About two-and-a-half years later, this past December 27th, the National Labor Relations Board ruled that the closing violated federal law and ordered Sprint to rehire the workers with full back pay.

Sprint immediately filed an appeal of the ruling to a U.S. Appeals Court. That will keep the case spinning around the legal system for at least another year and a half, and a Sprint spokesman already has predicted a further appeal to the Supreme Court if the company loses this round.

A remarkable aspect of this case is that Sprint openly, unashamedly, admitted to more than 50 illegal violations of the La Conexion workers' rights at an earlier trial before an administrative law judge.

Knowing that it would receive no more than a wrist slap for its union-busting activities—creating an atmosphere of surveillance of union supporters, having managers interrogate workers one-on-one about the union campaign, openly threatening to shut the office if they voted for the union—Sprint's lawyer brigade brushed off these charges and focused only on the issue of Sprint's motive for the closing. That was the one issue that could provide a real, costly, remedy for the workers.

And sure enough, a slap on the wrist it was for the 50 violations. The administrative law judge's order amounted almost to a sick joke: Sprint was required to write a letter to the workers, after their office was closed for good, stating that it would not in the future violate their rights to organize a union.

Now, finally, a meaningful remedy has been ordered, but Sprint is determined to see that justice is delayed for as long as it takes. Perhaps the company hopes that some of the workers will be dead, and others scattered to the winds no longer to be found, by the time its legal appeals have been exhausted.

Clearly for Sprint, routinely violating labor laws is viewed simply as a smart strategy to enforce its acknowledged objective of remaining ''union free.'' And its associated legal bills are merely a cost of doing business.

This attitude is not unique in the corporate world—in fact, it's becoming the norm today.

A recent study by researchers at Cornell University was inspired by the Sprint/La Conexion Familiar case. It was the first study specifically of the impact of the threat of plant and office closings on worker union drives.

The study found that in fully one-half of all organizing campaigns, as well as in 18 percent of first contract negotiations, employers today threaten to close their facilities. And employers follow through on the threat 12 percent of the time.

This represented an increase in shutdown threats from 30 percent, as found in earlier studies by the same researchers, to 50 percent today.

The result, Cornell reported, is that worker organizing success rates are cut from about 60 percent to 40 percent when the employer threatens to close the facility.

No wonder. What more devastating weapon could an employer use to kill a union drive than to declare—''vote for the union and you lose your job?'' The answer is, shut the office down even before the union election, which is what has made the La Conexion Familiar affair stand out as a case that's being closely watched around the world.

It's somewhat ironic—and certainly must seem so to Sprint—that the La Conexion Familiar workers have emerged as martyrs on the workers' rights battleground.

Sprint clearly thought that a group of mostly immigrant, mostly female workers who spoke only Spanish could be easily intimidated and turned away from their union campaign.

But they weren't intimidated, and I later learned why at a public hearing on the La Conexion affair in 1995 conducted by the Labor Department. One of the workers, a woman from Peru, had testified and was subsequently asked by a news reporter: ''If you knew you could lose your job, why did you keep supporting the union?''

The young woman replied: ''What does risking a job matter? In my country, workers have risked their lives to have a union.''

CONTEST WINNING ESSAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. WEYGAND. Mr. Speaker, I was pleased to have Mr. Matthew Arundale, a student from Warwick, RI, who is currently attending Marymount University in Virginia join me in attending President Clinton's State of the Union Address last Tuesday.

Matt was the winner of a contest my office held that asked interested Rhode Islanders attending college in the Washington, DC, area to prepare an essay on why they wanted to attend the State of the Union Address.

While I received many entries, all of fine quality, Matt's was particularly creative. For that reason, I asked him to watch the President's address from the House gallery.

I commend Mr. Arundale's essay to all my colleagues.

I am a sophomore Political Science and Biology double major at Marymount University in Arlington, Virginia. While many students are bitten by the political bug and decide to major in political science, few decide to also pursue a career in medicine. But I have.

While this double-major may seem a bit odd, it really is not. I have always loved politics and the idea that men can work together and effect change for all. But I have also loved the idea of helping people in a more direct way: through medicine. After examining the two pursuits, one can see that they are not all that dissimilar.

Take a politician or government official. They are doctors. Their patient is not one person with one illness. Rather, their patient is a group of people with a variety of illnesses (crime, poverty, education, to name a few).

The politician's x-rays are opinion polls and late-night phone calls from his constituents. His nurses are called legislative aides and political advisors. Legislation are his prescriptions.

Every politician, whether they realize it or not, has been charged with the duties of a doctor. While one may get references from friends before they choose a doctor, the patients of politics look at debates, news conferences, and press releases before they make their choice. A two party system (quickly giving way to third party candidates) ensures that people will always have the opportunity to get a second opinion before trusting themselves to any one doctor. In the end, they hope their choice was correct.

