Is that what we were sent here to do?

Finally, consider the implications of your vote on Penny-Kasich for next year's health care reform debate. Not only is that the more appropriate forum for discussing these health issues, but those savings—if we choose to make them—are integral to financing health reform. Paying for health reform won't be easy, my friends.

Here is the bottom line on the Medicare cuts in Penny-Kasich: We should not ask Medicare beneficiaries to contribute $34 billion to a deficit reduction plan that does not ask other American citizens to make a comparable contribution. That's just not fair.

For the benefit of Members, below is a detailed analysis of the provisions of the Penny-Kasich amendment that fall within the jurisdiction of the Committee on Ways and Means. Again, I urge you to read this carefully, and to think about the implications of your vote on this amendment. The Penny-Kasich amendment is a disaster waiting to happen:

THE PENNY/KASICH AMENDMENT—ANALYSIS OF PROVISIONS

Fees for applications for alcohol labeling and formula reviews (section 325).—The Penny-Kasich plan would impose a fee intended to cover part of the cost of approving all alcoholic beverage labels and of performing laboratory analyses to determine if beverage content is in compliance with Federal law.

Analysis: Congress recently evaluated this proposal and rejected it in the context of budget reconciliation. The proposal is troublesome and short-sighted because the costs of collecting the labeling fee could well outweigh the amounts collected. (The Administration made a similar argument with respect to the special occupational tax in its REGO proposals.)

Increase in SEC registration fees (section 326).—The Penny-Kasich plan would increase certain registration fees paid by corporation to the Securities Exchange Commission ("SEC") in order to offset costs of the SEC. This increase would be in effect through September 30, 1998. (H.R. 2519, the recently-enacted legislation providing appropriations for the SEC, included a similar increase in a more limited category of SEC fees; however, this was a temporary, one-year, measure pending the anticipated enactment of a revamped fee system next year.)

Analysis: The SEC already collects far more in fees than is needed to cover the costs of its regulatory activities. Therefore, the proposed increase in registration fees is not needed to offset the SEC's costs. Instead, it is a tax on corporations that register securities. There simply is no justification for singling out corporations which are registering their securities to bear the burden of a tax increase.

Travel, tourism, and export promotion fees (section 327).—The Penny-Kasich plan would require each State that "participates in marketing activities or tourism promotion abroad thought the U.S. Travel and Tourism Administration" to pay a fee "in an amount determined by such Administration so that the total receipts from such fees shall equal the budget of such Administration."

Analysis: This proposed fee raises serious concerns. It would push the financing of the United States Travel and Tourism Administration ("USTTA") onto the States, which themselves are struggling with serious fiscal difficulties. Moreover, it is inconceivable that the USTTA could establish a fee structure that would raise enough money to cover its budget without asking some "participating" States to pay for more than the benefits they actually receive. Instead, it is likely that some States would end up paying more than their fair share to the Federal government—which obviously raises serious constitutional issues.

Consolidation of certain social services programs into a single block grant program (section 504).—This proposal would merge two broad block grants to the States with several targeted programs to form a single block grant for social services. Funding under the block grant would equal 4 percent less than combined funding under the original programs.

According to preliminary documents, the programs affected include three programs over which the Committee on Ways and Means has full or shared jurisdiction: the social services block grant, which is Title XX of the Social Security Act, and two new child care grant programs established by Congress in the 1990 budget bill (the "At-Risk" Child Care Program under the AFDC statute, and the Child Care and Development Block Grant). Also included in the combined grant would be the community services block grant, services and meals for the aging, and dependent care planning and development grants. These latter programs are under the jurisdiction of the Committee on Education and Labor.

Analysis: This proposal not only threatens critical social services funding, but, if enacted, also would undermine Congress' recent attempts to reduce welfare receipt and encourage self-sufficiency among low-income families.

In justifying this savings proposal, proponents argue that it would eliminate duplicate services and allow services to be provided more efficiently, thereby reducing administrative costs. However, there is no evidence regarding the level of administrative savings, if any, that would result from consolidating these programs, and the proposal could reduce the availability of social services to low-income individuals and families. In fact, the Congressional Budget Office, which included a similar provision in its yearly compilation of deficit reduction options, acknowledges this risk: "Despite improved administrative efficiency, a 5 percent cut in funding [the CBO option] could lead to a reduction in services."

