

## EXTENSIONS OF REMARKS

### FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT

**HON. PETER A. DeFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. DEFAZIO. Mr. Speaker, today I'm reintroducing the Federal Facilities Clean Water Compliance Act (H.R. 2222). This legislation, which I first introduced in 1993, would subject Federal facilities to the same requirements under the Clean Water Act, as private facilities.

Five years ago, Congress overwhelmingly enacted the Federal Facilities Compliance Act. This act has become a major enforcement tool in cleaning up waste at military and civilian sites around the Nation. But few people realize it only applies to solid wastes. Liquid discharges into surface water at Federal facilities are completely exempt from enforcement actions under the law. Under this indefensible double standard, the Federal Government gets off scot-free for the same violations for which private companies and local government are slapped with fines of \$25,000 each day.

At the Hanford Nuclear Reservation in the Pacific Northwest, hundreds of billions of gallons of contaminated wastewater were discharged directly into the Columbia River. More than 400 billion gallons of liquid waste have been discharged into the soil, contaminating over 200 square miles of ground water with radioactive and chemical wastes. This contamination is slowing inching toward, and in some cases has already reached, the Columbia River.

In December 1991, following a 3-year, billion-dollar start-up effort, the Department of Energy's [DOE] "K" Reactor at the Savannah River Site in South Carolina discharged thousands of curies of contaminated cooling water into the Savannah River. As a result, a number of drinking water plants, food processors, and oyster beds on the river had to be shut down until the tritium concentrations diminished.

It was not the first time radioactive pollutants had been dumped into the river. DOE records indicate that more than 3.5 million curies of tritium had been released from the site since 1984.

In Texas, the DOE has admitted to discharging waste from its Pantex Plant into nearby Playa Lakes. In Ohio, the DOE has dumped over one-half million pounds of uranium into the air and water from its Fernald Plant, located 20 miles northwest of Cincinnati. Drinking wells south of the Fernald plant are contaminated with radioactivity at levels as much as 250 times higher than limits set by the Environmental Protection Agency [EPA].

One startling fact highlighted by all of these tragic spills is that radioactive discharges from Federal facilities are not regulated under the Clean Water Act [CWA]. Neither the EPA nor individual States can set or enforce discharge

limits for Federal facilities that dump nuclear waste into our streams and rivers.

Although the CWA defines a pollutant as "radioactive material" and requires DOE and other Federal agencies to comply with the CWA in the same manner and to the same extent as private individuals, the language doesn't have much backbone. A 1976 Supreme Court decision, *Train versus Colorado PIRG*, ruled that the CWA's definition of pollutant does not clearly indicate whether Congress intended the CWA to apply to radioactive materials regulated under the Atomic Energy Act—namely "source," "special nuclear," and "by-product" materials. These are the chief waste discharges found in tritium and released from DOE and Department of Defense facilities.

In addition, States are virtually helpless to do anything about the dumping, since States cannot assess civil penalties against the Federal Government under the doctrine of sovereign immunity.

Under the CWA, States may assess penalties against individuals up to \$25,000 per day per violation. However, another Supreme Court decision, *State of Ohio versus DOE*, ruled that the DOE and other Federal agencies are immune from civil penalties under the CWA and the Resource Conservation and Recovery Act [RCRA].

This infamous decision ultimately led Congress to pass the Federal Facilities Compliance Act for RCRA in 1992. The exemption for the CWA still remains.

And finally, the EPA cannot issue administrative orders or assess penalties against other agencies for violating the CWA. The EPA may currently assess penalties up to \$10,000 per day against individuals. But it can only issue administrative orders against Federal facilities on a consent basis. The EPA cannot assess unwanted penalties against a Federal agency. This essentially limits the EPA's primary enforcement mechanism to voluntary compliance agreements.

Congress needs to fill this regulatory void by providing independent oversight of Federal facilities that discharge radioactive waste into our waters. That authority already exists for toxics, suspended solids, and other nonradioactive pollutants under the CWA. Radioactive material should not be held to a lesser standard.

In addition, we should grant EPA the same regulatory powers it now enjoys under the Clean Air Act. Under this act, the EPA can regulate radioactive air pollutants discharged from Federal facilities. There is no distinction made between pollutants; a poison is still a poison. We should eliminate the paradox under the Clean Water Act.

The legislation I'm introducing today will eliminate the exemption under the CWA for radioactive discharges, empower States to assess civil penalties against Federal agencies, and authorize the EPA to issue unilateral administrative orders and assess penalties against other Federal agencies for violations of the CWA. My bill is supported by the Clean

Water Network, Natural Resources Defense Council, USPIRG, Physicians for Social Responsibility, the Military Production Network, Plutonium Challenge, and Heart of America Northwest. It has also been endorsed by the Oregon Department of Energy and the Oregon Department of Environmental Quality.

At a time when the emphasis on America's nuclear weapons complex is shifting from production to cleanup, it's essential that we close these dangerous loopholes. Independent oversight of Federal facility discharges can prevent future accidents from happening and provide a means of cleanup enforcement when they do occur. I urge my colleagues to cosponsor this legislation and join me in this effort.

### TRIBUTE TO CLAIRE AND BEAVER JUTRAS

**HON. CHARLES F. BASS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. BASS. Mr. Speaker, I rise today to pay tribute to Claire and Roland, "Beaver" Jutras, of Peterborough, NH, who have recently been named as Parents of the Year by the National Parents Day Foundation. When Claire and Beaver Jutras are asked about their four daughters, Michelle, Christine, Natalie, and Veronica, they say that they have been blessed. It is now clear that these four girls have been blessed as well, with two loving, caring and dedicated parents.

Claire and Beaver are an inspiration to all parents for their selfless devotion to their daughters. The girls are active in countless activities and organizations. As any parent knows, that means Claire and Beaver have always had to find time to provide transportation and attend games and activities, as well as being active community leaders themselves. Beaver is the director of the Peterborough recreation department, a leader in his church, and an active, committed citizen of the town. He has been recognized as a Paul Harris Fellow, the VFW man of the Year in 1981, and Citizen of the Year in 1987. He was also a member of the ConVal District School Board and teaches at his church.

Claire Jutras is a special education aide at Peterborough Elementary School but worked part time while her daughters were in school so as to be able to devote her afternoons to them and their activities. She has also served as a Brownie leader, a teacher, and Eucharistic minister at their church, a preschool teacher, a recreation volunteer, and supervisor of the checklist for the town.

The Jutrases are civic and spiritual leaders, athletes, scholars, and good neighbors. Families such as this one are the fabric of smalltown new Hampshire. It is an honor to be able to recognize them for their accomplishments.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CALLING FOR UNITED STATES INITIATIVE SEEKING JUST AND PEACEFUL RESOLUTION OF SITUATION ON CYPRUS

SPEECH OF

**HON. ROD R. BLAGOJEVICH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to reflect on Cyprus' troubled history. For years, the people of Cyprus have suffered under the yoke of Turkish aggression. But I also rise to look for hope toward the future. For recent events have left the people of Cyprus with the best hopes for peace they have had in decades.

Cyprus is a unique nation, one which has always served as a bridge between the cultures of East and West. The mix of cultures of the Cypriot people was for generations a blessing rather than a curse. Almost four decades ago, when Cyprus was granted independence from Britain, it appeared that for the first time in the centuries the Cypriot people would be able to determine their destiny. But that opportunity was torn from their grasp by the threat of outside aggression. In 1974, that threat was realized when the Turkish military invaded Cyprus, dividing the island and causing immeasurable pain and suffering. While the idea of ethnic cleansing was not invented on Cyprus, it was carried out with brutal efficiency. Thousands were forced out of their homes, never to return. Families were torn apart, separated only by an artificial line drawn by aggression. Cyprus' natural beauty was forever scarred by outside invaders.

As Americans, it is vital that we support the peace process in Cyprus while the opportunity remains. The United States is uniquely situated to play an important and constructive role in the effort to build peace in Cyprus. The President's recent appointment of Richard Holbrooke as his special representative to Cyprus is especially welcome. Ambassador Holbrooke has ably demonstrated his skill as a peacemaker and a diplomat. His role in the process only serves to reassure optimists that the opportunity for peace is real, and that the United States is deeply committed to the effort for peace in Cyprus. We cannot let this opportunity slip out of our grasp. We must stand with the people of Cyprus as they work to throw off the yoke of Turkish oppression.

CALLING FOR UNITED STATES INITIATIVE SEEKING JUST AND PEACEFUL RESOLUTION OF SITUATION ON CYPRUS

SPEECH OF

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of peace and stability on the Island of Cyprus. However, Mr. Speaker, if there is to be a resolution of the Cyprus issue, then there must be a balanced approach giving both Greeks and Turks equal voice both in the process and in the government. If this resolution intends to bestow sole rule of Cyprus to

the Greek community, then I rise in strong opposition.

We have been down that blood-soaked road before when in the 1960's and 1970's, Archbishop Makarios adopted a policy of Enosis, in an attempt to unite Cyprus with Greece. Fighting broke out, many Turkish Cypriots were killed, in some cases, slaughtered, and the Turkish Government, as one of the legal guarantors of the Republic of Cyprus, felt, in order to protect the lives and safeguard the property of the Turkish Cypriots, that military intervention was in order.

Since 1974, there has been a de facto military balance on the island which has prevented additional bloodshed. An upset in this balance could result in future hostilities. The international community cannot make the problem go away between the Greeks and Turks on the island of Cyprus, only those two parties can.

Having said that Mr. Speaker, I am very concerned with some of the language in House Concurrent Resolution 81. The language of the resolution states, "Whereas the prospect of the accession by Cyprus to the European Union, which the United States has actively supported, could serve as a catalyst for a solution to the Cyprus problem."

This language does not give any incentive to the Greek Cypriots to settle with the Turkish Cypriots. Moreover, on February 24, 1997, Greece alone objected to a draft common EU position demanding that "all Cypriots be able to participate in the accession process" because, according to Athens, its reference to Turkish Cypriots contradicts U.N. and EU policies that one internationally recognized Cyprus Government is competent to negotiate for the state.

The resolved clauses are especially troubling. The second resolved clause states, "The Congress considers lasting peace and stability on Cyprus could best be secured by a process of complete demilitarization leading to the withdrawal of all foreign occupation forces, \* \* \*, and providing for alternative internationally acceptable and effective security arrangements as negotiated by the parties."

Mr. Speaker, this to me suggests that Turkey is directed to withdrawal from the island of Cyprus without direct input from the Turkish Cypriot community. This is not possible without the creation of a security apparatus which is found acceptable to the Turkish Cypriot community. The Congress needs a careful reminder into the history of Cyprus before such a suggestion is considered.

I want to remind my colleagues that in 1960, when Great Britain relinquished control of the island, a bicomunal government was established with shared leadership by Turkish Cypriots and Greek Cypriots as political equals. Neither community was to dominate the new government. Tragically, right after Britain's departure, the new President of Cyprus, a Greek Cypriot, Archbishop Makarios, began to carry out his plan for union with Greece. By December 1963, Greek Cypriots had destroyed the bicomunal character of the republic physically ousting Turkish Cypriot leaders from their elected positions and destroying over 100 Turkish Cypriot villages.

For the next 11 years, Turkish Cypriots, heavily outnumbered by the Greek Cypriots, suffered great losses—human and material—in clashes initiated by Greek Cypriots and fully

supported by the Greek Army. One out of every one hundred twenty Turkish Cypriots, including women, children, and the elderly, was killed during this period even with U.N. peacekeeping troops present on the island. Thousands of Turkish Cypriots were forced to flee from their homes to live in enclaves throughout the island and were, held hostage in their own land without representation in government which was stipulated in the 1960 constitution.

United States Secretary of State George Ball visited Cyprus in February 1964 and concluded that Greek Cypriots "just wanted to be left alone to kill Turkish Cypriots." Turkey waited for 11 years for help from the world community. None came. By 1974, Turkey could no longer stand by and watch innocent Turkish Cypriots be slaughtered by Greek Cypriots.

So Turkey intervened militarily on the island which was completely legal under the 1960 Treaty of Guarantee signed by the Turkish Cypriots, Turkey, Britain, Greece, and the Greek Cypriots. It clearly stated that any of the signatories had the right to intervene on Cyprus should the sovereignty of the island be threatened. These troops have posed no threat to the southern part of the island. Since the Turkish military intervention concluded in 1974, these troops have never attacked or threatened to attack the south. They are simply to ensure the security of the Turkish Cypriot community.

Due to domestic considerations, we are not doing what is right and necessary on the Cyprus issue. The Cyprus conflict is an international issue relating to Turks and Greeks and, if we want to help settle the issue, we must be totally even-handed in all facets of our approach. They both must learn to live in cohabitation. Perhaps, separate sovereignty of the communities, as in the proposal of bizonal and bicomunal governance, is in the best interest of security both for the region and for the United States. That could be determined in meetings between Turkish Cypriot President Rauf Denkash and Greek Cypriot leader Glafko Clerides.

