EXTENSIONS OF REMARKS

LEGISLATION DIFFERENTIATING ANIMAL FATS AND VEGETABLE OIL FROM TOXIC OIL UNDER FEDERAL LAW

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. EWING. Mr. Speaker, I am introducing legislation, along with Ms. Danner of Missouri, requiring Federal agencies to differentiate between organic oils—animal fats and vegetable oils—and petroleum-based oils when promulgating regulations under the Oil Pollution Act of 1990.

This commonsense legislation does not change or weaken the underlying principles of the Oil Protection Act of 1990 or the other related statutes, like the Clean Water Act. It simply requires agencies to, one, differentiate animal fats and vegetable oils from other oils, and two, proposes regulations that recognize the differences in the characteristics or properties of these oils. These natural products are nontoxic, and their unnecessary regulation forces businesses to comply with costly and counterproductive requirements.

The need for this legislation is prompted by the regulations recently issued under provisions of the Oil Pollution Act of 1990, and the laws amended by the act. The Oil Pollution Act was designed to reduce the risk of, improve the response to, and minimize the impact of catastrophic oil spills, like the one in Prince William Sound, Alaska. Unfortunately, the Oil Pollution Act's definition of ''oil,'' has been broadly applied to nontoxic agricultural products rather than just toxic oils.

Nobody in their right mind would purposely ingest toxic products, but many of us consume food products manufactured with animal fats and vegetable oils every day. I think we can all agree agricultural oils to not pose the same risk to the environment and human health as toxic synthetic oils and, therefore, should not be regulated in the same fashion by the Federal Government.

In the 103d Congress many Members of this body agreed with me and signed letters to Secretary Penã and Administrator Browner on this subject. A version of this legislation was passed twice by the House as part of H.R. 4422 and H.R. 4852. The Senate also passed virtually the same measure.

Today, I am once again asking for the support of my colleagues to correct the unintended consequences of the Oil Pollution Act and other Federal environmental laws as we work to eliminate the unnecessary and costly regulatory burdens placed on U.S. business that do not add any additional measure of protection to the environment or the health and safety of our citizens.

1–800 ''BUY AMERICAN'' LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation to establish a toll-free, 1–800 phone number consumers can call to get information on products made in America. Last year I introduced similar legislation. Working with Republicans and Democrats on the Energy and Commerce Committee, an excellent and workable piece of legislation was crated in 1994. The bill was approved by the House last summer on a voice vote.

The legislation I am introducing today is identical to the bill that was approved by the Energy and Commerce Committee and reported to the House floor.

The legislation I am introducing today directs the Commerce Department to canvass American companies to gauge their interest in participating in a ''1–800 Buy American Program.'' After determining that there is sufficient interest, the Commerce Department is directed to contract out the program to a private company.

The toll-free number would provide consumers with information on products made in this country. Under the bill, an American-made product is any product produced or assembled in this country with at least 90 percent domestic content–the same criteria used by the Federal Trade Commission for determining whether or not a product can have a ''Made in America'' label placed on it. Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to Federal penalties.

One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

I want to emphasize that my bill will not require the Commerce Department to hire more people or create a new unit. The only expense to the Department would be to prepare language for the Federal Register and to prepare bid documents. Let me reemphasize that the program will be contracted out and run by a private company.

All the program would do is provide American consumers with information on what products are made in America. When making a big purchase, most Americans want to buy American. This program will help them make an informed—and hopefully patriotic—decision.

I urge my colleagues to support the bill and sign on as a cosponsor. The text of the bill is as follows:

H.R. —

SECTION 1. ESTABLISHMENT OF TOLL FREE NUMBER PILOT PROGRAM.

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in rulemaking under section 2, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll free number pilot program, and

(2) manufacturers will provide fees under section 2(c) so that the program will operate without cost to the Federal Government,

the Secretary shall establish such program solely to help inform consumers whether a product is made in America or the equivalent thereof. The Secretary shall publish the toll-free number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll free number pilot program provided for in subsection (a), and

(2) the registration of products pursuant to regulations issued under section 2,

which shall be funded entirely from fees collected under section 2(c).

(c) USE—The toll free number shall be used solely to inform consumers as to whether products are registered under section 2 as made in America or the equivalent thereof. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government,

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of made in America or the equivalent thereof, or

(3) that the product contains 100 percent United States content.

SEC. 2. REGISTRATION.

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of a product made in America or the equivalent thereof and have such product included in the information available through the toll free number established under section 1(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free number;

(3) for the establishment under section 1(a) of the toll-free number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulations

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 1 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer, and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 1(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year, and

(ii) shall only be collected and available for the costs described in paragraph (2).

SEC. 3. PENALTY.

Any manufacturer of a product who knowingly registers a product under section 2 which is not made in America or the equivalent thereof—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

SEC. 4. DEFINITION.

For purposes of this Act:

(1) The term ''made in America or the equivalent thereof'' means—

(A) an unmanufactured end product mined or produced in the United States; or

(B) an end product manufactured in the United States if the value of its components mined, produced, or manufactured in the United States equals 90 percent or more of the total value of all of its components.

(2) The term ''product'' means a product with a retail value of at least $250.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or in any regulation promulgated under section 2 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, and rules of the Federal Trade Commission under such Act regarding the use of the term ''made in America or the equivalent thereof'' in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

THE POSTAL PRIVACY ACT OF 1995

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CONDIT. Mr. Speaker, I have today introduced the Postal Privacy Act of 1995. This legislation is intended to protect the privacy of each U.S. resident who files a change of address notice with the U.S. Postal Service.

Few people are aware that when they change their address, the Postal Service makes the information public through a program called national change of address [NCOA] NCOA has about 25 licenses—including many large direct mail companies—who receive all new addresses and sell address correction services to mailers. If you give your new address to the Postal Service, it can be distributed to thousands of mailers. When people ask ''How did they get my new address?'', the answer may be that it came from the Postal Service. People who want their mail forwarded—and who doesn't?—have no choice. File a change of address notice and your name and new address will be sold.

NCOA is a reasonable program because it saves the Postal Service and the mailing community money by making everyone more efficient. I support NCOA, but it needs one small change. People who file a change of address should be given a choice. They should have the option of having their mail forwarded without having their name and address sold to the world of direct mail advertisers. This is what the Postal Privacy Act of 1995 will do. It will give people a choice. It will not end the NCOA program.

Who might be concerned about keeping a new address private? Anyone who has fled an abusive spouse does not want the Postal Service giving out a new address. An individual who files a change of address notice on behalf of a deceased relative will not want the new address sold. Imagine sorting through the affairs of a deceased family member only to receive a mound of unwanted mail offering new products and services to that family member. Jurors in highly visible trials, public figures, and others may have a special need for privacy as might elderly people who may be more vulnerable to unwanted solicitations.

The bottom line is that everyone should have a choice about how his or her name and address is made available to others. You don't have to have a justification. It should be your decision. The Postal Service should not make this decision for you.

Recently, the Postal Service announced that it would provide some protection to individuals who have court orders protecting them against spousal abuse. This is a small step in the right direction, but it is not enough. It only protects those who have gone to the trouble and expense of obtaining a court order. Everyone should be entitled to the same option, but without the need for a court order. The Postal Service has demonstrated that it is possible to provide protection to people selectively. I want to extend the option to everyone.

There is nothing new about giving consumers a choice. The Direct Marketing Association has been a strong supporter of opt-out procedures which give individuals a choice about what type of mail they receive. The association supports its own a mail preference service that offers consumers an option. There is no reason why the Postal Service cannot do the same thing.

The Postal Privacy Act of 1995 is based on work done by the Government Operations Committee. Those who seek more information about NCOA should read ''Give Consumers A Choice: Privacy Implications of U.S. Postal Service National Change of Address Program'' (House Rept. 102–1067).

SALUTE TO FRANCIS SORRENTINO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. FOGLIETTA. Mr. Speaker I rise to pay tribute to one of my constituents, Mr. Francis ''Frank'' Sorrentino, who is retiring from the Pennsylvania Department of Transportation [PennDot] after 34 years of distinguished and dedicated service.

Mr. Sorrentino, who received both his BSCE and MSCE from Drexel University in Philadelphia, has served for the past 5 years as the assistant district engineer for services in engineering district 6–0. The services unit has provided support activities for all of the PennDot design, construction, and maintenance activities in the district 6–0 jurisdiction of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Mr. Sorrentino has led a staff of 95 engineering technical and clerical personnel responsible for the right-of-way acquisition, utility relocation, geotechnical, survey, traffic, and municipal service functions of PennDot district 6–0.

Throughout his long career with PennDot, Mr. Sorrentino has shown leadership and dedication and a structural designer in the highway design unit, as chief project manager in the Philadelphia interstate office, as district soils engineer, and as administrator of the project management unit. He has also played a key role in the design, community coordination, and implementation of such major area highways as I–95, I–76 rehabilitation, I–476, and I–676.

Mr. Sorrentino will retire from service to PennDot on January 13 to enjoy more time with his wife Martha and three sons: Frank Jr., David, and Brian. I applaud and thank him for his commitment to Pennsylvania transportation system.

Further, I commend him for his ability, dedication, and pursuit of excellence in public service upon his retirement.

TRIBUTE TO SUPERVISOR BRADY BEVIS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most progressive elected officials, Marin County supervisor, Brady Bevis. Bevis was elected to represent the 5th Supervisorial District of Marin County in 1990. She has served the people of Novato and Marin County very well in this capacity for the past 4 years.

Brady is mother of five children and has been a resident of Marin for over 15 years.

As we celebrate Brady Bevis' years of service to this community, I wish to recognize Supervisor Bevis for her commitment to the people of Marin County, and to thank her for her long record of public service.

I was pleased to have had the opportunity to work closely with Supervisor Bevis over the last several years on important issues such as the conversion of Hamilton Field in Novato, bringing communications technology and training to the College of Marin with the Digital Village program at Indian Valley campus, fighting for Novato's cable concerns, and working to protect open space at Brookside Meadow. It has been a pleasure to work hand-in-hand with Brady. I continue to be impressed by her vision and sincere concern for others.