Furthermore, of even greater concern is the high likelihood that Federal funding to States for social services will erode considerably over the long haul under a consolidated grant, relative to current program structures. This will occur for several reasons, including that Congress will be unable to define Federal priorities and that little information will be available to Congress on the use and value of the funds. The history of Title XX social services block grant demonstrates this result. Since various social services funding streams were fully consolidated into the Title XX grant in 1981, funding for the grant program has eroded by over 40 percent after adjusting for inflation.

Finally, in deciding to spend scarce Federal dollars on social services activities, the

Federal government has a legitimate interest in the use of the funds to achieve national objectives, and a legitimate concern that certain groups that are not politically powerful—such as children—benefit from the funds. Thus, while maintaining a flexible Title XX grant program, Congress in recent years has directed new Federal funding at issues that are priority areas for the nation, but often undervalued by State and local taxpayers. Most notable among these efforts is welfare reform, and it is at this effort that the At-Risk Child Care program and the Child Care and Development Block Grant are targeted.

Congress in recent legislation has recognized that the key to reforming welfare is to expand opportunities and obligations for parents receiving welfare to secure and keep meaningful jobs. The 1990 child care legislation, following on the welfare reform legislation enacted in 1988, is an important element of this strategy to ensure that low-income families who work are better off than they would be on welfare. Under this legislation, Congress expanded the earned income tax credit substantially, and targeted child care funding at low- and moderate-income families through two grant programs. These child care grant programs are helping thousands of families participate in work-related activities. More important, they are helping to support the work effort of thousands of families who, without such support, would be at-risk of falling onto the welfare rolls.

If Members are concerned about the growing demands in their communities for social services, and the growing number of families who are relying on income from welfare programs, they should be concerned about the Penny/Kasich proposal to consolidate social services funding. This proposal is shortsighted and will undermine the efforts this Congress already has made to reform welfare in this country, and it will make "ending welfare as we know it" even more difficult next year.

One version of this proposal also would have converted what are predominantly entitlement funds for social services to a discretionary status. Adopting such an approach would further and seriously jeopardize Federal funds to States for social services.

Medicare (sections 603–607).—The Penny/Kasich amendment would reduce Medicare spending through five proposals that would increase beneficiary contributions. Three of these proposals have been put forward by previous Administrations, and have been rejected by the Congress. The fourth proposal, to means-test the hospital deductible paid by Medicare beneficiaries, was included in the Republican budget package earlier this year, and was rejected. A fifth provision would establish a prospective payment system for home health services under Medicare.

According to summary documents provided by Penny/Kasich, the proposal would achieve over $34 billion in Medicare savings from beneficiaries. The Congress just enacted $56 billion in Medicare savings as part of the Omnibus Budget Reconciliation Act of 1993.

Analysis: Enacted apart from broad health care reform, the Medicare proposals in the Penny-Kasich amendment would be financially burdensome to Medicare beneficiaries and would undermine future efforts to achieve health care reform.

Keep in mind that seniors already spend more out-of-pocket for health care than the under-65 population. Seniors spent slightly more than 3-times as much per person out-of-pocket than those who are younger than age 65, according to the Congressional Budget Office. The Penny/Kasich amendment would widen this disparity in benefits, and do so with a regressive policy that targets the most physically impaired senior citizens.

1. *Means-Test Inpatient Hospital Deductible.*—The amendment would establish a new, means-tested deductible of up to $2,000 for a hospital stay for individuals with adjusted gross incomes of $70,000 or more, and married couples with adjusted gross incomes of $90,000 or above beginning in 1994. The deductible would be computed on a sliding-sale basis. For each $5,000 increment above the $70,000 or $90,000 threshold, the deductible would increase by 33 percent. Under current law, the inpatient hospital deductible is not means-tested; it will be $696 in 1994, and is indexed annually.

For married individuals who do not file a joint tax return, the amendment sets a threshold amount of zero if the individuals do not live apart for the entire year. Such individuals would thus be subject to the increased deductible no matter how low their incomes.

Within 60 days after enactment of the Penny-Kasich amendment (and by November 1st of each subsequent year), each Medicare beneficiary would be required to provide to the Secretary of HHS an estimate of their modified adjusted gross income for the year. Using this information, the Secretary would determine an applicable inpatient hospital deductible for each hospital admission.

Upon request, the Secretary of the Treasury would provide to the Health Care Financing Administration the taxpayer information needed to determine the modified adjusted gross income of any Medicare beneficiary for the purpose of determining the appropriate inpatient hospital deductible.