Mr. Speaker, in closing I want to thank my chairman, the honorable and kind-hearted gentleman from New York, BEN GILMAN, for bringing this issue to the attention of the Congress. Cyprus is a vital issue for the security of the eastern Mediterranean. The proper encouragement by the United States Congress could help both Greeks and Turks to understand that they must work together to resolve their differences.

TRIBUTE TO PHEBE WARD BOSTWICK

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Ms. ESHOO. Mr. Speaker, I rise today to honor Phebe Ward Bostwick, an outstanding citizen and dedicated community leader of the 14th Congressional District who passed away on July 6, 1997. She was the devoted wife of Alan Bostwick and the stepmother of three children, the proud grandmother of eight, and great grandmother of seven. She was married to Alan Bostwick for a remarkable 36 years.

Phebe Bostwick was a trailblazer. At the young age of 15, she was admitted to Stanford University as one of only 500 women permitted to study on the campus at any one

time. She pursued education as her course of studies and earned her teaching credential at the university.

She began her 45 years as a northern California educator in Calistoga, Piedmont, and Redwood City High Schools before becoming an English instructor at San Francisco City College. She earned a reputation at the college as an administrator who could easily adapt to any assignment. She later spent 25 years as principal of Galileo Adult School which eventually became a part of the San Francisco Community College district. She was also loaned out for several other projects; as a counselor with the U.S. Department of Employment for women trainees for aircraft jobs, and to Contra Costa County to set up new community colleges. She also served as a member of the United Nations Educational, Scientific and Cultural Organization Commission. She enriched the lives of countless young people as their teacher with her intelligence, common sense, warmth, and wisdom and contributed greatly to the improvement of the administration in all the institutions she served.

Upon her retirement from education, Phebe Bostwick committed herself to volunteering in a number of organizations including the Little House Senior Center where she was program director and president of its council, volunteering at the Center for 20 years. She was a forceful advocate for seniors as a member of the California Senior Legislature where she represented 103,000 older adults of San Mateo County. She chaired the Legislative Committee, often testified at hearings, and was a featured speaker at conferences on legislative advocacy training. Phebe Bostwick also served with great distinction on the San Mateo County Commission on Aging and its Advisory Committee, and was a member of Soroptimist International of San Francisco.

Mr. Speaker, Phebe Bostwick was a shining light among us, inspiring all who knew her. She was a high achiever and made remarkable contributions to our community and our country. She lives on through her stepchildren, grandchildren, and great grandchildren, through her devoted husband Alan, and through all of us who were blessed to be part of her life, work with her and call her friend.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a noble woman who lived a life of purpose and to extend our deepest sympathy to Alan Bostwick and the entire Bostwick family.

Phebe Bostwick's legacy is that she made each one of us better, and because of her, our community and our country have been immeasurably bettered as well.

#### CLARIFICATION OF THE TREATMENT OF INVESTMENT MANAGERS

**HON. HARRIS W. FAWELL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. FAWELL. Mr. Speaker, I am pleased to today introduce legislation which amends title I of the Employee Retirement Income Security Act of 1974 [ERISA] to permit investment advisers registered with State securities regulators to continue to serve as investment managers to ERISA plans.

At the end of last Congress, landmark bipartisan legislation was enacted which adopted a new approach for regulating investment advisers: the Investment Advisers Supervision Coordination Act (title III of P.L. 104-290). Under the act, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisers and the Securities and Exchange Commission [SEC] is assigned primary responsibility for regulating larger investment advisers. Under this framework, however, smaller investment advisers registered only with the States, and prohibited by the new law from registering with the SEC, would no longer meet the definition of "investment manager" under ERISA, since the current Federal law definition only recognizes advisers registered with the SEC.

As a temporary measure, a 2-year sunset provision was included in the securities reform law extending for 2 years the qualification of State registered investment advisers as investment managers under ERISA. This provision was intended to address the problem on an interim basis while the congressional committees with jurisdiction over ERISA reviewed the issue. We have reviewed this issue and have developed the legislation that I am introducing today to permanently correct this oversight.

Without the legislation I am introducing, State licensed investment advisers who, because of the securities reform law, no longer are permitted to register with the SEC would be unable to continue to be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this legislation, the practices of thousands of small investment advisers and investment advisory firms would be seriously disrupted after October 10, 1998—as would the 401(k) and other pension plans of their clients.

It is necessary for an investment adviser seeking to advise and manage the assets of employee benefit plans subject to ERISA to meet ERISA's definition of "investment manager." It is also important, for business reasons, for small investment advisers to eliminate the uncertainty about their status as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA-plan client and could well cause the loss of existing clients.

The bill will amend title I of ERISA to permit an investment adviser to serve as an investment manager to ERISA plans if it is registered with either the SEC or the State in which it maintains its principal office and place of business, if it could no longer register with the SEC as a result of the requirements of the 1996 securities reform law. In addition, at the request of the Department of Labor, the bill requires that whatever filing is made by the investment adviser with the State be filed with the Secretary of Labor as well.

Arthur Levitt, Chairman of the Securities and Exchange Commission, has written a letter expressing the need for this legislation and his support for this effort to correct this problem. I ask that a copy of Chairman Levitt's letter be inserted in the RECORD.

This legislation also has the support of the Department of Labor. In addition, this bill is supported by the International Association for Financial Planning, the Institute of Certified Financial Planners, the National Association of Personal Financial Advisors, the American Institute of Certified Public Accountants, and the North American Securities Administrators As-

sociation, Inc. Identical legislation is being introduced on the other side of the Hill by Senator JEFFORDS, the chairman of the Senate Labor Committee.

Congress must act quickly to correct this oversight, to protect small advisers from unintended ruin and to bring stability to the capital management marketplace.

U.S. SECURITIES AND  
EXCHANGE COMMISSION,  
Washington, DC, April 7, 1997.

Hon. WILLIAM F. GOODLING,  
Chairman, Committee on Education and the  
Work Force, U.S. House of Representatives,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN GOODLING: I am writing to urge that the House Committee on Education and the Work Force consider enacting legislation to amend the Employee Retirement Income Security Act of 1974 ("ERISA;") in a small but terribly important way. Unless the Congress acts quickly, thousands of small investment adviser firms, and their employees, risk having their businesses and their livelihoods inadvertently disrupted by changes to federal securities laws that were enacted during the last Congress.

At the very end of its last session, Congress passed the Investment Advisers Supervision Coordination Act. This was landmark bipartisan legislation that replaced an overlapping and duplicative state and federal regulatory scheme with a new approach that divided responsibility for investment adviser supervision; states were assigned primary responsibility for regulating smaller investment advisers, and the Securities and Exchange Commission was assigned primarily responsibility for regulating larger investment advisers. We supported this approach.

Until the Coordination Act takes effect in the next few months, most of the nation's 23,500 investment adviser firms—regardless of their size—will continue to be registered with the SEC, as they have for many decades. Once the Act becomes effective, however, we estimate that as many as 16,000 firms will be required to withdraw their federal registration. Indeed, this requirement is crucial if the Act's overall intent of reducing overlapping and duplicative regulation is to be realized. But the withdrawal of federal registration is also what causes the problem for these firms under ERISA.

As a practical business matter, it is a virtual necessity for a professional money manager (such as an investment adviser) seeking to serve employee benefit plans subject to ERISA to meet ERISA's definition of "investment manager." The term is defined in ERISA to include only investment advisers registered with the SEC, and certain banks and insurance companies. Once the Coordination Act becomes effective, large advisers registered with the SEC will of course continue to meet the definition. But small advisory firms will not be able to meet the definition of investment manager because they will be registered with the states rather than with the SEC. Thus they may well be precluded from providing advisory services to employee benefit plans subject to ERISA, even if they have been doing so successfully for many years.

The sponsors of the Coordination Act were aware that the interplay between the Act and ERISA could have substantial detrimental consequences for small advisors, and thus added an amendment to ERISA during the House-Senate Conference on the Act. The ERISA amendment provided that investment advisers registered with a state can serve as "investment managers" for two years, or through October 12, 1998. My staff has been told that this "sunset" provision was included in the ERISA amendment so that the

appropriate congressional committees with jurisdiction over ERISA could have a reasonable amount of time to review the amendment before deciding whether to make it permanent. Apart from that important procedural issue, I am not aware of any other considerations that would suggest the need for the ERISA amendment to expire in two years.

I believe that the Congress should move as quickly as possible to enact legislation that eliminates the sunset provision, and permanently enables properly registered state investment advisers to continue their service as investment managers under ERISA. There is no reason to wait until 1998 to do so. In fact, many small investment advisers believe that the ongoing uncertainty about their status as "investment managers" under ERISA is making it difficult for them to acquire new ERISA plan clients, and may even cause them to lose existing clients. Some advisers think the harm they could suffer, even before the expiration of the sunset provision next year, could be irreparable, and it is easy to see why.

It is only through the swift action of your Committee that these unintended and unnecessary consequences for thousands of successful small businesses can be avoided. If you or your staff would like additional information about this matter, please do not hesitate to contact me at 942-0100, or Barry P. Barbash, Director of the Division of Investment Management, or Robert E. Plaze, an Associate Director in the Division, at 942-0720.

Sincerely,

ARTHUR LEVITT.

#### TRIBUTE TO LINDA MITCHELL

### HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. FLAKE. Mr. Speaker, Linda Mitchell was honored as the Lutheran Schools Association Administrator of the Year for Metropolitan New York and New Jersey. Ms. Mitchell is a life-long resident of Queens, NY, and in response to the need for a successful learning environment she founded Holy Trinity Community School in 1976. As principal of the school, she has committed her efforts to provide children with a quality education funded on solid moral teaching. She has also worked hard to increase the school's relationship with the Holy Trinity Lutheran Church. This effort has motivated the school to adopt positive themes like "Do the Right Thing" and "Zero Tolerance." These themes steer children away from negativity and encourage them to eliminate physical aggression, while stressing the importance of learning values. She is particularly committed to creating an accepting environment for children who have been unsuccessful in other school settings.

In addition to her role as principal of HTCS, Ms. Mitchell serves on the Hillis Park Gardens Board, the Community Board 12, the 103d Precinct Community Council, and the board of the Greater Jamaica Community Coalition. She has received additional awards for service to her community, where she is recognized for her active involvement in local affairs. Linda Mitchell is a model citizen for all Americans. She is intent on serving her community in every way, and demonstrates how we, as individuals, can improve the status of our commu-

nities. I commend Ms. Mitchell for her service, acknowledge her for her excellences, and join with all of those honoring her as an outstanding individual.

#### STAMP OUT BREAST CANCER ACT

SPEECH OF

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Mr. FAZIO of California. Mr. Speaker, I rise today in strong support of H.R. 1585, sponsored by myself and my colleague, SUSAN MOLINARI. I seem to have developed quite a history with the idea of an experiment whereby the American people would contribute to public health causes through the voluntary purchase of a U.S. postage stamp.

In May of 1996, Dr. Ernie Bodai—one of my constituents and the chief of surgery at the Kaiser Permanente Medical Center in Sacramento, CA—came to my office with an innovative proposal. Dr. Bodai's idea involved a bill to establish a special first-class postage stamp priced at 1 cent above normal first-class postage. The stamp would be purchased voluntarily, with the additional penny going toward breast cancer research. As a result of Dr. Bodai's unflagging personal effort, I was pleased to introduce the Breast Cancer Research Stamp Act in the 104th Congress. That piece of legislation gained the support of 86 Members of the House of Representatives.

This year, I reintroduced this bill in the 105th Congress, and H.R. 407 has the support of 125 of my colleagues. Thanks to some energetic and tireless efforts by several compassionate groups within the breast cancer advocacy community and a special thank you to my colleague, SUSAN MOLINARI, we are considering today H.R. 1585, the Stamp Out Breast Cancer Act of 1997. H.R. 1585 remains true to the idea of the American public participating in the search for a cure for breast cancer. H.R. 1585 also ensures that money raised by the breast cancer research stamp will not replace current Federal funding levels. It will add to it.

H.R. 1585 provides a workable and realistic framework for a cooperative effort between the Postal Service and the American public to take place. Questions have been raised—how much money could be raised by the sale of a stamp priced above the normal first-class postage rate? And how much would such an endeavor cost the Postal Service to administer? H.R. 1585 sets up a demonstration project to answer these questions. After 2 years, the General Accounting Office will provide an evaluation of the effectiveness of this project. And after 2 years, perhaps there will be additional money from the stamp going toward breast cancer research at the National Institutes of Health and the Department of Defense.