Brady Bevis has been a strong and vocal advocate for the city of Novato on the board of supervisors, and she has demonstrated

great leadership on a wide variety of issues. She voted in support of the domestic partners ordinance and a smoking ban in public places. Brady has helped to keep Stafford Lake open, make the County Faire more accessible, and assisted in the completion of funding and approvals for the Waldo interchange upgrade for Marin City. She has assisted with successful school parcel tax efforts and the Pass program in Novato. In addition, she has been actively involved in open space purchases in the county.

There is no doubt that Brady has made many significant contributions to our community by leading and becoming active in multiple county organizations. As an example of her commitment to the county, Brady was chair of Marin Sane/Freeze, a founding member of Marin Action, on the pro bono panel of Legal Aid, a member of the Peace Conversion Commission, a founding board member of Exodus, and a former board member of Marin Civic Light Opera. She is also an active participant in the MIDAS project for Marin County and was appointed to the board of directors for California Elected Women's Association for Education and Research. She is a member of the League of Women Voters, National Organization of Women, the Sierra Club, National Women's Political Caucus, Marin Women's Coalition, Marin Conservation League, Marin Agricultural Land Trust, and the Marin Democratic Club.

Brady received the Peacemaker of the Year Award from the Marin Center for Peace and Justice. She is graduate of Leadership Novato, and a participant in the Master Plan to reduce alcohol and drug problems.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Brady Bevis. Marin County owes a great deal of gratitude for the tireless efforts of Supervisor Bevis over the years. Time and time again she has extended herself on behalf of so many people and for so many causes.

As we gather to celebrate Brady Bevis' achievements I extend my hearty congratulations and best wishes to Brady for continued success now, and in the years to come.

THE LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. DAVIS. Mr. Speaker, I rise today to introduce the ''Lorton Correctional Complex Closure Act.'' This legislation addresses the severe public safety and financial problems associated with the District of Columbia's operation of the prison facility at Lorton, VA.

The legislation I cosponsor today with Congressman FRANK WOLF and Congressman JAMES MORAN, will, upon enactment, immediately halt the flow of prisoners to Lorton. The Lorton Closure Act will further require that all remaining prisoners be transferred from the Lorton facility to the control of the Federal Bureau of Prisons within 5 years of enactment.

The Lorton Closure Act establishes an 11 member Closure Commission which is required to recommend and identify options for the future use of the approximately 3,000 acres of land that comprise the Lorton complex. The Closure Commission will consist of the Federal Administrator of the General Services Administration and 10 people appointed by local governments. Five Commission members will be appointed by the Fairfax County Board of Supervisors, three Commission members will be appointed by the Prince William County Board of Supervisors, and two Commission members will be appointed by the mayor of the District of Columbia, with the advice and consent of the District of Columbia City Council.

The Closure Commission will hold public hearings regarding the future use of the Lorton land, and this legislation requires the Commission to operate in a manner that maximizes local community involvement, input, and participation. In addition, the Lorton property will be subject to all applicable Fairfax County zoning regulations as soon as the Federal Government's ownership interest terminates.

The Lorton Closure Act requires the Commission to submit a final implementation plan to the General Services Administrator within 17 months of enactment of this legislation. The Administrator will then forward the implementation plan to Congress within 1 month, and the plan will take effect 60 days later. In short, the entire process of formulating a plan for future use of the Lorton land will be completed within 20 months of enactment of this legislation.

Mr. Speaker, the Lorton Closure Act will remedy a dangerous situation that jeopardizes the safety of hundreds of thousands of Americans living in the Northern Virginia and Washington, DC region. The Lorton complex is inhabited by 7,300 inmates and is approximately 44 percent overcapacity. The physical plant is outdated and in a condition of dangerous disrepair. The District of Columbia Department of Corrections has not received a budget increase in 11 years while 3,000 more felons have been placed in that department's custody.

Overcrowding and underfunding have transformed Lorton prison from a rehabilitative facility into a training ground for career criminals who quickly return to the streets to resume their criminal activity. Drug dealing and violent crime is so prevalent within the walls of Lorton that the Federal Bureau of Investigation and the U.S. Marshals Service must take numerous agents off the streets and permanently assign them to the Lorton facility. Further, the District of Columbia government appears unable to maintain even the current annual funding level of approximately $100 million. The shortage of funds has resulted in proposals to adopt an aggressive early release program whereby criminals are set free before serving even the minimum sentence required by the courts.

The Lorton Closure Act will transfer Lorton prisoners into the Federal Prison System where they will receive solid rehabilitation and where their sentences will not be reduced as a result of the District of Columbia's budget problems. This legislation will result in increased public safety and will guarantee a land use decisionmaking process that is controlled by local residents in a manner that maximizes community involvement, input, and participation. I look forward to working with Congressmen WOLF and MORAN, as well as with Senators WARNER and ROBB, to achieve quick consideration and passage of this important legislation.

THE LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. WOLF. Mr. Speaker, how long do residents of the District of Columbia have to endure the sound of gunfire ringing through their neighborhoods? How long will the people of Washington, DC, the Nation's Capital and capital of the free world, fear for their and their children's lives? How long will we tolerate drug sales in broad daylight on street corners in the shadows of the White House and U.S. Capitol dome? Law abiding citizens are prisoners in their own homes for fear of being murdered, raped, assaulted, or robbed. It is a disgrace that the Nation's Capital is a battleground in which law-abiding citizens are losing the fight on crime.

It is time to take back the streets of the Nation's Capital. That cannot happen, though, unless we take back control of the Lorton correctional complex. How can we expect the dedicated law enforcement personnel who patrol the streets of Washington to combat crime when we can't control substance abuse, murder, assault, sexual harassment, bribery, and corruption in the D.C. prison system? Without focusing on the violence, drug abuse, corruption, overcrowding and dilapidated facilities at Lorton, the crime problem in Washington can never be adequately addressed.

Because I believe, based on conversations with D.C. police and correctional officers, FBI agents, and U.S. attorneys, that the crime problem in our great Federal City is inextricably linked to the reprehensible conditions at Lorton prison, I am introducing legislation, with Representatives JIM MORAN and TOM DAVIS, which addresses these problems.

The bill that we are introducing addresses these problems of overcrowding and funding by immediately incarcerating new District of Columbia felons in Bureau of Prisons facilities. Then, within 5 years, all remaining felons in Lorton will have to be turned over to the control of the Director of the Federal Bureau of Prisons. This will immediately alleviate problems at Lorton and put it on track for closure within 5 years. The D.C. Department of Corrections would still have responsibility for juveniles, misdemeanants, and pretrial detainees.

We also set up a commission of locally appointed representatives to help devise a plan for the closure of the Lorton correctional complex. The involvement of the local community is essential is establishing a smooth transition and ensures that local residents will have all their concerns heard. The plan is to identify actions with respect to each of the following:

First, the future use of the land on which the complex is located including, if appropriate, plans for a regional park at the site.

Second, the need to address the impact on local and regional transportation resources;

Third, if appropriate, the transfer of real property and improvements thereon to Federal agencies, including the Bureau of Prisons, for Federal use;

Fourth, if appropriate, the disposal of real property or improvements thereon; and

Fifth, changes in law or regulation to effect the purposes of this act and the closure of the Lorton correctional complex.

This legislation is not punitive. It is an effort to make the District a jewel of the Nation. It is an effort by us to extend a hand to the new mayor and city council in an effort to work on a truly bipartisan basis to resolve a long festering problem. This is an effort to give the prisoners at Lorton hope and an opportunity to rehabilitate themselves so that they can become productive members of society. Last, it is an effort to remove a dangerously malfunctioning facility from Virginia which poses concerns for residents of Fairfax and Prince William Counties.

I believe that the D.C. Department of Corrections has done a good job with limited resources and my remarks today are not meant in any way to criticize them. I believe, however, that nothing short of radical reform is required. This is not a new issue. I introduced legislation in the 102nd and 103d Congresses to address this problem. Unfortunately, that legislation received little attention. The new Congress, however, presents us with a new opportunity to move this bill. I am now prepared to work with the mayor and city council on embarking on an ambitious plan to stop the revolving crime door at Lorton. It is in the interest of the District of Columbia, Fairfax County, the Commonwealth of Virginia, and the Federal Government to cooperate in resolving the problems at Lorton. As partners, contributing to the reform of this system, these goals can be accomplished.

Lorton prison is a finishing school for criminals. Recidivism rates among Lorton inmates have been reported as high as 90 percent. A 1987 U.S. General Accounting Office [GAO] study found that nearly 7 of 10 adult inmates living at Lorton at the time of the study had previously been convicted of a felony offense in the District of Columbia and incarcerated at Lorton. About one-third of the adult inmates have been previously convicted and incarcerated at Lorton more than once. The sample used by the GAO was necessarily restrictive which means figures of recidivism are most likely higher.

Inmates should not leave the confines of Lorton prepared with master's degrees in drug trafficking, assault, and murder. Unfortunately, rehabilitation programs such as industry work programs, vocational training programs, GED education programs, and drug rehabilitation programs are woefully inadequate. Instead of participating in rehabilitation programs, many inmates only lift weights or play basketball all day, wander the grounds of the central facility aimlessly and unsupervised, watch mindnumbing hour after mindnumbing hour of television, and perfect their deviant criminal skills.

I have made many trips to the prison. Years ago I participated in a prisoner counseling program called Man-to-Man. From that experience I learned that one can't put a man behind bars for years, fail to give him work, fail to give him skills, fail to offer the opportunity for him to educate himself, fail to lend structure to his life and expect him to reemerge a changed person.

In 1908, President Theodore Roosevelt established a commission to study overcrowding at the District of Columbia's jail and to make recommendations to correct overcrowding at the District of Columbia's jail. In providing Congress with the results of that Commission's work in 1909, President Roosevelt wrote:

> The report sets forth vividly the really outrageous conditions in the workhouse and jail. The overcrowding is great in the workhouse, and greater still in the jail where, of the 600 inmates, 500 are serving sentences in absolute idleness, with no employment and no exercise. * * * It is no longer a question as to what shall be done, but only a question whether something shall be done, for it is quite impossible that the existing condition should continue. The present antiquated and unsatisfactory plan ought not to be considered for a moment.