The Secretary of HHS would use the Treasury information to reconcile IRS information with the self-reported income for each Medicare beneficiary that had an inpatient hospital stay. In the case of an individual who had been charged a deductible that was inappropriately high, Medicare would refund the difference to the beneficiary. If, however, the deductible that was charged turned out to be too low, Medicare would recoup the difference from the hospital. The beneficiary would be liable for payment to the hospital.

Analysis: This proposal would force 35 million elderly and disabled Medicare beneficiaries to report their expected income to the Secretary of HHS each year. This is likely to generate anxiety and confusion for beneficiaries since no such reporting requirement currently exists. It is also likely to result in erroneous reports unless HHS functions as a "shadow IRS" and instructs individuals how to estimate their modified adjusted gross income.

This provision would also create an administrative burden for the Department of Health and Human Services, and the Internal Revenue Service (IRS). The IRS would be required to create a new data file with the names, taxpayer identification numbers and adjusted gross income for each Medicare beneficiary whose income exceeded the defined threshold amount in the most recent tax year. HHS would have to match as many as 11 million Medicare hospital stays against the IRS-provided income file to determine appropriate payment amounts for hospitals on a case-by-case basis.

While the bill assumes implementation in 1994, it is questionable whether the IRS could prepare the necessary data file in time for such immediate implementation. In addition, HHS does not have the resources to implement this entirely new and complex function.

The proposal raises concerns regarding the disclosure of confidential taxpayer information as well. Under current law, the IRS is authorized to disclose tax information to HHS only for purposes of verifying the employment status and group health plan coverage of Medicare beneficiaries and their spouses; no income information is generally disclosed for such purposes. By contrast, under the Penny-Kasich amendment, specific income information on millions of taxpayers would be disclosed to employees of HHS and, at least indirectly, to thousands of hospitals and their employees. Disclosure of this type and magnitude could have a significant adverse effect on the voluntary tax system.

This proposal also would wreak havoc with Medigap insurance and would drive up premiums. Most Medicare beneficiaries, particularly those with higher incomes, have private Medicare supplemental ('Medigap') insurance that covers the inpatient hospital deductible. If this proposal is implemented, Medigap insurers would be required to pay the higher deductible amount for some beneficiaries and would therefore need to determine the incomes of policy-holders in order to predict their liability and set premiums.

In addition, hospitals should also expect new administrative burdens under the Penny/Kasich amendment, hospitals would pursue beneficiaries or their Medigap insurers to collect, if Medicare applied an inappropriately low deductible. Hospitals would need to know the income of beneficiaries in order to anticipate cash flow from Medicare, Medigap insurers, and beneficiaries. Most troubling, hospitals would be able to derive the confidential income of individual Medicare beneficiaries by reviewing those that were subject to the higher deductible.

Note also that the current Medicare hospital deductible is much higher than deductibles imposed by most private insurance. For example, even under the highest cost sharing benefit package proposed in the Clinton health care reform plan, the annual deductible for an individual would be $200, covering both inpatient hospital and outpatient services. By contrast, Medicare requires a $100 deductible for outpatient services in addition to the $696 hospital stay deductible. Moreover, the inpatient hospital deductible can be charged multiple times each year for Medicare beneficiaries with multiple hospital stays.

It is hard to justify a policy that widens the current disparity between deductibles incurred by senior citizens, relative to the deductibles typically paid by the general population.

2. *Income-Relate the Part B Premium.*—The amendment would, for the first time, income-relate the Medicare part B premium. The premium would increase at least threefold for individuals with incomes in excess of $70,000 and couples with incomes in excess of $90,000. For individuals with incomes in excess of $95,000 and couples with incomes in excess of $115,000, the premium would quadruple. The amount of the premium increases for beneficiaries with incomes in between these amounts would be determined on a sliding scale basis.

Using the expected income information provided by Medicare beneficiaries described earlier, the Secretary of HHS would determine the appropriate part B premium amount to be deducted from each beneficiary's monthly Social Security check.

The Secretary of HHS would reconcile IRS information with the self-reported income for each Medicare beneficiary. Any discrepancy would be corrected through the part B

premium deductions applied to future monthly Social Security payments.