I want to thank Representative MCHUGH, chairman of the Postal Service Subcommittee, for working out the details of this bill so that we may finally put this project into place. And I want to thank again my colleague, SUSAN MOLINARI, for her effort and commitment to seeing that this bill and this cause moves forward in the House of Representatives. We have made tremendous progress in raising

money, awareness and spirits in the battle against a disease that has devastated the lives of millions of loved ones, but we still have a long way to go. I know that we will get there, through the support of legislators in Congress and the grass roots support in our communities.

By passing H.R. 1585, we will enable the people of the United States to demonstrate a spirit of volunteerism to advance our successes in finding a cure for breast cancer. I urge my colleagues to vote to suspend the rules and pass this important piece of legislation.

#### VETERANS IN POLITICS HONORING SENATOR JACOBSEN

### HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. GIBBONS. Mr. Speaker, Veterans in Politics, a nationally recognized veteran's organization, is honoring Senator JACOBSEN at a ceremony this evening in Las Vegas. I would like to have the following comments included in the CONGRESSIONAL RECORD today for their event.

As a fellow veteran with Senator LAWRENCE JACOBSEN, it is my honor and privilege to pay special tribute to a man who has committed his entire life to serving our great State and Nation. "JAKE," as he is known to most, is one of the true legends in Nevada politics. JAKE is someone who would rather be out there with his sleeves rolled up helping Nevadans than sitting in a restaurant with well-paid lobbyists. His commonsense approach to politics is refreshing and sorely needed in Carson City.

JAKE's life and his ensuing marriage to beloved Betty is one of true Americana literature. Born in Gardnerville in 1921, JAKE has lived there all his life. When the call to duty came to serve his country, JAKE enlisted in the U.S. Navy during World War II. Little known to many, he is a survivor of the attack on Pearl Harbor. When the 50th anniversary of Pearl Harbor was recognized in 1991, JAKE was one of the most sought after speakers in the State and graciously rose to the occasion. His sense of patriotism is practically unmatched by any other political figure in Nevada.

Through his membership in the American Legion, JAKE has been committed to preserving and enhancing patriotism and education with such programs as Boys State. Held every year in Carson City, JAKE has shared his vast experiences and knowledge of public service with the young men of Nevada.

Having served with JAKE in the Nevada Legislature, I know first hand of his unwavering dedication to the hard-working families that he represents so well. JAKE is also one of the Nevada Legislature's strongest supporters of veterans issues, including bringing a veterans home to Nevada.

It has been a true pleasure and honor to work with LAWRENCE "JAKE," JACOBSEN and join him in promoting many of the noteworthy causes he has championed. He has been both a mentor and friend providing much appreciated advice since my earliest days as a legislator. JAKE has inspired and encouraged all of us in one form or another to maximize our abilities. He has provided us a model to follow

which will not be easy to emulate yet will give us something to which we can strive. For that JAKE, we will always be grateful. Best wishes in all of the pursuits and endeavors which are still awaiting you.

REGARDING INTERFERENCE OF  
EUROPEAN COMMISSION IN  
MERGER OF BOEING CO. AND  
MCDONNELL DOUGLAS

SPEECH OF

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Ms. HARMAN. Mr. Speaker, I rise to express deep concern about the future of American aerospace industry in light of the European Union's inappropriate and unfounded reaction to the Boeing-McDonnell Douglas merger.

The EU threatens to interfere with this merger on the grounds that it impinges on fair trade. They have stated their intent to do this even after Boeing offered numerous concessions, including modification of exclusive purchasing arrangements with several American carriers.

There are persistent rumors that the EU is demanding other concessions as well, including closing of aircraft plants and requiring Boeing to put McDonnell Douglas' commercial segment on the market. Giving in to such conditions could cost thousands of U.S. jobs—many of them in southern California—adversely affect the efficiency of the industry, and set a disastrous precedent.

Free and fair trade is a cornerstone of our relations with Europe, but the EU's threatened actions contribute little to either and we ought to resist them. Their demands in this case are clearly unreasonable and an infringement upon U.S. sovereignty.

This merger will not result in unfair trade practices as the EU contends. McDonnell Douglas' commercial aviation accounts for only 4 percent of the global market. In fact, the Federal Trade Commission's review of the merger determined that McDonnell Douglas was not a factor in the commercial aviation market.

The likelihood that this merger will somehow limit competition is nonexistent. And, Boeing's offer to substantially modify its arrangements with American carriers seems to more than make up for any advantage it might theoretically gain from its acquisition of McDonnell Douglas.

EU interference in the merger is unwarranted, and, if allowed to continue, is likely to redound with far reaching and adverse effects for all concerned. Therefore, I urge my colleagues to support this resolution, and I urge the President to deal with the EU promptly and resolutely and defend the rights of American business to consummate mergers that have been reviewed and approved by the appropriate U.S. Government agencies.

TRIBUTE TO HAM FISH

**HON. AMO HOUGHTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. HOUGHTON. Mr. Speaker, there are few indispensable people. Ham Fish was one of them. He gave something to this House, his country that was unique and powerful. We miss Ham.

IN RECOGNITION OF FORMER  
CONGRESSMAN HAM FISH

**HON. SUE W. KELLY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mrs. KELLY. Mr. Speaker, today marks the first anniversary of the death of New York's Congressman Hamilton Fish. For many years, Ham Fish represented the people of New York's Hudson Valley with dedication and integrity. It is now my honor and privilege to represent that congressional district here in the House.

Ham was one of the giants of this great legislative body. His was a voice of reason through tumultuous times in our Nation and at all times on the people's House; he served us with integrity and honor. In his long and distinguished service on the House Judiciary Committee, Ham Fish's name was synonymous with justice and fair play for all Americans. While carefully looking after the needs of the people of the Hudson Valley, who repeatedly returned him to Congress, Ham Fish gained national recognition for his principled positions and his determination to protect the integrity of our Republican institutions.

Mr. Speaker, Ham Fish embodied all that is good and great about this House. Today, on the anniversary of his death, I ask that we honor his memory by living up to the high principles and unquestioned integrity which are the legacy of his service to us and to the American people.

A TRIBUTE TO FLOYD D. HISER,  
SR.

**HON. JERRY LEWIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fearless and selfless efforts of a dedicated helicopter pilot from the city of Blyth, CA. Floyd D. Hiser, 51, recently lost his life when his Bell 206L-1 engine stalled while fighting an out-of-control blaze in the San Bernardino National Forest on July 6, 1997.

The fire charred over 2,797 acres of trees and brush, and was threatening the terrain above the city of Highland, CA. On the scene, there were 903 firefighters and officials accompanied by tankers and helicopters battling to put out the blaze. Floyd Hiser, a pilot with over 10,000 hours of flight time, was flying for Rogers Helicopters of Clovis, when he was called to battle the fires in the rugged terrain of the San Bernardino Mountains.

Hiser held commercial, instrument, and instructor ratings for fixed-winged and rotary-winged aircraft and was an FAA-certified flight examiner for prospective helicopter pilots. His commitment to the protection and safety of his community did not stop with flying. He served in the U.S. Marine Corps from 1964 to 1968, and was also a Vietnam veteran. He also served in the Blyth Police Department as a sergeant and detective from 1969 to 1979.

Hiser is survived by wife, Sharon; his daughter, Kimberly; his mother, Ruby Faye; his stepmother, Ruth Wadlow; his brother, Loyld; and four grandchildren. After a moving ceremony, his flag-draped coffin was carried out of the church by a color guard, the last two members of which carried red fire axes to remember his efforts.

"Floyd could put the drops on the leaves that he wanted hit," said one of his many friends. Floyd died doing what he loved most, and what he believed in: piloting a helicopter and protecting people from a wildland fire.

Mr. Speaker, Floyd Hiser provided an example of leadership and the ultimate level of sacrifice for the benefit of his friends, family, and the communities he protected. His efforts will long be respected and admired. I ask that you join me, our colleagues, and hundreds of people who knew and loved Floyd, and to recognize him for his lifetime commitment to the protection and goodwill of the communities he served.

THE CONGRESS ACCORDING TO  
KESSLER?

**HON. BOB LIVINGSTON**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. LIVINGSTON. Mr. Speaker, I rise today in defense of this most noble of democratic institutions and the Members who occupy it.

Mr. Ronald Kessler has written a book entitled "Inside Congress," the premise of which is that we, the elected representatives who hold seats in this Congress are nothing but scoundrels, criminals, and charlatans.

Mr. Speaker, not only do I rise in total disagreement with Mr. Kessler's cynicism, but I strongly maintain that the people who serve here are, for the most part, good, decent, honest, hard-working, patriotic Americans.

In support of my position, I submit into the RECORD an article I wrote which appeared in the newspaper "The Chronicle" of Colfax, LA.

It is my hope that the American people will see through Mr. Kessler's sensationalism and realize that the overwhelming majority of the Representatives, Senators, and staff are truly worthy of their trust.

THE CONGRESS ACCORDING TO KESSLER?

(By U.S. Rep. Bob Livingston)

In Ron Kessler's tell-all book, "Inside Congress," only true charlatans, perverts and power-mad political hucksters are worthy of note. Sadly, that pretty much encompasses every member of the House and Senate for in Mr. Kessler's view, we're all rotten.

Fortunately, Mr. Kessler himself spared me from buying his book. After seeing him on "Good Morning America" last week, I learned everything I need to know about it. The people who inhabit Mr. Kessler's Congress come straight out of a B movie. In fact, Kessler said that the television talk shows

only feature the more articulate members who look good on camera and seem intelligent. But according to him, that's not reality. Most members are "clueless" and incapable of discussing issues on a substantive level, relying on handlers to tell them what to think and say. He went as far as to write that when members are on the floor, sans makeup and proper lighting, they look, "shifty." Talk about broad generalizations. At least Good Morning America anchorman, Charlie Gibson politely demurred. Charlie spent eight years covering Congress and found most members to be honest, hard-working men and woman interested in "doing the people's business." My thanks to Mr. Gibson for his judgment with which I heartily concur. Yet faced with Mr. Gibson's gentlemanly confrontation, Mr. Kessler insisted that Congress is a cesspool of corruption. In fact, Mr. Kessler was so sanctimoniously assured, he refused to admit he might have overstated his case just a bit.

While in Congress over the last twenty years, I've seen some members reap the rewards of inappropriate and even criminal acts. But those are the exceptions and far from the rule. For the most part, members of Congress are honest, dedicated, patriotic, hard working, competent legislators. In fact, most members love and respect this greatest of democratic institutions and would avoid bringing shame on this House at all costs. They are good people trying to do good things, be they conservative or liberal, Republican or Democrat.

Yet our televisions, radios and newspapers are saturated with detailed accounts of official misconduct. After all, good news is no news and people like Mr. Kessler, who only report the seedier side of life, profit by capturing the public's attention. Mr. Kessler knows that books in the "shocking real story" genre sell.

Kessler's sources include Capitol Hill police, Congressional staff and some members themselves, few if any quoted by name. Who would expect them to hurl salacious rumors in the clear light of public scrutiny? Instead, most chose to remain anonymous.

Kessler has been inside a lot over the last few years. He has been inside the FBI, inside the CIA, inside the White House—I wonder if he paid the admission price to get inside the Lincoln bedroom?

Perhaps Mr. Kessler should go outside for a change. He could take in a ballgame or play some golf. A little fresh air and sunshine might do him some good. It might even change his outlook on life. Then, he might conclude that in reality, the good people of the world—and that includes those in the United States Congress—far outnumber the bad.

I don't know what his next subject will be, but after his performance on ABC, perhaps the title of his next book should be "A View of the World—From Under a Rock" by Ron Kessler.

IN HONOR OF THE ADIRONDACK  
MUSEUM

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the Adirondack Museum as it celebrates its 40th anniversary documenting the Adirondack re-

gion's history and culture. The museum's wealth of knowledge enables its visitors to enjoy the entire region with increased understanding and appreciation.

Since its opening in 1957, the museum's collection has grown to include a large and varied assortment of books, maps, paintings, photographs, drawings, and prints. Seventy-five horse-drawn carriages, a private parlor rail car, a 1926 Lin tractor, a blacksmith shop, and the second largest collection of boats in the United States further enhance the museum's offerings.

In addition to its many exhibits, the Adirondack Museum runs educational programs aimed at teaching local residents, including thousands of children annually, about the relationship between the Adirondacks and its residents. Last summer, in a project sponsored by the National Endowment for the Arts, the museum collected oral histories and photographs for a folklore presentation about the forest experiences of women. Through educational undertakings such as this one, the Museum encourages and guides exploration of the culture and history of this majestic geographical area.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Adirondack Museum as it celebrates 40 years of enhancing and sharing the history and culture of the Adirondacks with the local community and visitors from around the world. The Adirondack Museum has played a central role in making the magnificent Adirondack Park what the New York Times, in 1864, called a Central Park for the world.