One such political doctor is President Bill Clinton. Last November, he was charged with the duties of continuing his role as ''Chief Doctor of the Nation.'' He has read the public opinion polls, had conferences with his advisors, and listened to peoples' grumps and groans. Now, on this Tuesday, he has to report back to the patient. President Clinton must tell a concerned nation what is wrong and what he plans to do to change it. The patient(s) will be listening, wondering if he heard their complaints correctly. They will also be analyzing the President's suggested treatments. Then, just as the patient with high blood pressure is not sure if he is willing to quit smoking to get healthy, the nation will decide if it is willing to make the sacrifices necessary to fix its problems.

In short, I would love to be present for this report. The President is renowned for his speaking ability, so his bedside manner is unquestionable. But to see the culmination of the political triage process come together would be a momentous experience for a student who hopes to one day become a doctor, too.

Furthermore, as President of my Sophomore Class, I have been asked by FOX TV to participate in an interview on the effect of President Clinton's educational incentive plans on college students. I can think of no better way to garnish first-hand information for this interview than to be in the House of Representatives while Clinton outlines his proposals.

Finally, I know I can never take your wife's place, but, I voted for you!!

THE PATIENT FREEDOM OF CHOICE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the Patient Freedom of Choice Act of 1997.

Previously, I have sponsored legislation that restricts physicians from self-referral because this practice leads to overutilization and increased health care expenses. This legislation is designed to rectify a similar problem.

Today, nonprofit hospitals, forprofit hospitals, and large health care conglomerates have acquired their own posthospital entities such as home health care agencies, durable medical equipment businesses and skilled nursing facilities so as to refer discharged patients exclusively to their own services. As a result, many nonhospital based entities have seen inflows of new patients completely halted once a hospital acquires an agency in their service area.

The effects of this self-referral trend are harmful. Hospitals that refer patients exclusively to their own entities eliminate competition in the market and thereby remove incentives to improve quality and decrease costs. Further, hospitals are able to selectively refer patients that require more profitable services to their own entity while sending the less profitable cases to the nonhospital based entities. The nonhospital entity is forced to either raise prices or leave the market. Worst of all, patients have no voice in deciding which entity provides the services.

This legislation remedies the problem by leveling the playing field. First, hospitals will be required to provide those patients being discharged for post-hospital services with a list of all participating providers in the service area so that the patient may choose their provider.

Second, hospitals must disclose all financial interest in post hospital service entities to the Secretary of Health and Human Services. In addition, they must report to the Secretary the percentage of post hospital referrals that are

made to their self-owned entities as well as to other eligible entities. A hospital that fails to comply with the bill's requirements would be subject to a civil money penalty of $10,000 for each violation.

This legislation does not hinder a hospital's ability to offer its own services. It merely guarantees that all providers will have an opportunity to compete in the market. Most importantly, it guarantees that patients will have choice when selecting their provider.

I am drafting a similar bill for introduction later this year which would require that all providers—not just hospitals—give freedom of choice to Medicare and Medicaid beneficiaries. I see no reason why a patient should be held captive to a provider's preference for referral—it should be the patient's choice. For example, home health agencies who refer clients to nursing homes should provide the beneficiary with a complete list of all Medicare-Medicaid certified nursing homes in the area in which the patient resides. This requirement would ensure that all Medicare and Medicaid beneficiaries are given a choice of provider regardless of referral source.

Additionally, I will add to the next bill a third party cause of action which would allow these providers to bring suit against hospitals for failing to adhere to the proper discharge planning process.

Attached is a letter that typifies the current problem in the home health services market.

VISITING NURSE ASSOCIATION
OF GREATER PHILADELPHIA,
December 1, 1995.

Re *United States* v. *Heartland Health Systems Inc.* Civil Action No. 95–6171–CV–SJ–6.

Ms. GAIL KURSH,
Chief, Professions & Intellectual Property Section/Health Care Task Force Antitrust Division, U.S. Department of Justice, Washington, DC.

DEAR MS. KURSH: I am writing to urge that the Justice Department not consent to the proposed final judgment in the above-referenced case, because the ''Referral Policy'' regarding provision of home health care does not adequately protect patient choice and fair competition.

The VNA of Greater Philadelphia is the largest home health agency in Pennsylvania. We are a non-profit, community-based agency which has served communities in southeastern Pennsylvania, including the City of Philadelphia, for 110 years. We provide home health services to approximately 2,000 patients a day, many of whom are Medicare and/or Medicaid patients referred for care directly following an episode of hospitalization.

Patient choice and fair competition are protected by both Medicare and Medicaid law and by antitrust provisions. The proposed Heartland referral policy undermines these protections. Heartland would have no obligation to provide reasonable information about other home health providers in the community for patients who have expressed no provider preference. Telling a hospitalized patient that there are other providers listed in the telephone book and then giving the patient ''time to investigate'', all in the context of the Heartland representative extolling the virtues of its home health service, clearly encourages steering patients to the hospital-owned agency. Further, a policy of stonewalling patient's requests for information about other providers, places the discharge planning staff in the position of denying knowledge that they actually have about alternate providers. This clearly undermines continuity of care for patients.