Analysis: This proposal has been considered and rejected a number of times in recent years. The Administration has included a proposal that resembles this provision in its health reform plan; however, the Administration's policy is proposed within the larger context of health care reform, which provides substantial new benefits to senior citizens covered under the Medicare program in exchange for higher payments. Moreover, the Administration plan would be administered directly through the IRS and would not generate new annual income reporting requirements by beneficiaries. Finally, the Penny/Kasich proposal would income-relate the premium at a substantially lower income threshold than the Administration proposes, which could be considered a "middle class tax".

3. *Coinsurance on Home Health Services.*—The amendment would require Medicare beneficiaries to pay a 20 percent coinsurance on all home health services. For individuals with incomes at or below 150 percent of poverty, the coinsurance would be paid under the Qualified Medicare Beneficiaries program. Under current law, home health services are not subject to coinsurance. In addition, the amendment would establish a prospective payment system for home health services, effective on January 1, 1994.

Analysis: This proposal would impose a significant, new financial burden on Medicare beneficiaries who use home health services. The average home health user would be required by this proposal to pay close to $650 for home health services in 1993, and typically, beneficiaries would incur these new costs after paying the inpatient hospital deductible, which will be $696 in 1994. Older patients, who are relatively high users of home health services, would pay substantially more than the average.

This proposal also would require the Department of Health and Human Services to monitor the income of senior citizens, in order to implement the offsets for individuals with incomes below the 150 percent of poverty level. This raises the same administrative problems noted in the analysis of the means-tested deductible, in that HHS does not currently keep track of beneficiaries with incomes up to 150 percent of poverty.

Further, the proposal is a highly regressive tax on the oldest and most frail segment of the elderly population. If this amendment is adopted, seniors who are near-poor, with an income just above 150 percent of the poverty level (about $11,000 for an individual) will be billed hundreds, if not thousands, of dollars for home health services.

Under the Penny/Kasich amendment, a typical senior citizen with medical needs requiring home health services would pay about $800 in current deductibles plus $650 for the new home health coinsurance. These individuals would also be required to pay for other medical expenses that are not covered under Medicare, including the entire cost of their outpatient prescription drugs. Drug costs alone can reach thousands of dollars for a chronically-ill senior citizen.

Of course, those who are sickest, with the greatest need for extensive home health care services, will pay even more than these averages—in part because Medicare, unlike most employer-sponsored health plans, does not include a cap on out-of-pocket expenditures.

The Administration's health reform plan also includes a home health proposal but it differs in significant ways from the Penny/Kasich amendment. It is less onerous for beneficiaries, more easily administered, and is part of a broader health care reform which includes an expansion of home care benefits for beneficiaries. Further, the Penny/Kasich amendment would impose a 20 percent coinsurance on home health visits, rather than the 10 percent proposed under the President's plan. And, unlike the Administration's proposal, the Penny/Kasich amendment requires a coinsurance on visits that occur within 30-days after discharge from a hospital.

4. *Coinsurance on Clinical Laboratory Service.*—The amendment would require Medicare beneficiaries to pay 20 percent coinsurance on clinical laboratory services.

Analysis: This proposal would impose a new administrative burden on clinical laboratories. Because many laboratory claims are small, the administrative costs of collecting the 20 percent coinsurance amount would exceed the amount collected in many cases.

Coinsurance on laboratory services was eliminated in 1984 as part of a restructuring of clinical laboratory reimbursement. That restructuring also included a reduction in the fees paid for laboratory services and a requirement that all laboratories accept Medicare payment in full rather than billing beneficiaries for excess amounts.

CHILD ABUSE AND NEGLECT ACCOUNTABILITY ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. GOODLING. Mr. Speaker, today I am introducing the "Child Abuse and Neglect Accountability Act of 1993."

Mr. Speaker, child abuse or neglect is one of the most reprehensible forms of crime that I can think of, because it is perpetrated upon innocent and defenseless children. But there is another activity that I think is just as heinous; and that is making false accusations of child abuse or neglect. False reports of child abuse or neglect lead to unjustified and debilitating invasions into the privacy and sanctity of the family, and often lead to the break up of the very family that the current laws are designed to protect.

Under the current Federal law regarding child abuse and neglect, the States are required to provide total immunity for anyone who makes a report of child abuse or neglect. Now, I understand the intent behind this is to encourage people to report child abuse or neglect when they see it, but unfortunately this provision is short-sighted. This well intentioned provision has a glaring loophole—total immunity for any report of abuse or neglect means that even people who make reports of abuse or neglect when they know it is not true are immune from prosecution. But in the mean time, because of other statutory requirement, the police and child welfare workers must investigate the report. These investigations often take months or longer, and lead sometimes to the child, or children, being removed from their parents for the duration of the investigation. Even if the children are not removed, false reporting still stigmatizes the family, and can lead to huge legal expenses just to clear themselves.