REGARDING INTERFERENCE OF  
EUROPEAN COMMISSION IN  
MERGER OF BOEING CO. AND  
MCDONNELL DOUGLAS

SPEECH OF

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of House Resolution 191. I am deeply concerned that the European Union might vote tomorrow to disapprove the Boeing-McDonnell Douglas merger and impose a multi-billion dollar fine on the Boeing company—a fine that would effectively shut Boeing out of the European market because it would be levied on payments to Boeing by European airlines.

In my view, Boeing has made numerous reasonable efforts to not only convince the European Commission that the merger is not anti-competitive, but also offered several options that should ease European concerns. Yet despite these efforts, the Commission has responded with extreme demands—including the transfer of patented technology and cancellation of existing sales contracts.

It would be unfortunate for the EU to use this proposed merger, as an attempt to improve Airbus's competitive position at Boeing's expense. If the Commission continues its obstructive course, the likely impact of a failed merger would result in the bankruptcy of McDonnell Douglas, the loss of 14,000 high-

technology jobs in Southern California, and the substantial devaluation of assets for those airlines that have McDonnell Douglas aircraft in their fleet.

Hopefully this scenario can be averted. With the passage of this resolution as well as the continued pressure by the Clinton administration, I am confident we can reach a favorable conclusion to this unfortunate trade dispute.

TRIBUTE TO NANCY BRUTON-  
MAREE

**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to pay tribute to one of my constituents, Nancy Bruton-Maree of Raleigh, NC. Mr. Speaker, Nancy will soon complete her year as national president of the American Association of Nurse Anesthetists [AANA]. I am very pleased that one of North Carolina's own was tapped as the 1996–97 president of this prestigious national organization.

The AANA is the professional association that represent over 26,000 practicing CRNA. Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNA's nationwide. As you may know, certified registered nurse anesthetists administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNA's provide anesthesia for all types of surgical cases. CRNA's are the sole anesthesia providers in 70 percent of rural hospitals, affording these medical facilities obstetrical, surgical, and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstetrical delivery rooms; ambulatory surgical centers and the offices of dentists, podiatrists, and plastic surgeons.

Nancy received her bachelor of science degree from Guilford College in Greensboro, and her masters in science in anesthesia from Bowman Gray School of Medicine of Wake Forest University in Winston-Salem. She currently serves as the director of the Raleigh School of Nurse Anesthesia and has done so since 1990. She also serves as visiting assistant professor at the School of Nursing, at the University of North Carolina at Greensboro. In addition she is a relief CRNA with Sanders and Associates in Wrightsville Beach.

Nancy has enjoyed an outstanding career and has been an anesthetist since 1974. She has been a program instructor, president of the North Carolina Association of Nurse Anesthetists, served on various AANA committees and its board of directors, and has earned the respect and admiration of her friends and colleagues both inside and outside of her profession. She has published various articles and spoken numerous times before various professional groups and societies.

I know that her husband Ben and son Scott take special pride in what Nancy has accomplished throughout her career. I congratulate Nancy on her year as president of the American Association of Nurse Anesthetists and I am proud of her many accomplishments.

Congratulations Nancy.

20TH ANNIVERSARY OF SURFACE  
MINING CONTROL AND REC-  
LAMATION ACT OF 1997

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. RAHALL. Mr. Speaker, on February 26, 1972, at 8 o'clock in the morning, a coal waste dam failed on the Middle Fork of Buffalo Creek in Logan County. Over 175 million gallons of water and coal waste raced through a 17-mile valley. In its wake, 125 people were dead, 523 injured, and 4,000 left homeless.

Historically, the environmental effects of coal mining were often neglected. From the time surface mining techniques became widespread until the 1970's, it was assumed implicitly that the permanent degrading of the local surroundings and the pollution of streams was the inevitable price a community paid in return for jobs and tax revenue generated by the coal industry.

What happened at Buffalo Creek changed all of that. While the lives of those 125 individuals could not be reclaimed, their ultimate sacrifice raised the level of public attention to the plight of coalfield citizens from a local, to a truly national, level.

The Buffalo Creek disaster also became, in 1977, a major factor in the enactment of the Surface Mining Control and Reclamation Act, known as SMCRA.

August 3, 1997, marks the 20th anniversary of the date former President Jimmy Carter signed SMCRA into law. The act set detailed mining and reclamation standards for coal operators and established in abandoned mine reclamation fund to finance the restoration of land that had been mined and abandoned in prior years. I was pleased to have been a Member of Congress who worked to make that law a reality, and to have participated in the Rose Garden ceremony when President Carter signed the legislation into law.

Much has changed over the last 20 years since SMCRA was enacted. The coal industry has benefited because the law created a more level playing field. At one time States would try to increase the competitiveness of their industry by reducing environmental regulations. That cannot happen under SMCRA. Coalfield citizens have benefited as well. Many hazards we once faced—burning job piles, abandoned open mine portals, and landslide-prone hillsides—have been eliminated and the land brought back to productive uses.

SMCRA also created a Federal agency to make sure the States properly enforced the law. This arrangement has also benefited coalfield residents as this agency, the Office of Surface Mining Reclamation and Enforcement, is their second line of defense—their safety net—against the occasional failure of State enforcement authorities to fully implement SMCRA.

In recognition of the 20th anniversary of SMCRA, today I am introducing a House concurrent resolution which reaffirms the goals of SMCRA: the advancement of the health, safety, and general welfare of the residents of the Nation's coalfields.

Joining me in introducing this resolution are a number of my Democratic colleagues on the

Resources Committee. They are Mr. MILLER of California, Mr. VENTO, Mr. ROMERO-BARCELEÓ, Mr. KENNEDY of Rhode Island, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. PICKETT, Mr. ORITIZ, Ms. CHRISTIAN-GREEN, Mr. FALCOMA, and Mr. HINCHEY. To each of them, I express my gratitude for their support of this resolution and what it means to the people of the Appalachian region.

Mr. Speaker, this resolution simply states it is the sense of the Congress that the private property rights of coalfield citizens should be protected against incursions by improper coal mining practices. It states that the homes, farms, water supplies, and places of business of coalfield residents should be protected from subsidence, from improper blasting practices, and from landslides and erosion.

It states that the health, safety, and general welfare of coalfield citizens should not be diminished, or threatened, by the failure of State or Federal regulatory authorities to enforce SMCRA.

It states that coalfield residents have the right to enjoy the recreational values of their rivers and streams, that these water bodies should not be diminished by acidic or toxic water pollution from coal mining operations.

And it states that coal operators, as citizens of our Nation's coalfields, deserve equal protection under SMCRA. That they deserve equal protection against predatory policies which may be advanced on the State level aimed at providing operators in one State a competitive advantage over operators in another State. In effect, that it is our policy that Kentucky should no less effectively enforce SMCRA than West Virginia, giving Kentucky operators a leg up on West Virginia operators in pursuing utility coal contracts. That in the Powder River Basin, Montana producers should not have a competitive advantage over those in Wyoming because of less stringent environmental protection standards.

Mr. Speaker, I would be remiss if I did not also take this opportunity to pay homage to the father of the Surface Mining Control and Reclamation Act of 1977, our former colleague and once chairman of the Committee on Interior and Insular Affairs, Morris Udall. It took Mo over 9 years and two Presidential vetoes to gain the enactment of Federal surface mining legislation. But get it enacted he did. While he hailed from Arizona, I know that Mo came to understand Appalachia and the pressing need we had at that time for Federal leadership in gaining the enactment of legislation such as SMCRA. The last time I visited Mo, I told him that I was seeking to return the favor by promoting the reform of the mining law of 1872 which in its present form so adversely affects the environment of the West.

Finally, I would like to note that nine House Members and eight Senators signed the conference report on H.R. 2, the legislation which was enacted as SMCRA back in 1977. Of those nine House Members, I am the only one still serving in the House of Representatives. Of the eight Senators, two still serve: Senator WENDELL FORD of Kentucky and Senator PETE DOMENICI of New Mexico. I salute these gentlemen as well for their foresight and courage in working 20 years ago to gain the enactment of SMCRA.

THE HARPY EAGLE PROJECT

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. SHAW. Mr. Speaker, I rise today to recognize Ron Magill and the harpy eagle project—an international collaboration which aims to educate today's youth on the necessity of protecting our fragile environment. The harpy eagle project, as it has come to be known, was first conceived of by Mr. Ron Magill, zoological ambassador and director of communications at Miami's Metrozoo. After seeing the tremendous results that Metrozoo's many educational programs have had on area youth, Mr. Magill realized the profound impacts that occurred as a result of educating young Americans about protecting our wildlife. Mr. Magill did not, however, limit his vision of a concerned, earth-friendly future generation to North America. He also recognized the need to educate international youth on the necessity of restoring and maintaining the natural habitat of indigenous animals. Combining his desire to educate with his concern for the harpy eagle, Mr. Magill has created the harpy eagle project.

Last month Mr. Magill traveled to Panama for the groundbreaking of an international facility dedicated entirely to the harpy eagle. The harpy eagle, Panama's national bird, is the largest, most powerful bird of prey in the world. It is, quite literally, the top of the food chain in the tropical rain forest and plays an invaluable role in maintaining the delicate balance of life in Panama. Sadly, however, fewer than 20 pairs of harpy eagles exist today in Panama. The species has disappeared altogether in Costa Rica.

Mr. Speaker, the Harpy Eagle Center, a facility for which Mr. Magill has worked tirelessly over the past 4 years, will not only educate its visitors on the plight of the harpy eagle, but will also introduce them to the unique diversity of the rainforest. Hopefully, visitors to the center will leave with a newfound interest and concern for the care and protection of the tropical rainforest. It is, after all, only through an enhanced understanding of the ecosystem and of habitat restoration that we can hope to protect our fragile environment for future generations.

Mr. Magill also created a wonderfully unique project for the schoolchildren of Panama. Supported by the Panamanian Government, Mr. Magill initiated a competition in which students will paint the harpy eagle. The winning image will become the next postage stamp for the Republic of Panama.

Mr. Speaker, I commend Mr. Magill on his hard work and dedication in creating the harpy eagle project. The project has successfully combined Mr. Magill's desire to inform the public of the necessity of protecting our wildlife with the understanding of the importance of international cooperation concerning our environment.

RECOGNITION OF PUBLIC SERVICE  
OF DR. THOMAS LARSON

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. SHUSTER. Mr. Speaker, I rise to thank Dr. Thomas Larson for the vital contributions he has made to our Nation's transportation policy, most recently in the field of rail passenger transportation. Dr. Larson has had a long and distinguished career in transportation policy, including outstanding performance as the Secretary of Transportation of the Commonwealth of Pennsylvania, and as administrator of the Federal Highway Administration under President Bush. In these earlier positions, Dr. Larson demonstrated broad expertise, an impressive ability to bring together people and organizations with different views, and a tireless dedication to achieving a sound, balanced, and steady national transportation policy.

Earlier this year, knowing of Dr. Larson's outstanding credentials and record, I asked him to be the coordinator who would head the all-volunteer Inter-City Rail Working Group established by the Transportation and Infrastructure Committee to recommend policies to address the current critical situation and near-bankruptcy of Amtrak.

As he always does, Tom approached this task with boundless zeal and determination. Like the other working group members, Tom served without any compensation and traveled to all working group meetings at his own expense. He met with the other 12 members of the working group, who represented both political parties and a wide range of transportation expertise—finance, rail operations, passenger service, labor relations, and more. Getting these people from various parts of the country together for discussions and deliberations was no easy task in itself. But Tom also managed to guide the discussions so effectively that the working group was able to coalesce around a single package of policy recommendations on an 11 to 2 vote. I consider this an outstanding accomplishment, but for Tom Larson, it is par for the course.

Tom has continued to assist the Transportation and Infrastructure Committee as we work to forge new legislation not only to reform inter-city rail passenger service, but also to fashion the bill that will reauthorize the many surface transportation programs under the Intermodal Surface Transportation Efficiency Act [ISTEA]. His counsel has been especially valuable, since Tom was the Federal Highway Administrator at the time Congress wrote the book in the original 1991 ISTEA legislation.

In conclusion, Mr. Speaker, I want to convey my heartfelt thanks and those of my colleagues on the Transportation and Infrastructure Committee to Dr. Tom Larson for his wise and valuable counsel and assistance. We do not yet know whether inter-city rail passenger service can be successfully reformed without the chaos of an Amtrak bankruptcy, but Tom and his colleagues have given us a much better framework for approaching this task as a result of their selfless public service. I can think of no better model or epitome of true public service than the career of Dr. Tom Larson.

CALLING FOR UNITED STATES INITIATIVE SEEKING JUST AND PEACEFUL RESOLUTION OF SITUATION ON CYPRUS

SPEECH OF

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

Ms. HARMAN. Mr. Speaker, I rise today in support of Concurrent Resolution 81, calling for a just and peaceful resolution of the situation in Cyprus. The division of Cyprus and the emotional and physical suffering it has brought to island inhabitants and their families has gone on far too long. It is time to renew efforts to bring peace to this troubled part of the world.