The parallels between the present situation and those described by President Roosevelt in 1908 are remarkable. Today, more than 85 years later, District of Columbia prisoners still serve their sentences in absolute idleness and many of the concerns that led to the establishment of Lorton 85 years ago still exist.

Idleness results in unmanageable prisoners. Prison guards fear personal injury; thus they ease the tense situation by allowing prisoners free reign to conduct their daily business. Inmates make unsupervised phone calls to the outside and conduct illegal activity from behind the walls. Inmates control the use of the phones and sell phone time to one another. Inmates are not even required to wear similar prison uniforms.

Many youthful offenders view matriculation to Lorton as a right-of-passage. Many of their friends and relatives have passed through the institution and made useful contacts for future criminal activity, thereby perfecting their criminal skills so that, upon release, they are more proficient at exploiting the innocent and vulnerable. In simple terms these individuals are committing serious crimes, serving time at Lorton, leaving Lorton and returning to the District of Columbia to commit more crimes.

The news is littered with stories of former residents of Lorton who commit further acts of violence upon release. The Washington, DC, community was horrified by the story of the shooting of veteran D.C. police officer Hank Daley and FBI special agents Martha Dixon Martinez and John Michael Miller at the D.C. police headquarters. The suspect in that senseless shooting served time at Lorton. We were also stunned by the report of the senseless murder of young Meredith Miller in a carjacking outside her Arlington apartment house. One suspect in the murder, who had a record of attempted burglary, unlawful entry, theft, destruction of public property, possession of drugs, and parole violations, had been at Lorton. A number of other serious crimes have been perpetrated by former Lorton residents.

While there are many instances of former Lorton inmates wreaking havoc when they are released, there are also many untold stories of dangerous crimes which occur inside the prison. According to court documents, an inmate was playing basketball while wearing a gold chain around his neck worth $1,200, two diamond rings worth $300 a piece, and a watch worth $100. When the inmate left the gymnasium, he was accosted by two masked inmates, was stabbed and robbed. It is unthinkable, unbelievable, irresponsible, and totally inappropriate that this inmate had jewelry in the first place, and second that this violent attack even occurred.

Originally, Lorton was designed as a workcamp for misdemeanants and drunkards, in which men lived and worked side by side in dormitories in an effort to rehabilitate themselves. Today, Lorton's facilities are outmoded, outdated, and its present use is contrary to the purposes for which it was originally intended. The same dormitories which were designed to hold nonviolent, minimum security prisoners currently house up to 150 notoriously dangerous convicts. Making matters worse, these dangerous men are guarded by one unarmed guard. In some circumstances they go unguarded. I have heard story after story of inmates attacking inmates and guards.

These are not isolated incidents. Every year, there are many murders, assaults, and malicious woundings in the prison. Drugs are as easy to obtain as procuring them on the street. Guards deal in narcotics or they look the other way—partly because some are corrupt, partly because some don't care, and partly because some know there is little control and they are fearful of a riot. The problems are so bad that there are seven FBI agents and three assistant U.S. attorneys who work on criminal investigations and prosecutions at Lorton.

Because the prison budget is so strained, there has been public discussion that District officials may consider closing one facility, thereby exacerbating overcrowding and its related dangers. They may close several guard towers, they may return hundreds of felons now in Federal facilities on a reimbursable basis and other States' facilities to Lorton, or may cut back further on staff. I believe the time is right and the time is now for Congress to address these important issues in partnership with the mayor and city council, and solve these daunting problems.

Mr. Speaker, clearly this reform agenda is ambitious. This situation is such that it requires a bold new direction. President William Howard Taft, who succeeded Theodore Roosevelt as President, commented on the D.C. jail in 1909:

> It is a reproach to the National Government that almost under the shadow of the Capitol dome prisoners should be confined in a building destitute of the ordinary decent appliances requisite to cleanliness and sanitary conditions.

That condition, and worse still exists today at Lorton. This bill is the first step in the process to reform D.C. prisoners, combat crime in the District, and renew Washington, DC.

Mr. Speaker, in closing I would like to reiterate my intention to reach out to all the interested parties to forge a win-win proposal for the District, Virginia, and the inmates who live in Lorton. I would like to thank all those people who are working toward this common goal, including William Moschella of my staff who has worked tirelessly for several years on a solution to this challenging problem.

LORTON CORRECTIONAL COMPLEX CLOSURE ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. MORAN. Mr. Speaker, this year, we have a real opportunity to resolve the issue of the Lorton prison.

When Lorton was first constructed, it was intended to house 60 inmates in rural Fairfax County. Today, the Lorton correctional complex is a 3,000 acre site in suburban Fairfax

County housing more than 7,000 prisoners. Fairfax County can no longer safely house a prison. The communities surrounding the prison have grown too large and as they continue to press on the boundaries of the prison, the safety of the residents is being compromised.

Another important issue driving this legislation is the question of whether resources are available within the District of Columbia to operate a large prison. The District is not a State. It does not have the resources or the tax base to manage State functions such as operating prisons. In the past 10 years, the population of the prison has more than doubled while the budget has remained constant. The D.C. Department of Corrections is jamming prisoners into cells and dormitories that cannot correctly house them. We have heard reports of unsafe housing practices at the Lorton facility, where high security prisoners are being kept in dormitory style facilities. We have also heard reports of improper safety procedures, where there are not enough guards to correctly and safely monitor the prison. The Lorton prison has literally become a power keg with too many prisoners in too little room with too little supervision. We should not and cannot wait for an incident to occur before we act. We should not put our constituents who live near the prison or who work at the prison at such risk.

In the mid-1980's, Jack Anderson wrote a column calling the Lorton prison a ''finishing school'' for criminals. Since that time, the problem has become worse. The D.C. Department of Corrections cannot afford to offer even the most basic rehabilitation services. Inmates who leave the system are no better than when they entered. In many cases, they are worse off. It is no coincidence that on the same day last month, articles ran in the newspapers reporting the cancellation of the drug treatment program in Lorton and the arrest of a guard trying to bring crack cocaine into the complex.

It is simply unacceptable for us to allow this situation to continue. Our communities deserve to be free of crime, not subject to criminals who continue to move in and out of the system. The inmates themselves should be given the tools to cure their addictions and begin their lives anew, free of crime. The current situation does little to deter or prevent crime or recidivism. With this legislation, we have the opportunity to move the District's prisoners into a prison system which rehabilitates inmates, treats drug abuse, and breaks the cycle of crime and recidivism. We must seize that opportunity.

This has been and will continue to be a true bipartisan effort. The legislation we are introducing combines the best pieces of previous efforts and improves upon them. It offers a rational and realistic method for closing the facility that does not penalize the District of Columbia. It establishes the mechanism for the local community to determine the future of the property. Through the Commission that this legislation establishes, the local community can ensure that the area's open spaces are kept and the impact on local traffic is minimized.

We have an historic opportunity to work together and close the Lorton facility. We must take advantage of this opportunity.

[Press Release, Jan. 9, 1995]

MORAN, WOLF, DAVIS INTRODUCE LEGISLATION TO CLOSE LORTON PRISON

WASHINGTON, DC.—Today, U.S. Representatives Jim Moran, Frank Wolf and Tom Davis introduced legislation to close the Lorton Correctional Complex and relocate the current inmates to existing federal prisons.

''This year, we have a real opportunity to resolve the issue of the prison at Lorton,'' Moran said. ''Today, the Lorton Correctional Complex is a 3,000 acre site in suburban Fairfax County housing more than 7,000 prisoners. In the last decade, the communities surrounding the prison have grown larger. The safety of the residents is being compromised—the prison must be closed.''

The legislation calls for an eleven member commission that would oversee the closing of Lorton and allow those concerned about development of the property to have a voice in the process. Many Lorton residents fear that if the facility is closed, it will be replaced with 3,000 acres of houses, roads and traffic that will choke the area with congestion. Moran explained, ''I understand their concerns, but I do not think that we should continue an intolerable situation because we fear the alternative.''

Rep. Moran had introduced legislation during the 103rd Congress that would turn control of Lorton over to the Federal Bureau of Prisons. He feels that this legislation, introduced by all three Northern Virginia legislators, combines the best pieces of previous efforts and improves upon them. ''This legislation offers a rational and realistic method for closing the facility that does not penalize the District of Columbia and establishes a mechanism for the local community to determine the future of the property,'' Moran said. ''This is an historic opportunity to work together to close this facility. We must take advantage of it.''

THE 30TH ANNIVERSARY OF THE AUTISM SOCIETY OF AMERICA AND NATIONAL AUTISM AWARENESS WEEK

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. GEPHARDT. Mr. Speaker, I rise today to honor and recognize the Autism Society of America on its 30th anniversary. The timing of this tribute is no accident. This week, January 9–15, is National Autism Awareness Week, and no organization has done more to promote awareness of autism than the Autism Society of America.

The mission statement of the society reflects its commitment to the autism population:

The Autism Society of America exists to promote lifelong access and opportunity for all individuals within the autism spectrum and their families, through education, advocacy, the promotion of research and increased public awareness, to be fully participating, including members of their community.

In 1994, the national office of the society responded to over 12,000 requests from parents, relatives, teachers, doctors, service providers, and professionals wanting information on topics like education, research, programs, laws, and family-coping strategies—all provided free of charge. Each week, the national office handles over 200 telephone calls on its toll-free line from parents and professionals wanting information, advice, and advocacy.

With over 200 chapters nationwide, run by parent volunteers, caregivers, parents, and family members are offered much-needed information, referrals, and support.

In addition to these efforts, the Autism Society of America also runs mail order bookstores housing the largest collection of classic and contemporary works on autism; annually publishes six issues of the Advocate, a comprehensive national newsletter on the latest developments in the area of autism; and sponsors an annual conference at which experts and parents from all across the country join for 4 full days of seminars, presentations, workshops, and research findings.