You know it used to be the case that if someone got into an argument with you over something you did, they would threaten to sue you; well today they don't even make the threat of litigation, instead they can just make an anonymous false accusation of child abuse against you, and they will be totally immune from prosecution. Unfortunately, false reporting is being used these days, as well, by estranged spouses trying to gain an upper hand in a divorce proceeding.

A recent report by the State child welfare office in Pennsylvania shows that of all the reports of child abuse or neglect in 1992, fully two-thirds were unsubstantiated. Two-thirds, Mr. Speaker.

My bill would instill some accountability into this whole system, in order to reduce some of those unsubstantiated, yet damaging reports. Under my bill, anyone who makes a report of child abuse or neglect, or persuades a child to make such an accusation, without reasonably believing it to be true, would be subject to prosecution. In addition, if such a report was done with the intent to subject someone to criminal investigation, to gain an advantage in a civil proceeding, or to otherwise subject that person to public humiliation, then the penalties would be increased.

Again Mr. Speaker, I want to stress that child abuse and neglect is a horrible crime and any instance of it should be prosecuted with all due speed and to the maximum extent possible. However, I feel very strongly that in our efforts to protect children from this crime, that we have gone too far and in the process created a system that allows for abuse of another kind—abuse of the parents. My bill, the "Child Abuse and Neglect Accountability Act of 1993," will bring back some accountability to the system for false reports, in order to prevent this other type of abuse.

TRIBUTE TO THE LATE DIONISIO GARCIA

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. GONZALEZ. Mr. Speaker, I am sure that everyone of us who serve in an office of public trust sometimes realizes there are some fellow citizens or friends who because of unique and singular and great character and personality traits stand out consciously. Perhaps, because they live and work in private endeavor and not in a public or political capacity, their values are relegated to relative obscurity. But among the segments of community and social activity in which they work quietly, but creatively and constructively, they are noted and honored.

One such San Antonian and American was my great and good friend of many years, in fact, going back to my high school and college years 60 years ago, Dionisio ("Nicho") or "Don" Garcia.

Nicho and I first met when I was in high school, and subsequently he was one of seven of us from San Antonio of Mexican descent (we were called Latin Americana there) that went to the great University of Texas in

Austin in September of 1937. It was the first time that that many entered college at the University.

We were all wallowing in the hard times of the depression. Nicho studied pharmacy and eventually earned his degree in that profession and became a pharmacist for over 50 years.

But he joined the Army when the war broke out in 1941 and served in Belgium and France.

Nicho stood out as a gregorious, happy, always smiling and very devout church going individual.

He married and formed a beautiful family to whom he was totally devoted until his death on October 8, 1993.

In fact, one of his children is a priest, Rev. Fr. David Garcia, who has given us an outline and short biography of his father, and which I ask be placed in the RECORD at this point.

NEWSPAPER OBITUARY FOR DIONISIO GARCIA

Dionisio (Don) Garcia, beloved husband, father, grandfather, brother, uncle, and friend entered into eternal rest at a local hospital on October 8, 1993, at the age of 77. Born August 12, 1916, in Roma, Texas, he was from one of the original Tejano families which still hold title to a land grant near Falcon, Texas given in 1750 by the King of Spain. He is survived by his wife of 50 years, Emma, and children Becky and Phillip De Leon of San Antonio; Anna and Robert Elizondo of Duluth, Georgia; Virginia and Art De Los Santos of Fairfax, Virginia; Father David Garcia of San Antonio; Letty and Tom Nolan of Aurora, Illinois; and Sylvia Garcia of San Antonio; Mr. Garcia also leaves 11 grandchildren: Phillip and wife Barbara of Berthoud, Colorado, Mark, David and Dulcie De Leon of San Antonio; Chuck and Steve Elizondo of San Diego, California; Mike Elizondo of Duluth, Georgia; Mike, Lucia and Christina De Los Santos of Fairfax, Virginia; and Jennifer Nolan of Aurora, Illinois. In addition, he is survived by three sisters: Anita Sandoval, Cata Gomez and Sarah Mayen of San Antonio, countless cousins, nieces, nephews, and world of friends. He was an extraordinary individual who was warm and generous, and touched the lives of hundreds. He took great pride in his children and grandchildren, and followed their achievements.