Mr. Speaker, I see three positive signs on the horizon which, if supported and nourished, offer hope for a settlement of the conflict in Cyprus.

First, the United Nations is hosting a new set of talks between Cypriot President Clerides and Turkish Cypriot leader Denktash. Although similar negotiations have been brokered with little effect in the past, open channels of communication are indispensable—they cannot be discounted.

Second, Cyprus is preparing to enter into negotiations with the European Union in 1998 to gain membership into the EU. The prospect of EU membership offers increased prosperity for all, and may provide an added incentive for all sides to resolve their differences.

Third, there is again high-level United States engagement in the issue, with the appointment by the President of Richard Holbrooke as Special Presidential Envoy to Cyprus.

Mr. Speaker, I believe these three developments provide renewed momentum toward resolving this difficult problem, with its potential for increasing tensions in an area of strategic interest to the United States.

The expressed support of the U.S. Congress for a peaceful resolution is important and I join in support of House Concurrent Resolution 81.

INCREASED HIGHWAY FATALITIES  
DUE TO FASTER SPEED LIMITS

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. RAHALL. Mr. Speaker, just last week, in the July 14, 1997, issue of USA Today an article entitled "Fewer Dying Despite Faster Speed Limits" reported that a decrease in the number of highway fatalities is a direct result of increased speed limits. On the contrary, the National Highway Traffic Safety Administration claims that highway fatalities are in fact up overall from 1996, leading us once again to the conclusion that speed and safety don't mix.

In 1987, when we allowed States to raise rural interstate highway speed limits to 65 mph, a 15–20 percent increase in deaths on interstate highways resulted, amounting to an increase of 500 deaths per year. Now, after the States were allowed, at their option, to raise speed limits in 1995, we see once again

the result of high speed limits. Every time we raise the speed limit more people die. It's as simple as that.

In 1995, when Congress considered legislation to repeal the national speed limit, I led the charge to maintain what was then current law set in place in 1974. I did so because, as a result of that law, the very first year after its enactment highway deaths dropped by over 9,000.

At the time, I said that the repeal of the national minimum speed limit would turn our highways into killing fields. Some proponents of the National Highway System Designation Act of 1995, however, used States' rights as an issue in passing this bill. They claimed we should let the States decide what their own speed limits should be. I'll say now what I said then, this is not a States' rights issue, it is a human rights issue. People are dying out there and we have the opportunity to do something about it. After all, the Federal Government financed 90 percent of the cost to construct the Interstate Highway System. The Federal Government, therefore, has a vested interest in the protection and safety of those roads.

Yet, the National Highway System Designation Act of 1995 gave the States the power to set their own speed limits. It repealed the Federal standard. In many cases States raised their speed limits. Many by 10 mph, others by 15–20 miles per hour, and in extreme cases such as Montana, simply abolished them during daytime hours. The numbers don't lie. These increased speed limits have led to more deaths on America's highways.

For example in California on roads where speed limits were increased to 70 or 75 miles per hour there has been a 12 percent increase in fatalities. On roads where there was a increase to 65 miles per hour there has been a 22 percent increase in fatalities. However, sometimes the numbers can be misleading. In California they have a reduction in traffic fatalities. However, on roads where the speed limit was increased, they saw an alarming rise in the number of traffic fatalities. The reason for the overall reduction in deaths is the result of a 8 percent reduction in death on roads that remained at the 55 miles per hour speed limit.

These are the facts. On roads where the speed limit is increased, more people die. On roads where the speed limit remained 55 miles per hour, there was a reduction in traffic fatalities. It's simple, it's there in black and white. Let's make our roads safe again and demand a uniform national speed limit of 55 miles per hour.

IN HONOR OF LOUIS L. FERFOLIA

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Louis L. Ferfolia, an accomplished businessman, as well as a devoted husband. This year marked the 70th anniversary of the founding of his Ferfolia funeral homes and of the marriage to his wife.

Mr. Ferfolia was born in Cleveland, where he experimented in many fields of business before entering the funeral home business. After graduating from the College of Mortuary

Science in 1927, he established his first funeral home on E. 81st Street. He and his family have also operated another funeral home in Sagamore Hills Township for the past 3 years.

Mr. Ferfolia was a member in a number of different organizations. He belonged to the Cuyahoga, OH, and national funeral directors and embalmers associations. For over 30 years he was president of the Woodland Hills Businessmen Association. Mr. Ferfolia also belonged to the Catholic Order of Foresters, West Side Slovenian Home, Newburgh-Maple Heights Pensioners, St. Monica Catholic Church, St. Monica Golden Agers, and the Martineer's Club. He was a supporter to many men's and women's bowling teams.

Mr. Ferfolia was also a member of several Slovenian fraternal organizations including KSKJ, SNPJ, and AMLA. In 1980, he was honored as Maple Heights Slovenian Home Man of the Year. Mr. Ferfolia and his wife, Theresa, were active travelers. Trips were taken to the Amazon River, Europe, and to Florida.

Along with his wife, Mr. Ferfolia is survived by his son, Donald of Maple Heights; his sister; 4 grandchildren; and 16 great-grandchildren. He will be missed by his family and by all who had the pleasure of knowing him.

THIRD ANNIVERSARY OF THE  
BOMBING OF THE JEWISH CENTER  
IN ARGENTINA

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. LANTOS. Mr. Speaker, last week marked the third anniversary of the most brutal terrorist attack in the Western Hemisphere. Eighty-six people were killed and over 300 injured when a terrorist bomb ripped through the Jewish Social Service Center in Buenos Aires, Argentina, on July 18, 1994. The building which was destroyed in that bombing houses social services and other agencies for the Jewish community of Argentina.

To this day, Mr. Speaker, the perpetrators of this despicable and cowardly act of violence have gone unpunished. I am deeply concerned at the inability of the Argentine Government thus far to bring a successful conclusion to this investigation. The families of the victims of that horrendous crime still await the final information about those who committed this crime, and all law-abiding citizens everywhere await justice for the victims and appropriate punishment for those murderers who carried out this dastardly act. It is essential that these outlaws be apprehended and punished.

For 3 years, the people of Argentina and citizens throughout the world have been waiting for justice in this horrendous bombing. But this is not the only unresolved terrorist crime in Argentina. In addition to the 1994 Jewish Social Service Center bombing, the 1992 bombing of the Israeli Embassy also in Buenos Aires, Argentina, also remain unsolved. Swift and certain justice is the only effective way to deal with terrorists. If we do not bring this matter to a close, we fail families and survivors of those who lost their lives and those who have been maimed and injured in these bombings. This only encourages terrorists.

It is essential that the international community work together to confront terrorism and to ensure that terrorists understand that we will not be swayed by such ruthless and underhanded tactics. It is the responsibility of all of us living under the threat of terrorism to keep up the pressure to see this issue solved. In memory of those victims of 3 years ago, I urge the Government of Argentina renew its efforts to bring those responsible for this most horrendous crime to justice.

GROWTH IN MANAGED CARE MAY  
BE RESPONSIBLE FOR DECLINE  
IN MEDICARE RESEARCH

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. STARK. Mr. Speaker, in recent months, the future of graduate medical education [GME] has been one of the most frequently discussed topics, both by this Congress and the interested public. While the budget reconciliation bills currently underway in the Congress make some changes in GME, the key long-term problems are not being addressed, and time is running out for our Nation's premier academic teaching and research institutions.

Health care in 1997 is far different than it was in 1965 when Medicare was established. The environment and methods for training the next generation of physicians and other health care providers has changed, but the way we fund that training has not kept pace. The evolution of managed care has had a definite impact on our medical schools and our academic health centers. Governmental support in the form of Medicare has been sufficient in the past, but similar guarantees no longer exist. Now is the time to consider revolutionary changes in graduate medical education. The establishment of an all-payer trust fund, supported by the Government, as well as by all users of health care, is a reasonable option to consider. If we don't begin to rethink and change the way in which we currently fund graduate medical education, the quality and stability of health care in America may be the price we pay.

The most recent edition of "The Journal of the American Medical Association" [JAMA] includes an alarming study that may represent the direction we are heading if we continue to treat graduate medical education the same way it has always been treated. The study focuses on the decreasing levels of research being conducted in academic medical centers. The authors found that, "Anecdotal evidence suggests that managed care has the potential to affect research conducted in academic medical centers by challenging clinical revenues." Their findings provide evidence of the existence of an inverse relationship between growth in awards by the National Institutes of Health [NIH] and managed care penetration among U.S. medical schools. They found that medical schools in markets with high-managed care penetration had slower growth in dollar amounts and numbers of NIH awards compared to schools in markets with low- or medium-managed care penetration.

If managed care has the potential to affect research levels in a negative manner, then we

must find a way to provide for alternative funding mechanisms to continue research in our medical schools and academic health centers. An all-payer trust fund could help support vital and necessary research activities in appropriate settings.

The authors state:

Managed care plans often select physicians and hospitals on the basis of cost. As managed care entities negotiate discounted fees with the faculty practice plans and teaching hospitals that support medical schools, the ability of medical schools to maintain their research base may be jeopardized.

It is a known fact that medical schools in the United States rely heavily on clinical revenues generated by their faculty. These revenues help support a wide variety of medical school functions, including the core academic programs, undergraduate and graduate medical education, and biomedical research. According to the study in JAMA, this clinical support was estimated to total \$2.4 billion in 1993. Of this, approximately \$816 million or \$0.10 of every faculty practice plan dollar collected was used to finance research. If the emergence and growth of managed care has had a demonstrable impact, as suggested by the article, then we must explore other avenues to ensure that valuable research activities are not sacrificed in the process.

Establishing an all-payer trust fund would better ensure that all components of medical education receive adequate support. For years, Medicare has been the single best source of reliable funding for teaching and research hospitals, but the available funds are already shrinking in relative terms as we struggle to maintain solvency of the Medicare trust fund while preparing for the aging of the baby boom population. An all-payer trust fund would help alleviate some of the current drain on Medicare through GME while concurrently increasing the total amount of funds available to qualified institutions. A trust fund would rely on support from a broader patient population than exists today. It would require fair and equal contributions from all those who benefit from care provided by physicians and health care professionals trained in the world's most advanced and well-respected institutions.

The idea has been discussed previously. Research today. What about tomorrow? What activities will be sacrificed next because of insufficient funds in the world of health care? If we continue to delay, we may discover the hard way what the answer to that question is. That's one risk I don't intend to take. The time for support is now. The report of a decline in research activities should be a call to action.

A TRIBUTE TO THE LATE HON.  
HAMILTON FISH

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. GILMAN. Mr. Speaker, 1 year ago today marked the passing of one of our outstanding Members of Congress.

Congressman Ham Fish was part of a disappearing breed—an individual dedicated to public service for no purpose other than helping others. Ham was devoted to creating a better nation for all of us.

During his congressional career, Hamilton Fish became the ranking Republican on the Committee on the Judiciary. It was in this capacity that he earned a nationwide reputation as a leading proponent of civil rights for all Americans. He was the champion of our minorities and the downtrodden.

Ham Fish was also a member of the Select Committee on Children, Youth and Families.

Ham Fish's experiences on these panels exposed him to school administrators, teachers, parents, criminal justice officials, and students who alerted him to the escalating levels of violence in and around our schools. In his largely suburban and rural Hudson Valley, NY congressional district and in other areas of the country, Congressman Fish recognized a steady decline in safe and secure environments in which young people could learn, free from fear of violence and crime.

During the development of the crime bill of 1992, Congressman Fish utilized his practical experience to propose funding for an institute, comprising experts in education, health care, and juvenile justice which would determine effective antidotes and intervention strategies that would be made available nationally to schools and communities in crisis.

Although not accomplished before he left public office at the end of the 103d Congress, Hamilton Fish continued his advocacy for this institute, actively working on its behalf with his former colleagues up until a week before his death.

Bipartisan congressional support for his dream was achieved with passage of the Omnibus Appropriations Act of 1997. The U.S. Department of Justice has now begun funding the institute.

The institute has now been renamed "The Hamilton Fish National Institute on School and Community Violence" in recognition of much that characterized the man and the Congressman: total commitment to country, family, the young, as well as integrity, dialog, and reconciliation.

The Hamilton Fish National Institute on School and Community Violence is a living memorial to an outstanding legislator and remarkable individual whose career is an example to us all.