Finally, the Autism Society of America has been a persistent voice on Capitol Hill, advocating for increased Federal commitment to biomedical research. Last year, the society successfully worked with the National Institutes of Health to arrange for the first-ever workshop on autism, which is scheduled for this spring.

Mr. Speaker, as we observe National Autism Awareness Week, I ask my colleagues to join me in congratulating the Autism Society of America for its 30 years of service.

RETIREMENT OF GEORGE H. ROBINSON

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. COLEMAN. Mr. Speaker, on January 20, a highly respected employee of the Small Business Administration, Mr. George H. Robinson, will be retiring after 31 years of devoted public service to the SBA and the small business community. The exemplary career of Mr. Robinson, the Assistant Administrator for Equal Employment Opportunity and Civil Rights Compliance since 1974, is most deserving of the praise and recognition of this body. His staunch advocacy and leadership in the struggle for efficiency and fairness in Government service has made a difference to countless people, ensuring that everyone has the opportunity to work and achieve and advance according to their abilities and accomplishments.

George Robinson has displayed such skill and devotion all his life. A graduate of Oberlin College, he began his career with the Urban League, working to break down racial discrimination in employment by promoting fair employment legislation on the State and city levels and by forging friendships and partnerships with corporate officials.

As chairman of the Northern New Jersey March on Washington Committee in 1941, George and others persuaded Franklin Roosevelt to establish the wartime Fair Employment Practices Commission. His work for this cause caught the attention of the Wright Aeronautical Corp. where he was brought on to help direct the hiring and supervision of 8,000 minority workers.

It was this commitment to the cause of equal opportunity and the chance to help create jobs in economically depressed areas through the Area Redevelopment Act that brought George Robinson to the SBA in the

early 1960's. That commitment remains to this day.

Mr. Speaker, I think you will agree with me that we are indeed losing someone special with the retirement of Mr. Robinson. His skill and devotion and love for his work are qualities we would all do well to emulate. I congratulate George H. Robinson on a job well done.

HONORING DOUGLASS W. WILHOIT, JR.

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. POMBO. Mr. Speaker, I rise today to recognize an outstanding public servant who has recently left distinguished public service in the 11th Congressional District of California. Douglass W. Wilhoit, Jr., of Stockton has personified the highest ideals of openness, honesty and courage as a San Joaquin County supervisor for the past 16 years.

His support as an elected official resulted in re-election every 4 years without opposition, and he has achieved the respect of his fellow supervisors through four terms as chairman of the board of supervisors.

Mr. Wilhoit, who retired at the end of December, was elected for several prestigious assignments while a county supervisor, including the 1994 presidency of the California State Association of Counties. He also was chosen at the State level by three Governors for leadership positions dealing with job training, corrections, and criminal justice.

Mr. Wilhoit assumed leadership positions locally in such areas as criminal justice, youth programs, parks and recreations, aviation, and public works. His community involvement spans a wide range of service, such as the United Way, Boys and Girls Club, American Cancer Society, Rotary International, Boys Scouts, and the Chamber of Commerce.

Prior to his election to the county board, he served the community for 12 years as a Stockton police officer.

Mr. Wilhoit has been recognized through the years with honors as ''Who's Who in California,'' ''Outstanding Young Man of American,'' ''Community Leaders of America,'' and a Paul Harris Rotary Fellowship.

Please join with me in recognizing Douglass W. Wilhoit as a great American who has served his community as the consummate public servant for more than a quarter of a century.

INTRODUCTION OF DISASTER TAX RELIEF LEGISLATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. BERMAN. Mr. Speaker, today I am proposing legislation that would permit disaster victims to deduct 100 percent of their casualty losses when calculating their Federal personal income taxes.

I first introduced this bill in the last Congress after seeing the destruction caused by the Northridge earthquake and after talking with hundreds of its victims. I realized then that present tax law is clearly inadequate in disaster of this magnitude. The Tax Code acknowledges that it is appropriate to deduct uninsured property losses, but the deduction doesn't kick in until losses exceed 10 percent of adjusted gross income.

Since this legislation was first introduced, I have received hundreds of phone calls and letters from people who are still reeling from the earthquake. Nearly a year has passed, but victims are still finding it difficult to find the money to repair the damages suffered.

The legislation I am introducing would particularly help middle-class taxpayers who suffer substantial damage, but who earn too much to qualify for Federal grants and face tens of thousands of dollars in repair bills.

The bills would apply only in cases of federally declared disasters. When an emergency is great enough to prompt the President to declare a disaster and to determine that aid from the Federal Government is warranted, then stricken taxpayers surely deserve this break on their Federal income taxes.

The Joint Committee on Taxation estimates that this legislation would cost approximately $22 million annually.

Congress appropriated more than $8.6 billion to help defray the estimated $15 to 20 billion cost of the earthquake. The estimated revenue loss to the Treasury is very small compared to the significant middle class tax relief this bill would provide to tens of thousands of taxpayers who have to dip into their savings or go into additional debt to repair their homes.

The bipartisan task force on disasters, appointed by the leadership of the House to recommend improvements in the Nation's disaster strategy recognized the importance of improving the ability of individuals, businesses, and communities to recover from disasters by providing resources needed to rebuild. The task force's report included a recommendation that Congress consider this legislation.

Every dollar taxpayers have to send to Washington is a dollar not spent in their devastated local communities. They could spend that money putting contractors and builders to work, or they could use it in local stores to buy items to replace damaged possessions.

It's both good economic policy and good sense to put every possible dollar to work to help ravaged areas rebound from disaster. I will continue to work very hard to pass this important tax relief legislation.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT ATTORNEYS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation to add a new section to the act that would require the Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department attorneys engaged in prosecutorial misconduct, corruption, or fraud. I introduced identical legislation in the last Congress.

The independent counsel provisions of the Ethics in Government Act of 1978 require the Attorney General to conduct a preliminary investigation when presented with credible information alleging criminal wrongdoing by high ranking executive branch officials. If the Attorney General finds that further investigation is warranted or makes no finding within 90 days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General of the United States broad discretionary authority to seek the appointment of independent counsel with regard to individuals other than high executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill would amend the act to treat allegations of misconduct, corruption or fraud on the part of Justice Department attorneys in the same manner as allegations made against high ranking Cabinet officials. In effect, the amendment would require the Attorney General to follow the procedures of the independent counsel law when presented with specific and credible allegations of criminal wrongdoing on the part of Justice Department attorneys. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department attorneys have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. The Justice Department has a poor record of aggressively and objectively investigating these cases. The only way to uncover all the facts and guarantee that innocent lives are not destroyed, is to have a truly independent counsel appointed to investigate. The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. Unfortunately, there are instances where this is not always the case. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department attorneys be treated with the same seriousness as allegations made against high ranking cabinet officials.

I hope to work with the members of the Judiciary Committee to have the measure reviewed and approved as soon as possible. I urge all of my colleagues to support this bill, the text of which is as follows:

H. R. —

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

SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.

Section 592(c) of title 28, United States Code, is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; or'', and by adding after subparagraph (B) the following:

''(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

''(i) attorneys of the Department of Justice have engaged in prosecutorial misconduct, corruption, or fraud, and

''(ii) further investigation is warranted.''.

FAIR HEALTH INFORMATION PRACTICES ACT OF 1995

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CONDIT. Mr. Speaker, I have today introduced the Fair Health Information Practices Act of 1995. The purpose of this bill is to establish a uniform Federal code of fair information practices for individually identifiable health information that originates or is used in the health treatment and payment process.

In the last Congress, I introduced a similar bill (H.R. 4077) that was the subject of several days of hearings. In August 1994, that bill was reported by the Committee on Government Operations and became the confidentiality part of the overall health care reform effort. While my bill died along with the rest of health care reform, it was one of the only noncontroversial parts of health reform.

The bill that I have introduced today is identical to the version reported by the Committee on Government Operations last year. There were some changes made later in the legislative process, but I thought that the committee bill was the best starting point for now. A lengthy explanation of the bill can be found in the Government Operations Committee report, House Report 103–601, part V.

The need for uniform Federal health confidentiality legislation is clear. In a report titled ''Protecting Privacy in Computerized Medical Information,'' the Office of Technology Assessment found that the present system of protecting health care information is based on a patchwork quilt of laws. State laws vary significantly in scope, and Federal laws are applicable only to limited kinds of information or to information maintained only by the Federal Government. Overall, OTA found that the present legal scheme does not provide consistent, comprehensive protection for privacy in health care information, whether that information exists in a paper or computerized environment. A similar finding was made by the Institute of Medicine in a report titled ''Health Data in the Information Age.''

A public opinion poll sponsored by Equifax and conducted by Louis Harris and Associates documents the importance of privacy to the American public. Eighty-five percent agree that protecting the confidentiality of people's medical records is absolutely essential or very important in national health care reform. The poll shows that most Americans believe protecting confidentiality is a higher priority than providing health insurance to those who do not have it today, reducing paperwork burdens, or providing better data for research. The poll also showed that 96 percent of the public agrees that it is important for an individual to have the right to obtain a copy of their own medical record.

Health information is a key asset in the health care delivery and payment system. Identifiable health information is heavily used in research and cost containment, and this usage will only grow over time. It is too early to predict what type of health reform legislation will be considered in the new Congress, but rules governing the use and disclosure of health information are certain to be a key element. My legislation is flexible enough to fit into any health reform legislation, large or small, or to stand on its own as a separate bill. Regardless of how the health delivery and payment system is structured, there is and will continue to be a need for a code of fair information practices.

By establishing fair information practices in statute, the long-term costs of implementation will be reduced, and necessary protections will be built in from the outset. This will assure patients and medical professionals that fair treatment of health information is a fundamental element of the health care system. Uniform privacy rules will also assist in restraining costs by supporting increased automation, simplifying the use of electronic data interchange, and facilitating the portability of health coverage.

Today, few medical professionals and fewer patients know the rules that govern the use and disclosure of medical information. In a society where patients, professionals, and records routinely cross State borders, it is rarely worth anyone's time to attempt to learn the rules of any one jurisdiction, let alone several jurisdictions. One goal of my bill is to change the culture of health records so that professionals and patients alike will be able to understand the rights and responsibilities of all participants. Common rules and a common language will facilitate broader understanding and better protection. Professionals will be able to learn the rules once with the confidence that the same rules will apply wherever they practice. Patients will learn that they have the same rights in every State and in every doctor's office.