After graduation from high school in San Antonio, he graduated from the University of Texas at Austin, earning his pharmacy degree. He and Emma Vela were married on January 3, 1943, in Port Lavaca, Texas, and celebrated 50 years of marriage last January with a renewal of vows and a reception for family and friends. He joined the Army during World War II, and was stationed in Belgium and France. He practiced pharmacy for over 50 years and was the owner of Trinity Hospital on Buena Vista Street until his retirement. He continued in pharmacy part-time at the Stella Maris Clinic. He also earned his real estate license. He loved to paint, sculpture, and play the piano, harmonica, drums and trumpet. He was the life of every party. He brought a positive attitude to his everyday activities and had a wonderful sense of humor.

An active member and daily Mass attendant at St. Luke's Catholic, Church, he is the father of Rev. David Garcia, Vocation Director for the Archdiocese of San Antonio. "He was the eternal optimist—he never gave up. Dad always had a future project or goal he wanted to accomplish, and he instilled religious values and a strong work ethic in all his children," his son states. His daughter, Becky De Leon, adds "My father was the patriarch of our family, and lived a blessed life. He was the richest person I know—not so much in material goods, but in love of life, his humor, positive attitude, up-beat spirit and pride in his close-knit family. He was a very loving and generous father. We thank God for lending him to us. He was always an inspiration to us, and his rich qualities are treasured memories and the legacy he leaves behind. We will miss him tremendously. He died peacefully with faith, courage and dignity—just as he lived his life." Two highlights of his life included a general audience and Mass celebrated by Pope Paul VI in Rome, Italy, and meeting and shaking hands with Pope John Paul II during the Pontiff's San Antonio visit.

[From Today's Catholic]

MAY THEY REST IN PEACE

DIONISIO GARCIA

Dionisio (Don) Garcia died on Oct. 8, 1993, at the age of 77.

Born on Aug. 12, 1916, in Roma, Texas, he was from one of the original Tejano families which still hold title to a land grant near Falcon, Texas, given in 1750 by the king of Spain.

After graduating from high school in San Antonio, he graduated from the University of Texas at Austin, earning his pharmacy degree. He married Emma Vela on Jan. 3, 1943, in Port Lavaca. He and Emma celebrated 50 years of marriage last January with a renewal of vows and a reception for family and friends.

Dionisio joined the United States Army during World War II. He practiced pharmacy for over 50 years and was the owner of Trinity Hospital on Buena Vista Street until his retirement when he began working part-time at the Stella Maris Clinic. He also earned his real estate license. His love of painting, sculpture and music—he played the piano, harmonica, drums and trumpet—made him the life of every party.

An active member of St. Luke's Church, he was the father of Father David Garcia, vocation director for the Archdiocese of San Antonio.

"He was the eternal optimist—he never gave up. He instilled religious values and strong work ethic in all his children," Father David says of his father.

Dionisio Garcia is survived by his wife, Emma; six children; 11 grandchildren; three sisters; and many cousins, nieces and nephews.

A rosary and prayer service was offered at St. Luke's Church on Oct. 11. Following a Funeral Mass on Oct. 12 in the same church, interment took place at San Fernando cemetery #2.

GARCIA OWNED TRINITY HOSPITAL

Dionisio "Don" Garcia was a pharmacist more than 50 years.

He owned Trinity Hospital on Buena Vista Street until he retired in 1991.

Garcia, 77, died Friday at a local hospital.

He was born Aug. 12, 1916, in Roma. His family still holds the title to a land grant near Falcon, given to them in 1750 by the King of Spain, said his son, the Rev. David Garcia of San Antonio.

Garcia graduated from Old Main High School in 1934 and attended the University of Texas at Austin. Garcia became a practicing pharmacist in 1941.

On Jan. 3, 1943, he married Emma Vela in Port Lavaca. They had six children.

Garcia joined the Army and was stationed in France and Belgium during World War II, his son said.

Upon his return, Garcia began working at the Saenz Clinic. About four years later, Dr. Daniel Saenz sold the clinic to Garcia and it became the Trinity Clinic, a 20-bed hospital. The name later was changed to the Trinity Hospital, his son said.

He retired in 1991 and concentrated on his craft projects, his son said.

Garcia was an amateur painter and sculptor, and played several musical instruments.

"Dad always had a future project or goal he wanted to accomplish," his son said. "He loved music and art."