Mr. Speaker, two individuals have eloquently captured the essence of Ham Fish. The first was Ralph G. Neas, a longtime family friend who delivered the eulogy at St. Albans Chapel here in Washington a year ago next week. The second was William L. Taylor, who spoke a few words of tribute at the Hamilton Fish Library in Garrison, NY, earlier this year. I request that both of these tributes be inserted in the CONGRESSIONAL RECORD at this point:

REMARKS OF RALPH G. NEAS AT THE MEMORIAL SERVICE FOR CONGRESSMAN HAMILTON FISH, JR.—ST. ALBANS CHAPEL, WASHINGTON, DC, JULY 30, 1996

Mary Ann, Hamilton, Alexa, Nicholas, Peter, others in the Fish family, Speaker Gingrich, Members of Congress, and distinguished guests, I am profoundly grateful and deeply honored to have this opportunity to help celebrate the extraordinary life and legislative career of Congressman Hamilton Fish, Jr.

As the Executive Director of the Leadership Conference on Civil Rights, the legislative arm of the civil rights movement, I had the privilege of working with Ham Fish on nearly two dozen legislative campaigns be-

tween 1981 and 1995. Hamilton Fish was a civil rights champion, a mentor, and a close friend.

During the past week, the press coverage of Ham's thirteen terms in Congress has accurately characterized his personal integrity, his principled leadership, and his courageous commitment to equal opportunity for all Americans.

But, frankly, what I have read does not capture the sheer magnitude of Ham Fish's legislative accomplishments or, very importantly, the manner in which he achieved them. For a few minutes, I would like to share with you my perspective on this great man.

First, let us look at Ham Fish's civil rights record. It was legendary in its scope and breadth. Propelled by an awesome sense of justice and a determination not to rest until he had completed his mission, Ham Fish played an important role in virtually every civil rights law enacted over the past two and a half decades.

Even during the Reagan and Bush presidencies, when Ham often faced formidable odds, he helped shepherd through Congress nearly a score of civil rights laws. Indeed, during this remarkable era, Ham, along with Don Edwards, his Democratic partner in guarding the Constitution, actually strengthened all the major civil rights statutes.

To sum up all these legislative successes would take up most of the morning. But I would like to mention specifically five landmark laws where Ham Fish was either the House author or the lead Republican sponsor. And, with respect to several of them, Ham was the legislator who fashioned the bipartisan compromise that catapulted the bill toward passage.

The 1982 Voting Rights Act Extension. Extended the Voting Rights Act for twenty-five years, overturned an adverse Supreme Court decision, and extended for ten years bilingual ballot assistance for language minorities.

The Civil Rights Restoration Act (1988). Overturned the notorious 1984 *Grove City* Supreme Court decision and once again made it illegal to use federal funds to discriminate against women, minorities, persons with disabilities, and older Americans.

The Fair Housing Act Amendments of 1988. Provided at long last an effective enforcement mechanism for the 1968 Fair Housing Act. The 1988 Amendments also prohibited discrimination in housing against families with children and people with disabilities for the first time.

The Civil Rights Act of 1991. Overturned eight Supreme Court decisions that had dramatically weakened our nation's equal employment opportunity laws. And provides, for the first time, monetary damages for women and persons with disabilities who are victims of intentional discrimination.

The Americans with Disabilities Act (1990). Prohibits discrimination against 49 million Americans with disabilities in employment, public accommodations, communications and transportation.

These historic civil rights laws have benefited, and will continue to benefit, millions of Americans. And let me state this as unequivocally as possible: these laws would not have been enacted without Congressman Hamilton Fish. His leadership during the most challenging of times was absolutely indispensable.

But it was not just the quantity and quality of these civil rights laws, or the legislative skills that made them possible, that made Hamilton Fish so special. In fact, his other attributes are what truly set him apart, providing standards of leadership that should serve as a model for everyone.

First, Ham Fish always understood thoroughly the need for bipartisanship. He knew how to build coalitions and forge a consensus. He knew the art of the timely compromise, the good compromise made at the right time that will produce the requisite number of votes, either a simple majority or a super majority, that is needed to enact a law.

The numerical results of the legislative victories I cited previously amply demonstrate this commitment to bipartisanship. The average final passage vote on these five laws was 90 percent of both Houses of Congress. Thanks to Ham Fish and his allies, the past decade and a half has been, legislatively, a bipartisan reaffirmation of civil rights laws and remedies.

Second, while Ham Fish was passionate in his beliefs, civility characterized his every action. He treated everyone with dignity. Few in Washington have matched his ability to command both the respect and the love of his peers. Time and again he proved that a nice guy can finish first.

Third, Ham Fish revered the institution in which he served. He enjoyed immensely being a member of the House of Representatives and always strove to make the House work. And while the House held his primary allegiance, he also respected the other institutions that comprise the federal government.

When the need arose, Ham Fish could be a fierce partisan. But he knew that bipartisan cooperation, not partisan confrontation, must ultimately prevail if government is to function at all.

Finally, and perhaps most significantly, Ham Fish was courageous. Whether it was voting to impeach a President of his own party or standing firm on civil rights legislation, Ham Fish did what he believed to be fair and just.

Last week, Congressman Maurice Hinchey summarized eloquently how Ham carefully balanced loyalty and independence in order to further the national interest. He stated:

"Ham was very proud to be called a loyal Republican, but he knew that loyalty does not mean surrender of one's own judgment and temperament . . . He believed that he served his party best when he served his country best, and that he served the country best by bringing the best of his own mind and heart to every issue he addressed."

After he retired from the House, Ham Fish continued to work on behalf of his favorite issues. Just last month the two of us visited Senator Nancy Kassebaum and Congressman Amo Houghton lobbying on behalf of affirmative action and legal services.

As you can tell by now, I cherished my friendship with Ham. He was always there to help, performing any task with graceful enthusiasm. I will miss so much his warm smile, his mischievous sense of humor, and his calm and gentle presence.

As I sat praying at St. Albans chapel this morning, I thanked God for allowing Katy and me the opportunity to get to know Ham. And I was thankful that we all had the benefit of Ham's leadership at critical moments during our nation's past quarter of a century. As we leave the chapel shortly, let us all pray that God will bless America with a few more Ham Fishes.

TRIBUTE TO THE LATE HAMILTON FISH—  
GARRISON, N.Y., APRIL 27, 1997

(By William L. Taylor)

It is truly a great honor and privilege for me to be asked to say a few words of tribute to the memory of Rep. Hamilton Fish.

I have worked as a lawyer in the field of civil rights for more than 40 years, starting as an attorney on the staff of Thurgood Marshall in 1954. During that time I have established my own private hall of fame for people

who have made important contributions to providing opportunity to millions of citizens who have suffered discrimination. It is not a very large hall of fame and several of those in it are people whose names or contributions are not well known to the American people, because they did not seek to draw public attention to themselves or seek acclaim for their work.

One of those people is Judge Robert L. Carter who was Thurgood Marshall's chief deputy in bringing the case of *Brown v. Board of Education* and other landmark cases that started the legal revolution in civil rights and then went on to a distinguished career as a federal judge in New York. Bob Carter was my first boss at the NAACP Legal Defense Fund. He is celebrating his 80th birthday at an event in New York City that starts in a few minutes and that is the reason I can't stay with you this evening.

Another of the people in my hall of fame is Ham Fish. Although I had met him before, my first substantial encounter with Ham Fish came under somewhat dramatic circumstances in 1981. I was working with the Leadership Conference on Civil Rights in seeking a reauthorization of the Voting Rights Act of 1965 which many people think is the most effective piece of civil rights legislation passed in this century. But in 1981 we were in a tough fight because many in Congress thought the time had come to end the special provisions of the Voting Rights Act. An agreement that had been made by civil rights forces with another Republican member of Congress fell apart just as the House Judiciary Committee was to meet to consider the bill. Mr. Fish was a senior member of the committee and a supporter of the extension of the Voting Rights Act, but he had not been intimately involved with the legislation. I spent all night with other civil rights lawyers redrafting the bill and Rep. Don Edwards arranged for me to see Mr. Fish at 10 am, just before the Committee was scheduled to meet.

I approached the meeting with some trepidation. What would Rep. Fish think about our coming to him at the last moment? Would he be able to master the details of a complicated piece of legislation in so short a time and serve as its chief Republican spokesman?

In his book *Giantkillers*, Mike Pertschuk describes what happened:

"Taylor, on three hours sleep, briefed Fish just 15 minutes before the Committee meeting. Fish, a quick study, quickly grasped the essential elements and later deftly defended the bill in committee as if he had spent all night writing it."

The legislation passed and Fish proved "an eloquent advocate."

Afterwards, I thought back on how remarkable that meeting had been. The typical member of Congress of whatever political persuasion would have spent at least some time berating me for coming to him only when we were in dire straits (and would have had some justification for saying so). Ham Fish didn't waste any time massaging his ego. Instead, he asked a few incisive questions about the bill until he was satisfied he could support it and serve as its spokesman. He knew that there was an important job in fighting voting discrimination still to be done and he kept his eye on the ball.

That first meeting in many ways typified the relationship we came to enjoy over more than a dozen years. During those years, Ham Fish was the Republican leader in the House responsible for passing several pieces of landmark civil rights legislation—including the Civil Rights Restoration Act of 1988, the Fair Housing Amendments of 1988, the Americans with Disabilities Act of 1990 and the Civil

Rights Act of 1991. It is fair to say that those laws have benefitted millions of people—people of color, women, disabled people, older people. The laws did not give people special favors or breaks; rather they enable them to remove barriers to achieving their potential and to their ability to live in dignity. And though few may know his name, all of these millions owe a debt to Ham Fish for his leadership in passing these laws. Indeed, all of us who have led advantaged lives owe Ham a debt for enabling us to live in a society that is fairer, more just, less marked by ugly prejudice than the world inhabited by our forebears.

But while I think about these great achievements, I also think about the personal qualities of Ham Fish. He had both a first rate mind and traits of modesty and humility. That is a rare enough combination in the general population and it is almost unheard of among politicians. Often, in his office or in a committee meeting or on the floor of the House, someone would put forth a proposition that would not bear scrutiny. Instead of challenging the person aggressively, Ham would get a twinkle in his eye and a slight hint of a smile and would then ask in gentle, matter-of-fact tones a question or two that would expose the flaws in the speaker's argument. And that was his manner with people from all parts of the political spectrum. I sometimes brought lawyers from our civil rights coalition into his office who were very bright people, but who may have been off on a tangent that was not realistic or sensible. Ham brought them back to earth. In fact, although I don't like to admit it, I may have been a victim of that twinkle and amused smile once or twice myself.

The other legislative leader who comes to mind whose manner was similar was Phil Hart from Michigan—another member of my private hall of fame. Both he and Ham Fish genuinely deserve the appellation used so freely in the Congress—gentleman.

This is not to say that Ham Fish was modest to the point of self-abasement. He took a quiet pride in his work on civil rights. I remember how touched he was when the NAACP decided to honor him for his leadership. He shared a draft of his acceptance speech with a couple of us because he wanted to be sure that he was conveying adequately how important the cause was and how appreciative he was of the honor.

Ham Fish was also courageous. By the 1980s, civil rights legislation, although vitally needed, was not popular in many places. Although there were 40 or so Republicans in the House who joined with Ham Fish in providing the critical votes for civil rights laws, by the mid-80s almost none of them were on the House Judiciary Committee. That meant that Ham walked a lonely path. Often, under circumstances when we would ordinarily meet with staff, we met with Mr. Fish alone because of concerns about the divided loyalties of the committee staff. That isolation had to be difficult for Ham although he never talked about it or said a bad word about any of his colleagues. It surely would have been easier to go along with fellow committee members who could, if they became displeased enough, vote him out of his position as ranking minority member of the committee. But Ham Fish followed his conscience just as he did in that early vote to impeach a President and on so many other matters.

Last year as I was leaving the moving memorial service for Representative Fish at St. Albans Chapel in Washington, I ran into a Republican Congressman I knew. He is a very bright and capable legislator who had made an unsuccessful run for higher office and then returned to the House and his

record on issues of civil rights and social justice is a mixed one. As we were parting I said to him "I hope you will carry on in the tradition of Ham Fish." I hadn't planned to say that and I wasn't sure how he would take it since he regards himself as very independent. But he clearly was flattered and he replied that he hoped he would be equal to the task.

In the months that followed, there was one clear test of character in the House and this Congressman stood up with a handful of other Republicans to go against his party's demands and to vote his conscience. I like to believe he was thinking of Ham Fish when he cast that vote. I don't know that for sure.

But I do know that Hamilton Fish left his legacy in many places—in the passion for justice of his children who I have become acquainted with over the years, in the civil rights and other communities he served, and in the Congress itself. It is a legacy of commitment, of generosity of spirit and of courage. And it should leave us all a bit more hopeful about the future.

#### 10TH ANNIVERSARY OF SAY YES TO EDUCATION

#### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. FATTAH. Mr. Speaker, today I rise in honor of the 10th anniversary of a program that has made a dramatic difference in the lives of students in Philadelphia and two other cities, and that has helped our Nation focus attention on better ways to promote success for inner-city students.