There are two basic concepts that are essential to an understanding of the new approach. First, identifiable health information that is created or used during the medical treatment or payment process becomes protected health information, or individually identifiable patient information relating to the provision of health care or payment for health care. This new terminology emphasizes the sensitivity of the information and connotes an obligation to safeguard the data. Protected health information generally remains subject to statutory restriction no matter how it is used or disclosed.

The second basic concept is that of a health information trustee. Anyone who has access to protected health information under the bill's procedures becomes a health information trustee. Trustees have different sets of responsibilities and authorities depending on their functions. The authorities and responsibilities have been carefully defined to balance legitimate societal needs for data against each patient's right to privacy and the need for confidentiality in the health treatment process. Of course, every health information trustee has an obligation to maintain adequate security for protected health information.

The term trustee was selected in order to underscore that those in possession of identifiable health information have obligations that go beyond their own needs and interests. A doctor who possesses information about a patient does not own that information. It is more accurate to say that both the record subject and the recordkeeper have rights and responsibilities with respect to the information. My legislation defines those rights and responsibilities. The concept of ownership of personal information maintained by third party record keepers is not particularly useful in today's complex world.

A key element of this system is the specification of the rights of patients. Each patient will have a bundle of rights with respect to protected health care information about himself or herself that is maintained by a health information trustee. In general, a patient will have the right to inspect and to have a copy of that information. A patient will have the right to seek correction of information that is not timely, accurate, relevant, or complete. A patient also has a right to expect that any trustee will use and maintain information in accordance with the rules in the act. A patient will have a right to receive a notice of information practices. The bill establishes standards and procedures to make these rights meaningful and effective.

I want to emphasize that I have not proposed a pie-in-the sky privacy code. This is a realistic bill for the real world. I have borrowed ideas from others concerned about health records, including the American Health Information Management Association, the Workgroup for Electronic Data Interchange, and the National Conference of Commissioners on Uniform State Laws. Assistance provided last year by the American Health Information Management Association was especially valuable.

I believe that everyone recognizes that we do not have the luxury of elevating each patient's privacy interest above every other societal interest. Such a result would be impractical, unrealistic, and expensive. The right answer is to strike an appropriate balance that protects each patients's interests while permitting essential uses of data under controlled conditions. This should be happening today, but recordkeepers do not know their responsibilities, patient rights are not always clearly defined, and there are large gaps in legal protections for health information. My bill recognizes necessary patterns of usage and combines it with comprehensive protections for patients. There will be no loopholes in protection for information originating in the health treatment or payment process. As the data moves to other parts of the health care system and beyond, it will remain subject to the Fair Health Information Practices Act of 1995. This novel requirement may be the single most important feature of my bill.

The legislation includes a variety of remedies that will help to enforce the new standards. For those who willfully ignore the rules, there are strong criminal penalties. For patients whose rights have been ignored or violated by others, there are civil remedies. There will also be administrative sanctions and arbitration to provide alternative, less expensive, and more accessible remedies.

The Fire Health Information Practices Act of 1995 offers a complete and comprehensive plan for the protection of the interests of patients and the needs of the health care system in the complex modern world of health care. More work still needs to be done, and I am committed to working with every group and institution that will be affected by the new health information rules. I remain open to new ideas that will improve the bill.

In closing, I want to acknowledge the limits of legislation. We must recognize and accept the reality that health information is not completely confidential. It would be wonderful if we

could restore the old notion that what you tell your doctor in confidence remains secrets. In today's complex health care environment, characterized by third party payers, medical specialization, high cost care, and increasing computerization, this is simply not possible. My legislation does not and cannot promise absolute privacy. What it does offer is a code of fair information practices for health information.

The promise of that code to professionals and patients alike is that identifiable health information will be fairly treated according to a clear set of rules that protect the confidentiality interests of each patient to the greatest extent possible. While we may not realistically be able to offer any more than this, we surely can do no less for the American public.

SALUTE TO DR. JOSEPH D. PATTERSON, SR.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Dr. Joseph D. Patterson as he is installed as the president of the Black Clergy of Philadelphia at Hickman Temple A.M.E. Church on January 8. Dr. Patterson takes over the presidency of the Black Clergy, one of the most influential positive social forces in the city, from Rev. Jesse Brown who has lead the organization over the past years with great dignity and ability.

Mr. Patterson is a great leader in the Philadelphia community. He is a trustee at Cheyney University, a board member of the Philadelphia Industrial Development Corp., chairman of the board of the Baltimore Avenue Redevelopment Corp., and has served over the past years as first vice president of the Black Clergy before his election to the presidency.

Dr. Patterson's commitment to the strengthening of the community is well known. He believes unfailingly in a comprehensive approach to solving society's problems, and has been an outspoken advocate for health care improvement, the strengthening of the family, the importance of education, and the elimination of violence in our neighborhoods.

I join with Dr. Patterson's friends, family, and the entire Philadelphia community in wishing him the best of luck at his new post, and look forward to many years of his expedient leadership.

TRIBUTE TO SUPERINTENDENT BYRON MAUZY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated elected officials, Marin County Superintendent of Schools, Byron W. Mauzy. Superintendent Mauzy was elected in 1983 and has served the people of Marin County well in this capacity.

As we celebrate Byron's 41 years in public education, and his retirement as Marin County Superintendent of Schools, I wish to recognize Superintendent Mauzy for his commitment to improving the quality of education in Marin County, and the Nation, and to thank him for his long record of public service.

Byron has been with the Marin County Office of Education since 1967 when he was director of business services. During the period between 1970 and 1982 Byron was deputy superintendent and served as interim superintendent of the Kentfield, Sausalito, and Mill Valley School Districts.

He worked as assistant superintendent of instructional and business services for the Del Norte County Unified School District in Crescent City, CA. He was also a teacher and principal at Lower Lake Elementary School in California.

Byron earned a B.A. at San Jose State College and a M.A. at Stanford University in California. He receive his Ed.D from Nova University in Fort Lauderdale, FL, and has the following life credentials: general elementary, general secondary, elementary administrative, secondary administrative, and general administrative.

I was pleased to have had the opportunity to work closely with Byron over the last couple years on important education issues. We shared the same view that education must become our Nation's top priority, and Byron can be commended for his work to improve education at the local level. In fact, the outstanding work of our Marin County schools served as a model for my successful efforts to establish a coordinated services program nationally. Under Byron's leadership, Marin County schools effectively made health and social services available at or near school sites. I was also pleased to work with Byron when I brought both Secretary of Education Dick Riley and Health and Human Services Secretary Donna Shalala to the Sixth Congressional District to discuss education and other issues about youth. It was a pleasure to be working hand-in-hand with him, and I continue to be impressed by his dedication to quality education in Marin County and the Nation.

As an example of Byron's commitment to the county, he is currently on the board of directors for the Beryl Buck Institute of Education, Marin Council Boy Scouts of America, Sons of the American Revolution, Salvation Army, California Health Research Foundation, Marin Suicide Prevention, San Rafael Thrift and Loan, and Wild Care. Byron also serves on the American Heart Association's Hypertension Council: Invest in America School Advisory Committee, the Community Advisory Council at the Golden Gate Seminary, the 14th District PTA, the Elizabeth Terwilliger Foundation, the Dominican College Citizens Advisory Committee, the Human Rights Resource Center, and the Ross Hospital Advisory Committees.

In addition, Byron is a member of the Association of California School Administrators, Marin County School Administrators Association, the Marin Association of Superintendents, California Schoolmasters Club, Phi Delta Kappa, Marin Rod and Gun Club, Marin Coalition, Masonic Lodge, Elks Lodge No. 1108, Native Sons of the Golden West, Marvelous Marin Breakfast Club, Commonwealth Club of California, League of Women Voters, Marin Builders Exchange Scholarship Committee, Marin Council of Agencies, Marin Forum, Citizens League of Marin, and the San Rafael Chamber of Commerce.

Mr. Speaker, it is my great pleasure to pay tribute to Superintendent Byron Mauzy. Marin County owes a great deal of gratitude for the tireless efforts of Byron Mauzy over the years. Time and time again he extended himself on behalf of so many people and for so many causes.

I regret that I am not able to join Byron and his many friends and supporters at the Embassy Suites in San Rafael as we gather to celebrate his 48 years of service in public instruction, but I extend my hearty congratulations and best wishes to Byron and his wife, Win, for continued success now, and in the years to come.

ADDRESSING THE TRANSFER OF CUSTODY ISSUE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. STARK. Mr. Speaker, Today I am joined by Congresswoman CONSTANCE MORELLA, Congressmen ROBERT MATSUI and WILLIAM COYNE in introducing legislation that ensures that parents of emotionally disturbed and physically disabled children are not required to transfer custody of their children for the sole purpose of obtaining public services.

At this moment, in many States, parents are confronted with a Hobson's choice of either surrendering their children into the custody of the State in order to receive necessary residential services, or retaining custody and, therefore, denying their children the services they need.

These are not parents who have abused, neglected, or abandoned their children in any way, Mr. Speaker. They are simply parents who cannot afford to pay the full cost of the out-of-home treatment their child requires and have as a result, have sought the help of the State.

There are many reasons why these parents are currently required to give up custody of their children, but key among them is the simple fact that—because our country has no system designed specifically for these children—parents are forced to rely on agencies that were not designed with their needs or situations in mind. Because many of these agencies were designed to serve children being placed because of abuse or neglect, their custody transfer requirements are not appropriate to families with children who have serious emotional or physical disabilities. Also key among the reasons, Mr. Speaker, is simple misunderstanding of the requirements of current Federal law.

We believe that parents of these children should be able to keep custody of their children, continue their involvement in decision-making on their behalf, and work cooperatively with State authorities to secure needed services.