Garcia attended daily Masses at St. Luke's Catholic Church, his son said.

"He instilled strong religious values and a strong work ethic in all his children," he said.

Garcia also met Pope John Paul II when he visited San Antonio in 1987.

Additional survivors include his wife; five daughters, Becky De Leon and Sylvia Garcia of San Antonio, Anna Elizondo of Duluth, Ga., Virginia De Los Santos of Fairfax, Va., and Letty Nolan of Aurora, Ill.; three sisters, Anita Sandoval, Cata Gomez and Sarah Mayen, all of San Antonio; and 11 grandchildren.

WHERE ARE THE "NEW" DEMOCRATS?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the November 19, 1993, edition of the Omaha World-Herald.

WHERE ARE THE 'NEW' DEMOCRATS?

The U.S. House vote on the North American Free Trade Agreement provided a revealing look at the political party that is now in control of the government.

President Clinton worked hard to get the measure approved. His fellow Democrats deserted him in droves. A total of 156 House Democrats voted to reject the agreement with only 102 voting for it. The 234-200 victory was possible only because 132 of the 175 Republicans came to the side of the president.

It should not be forgotten, moreover, that Republican Ronald Reagan proposed the agreement Nov. 13, 1979, when announcing his presidential candidacy. Nor that Republican George Bush negotiated the agreement, which was signed by his trade representative Aug. 12, 1992.

Nonetheless, it was a triumph for the Clinton administration. Clinton and Vice President Gore deserve credit for turning the issue around.

But whatever became of the "new Democrats" who urged the voters last fall, with considerable success, to send them to Washington?

New Democrats said they rejected the old doctrine that a Democrat must always vote pro-union, pro-entitlement, pro-big government. They promised a new age of realism in the Democratic Party, with moderation and fiscal responsibility. Above all, new Democrats claimed to understand how the economy works, how jobs are created. They would improve commerce and bring more prosperity.

The Clinton-Gore position of freer trade and enhanced regional economic ties was the logical stance for such Democrats.

But the union bosses snapped their fingers. Congressmen heard from Ralph Nader lobbyists, whose crabbed view of American life is rooted in anti-business philosophies. Greenpeace, the Sierra Club and other environmental groups applied pressure. There was even a feminist-driven effort to defeat NAFTA.

And old Democrats materialized by the dozens.

We commend Midlands Democrats who added pro-NAFTA votes.

But it's hard to be upbeat about the performance of many of their colleagues in the Democratic Party—people who are new Democrats only until big labor and the other mainstays of the old Democratic Party cash in their political IOUs.

LEGISLATION TO AMEND OUR FEDERAL CHILD NUTRITION PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 1993

Mr. GOODLING. Mr. Speaker, today I join Congressman DALE KILDEE, the chairman of the Subcommittee on Elementary, Secondary and Vocational Education in cosponsoring legislation outlining proposed changes in many of our Nation's child nutrition programs.

As a former educator I realized very early in my career the connection between educational achievement and child nutrition programs. Children who came to school without breakfast did not have the same energy as their peers who had eaten before they came to school. They did not focus their attention on their studies; they were hungry and it was a distraction. For these children, their school lunch was the only good meal they had each day—and I dread to think what they had to eat over the weekend.

We have made progress in our country. Many schools now have a school breakfast program to insure our Nation's children are starting each school day with the energy they need to be active participants in the educational process. More and more women are receiving nutrition supplements through the WIC program and producing healthier babies.

But our programs are not perfect. A recent study has indicated that our school lunch and breakfast programs are providing students with meals that our too high in their fat and sodium content. This certainly in an area which needs to be addressed. We need to improve the nutritional quality of the commodities we are providing to schools through our commodity distribution program. We also need to give our school food service workers assistance in developing meals which students will not only eat, but which are of high nutritional value as well.

Mr. Speaker, the legislation we are introducing today outlines some of the changes we are considering to our current child nutrition programs. I do not agree with all of the proposals contained in this legislation and am concerned about some of the funding increases which will be required to make some of the changes. As this bill works its way through the legislative process, I am committed to work to insure that these funds are spent in the best interests of the taxpayer. It is my intention to work with Chairman KILDEE throughout the reauthorization of the child nutrition programs to address these and my other concerns with this legislation. I thought, however, it was important for me to indicate my support for making changes which will improve the ability of our Nation's child nutrition programs to provide participants with healthy, nutritious meals.