In June 1987, a trustee of the University of Pennsylvania, George Weiss and his former wife Diane, made an announcement at the Belmont Elementary School that changed the lives of 112 West Philadelphia students and launched a program that has become a national model for intervention in urban schools.

Say Yes to Education began with a promise by the Weisses to pay complete costs for college or postsecondary training. However, they knew that more would be needed to ensure that the students would be prepared to take advantage of their promise. The Say Yes to Education Foundation was formed under the educational leadership of Dr. Norman Newberg, its executive director and Randall Sims, its senior project coordinator. The program provided counseling, tutoring, mentoring, and summer programs to enrich the cultural and intellectual lives of the student. Perhaps even more important was the personal involvement of the Weisses and the Say Yes staff in encouraging the students. On more than one occasion, George Weiss himself knocked on doors to personally urge students to reject negative influences and take education seriously. It's this kind of dedication that makes the Say Yes program a national example of true educational reform.

Under Dr. Newberg's leadership, Say Yes is organized as a four-way partnership between sponsors, a college or university, the students and their families, and the public schools. The relationship with a college or university adds a significant dimension to the program because of the vast human and institutional resources which are available to be used in support of student progress. The university connection helps to spread information and ideas to other educators about what works.

The program has grown to include over 300 students, including a class from the Harrity Elementary School in Philadelphia and students in Hartford, CT, and Cambridge, MA. To date 67 of the original Say Yes students have graduated from high school, with 19 matriculating at 4-year colleges and 21 at 2-year colleges. This number far exceeds the expectations of educational experts for students from similar economic backgrounds.

The stories of these students, dubbed the Belmont 112 by the Philadelphia Inquirer in periodic articles about the program, have touched the lives of many Philadelphians and inspired other sponsors to reach out to urban students.

It is because the success of programs like Say Yes to Education, that I introduced the 21st Century Scholar Act, H.R. 777. This act would notify elementary school students at the poorest public schools in the country that they would be eligible for the maximum Federal Pell grant award if they complete their high school education and gain admission into a postsecondary institution. In addition, my legislation would make available tutoring and mentoring services to these students through the existing Federal TRIO programs. The 21st Century Scholars Act implements the efforts of successful private early intervention programs, such as Say Yes to Education, on a national scale.

To mark the 10th anniversary of the Say Yes to Education Program, a reunion of student participants and sponsors will take place in Philadelphia on July 26, 1997.

I am pleased to honor the original Belmont Say Yes to Education students by entering their names into the CONGRESSIONAL RECORD: Allen Alexander; Eric Alexander; Tanyell Alick; Dana Baynes; Jerell Baynes; Majovie Billups-Bland; Maurice Boone; Christopher Bradford; Mitchell Bronson; Shermika Brown; Walter Brown; Damion Caldwell; Tabitha Casper; Sekou Clark; David Cox-Sims; Kimberly Creamer; Zengo Daigre; Zeno Daigre; Jahleel Daniels.

James Davis; Solomon Davis; Troy Davis; William Dorsey; Frank Duckett; Craig Dunston; Anita Edwards; Micah Ellison; Jalina Evans; Mark Ferguson; Vedia Fisher; Tolanda Fortune; Craig Freeman; Gregg Freeman; Joelena Fuller; Lamont Goings; Ayenna Gomez; Yasmeen Grantham; Steven Guilford; Antoinette Harper; Mack Harvey; Mildrienne Hatten; Jerwayne Haywood; Kenneth Hilliard; Charles Hollerway; Micah Holliday; Jermaine Horton; Nicole Huff; Carol Jackson; Eugene Jackson; Tamika Jackson; Carmen James; Aronda Jenkins; James Johnson; Ravenel Johnson; Crystal Jones; Chantel Jones-Akers; Marvette Leatherberry; Sherlina Leatherberry; Christopher Lee; Latasha Lighty; Nickia Little; Genise Mace; Cedric Mallory; Richard Matthews.

Percy McKitthen; Charles Miles; Dellshon Miller; Sonny Miller; Vanessa Mitchell; Jarmaine Olliviere; William Payne; Ronald Pierce; Aaron Pitt; Shaheed Purnell; Joanne Randall; Nicole Randall; Kemeika Richardson; Rodana Robinson; Juanita Rollerson; Quentin Ross; Katrina Scruggs; Edwin Seals; Marc Seymour; Michael Shenoster; Harold Shields, Jr.; Orion Sistrunk; Tanisha Smalls; Cornell Smith; Jumar Smith; Larry Smith; Rodney Sowell; Janine Spruill; Dorothy Stewart; Jeremy Summers; Iva Supplee-Tate; Bradley Torrence; Horace Torrence; Montara Tyler;

Kenya Walker; Shantee Washington; Bryant Webster; Pauline White; Kelly Whitehead; Eric Whitney; Bill Wilcox; David Williams; Paul Williams; Tamika Williams; Tashioka Williams; Theresa Williams; Marvin Wilson; Christopher Wood.

I hope that all Members will take time to learn more about this important program and its successes as our Nation moves forward in its effort to revitalize education for all students.

#### SALUTING NASA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. KUCINICH. Mr. Speaker, I rise in support of the excellent work being done by the scientists and engineers at the National Aeronautics and Space Administration [NASA]. NASA is an extremely important public agency and its vast array of work including space, science, aeronautics, global environment, and education, benefits the Nation on a number of levels.

Under the direction of Administrator Daniel Goldin, current NASA operations are both dynamic and productive. Mr. Goldin has been an agent of positive change and reform. Programs are being carried out faster and cheaper. His dedication to the international space station has promoted an atmosphere in which nations from around the world have been willing to work in partnership. His efforts in seeking the inclusion of the Russian space agency are particularly noteworthy. They demonstrate the impact that the space program can have on international relations, encouraging cooperation toward peace. A United States and Russian joint space program is something that could never have even been dreamed of when cold war divisions were prevalent. The program highlights the mutual interests and mutual benefits of peace shared by our two great nations.

Of the many missions which NASA is currently working on, Mars Pathfinder, which landed on July 4, 1997, is the highlight. The mobile geological studies of Mars which are currently being carried out, are extremely innovative and educational. I would like to commend the brilliant scientists and engineers of NASA for the success of this mission.

NASA's international space station [ISS], phase I, has sought to collaborate international efforts in order to place into orbit and monitor American astronauts in space.

NASA's Mission to Planet Earth [MTPE] and the Earth Observing System [EOS] have provided, and are continuing to provide, key data on the Earth's global climate change. The program, designed by the talented engineers and staff of TRW, headquartered in the Cleveland area, endeavors to evaluate the interaction between the elements and the effects of natural and human-induced changes on the global environment. In the past the program has helped us to understand about the ozone layer and the effects and causes of destructive natural phenomena. At this time there are a number of scientific instruments aboard various spacecraft which are monitoring climatic trends.

A driving force behind the success of NASA's missions is the work carried out by the Cleveland based Lewis Research Center

[LeRC]. The Mars Pathfinder mission is one in which LeRC has an important role. The geological experiments being carried out by the Sojourner rover on Mars were formulated by LeRC scientists. The Lewis team is also a major participant in microgravity research. The near zero gravity experimentation has been successfully used over 80 times on 30 different missions. Eleven NASA Lewis experiments are part of the microgravity science laboratory aboard the space shuttle. These experiments will be invaluable in providing a bridge between present operations and those operations to be conducted in the near future aboard the ISS.

As impressive as all of these programs are, perhaps NASA's biggest achievement lies in the fact that all of the above has been conducted while reducing spending.

The Appropriations Committee proposed a fiscal year 1998 budget of \$13,648,000,000. As each fiscal year budget passes, projected NASA future spending shrinks. Productivity, however, has been maximized. The Earth Observing System program, for example, was in fiscal year 1991 forecast by NASA to require \$17 billion of public funds through the year 2000. In the fiscal year 1996 budget plan this projection had been reduced to \$7.2 billion. NASA has managed to achieve more with less.

One reason for the NASA success story is the cooperative interaction with commercial institutions and the links forged with their international counterparts. By collaborating with private sector organizations, NASA has been able to restructure certain of its operations while still achieving the desired results. For example, the technology generated by NASA in detecting and tracking tornadoes, has been used by commercial weather stations. Such links have produced a catalyst enabling more research and development to be undertaken.

Mr. Speaker, NASA is the unparalleled world leader in space technology, enabling this country to maintain world leadership in science technology and in aeronautics research and in space exploration. I salute the thousands of NASA employees who help to make the program possible.

NIKOLAI IVANOVICH GETMAN:  
ARTIST OF THE SOVIET GULAG

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. LANTOS. Mr. Speaker, I would like to recognize the accomplishments of Soviet born artist, Nikolai Getman, a refugee of the Soviet Gulag, the immense series of prison camps that extended across the length and breadth of the former Soviet Union. His paintings have given us a unique insight into the ghastly life of the Gulag. This exhibition, a collection of paintings depicting life at the Gulag, is of immense historical importance. Over the past several months the Jamestown Foundation, a nonprofit organization which focuses on the former Soviet Union, has raised funds to bring these paintings to the United States and save them from possible destruction. The paintings will be available for viewing in the Rotunda of the Russell Senate Office Building between July 21 and July 25.

In 1946, Soviet police imprisoned Nikolai Getman in the Gulag, the Soviet Union's state operated system of prisons and forced labor camps. He is one of the millions of victims of Josef Stalin's purges and political repressions. Getman's crime was that he had been present in a cafe with several fellow artists, one of whom drew a caricature of Stalin on a cigarette paper. An informer told the authorities about the drawing, and the entire group was arrested for anti-Soviet behavior. Getman spent 8 years in Siberia at the Kolyma labor camp where he witnessed one of the darkest periods of Soviet history. Although he survived the camp, the horrors of the Gulag were burned into his memory. Upon his release in 1954, Getman returned to his career as a painter, painting prominent members of state.

In secret, however, he drew many pictures depicting his memories of the camps. He told no one, not even his wife, what he was doing because to do so meant risking imprisonment or even death. Despite the danger, he undertook the project believing that he must record the plight of the millions of dead prisoners so their fate would not be forgotten. For more than four decades, Getman worked at his task of creating a visual record of the Gulag. During those years, his secret collection grew to 50 paintings which depict all aspects of life in the camps.

The Getman collection is outstanding. It is the only known visual record to exist of this tragic period in Soviet history. If film or other visual representations of the Soviet Gulag existed, they have been largely destroyed or suppressed. The Getman collection stands alone as a most unique historical document.

Getman, now 79, lives in Oryol, Russia. He feared that when he died his paintings would be destroyed or sold off. He asked the Jamestown Foundation to assist him in moving the paintings to a place of safety in the West and to develop a plan for their preservation and exhibition. After 6 months of effort, the paintings are now safely in the United States.

It is important that Nikolai Getman's painting act as a public reminder, a means of education, and a testament to the more than 50 million people who died in one of the most vicious and brutal acts of political repression. Getman's perserverance, determination, and bravery, as well as the hard work of the people at the Jamestown Foundation, have guaranteed that the visual record of the atrocities exists despite concerted attempts on the part of the Russian authorities to make the memories disappear. Mr. Speaker, I take great pride in the fact that the first exhibition of such important works will take place inside the U.S. Congress.

#### AMERICAN HERITAGE RIVERS

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. REYES. Mr. Speaker, I am concerned about efforts by some of my colleagues to prohibit any further action on the American Heritage Rivers Initiative, which was proposed by President Clinton in his State of the Union Address earlier this year.

In the committee report accompanying the Agriculture Appropriations Act for fiscal year

1998, H.R. 2160, language is included stipulating that "Funds for [the American Heritage Rivers] initiatives are not available until justification and reprogram requests are approved." In addition, Representative HELEN CHENOWETH has introduced a bill to prohibit any further action on the initiative.

I am a very strong supporter of this initiative and am working very actively with my colleagues along the Rio Grande River to submit a proposal for consideration for designation as 1 of the first 10 rivers to be designated.

The Rio Grande River is rich in history, with dramatic contrasts. Some stretches offer incredible scenery and a pristine environment, while others are marred by the stench of pollution that threatens public health. For roughly 1,000 miles, the Rio Grande, known in Mexico as the Rio Bravo, serves as an international boundary. The river has provided the water needed for border towns to grow into sister cities. It has nurtured industry, agriculture, and the development of commerce on both sides of the border, but demand for its water is exceeding supply in many places. How we secure the quantity and quality of water needed from the Rio Grande and other sources will be crucial to the prospects for sustaining growth for our region in the 21st century.

The possibility for designation of the Rio Grande as an American Heritage River offers an opportunity for communities along the Rio Grande to work together and gain easier, more direct access to existing Federal assistance. The designation would help us celebrate our heritage, draw attention to the natural wonders of our river and, at the same time, address very real and complex challenges facing its wonders of our river and, at the same time, address very real and complex challenge facing its future. Proposals for designation will be evaluated on whether the plans have strong or solid community support which involve partnerships between the public and private sectors.