The bill we are introducing today is designed to address—to the extent possible under Federal law—the multiple causes of the practice of requiring parents to relinquish custody of their children. These include: misinterpretation or misapplication of title IV–E requirements; the application of custody transfer

requirements designed for abuse and neglect cases to children with emotional or physical disabilities—either because these requirements are an agency's standard operating procedure, or because of assumptions about the desired role of the family in treatment; and the lack of voluntary placement procedures in some States (which means that custody must be transferred to draw down title IV–E funds, or to place children out-of-home under other available funding streams, including Medicaid).

In general, our bill would amend the six major Federal programs that may currently be used to provide out-of-home services to emotionally disturbed and physically disabled children.

The amendment would require States to provide that parents not be required to transfer custody in order to have their child placed out-of-home, and that all such children be placed pursuant to a voluntary placement agreement.

In addition, the bill would clarify existing Federal law regarding custody transfer requirements under title IV–E.

As drafted, the bill would: ensure that custody transfer requirements are not imposed on children with emotional or physical disabilities; clarify that title IV–E does not require States to have legal custody over children in their physical custody, or to have legal custody in order to draw down Federal IV–E payments; prohibit States from requiring parents to transfer custody to access out-of-home Medicaid-EPSDT treatment services; and ensure that States have in place the necessary procedures to place these children without transferring custody.

Mr. Speaker, we believe that a full resolution of the custody transfer dilemma—and indeed the larger issue of adequate access to needed services for emotionally disturbed and physically disabled children—will ultimately depend on the development of a designated system of care for these children.

This legislation, however, will provide a significant firs step towards ensuring that these children are able to get needed services without unnecessarily disrupting families, and that no child is denied access to funding solely on the basis of their custody status.

We are very excited about the possibility of enacting this piece of legislation. It will help thousands of families and will correct a practice that everyone agrees makes no sense—for children, for parents or for our governments. In the seven States that have enacted a similar State bill, the bill has passed with broad bipartisan support.

It is our expectation that introducing the bill today will give interested people the opportunity to fully examine the bill before the 104th Congress begins. Though the concept of preventing the transfer of custody of children is a simple one, the legislative solution is more complicated. A draft copy of the bill has been well received by child welfare, mental health, and parent advocacy groups, as well as researchers who have studied this issue.

We plan to reintroduce the bill January and look forward to its passage by the next Congress.

HONORING RONALD S. COOPER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with many constituents of my district in honoring Mr. Ronald S. Cooper, managing partner of Ernst & Young's Long Island office, for being chosen as the secretary-treasurer to help formulate and launch the Long Island Association [LIA] Health Alliance. The goal of this newly formulated Health Alliance will be to control the cost of health care on Long Island.

Mr. Cooper was recently profiled in the Long Island magazine for his outstanding accomplishments. It gives me a great deal of pride to reprint this article below for the benefit of my colleagues who do not know Mr. Cooper.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Mr. Ronald S. Cooper for his many years of leadership on Long Island.

Reprinted from the Long Island magazine article ''Making a Positive Impact'' by Christa Reilly:

Ronald Cooper, managing partner of Ernst & Young's Long Island office, is proud to serve as secretary/treasurer to help formulate and launch the LIA Health Alliance. ''It's very innovative and will be very helpful in driving down the cost of health care. It's an absolute win-win situation.'' Years from now, he explained, it will ''probably be the one thing I can be really proud that I helped make happen.''

Taking a leadership role in projects important to improve the quality of life on Long Island is a way of life for him. As he explained, ''I have always believed, and acted on the belief, that you must get out in front and lead in order to make an impact on life. I don't enjoy being the back of the pack.''

Cooper has served in leadership roles for a host of important community groups. He is treasurer of the LIA Board of Directors, and has made a strong impact upon the community through his many years of involvement with the UJA-Federation of Jewish Philanthropies. ''When I first realized that UJA has no office on Long Island, I spearheaded a task force to get them one,'' he explained. Subsequently, he was elected as the first chairman for UJA's Long Island cabinet. Today, it is a thriving organization with a $20 million campaign.

Cooper has been recognized for his leadership. He has received the Long Island Distinguished Leadership Award, the Distinguished Community Service Award of the Anti-Defamation League of B'nai B'rith, the Brotherhood Award of the National Conference of Christians and Jews, and the Franklin H. Ornstein Human Relations Award from the American Jewish Committee.

He has traveled to Israel about ten times and, with regard to the recent peace treaty between Israel and Jordan, said, ''It's wonderful. I was invited to be in the gallery when Rabin and Hussein addressed the Joint House in Washington. It was a most thrilling moment to see the two of them indicate that the war was over.''

Just like the peace treaty, the Long Island Action Plan also needs to be put into practice. A cumulative list of more than 250 action items that the 12 Summit committees compiled, the Action Plan represents the hopes of many Long Islanders. Cooper said, ''The summit has a very useful function—to focus the public on issues we must face. The aftermath, however, will determine whether it was successful. Everybody understands we need to solve the cost structure of taxes and LILCO rates.''

Despite the cost structure, Cooper pointed out that Long Island has been a hotbed of entrepreneurship. Each year, Ernst & Young selects and honors an Entrepreneur of the Year. Although it was a program that began in Indianapolis and spread nationwide, it seems appropriate that a leader, such as Cooper, should wish to recognize another upcoming one. ''It's the best such program on Long Island. It focuses on the great companies—on the positives—of Long Island. It serves as a reminder that Long Island hasn't changed that much in terms of industry. Long Island goes through cycles. It used to be a defense industry economy, now we are moving into high tech and biotech industries.''

MAKING IN ORDER IMMEDIATE CONSIDERATION OF HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 104TH CONGRESS

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. CLAYTON. Mr. Speaker, as we begin our work this year, let us remember that our first responsibility is not to the parties to which we belong, but the people we represent. It is for that reason that I rise in support of congressional reform and in support of several parts of the proposed rules package. I believe the majority has structured some important changes to the way we function, and those changes should not be rejected by Democrats simply because they are offered by Republicans. At the same time, we must be forever mindful that no Member in the Chamber has a premium on what's best for this Nation. We all have a contract with America.

What makes us a great nation is the compassion we show for those who live in the shadows of life. We are strong because historically we have been able to make a place for all who live here, including those least able to help themselves—the young, the poor, the disabled. In this time of increased scrutiny, we must examine each and every program, but we must also consider each and every person affected by our changes. We must ask the question: Who is helped and who is hurt? And, at the end of each day, we must be honest about whether our actions helped the many in need or the few in clover. President Kennedy said it best, 34 years ago, when he stated:

A country that cannot help the many who are poor cannot help the few who are rich.

The contract to which each Member of this Chamber is bound, is to work in the best interests of the American people. On election day, we offered our services to this great country, and voters accepted our offer, from Rocky Mount, NC, to politically important New Hampshire, across the United States, past the vast stretch of Texas, to the Silicone Valley of California. We all have a contract with America.

That contract involves being open to the challenge of change. I support many of the reforms offered in this rules package, and I will vote for those reforms. We must get beyond

partisan politics and move to the high ground of principle. This is a new day and a new time.

There are problems which we face that transcend party and politics. Teenage pregnancies stifle an entire community. Violence of any kind, whether driven by drugs or propelled by deep philosophical differences, cannot and must not be tolerated. Economic justice must ring true, this Congress. From the center-city youth, to the long-termed unemployed, to the small farmer who helps feed America, there are great expectations. No child should face hunger in this land of plenty. If welfare reform is to have any significance, we must combine with it a meaningful jobs program. With a meaningful jobs program, there would be less urgency for another crime bill. Instead of calls to ''take back our streets'', there should be calls to give our streets back to the average, hard-working, God-fearing citizen. Family reinforcement and restoration of the American dream must include all families, not just those with lots of money. If our citizens are secure, our Nation will be secure, more secure than Star Wars could ever make us. And, emphasis on our senior citizens is well-placed. From the sunrise of life to its sunset, Americans should feel safe and secure and well-served by Congress.

I too believe we can make our Government smaller, yet more efficient and more effective. That is why I applaud and will support several of the reforms offered by the majority.

But, real reform must include an end to gag rules. There are important amendments that would be offered, amendments designed to improve and perfect this rules package, but Members are muzzled because the majority has insisted on a closed-rule for this debate.

No Member can offer an amendment on the gift ban, for example. That is an issue that we debated and supported last Congress. If we are to be leaders, we must also lead in following the rules under which we are governed. In this House, we have resolved that no Member should be enriched beyond what the people pay. That resolve should not end with the Speaker, it should begin with him. One is left to wonder why, if they are truly interested in reform, the majority is determined to restrain the rest of us?

I will support term limits on the Speaker and committee chairs; the cost-saving provisions to eliminate certain committees and cut committee staff; the open government provision of a verbatim CONGRESSIONAL RECORD; the prohibition on committee assignments; the ban on proxy voting; and other streamlining measures. Those are thoughtful reforms that have been offered by the majority.

But, I will continue to stand up as part of the loyal opposition when I believe pomposity, audacity, and duplicity confront us. No party or person here has an exclusive on such things as family values and personal responsibility. Those are standards I absolutely hold dear. And no party or person should be able to take the right to speak and participate from any of us. Too many have sacrificed for that precious liberty. Let no one forget. We all have a contract with America.

TRIBUTE TO PETER HAMMEN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Peter Hammen, who today is being sworn in as a member of the Maryland House of Delegates from the 46th Legislative District. Peter has worked as a legislative aide in my Baltimore district office for almost 5 years and has been an invaluable resource in keeping me informed about community issues.

Peter is a fixture in East Baltimore. He was born and raised in Baltimore City and is a graduate of Archbishop Curley High School. He has served as president of St. Gerard Young Men's Association. He has worked with children through his volunteer efforts, serving as a volunteer swim instructor for the YMCA, and coaching the Highlandtown Exchange Little League.

Peter, who has a bachelor of science in criminal justice and a master's in public administration from the University of Baltimore, was elected to the House of Delegates in the 1994 election by a very substantial margin. He is hard-working, industrious, dedicated, and effective and he will make an outstanding legislator.