Although the Heartland consent decree may have no formal precedential impact, in practice this decree could have far-reaching, negative impact on patients and on independent providers, including visiting nurse associations, because it would send a clear signal that anti-trust and patient choice protections are no longer to be taken seriously.

We urge that you require a more aggressive policy to assure that vulnerable, hospitalized patients truly have access to the information they need to make an informed choice of their home health provider.

Sincerely,

STEPHEN W. HOLT.

THE INAUGURAL ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 29, 1997 into the CONGRESSIONAL RECORD.

PRESIDENT CLINTON'S INAUGURAL ADDRESS

The inauguration of a President is one of the great rituals of American democracy. It shows our country's peaceful transition of power every four years, and it is a time for our nation to unite after the divisions of the previous term. A President's inaugural address is important because it sets the tone of his administration. Several themes stood out to me as President Clinton took the oath of office in the last presidential inauguration of the 20th century.

OPTIMISM

One theme was optimism about the future. The President said that the nation stands ''on the edge of a bright new prospect in human affairs''. He has hopeful visions of a ''new century in a new millennium'', and said we should ''shape the hope of this day into the noblest chapter in our history''. It is clear that he sees his presidency as an opportunity to guide America through the challenges of the next few years into a ''land of new promise'' in the next century.

Moving into the ''land of new promise'' was highlighted several times, almost as his central, unifying theme for his second term. I have been impressed by how much the President's attention is in the year 2000 and the new century. President Clinton is very much focussed on the history books. He sees the country as being at a turning point, and he remembers that the great turn-of-the-century Presidents—Thomas Jefferson and Theodore Roosevelt—governed a country undergoing profound changes and created opportunities that altered the course of history.

He wants to do the same. He wants to lead the country through the transition into the next century, all the time keeping the American dream of opportunity alive. He called for a new spirit for a new century, with Americans working together to build ''a nation ever moving forward, toward realizing the full potential of all its citizens.'' He clearly believes America has a lot of assets for its leadership role for the rest of the world. He referred to America as the ''indispensable nation'', with the strongest economy on earth and building stronger families and thriving communities.

The President's clear sense of optimism dominated the address, and it was important to hear. But I think the President missed an opportunity to educate the American people about the tough choices that must be made preparing for the future.

RECONCILIATION

Another major theme in his address was reconciliation. The President urged Americans to bury racial and political divisions and urged a new spirit of community. The inauguration's coming on Martin Luther King Jr. Day added strength to the President's appeal for racial healing. He spoke of the divide of race as being ''America's constant curse''.

He also appealed for an end to the partisan squabbling in Congress, and that sentiment was very well received by Americans who are weary of the constant bickering. The President quoted the late Cardinal Bernadin saying, ''It is wrong to waste the precious gift of time on acrimony and division.'' In perhaps the most memorable line in the address, he reminded us that ''America demands and deserves big things from us, and nothing big ever came from being small''.

The President believes that if the country can come together and put the divisions aside, it can work together toward unparalleled prosperity and freedom for ourselves and for the rest of the world. The President's theme of reconciliation is the right one, but I do wish he had done more to challenge Americans to care more and do more for those less fortunate. We have a time of remarkable prosperity in the country, but there are very wide disparities. I think it is appropriate for the President to urge that more of us think about the common good and contribute to it.

ROLE OF GOVERNMENT

Another theme was the role of government. I was struck by the sentence in his address that ''we have resolved for our time a great debate over the role of government''. Since the beginning of our republic, the great question of American democracy has been over the role of government in the country. The President updated former President Ronald Reagan's declaration sixteen years ago that ''government is not the solution to our problem, government is the problem''. President Clinton challenged that by saying, ''Today we can declare government is not the problem, and government is not the solution. We, the American people, we are the solution.'' Here he reflected the view that most politicians have picked up recently from their constituents, that government is something more than the enemy of the people.

The President's view of government is that it should not attempt to solve people's problems for them nor should it leave them alone to fend for themselves. He wants a government that gives people the tools to solve their own problems and to make the most of their own lives. Like most Americans, he likes the idea of a government that is smaller, lives within its means, and tries to do more with less.

I wonder whether the President is overly optimistic in believing that his first term largely settled the debate over the role of government. My sense is that this is the central issue of American politics and it is not going to go away. His formulation of the role of government in his address was broad enough and vague enough to get most everyone's approval, but it may be too broad and vague to resolve a variety of questions about the role of government.

CONCLUSION

I think President Clinton worked very hard to state the essence of his convictions and his purpose as President. His desire to lead the country in its transition into the new century and the ''land of new promise'' was clear to all who heard his address.

Perhaps some were looking for sweeping policy initiatives or bold new programs, but