Peter, a member of the Nature Conservancy, has participated in efforts to clean up the Chesapeake Bay. In Peter's assignment to the Environmental Matters Committee, he will bring a wealth of knowledge about the legislative process and about environmental issues. There is no doubt in my mind that Peter will be a tremendous asset in making Baltimore and Maryland a better place to live.

It is with pride and pleasure that I commend Peter Hammen for his ability and commitment to public service. While my loss is the House of Delegates gain, I want to wish him the best as he takes his place as a legislator. I hope that my colleagues will join me in congratulating Peter and in extending best wishes to him as he begins his career as a public servant.

U.S. FOREIGN MILITARY SALES DURING FISCAL YEAR 1994

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information provided by the Defense Security Assistance Agency with respect to U.S. Foreign Military Sales [FMS] pursuant to the Arms Export Control Act during fiscal year 1994. The attached tables detail worldwide FMS sales during fiscal year 1994 for defense articles and services, and for construction sales.

Total U.S. FMS sales for fiscal year 1994 were $12.865 billion, a decline from $33 billion in fiscal year 1993.

The tables follow:

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF 30 SEPT 94 UNDER FOREIGN MILITARY SALES (SEE PART II FOR CONSTRUCTION SALES)—UNCLASSIFIED

[Dollars in Thousands][1]

Countries	Accepted-FY 94
Foreign Military Sales—Part I	
Albania	$5
Antigua and Barbuda	443
Argentina	60,280
Australia	261,354
Austria	27,950
Bahrain	39,999
Barbados	658
Belgium	19,607
Belize	394
Benin	250
Bolivia	2
Bolivia—Intl Narc	20,877
Botswana	1,784
Brazil	60,643
Canada	119,920
Cape Verde	20
Chad	836
Chile	1,407
Colombia	69,038
Colombia—Intl Narc	21,849
Costa Rica	826
Denmark	48,766
Djibouti	286
Dominica	730
Dominican Republic	1,099
Ecuador	5,185
Ecuador—Intl Narc	318
Egypt	473,646
El Salvador	19,730
Ethiopia	1,306
Finland	546,774
France	47,974
Gabon	101
Gambia	1,436
Germany	179,856
Ghana	870
Greece	308,105
Grenada	469
Guinea	499
Guinea-Bissau	1,369
Guyana	39
Honduras	1,535
Indonesia	10,785
Israel	2,447,156
Italy	44,673
Jamaica	914
Japan	729,275
Jordan	53,386
Kenya	3,480
Korea (Seoul)	433,160
Kuwait	182,784
Latvia	27
Lebanon	43,994
Luxembourg	118
Madagascar	100
Malawi	462
Malaysia	738,612
Mali	750
Mauritius	650
Mexico	4,285
Morocco	17,731
Nacisa	7,143
Namibia	828
Namsa—F104	150
Namsa—General+Nike	15,657
Namsa—Hawk	439
Namsa—Weapons	2,512
Napmo	1,869
NATO	332
NARO AEW+C (O+S)	7,309
NATO Headquarters	200
Netherlands	47,688
New Zealand	15,830

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF 30 SEPT 94 UNDER FOREIGN MILITARY SALES (SEE PART II FOR CONSTRUCTION SALES)—UNCLASSIFIED—Continued

[Dollars in Thousands][1]

Countries	Accepted-FY 94
NHPLO	30,188
Niger	5
Norway	159,240
OAS HQ	427
Oman	1,253
Panama	416
Paraguay	234
Portugal	8,420
Qatar	4,031
Rep of Philippines	21,238
Saudi Arabia	837,881
Senegal	39
Seychelles	1
Shape	2,354
Sierra Leone	18
Singapore	456,340
Spain	58,212
Sri Lanka	204
St Kitts and Nevis	851
St Lucia	851
St Vincent + Gren	638
Sweden	33,932
Switzerland	37,159
Taiwan	360,891
Thailand	218,564
Tonga	15
Trinidad—Tobago	1,189
Tunisia	18,480
Turkey	2,194,101
Uganda	7
United Arab Emirates	266,663
United Kingdom	586,375
Uruguay	1,773
Venezuela	18,956
Zambia	128
Zimbabwe	216
Classified totals[2]	370,160
Subtotal	12,811,979
Construction Sales—Part II	
Antigua and Barbuda	267
Bolivia—Intl Narc	3,207
Cape Verde	121
Colombia—Intl Narc	93
Ecuador—Intl Narc	97
Egypt	939
El Salvador	2,734
Germany	32,763
Ghana	583
Honduras	97
Israel	152
Niger	153
Seychelles	39
Uganda	228
United Kingdom	11,904
Subtotal	53,378
Total	12,865,357

[1] Totals may not add due to rounding.
[2] See the classified annex to the CPD.

MAKING IN ORDER IMMEDIATE CONSIDERATION OF HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 104TH CONGRESS

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to the rules change which would require a 60-percent majority to pass an income tax increase.

For over 200 years parliamentary rules of the House have conformed to the principles established under the Constitution of the United States which provide for rule by the majority.

Majority has always meant one more than 50 percent of the House.

The Constitution originally recognized only five instances wherein a two-thirds vote was required: To impeach, override a veto, pass constitutional amendments, ratify treaties, and expel Members of the House. In no case was it contemplated that a 60-percent vote be required to pass legislation. Ordinary law-making has always required only a simple majority vote.

The Senate rule with regard to getting 60 votes to stop a filibuster is purely procedural. It is not a requirement to pass a bill. It is a requirement only to take it up. The House allows bills to come up under suspension of the rules with a two-thirds vote, but provides that failing that it may come up in regular order with a rule.

The rules that govern the operation of the House cannot supercede the U.S. Constitution. The House cannot by a majority vote alter the force and effect of the U.S. Constitution and how it has been interpreted for the past 200 years. To change that requires a constitutional amendment.

The new majority of the House that has well pleaded its case of fairness, should follow its own advice.

Of course with the Republicans in charge of the agenda in the House, it is not likely that an income tax increase will come to the floor for a vote. That being the case there will not likely be a test of this supermajority rule under their tenure. And of course since this is only a Rule of the House of Representatives, when the Democrats return as the majority party this rule can be expunged.

It is highly irregular to allow a fundamental change in how a bill becomes law to be effected by a change in the rules of the House. This circumvents history, tradition, and parliamentary precedents, all of which form the basis of the provisions in the Constitution of the United States which set out when and only when a supermajority would be required. That is the only logical interpretation and explanation as to why the Constitution bothered to set down the instances when such super majorities would be in order. If it was intended that the Congress could alter these at will each time the Congress convened a new term then it would certainly not have taken the time to make this explicit in five cases.

Quite the contrary, the writers of the Constitution knew the mischief that supermajority votes, the so-called minority rights protections, could do to the governing of our country. To assuage the small States they deliberately created the Senate with the guarantee of two votes no matter the size or lack of population. But in the House majority rule concepts had to be safeguarded as fundamental to the true definition of the ''peoples' House.'' To abrogate the rule of simple majority and create a super minority in the House as well would greatly alter the balance of power and dilute the voting power of each Member.

The Constitution is the fountain and spirit of our democracy. Its foundation should not be uprooted by procedural rules changes designed for political gamesmenship where it is clear that under no circumstances with this majority will there be any likelihood that an income tax increase bill will be reported to the floor.

I urge this House to uphold the Constitution and vote down this blatantly political maneuver intended to depict all who stood up for the Constitution to be those who would vote for an income tax increase.

It is tyranny when the majority sacrifices the principles of the Constitution to make a political point.

DEPARTMENT OF TRANSPORTATION SHOULD STUDY ACCIDENTS CAUSED BY TRUCK DRIVERS FALLING ASLEEP AT THE WHEEL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to direct the U.S. Secretary of Transportation to conduct a 1-year study of accidents related to drivers of commercial vehicles who fall asleep at the wheel. The Secretary would have to make recommendations to the Congress on how to reduce the number of accidents related to this problem. I had attached this provision to legislation approved last year by the House to designate the National Highway System. Unfortunately, an agreement could not be reached between the House and the other body on an NHS bill, and no final action was taken in the last Congress.

According to the U.S. Department of Transportation, in 1992 there were 33,965 accidents involving truck drivers. Of these, 601 accidents were traced directly to truck drivers falling asleep at the wheel—resulting in 45 fatalities. However, in many accidents in which the driver is killed it is difficult to determine for sure whether or not the driver fell asleep. As a result, the real number of truck accidents related to drivers falling asleep at the wheel is more than likely much higher.

The National Transportation Safety Board has estimated that when a heavy rig truck driver crashes and dies, an average of 4.2 innocent victims are killed. An ongoing survey of truck drivers in Ohio being conducted by the National Center for Sleep Disorders in Massillon, OH, has revealed that only 6 percent admit to having an accident related to sleepiness, but 54 percent of truck drivers surveyed know of a fellow truck driver who has died in an accident related to fatigue or sleepiness.

Mr. Speaker, there is a serious safety problem on our highways. My bill attempts to address this problem by directing DOT to study the problem in-depth and recommend to Congress ways to address the problem and reduce the number of accidents related to truck drivers falling asleep at the wheel.

Last year Republicans and Democrats on the Public Works and Transportation Committee, of which I am a member, strongly supported this provision. I urge all my colleagues to lend their support to the bill.

H.R. —

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

SECTION 1. COMMERCIAL MOTOR VEHICLE ACCIDENTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating a commercial motor vehicle used to transport freight.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under subsection (a).

CAMPAIGN FINANCE REFORM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, Fred Wertheimer, president of Common Cause, recently wrote House Speaker GINGRICH a letter in which he urged the Speaker to schedule and support early action on comprehensive campaign finance reform legislation, as well as strong gift ban and lobby reform legislation.

Attached to Mr. Wertheimer's letter were several statements that Speaker GINGRICH has made in the last several years on this important subject, and I am submitting the text of the two documents into the CONGRESSIONAL RECORD today.

COMMON CAUSE,
Washington, DC, January 4, 1995.

House Speaker NEWT GINGRICH,
U.S. Capitol, Washington, DC.

DEAR SPEAKER GINGRICH: On August 22, 1990, in a speech to The Heritage Foundation, you said: ''The first duty of our generation is to reestablish integrity and a bond of honesty in the political process. We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems. We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity. Every action should be measured against that goal, and every American should be challenged to register and vote to achieve that goal.''

We agree.

As you become Speaker of the House of Representatives today, you have a unique moment in history in which to make good on your words. You have a unique opportunity to lead an effort to reform the corrupt system in Congress which you have criticized throughout your House career.

As you also stated in your speech before The Heritage Foundation: ''Congress is a broken system. It is increasingly a system of corruption in which money politics is defeating and driving out citizen politics. * * * [H]onesty and integrity are at the heart of a free society. Corruption, special favors, dishonesty and deception corrode the very process of freedom and alienate citizens from their country.''

I am enclosing other examples of statements you have made over the years about the importance of integrity in government and the need for political reform.

You and the newly elected Republicans in the House have told the country that you are committed to changing the way Washington works.

But citizens throughout this nation clearly understand that there is no way to change the way Washington works without fundamental reform of the corrupt influence money system. This requires effective campaign finance reform and a tough gift ban for Members of Congress.

In your words, ''The first duty of our generation is to reestablish integrity and a bond of honesty in the political process.''

In your words, ''We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems.''

In your words, ''We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity.''

In your new position of leadership, you now face a clear choice. You can make good on your words and lead the effort to clean up Congress. Or you can ignore your words and become the chief protector of the corrupt influence money system in Washington.

Common Cause strongly urges you to make good on your words by supporting and scheduling early action on effective and comprehensive campaign finance reform legislation, a strong gift ban and lobby reform legislation.

Sincerely,

FRED WERTHEIMER,
President

QUOTES FROM HOUSE SPEAKER NEWT GINGRICH ON GOVERNMENT INTEGRITY AND POLITICAL REFORM

[From the Washington Post Op-Ed, Feb. 21, 1979]

Thomas Jefferson wrote to John Adams sometime after the nation's founding: ''This I hope will be the age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force. We have seen no instance of this since the days of the Roman Republic, nor do we read of any before that. Either force or corruption has been the principle of every modern government.''

There's something wrong if we allow the experiment Jefferson helped start sink back to a government based on corruption. And that something is a much greater wrong than the individual sins of one particular congressman.

The American people deserves laws made by those who respect the law—not those who steal from them. And not those who tolerate such stealing.

[From the Congressional Record, Aug. 10, 1988]

[W]e are now moving into a period into which for all practical purposes the House is becoming a House of Lords, and aristocracy of power. House Members increasingly are elected for a lifetime, so you either change them the first time out, or at most possibly change them at the end of their freshman term, but for all practical purposes people have lost the ability to change who they now have loaned power to. * * *

Now I would just suggest that from the standpoint of the citizen, not the standpoint of an incumbent politician but from the standpoint of the citizens there are fundamental problems with a system in which the incumbent knows that the odds are better than 49 to 1 that they will be reelected if they run. * * *

I will be proposing in September a package of fairly dramatic reforms but they do not just address PACs They also have to address the question: How do you help the challenger have a fair chance to defeat the incumbent? * * *

[W]e have to start fundamentally reforming the structure of congressional elections and the structure of incumbency advantage, because in the absence of doing that I think we are in a system which is going to grow steadily sicker, and I think that is a very, very real problem. I do not think this is something to be shrugged off.

And notice, I did not this afternoon just talk about Republicans or Democrats. I said incumbent advantage.

[Forward to ''The Imperial Congress'', 1989]

Madison, Jefferson and Hamilton tried to ensure against the rise of an imperial Congress. Yet, as the separation of powers continues to erode, the present-day Congress has become the most unrepresentative and corrupt of the modern era. It is a Congress that lusts for power but evades responsibility for its actions.

[From the National Press Club, Apr. 27, 1989]

And in 1974, in the middle of Watergate, I ran for office for the first time. I announced for Congress in Georgia, against a 20-year veteran who had never been successfully challenged. * * * I said, in my kickoff speech, ''The American people are angry, an anger built up due to continuing frustration from a government which says one thing and does another; and they become increasingly dissatisfied when the men and they have chosen are apparently corrupt, condoning corruption, or totally indifferent to their feelings.'' And I would suggest to you that is a long tradition. * * *

[From the Christian Science Monitor, June 6, 1989]

[To produce more competitive congressional races] it's my very strong view that we want to shift the balance of resources toward the challenger.

[From the Congressional Record Feb. 6, 1990]

I am very committed to campaign reform. I am particularly committed to campaign reform which expands the number of people who are participating in American politics, and which allows the over and the challenger a reasonable chances to effect their will.

[From the Speech to the Heritage Foundation, Aug. 22, 1990]

Congress is a broke system. It is increasingly a system of corruption in which money politics is defeating and driving out citizen politics. * * *

[H]onesty and integrity are at the heart of a free society. Corruption, special favors, dishonesty and deception corrode the very process of freedom and alienate citizens from their country. * * *

We must reestablish as the first principle of self-government that politics must be an inherently moral business. The first duty of our generation is to reestablish integrity and a bond of honesty in the political process. We should punish wrongdoers in politics and government and pass reform laws to clean up the election and lobbying systems. We must insure that citizen politics defeats money politics. This is the only way our system can regain its integrity. Every action should be measured against that goal, and every American should be challenged to register and vote to achieve that goal.

[From the States News Service, Nov. 1, 1991]

Congress is now in as great a crisis as the executive branch was in Watergate.

The American public has correctly perceived a decaying, corrupt system dominated by Democrats. * * * We are prepared to draw the distinction between a Congress you can be proud of and the decay the Democrats have brought to the institution.

[From This Week With David Brinkley, Mar. 15, 1992]

[Y]ou're familiar with a 19th-century statement by Lord Acton that power tends to corrupt—absolute power corrupts absolutely. [Congress] is a 19th-century institution which has been protected and hidden from the public and each successive onion layer that's peeled off, the country gets madder at the Congress. It sooner or later has to have a reform administration that cleans the whole place up.

[From the New York Times, Apr. 18, 1992]

Those of us who are fighting for change and fighting for reform are going to survive, and we're going to have to work pretty hard at it. * * *

I have a very clear tradition of trying to clean up the House. I think the average voter's more mature after they get through the first wave of anger than to say let's throw everybody out.

[From States News Service, Oct. 19, 1993]

[The ability of millionaires to spend large amounts of personal funds on their campaigns has become] a dagger in the heart of a free society.

[From the Washington Times, Oct. 20, 1993]

[PACs are a] grotesque distortion of the popular will.

[From National Public Radio, Oct. 20, 1993]

What you have today is a system where very powerful chairmen and very powerful Members basically call PAC lobbyists and say, ''If you every want to get your boss in to see me, you better give five grand to my candidate in District X.'' And you end up with a spectacle of a grotesque distortion of the popular will as the Washington lobbyists take back-home money and use it to buy Washington access.

[Letter to the Wall Street Journal, Oct. 26, 1993]

[L]et me simply state my policies: I believe the speaker of the House should be honest. * * * The House should be open and accountable. It is a place of honor for our country and the men and women who serve within it.

[From the Dallas Morning News, Nov. 10. 1994]

I am the most sincerely committed change agent of the Washington power structure. * * * In a naive way, I actually mean all this stuff. If you are the Washington power structure that has to be horrifying.

[From the Republican Transition Press Conference, Nov. 14, 1994]

We wanted to maximize the opportunity for substantial change. Over half the conference is freshmen and sophomores. It's very important to understand this country has sent a very powerful signal for change. * * * This is a city which is like a sponge. It absorbs waves of change, and it slows them down, and it softens them, and then one morning they cease to exist.

We want to, every way we can, bias the opportunity in favor of the American people actually getting the changes they are asking for, and obviously, every Member is going to play a major role, every Member is going to participate.

[Address to the House Republican Conference, Dec. 5, 1994]

[People] want us to be a Congress with integrity. They want us to be a Congress with courage. They want us to be a Congress with dignity. And they wan to be able to look at this building on the Hill once again as the great, shining symbol of free self-government by a free people.

[From the MacNeil/Lehrer NewsHour, Dec. 16, 1994]

Well, I hope the President will join us, for example, in moving to zero out political action committees. I've always favored—in recent years, it seems to me, that political action committees have grown to be instruments that no longer serve the public interest. They serve special interests. I am very prepared to try to work out something which would zero out political action committees. I think there are other steps we can take. Congressman Bob Michel had a tremendous idea of requiring members to raise half their money in the district they represent. That would dramatically change the balance of campaign fund-raising in America. I would look forward to working with the President on those kinds of things. And I think there's progress that can be made.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 10, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 11

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD–430

9:30 a.m.
Banking, Housing, and Urban Affairs Organizational meeting to consider committee business.
SD–538

Energy and Natural Resources
Organizational meeting to consider committee business.
SD–366

10:00 a.m.
Appropriations
Organizational meeting to consider subcommittee membership, committee rules of procedure, and committee budget for the 104th Congress.
S–128, Capitol

Foreign Relations
Organizational meeting to consider committee business.
SD–419

2:30 p.m.
Indian Affairs
Organizational meeting to consider committee business.
SR–485

4:00 p.m.
Small Business
Organizational meeting to consider committee business.
SR–428A

JANUARY 12

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD–430

9:30 a.m.
Armed Services
Closed briefing on the current situation in Bosnia.
SR–222

Commerce, Science, and Transportation
Organizational meeting to consider committee business.
SR–253

Rules and Administration
Organizational meeting to consider committee's rules of procedure for the 104th Congress and pending business.
SR–301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Organizational meeting to consider committee business.
SR–332

10:30 a.m.
Environment and Public Works
Organizational meeting to consider committee rules of procedure and committee budget for the 104th Congress.
SD–406

2:00 p.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine aviation safety issues.
SR–253

CANCELLATIONS

JANUARY 11

10:00 a.m.
Governmental Affairs
Business meeting, to mark up the proposed Paperwork Reduction Act.
SD–342

POSTPONEMENTS

JANUARY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.
SR–485