The Federal Government is to offer a partnership determined by the needs of the local communities, offering them ways to cut through redtape and develop innovative arrangements for new or existing objectives. There are to be no new regulations or standards, and property rights are not to be impaired.

It is important to note that this opportunity comes at the same time that the Texas legislature has passed a major overhaul of our State's water law to help communities and regions work together in planning for the future. The Rio Grande was cited as a special case and agencies were instructed to seek Federal assistance.

Regional councils of government along the border are meeting now to frame a proposal to be sent to the White House on behalf of those local jurisdictions that wish to participate. The proposed partnership is to have key Federal agencies assist the communities of the Rio Grande develop the long-term assessments of their water needs called for by the water plan that Governor George Bush recently signed into law. A broader partnership is being proposed under which the Federal, State and local authorities working with business and civic groups will assist Rio Grande communities to participate in the 1998 Smithsonian Folklife Festival in Washington, DC. That year's festival will focus on the Rio Grande/Rio Bravo and provide a unique opportunity for us

to share our rich heritage with over 1 million visitors.

A focus on the Rio Grande is something Texas can get behind. We are proud of our river and want to assert our stake in its future. The proposed being drafted will make sure that Federal jurisdiction is not expanded, that no new regulations are imposed as a result of the designation, and that no one's property rights or water rights are affected. Our effort is being designed and managed by Texans on behalf of a heritage we share with our neighbors and fellow Americans.

I urge all of my colleagues to join me in supporting the American Heritage Rivers Initiative and opposing efforts to kill this important initiative.

Finally, Mr. Speaker, I am submitting for the record a list of questions I submitted to the Council on Environmental Quality and the responses I received. I believe this documents answers all of the concerns that have been expressed by citizens and my colleagues.

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, July 18, 1997.

Hon. SILVESTRE REYES

U.S. House of Representatives,

Washington, DC.

DEAR REPRESENTATIVE REYES: Thank you for your recent letter requesting additional information on the American Heritage Rivers initiative. I appreciate your continued support and outstanding leadership in the Congress. I have attached answers to the 25 questions. I hope this information is helpful to you.

Please let me know if I can be of further assistance.

Sincerely,

KATHLEEN A. MCGINTY, *Chair*.

Enclosure.

#### ANSWERS IN RESPONSE TO QUESTIONS SUBMITTED REGARDING THE AMERICAN HERITAGE RIVERS INITIATIVE

1. Q: Can the designation be, in effect, a contract between the local jurisdictions and the federal government in which the terms, the scope and the limitations of the designation are set out clearly and agreed upon by all parties?

A: There is nothing in the initiative that requires applicants to enter into any type of agreement with the federal government. Designation is the recognition of local communities' efforts to enhance and protect their river resources.

As a practical matter, the federal government cannot enter into "contracts," in the legal sense, with communities. However, the federal government often enters into Memoranda of Understanding with state, tribal and local governments and nongovernmental organizations. Designated communities will have the option of entering into Memoranda of Understanding at the local level to explain the terms, scope and limitations of designation and how they want to work with federal agencies.

2. Q: Will a designation carry with it any new federal regulation, mandate, or increased eligibility standards? Can that be asserted in a designation proclamation?

A: No. Designation as an American Heritage River will not carry with it any new federal regulation, mandate or increased eligibility standards.

As stated in the Federal Register Notices of May 19 and June 10, "The [American Heritage Rivers] initiative will create no new regulatory requirements for individuals or state and local governments." This can be asserted in a designation proclamation.

The goal of the American Heritage Rivers initiative is to support communities, within existing laws and regulations, by providing them with better access to information, tools and resources, and encouraging private funding of local efforts deserving of special recognition.

3. Q: Will and AHR designation affect property rights and/or water rights in any way?

A: No. An American Heritage Rivers designation will not adversely affect property or water rights. The initiative will not grant any federal, state or local government entity any new authority or control over private property. The comment period was extended, in part, to work with landowners and other interested parties to better understand the initiative. During this period, we have listened to these concerns and have developed the following language that will be included in the final description of the American Heritage Rivers initiative to demonstrate our intent not to diminish property and water rights:

"In implementing the American Heritage Rivers initiative, Federal departments shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution."

4. Q: Can there be procedures for prohibiting any changes in existing private property, water and/or development rights on land along a river in connection with activities recognized under an AHR designation? Or: Can there be procedures for geographic areas within the designated geographic area to be exempted from activities recognized under the AHR designation?

A: The local and state governments establish procedures for changes to existing private property, water and/or development rights. Any geographic areas within the designated geographic area to be exempted from such activities will be identified by the local sponsoring organization.

5. Q: What is the procedure that makes the projects of an American Heritage River designee a priority to federal agencies? What could be the practical benefit of that?

A: After the President designates the rivers, the Secretaries of the participating federal agencies will enter into a Memorandum of Understanding describing how they will work together to create the American Heritage Rivers initiative.

The practical benefit is that communities will have easier access to information about existing federal resources and help in targeting funding and technical assistance resources most appropriate to their needs.

As stated in the Federal Register Notices of May 19 and June 20, an "interagency task force will work with each River Community as it is designated to identify technical and funding needs. First, a team of planning and technical assistance experts will help each designated River Community assess its strategy and implementation plan to identify technical assistance and funding needs. Then, federal agencies will commit field staff and resources to the teams, which will also include non-federal partners, such as state, local, tribal governments and nongovernmental organizations."

This means that each interagency task force will work closely with the community to meet identified community needs. Not every community will require the resources and programs of every federal agency. The "River Navigator" will be a full-time liaison between the community and the federal agencies. The resources and staff of the agencies will be accessed as appropriate and needed.

6. Q: Does an AHR designation have to include the full watershed/basin of the river? How does an applicant set the geographical limits of the designation?

A: An American Heritage Rivers designation does not have to include the full watershed or basin of the river. Communities set the geographical limits of the application and the designation is confined to those limits.

7. The Federal Register mentions the restoration of rivers.

a. What is meant by restoration?

Restoration is any activity that returns an area to a former use or condition. The extent of restoration activities will be defined by the communities in their applications.

b. If there is a designation, will that mean local acquiescence to a federal effort to restore that river to previous uses or to a natural state untouched by human activities?

Absolutely not. The community will identify what they want to do within a designated area. The American Heritage Rivers initiative is not about "local acquiescence to a federal effort." It is about federal agencies working closely with communities to achieve the communities' goals.

c. Does "restoration" have to be a part of the proposal in order to secure a designation?

Restoration does not have to be part of any designation. The community decides its priorities and seeks designation based on that community's needs.

8. Q: Could a designation enable local jurisdictions along the Rio Grande to have a stronger and more active voice with federal and international activities such as Border XXI, NADBank, BECC and the IBWC? If so, how?

A: We are hopeful that the American Heritage River designation will provide many more avenues for the federal government to form partnerships with local communities. There are a number of existing opportunities along the border, including Border XXI, NADBank, BECC and IBWC, that the communities along the Rio Grande might identify in their application. Representatives from these programs would be included in the federal assistance team working with the designated river's community to ensure that the community's goal and objectives are integrated into these institutions' decision making.

9. Q: Once a river has been designated in response to the communities' application, can the projects and activities within the original application be modified or added to at a later time? Who can make such changes and who would decide or approve them?

A: The community can make changes or modifications to their plan consistent with the process and criteria used to develop and recognize the application by the community and the federal government.

10. Q: How can the designation be used to encourage Mexican enforcement of environmental laws that deal with discharge into the Rio Grande?

A: The American Heritage Rivers initiative does not alter existing environmental law or dispute resolution processes.

11. Q: As a Rio Grande application is drafted, could representatives from relevant federal agencies be made available to field questions regarding the AHR program and how each agency might give priority to the designated rivers?

A: Yes. Federal agency representatives were trained in a video uplink on June 17 to answer questions about the American Heritage Rivers initiative. Lists of these employees will be available in mid-July.

12. Q: Does federal attention to water flow needs and water quality automatically follow a designation or must it be something specifically identified in the application?

A: No federal attention automatically follows a designation, unless it is requested by the community in its application. The fed-

eral agencies will assess whether such a request is authorized by Congress, that funds are appropriated for such action, or can be appropriated if the action is approved.

13. Q: Would a designation of the Rio Grande mean federal funds would be diverted from other activities in the state to the designated river's program?

A: No. The initiative will help communities through better use and coordination of existing programs and resources. Communities will only receive funds for which they would be otherwise eligible, under the authorization and appropriation terms of Congress.

14. Q: Can the CEQ make public the designation proposals it has received from Texas?

A: As the application process has not opened, no proposals have been received from Texas, or any other state. Many communities requested nomination of their rivers following the President's State of the Union Address. These communities have been asked to submit formal applications, once those applications are available in mid-September.

American Heritage Rivers is committed to an open process and full disclosure. Information will be made available about applications received.

On the American Heritage Rivers homepage, we are asking people to self report their interests in specific river designations. You can access the homepage at: <http://www.epa.gov.owow.heritage.rivers.html>

15. Q: Will procedures be put in place whereby the applicant can ask to have a designation rescinded and/or given activities and/or geographical rescinded?

A: Yes. As stated in the June 20 Federal Register Notice, "Any community which nominates a river for designation and has its river designated, may have this designation terminated at its request at any point in the future."

16. Q: How is the AHRI associated with the United Nations or the NAFTA or their agencies?

A: The American Heritage Rivers initiative has not been associated with the United Nations or NAFTA. As stated in the June 20 Federal Register Notice, "Foreign governments and their international organizations will not have a role in sponsoring a nomination to be an American Heritage River nor will they have any authority granted to them as a result of an American Heritage River designation."

17. Q: If planning of a capital intensive scenic route or nature trail along a river was part of an AHR designation, would a subsequent proposal for appropriation of new money for the projects planned be prejudiced by the "no new money" commitment?

A: No. Substantial federal resources have already been authorized and appropriated by Congress. Therefore, projects otherwise eligible for funding would not be prejudiced against because of an American Heritage Rivers designation. In fact, for some projects, the cooperation of the federal, state and local agencies through the American Heritage Rivers initiative could strengthen a subsequent proposal for funds.

18. Q: Why is the AHRI needed to get the federal agencies to do what they are supposed to be doing anyway?

A: The federal agencies have done an excellent job of cooperating more effectively. Interagency cooperation is at an all-time high, which is good news for taxpayers. But as the Administration's effort has found, the job of reinvention is never complete. The National Performance Review, directed by Vice President Gore, continuously seeks to create a government that works better and costs less through focusing on customer service, developing partnerships and delegating power to the front lines.

The American Heritage Rivers can help accomplish this in four ways:

1. To recognize outstanding community-led efforts. The American Heritage Rivers initiative is the most important recognition of local river efforts in 20 years.

2. To serve as models of the most innovative, successful and sustainable approaches to river restoration and protection for communities across the United States. The lessons learned from these models can be applied to programs across the country.

3. To ensure that federal agencies are cooperating to the greatest extent possible. At a time of declining federal resources, the Administration believes the decisions about prioritizing federal programs should come from the affected communities.

4. To encourage greater agency cooperation across disciplines and programs. There is a continuing need to integrate the environmental, economic and historic disciplines of not only the federal government, but state and local governments as well.

19. Q: What protection is there in the AHRI for the rights of those in a community that do not favor a designation?

A: As stated in the June 20 Federal Register Notice, "A local mechanism will be required that allows members of a community to comment on the nomination of a river or river stretch by their community."

The nomination process will be fully controlled, discussed and organized at the local level. The concerns of all members of a community should be aired as the nomination is prepared. Communities submitting applications should make opportunities available for members of the local public to comment on the nomination. Elected officials are expected to participate in the nomination process. The Administration will also make public the nominations that it receives.

20. Q: Will a designation application gain points in the scoring process if it has bipartisan support?

A: Yes. Bipartisan support will help a community demonstrate that it meets the criterion of broad community support.

21. Q: Would requests for federal agency help to prepare for participation in the Smithsonian Institute's 1998 American Folklife Festival be an appropriate activity under the AHRI?

A: Yes. The community defines appropriate activities under the American Heritage Rivers initiative.

22. Q: Could local requests for federal grants and cooperative assistance to improve use of river water in irrigation be recognized as part of an AHR designation?

A: Again, the community defines appropriate activities under the American Heritage Rivers initiative. If a community decided to seek federal grants and cooperative assistance to improve use of river water in irrigation that would definitely be considered if the river gained American Heritage River status. The American Heritage Rivers initiative would not alter or affect any laws or rights relating to river or water flows.

23. Q: Are applications for designation required to include specific projects for implementation under the designation? If yes, what is the impact on other projects in the designated area that are not included in the designation application?

A: One of the criteria for designation is that communities have in hand, or are developing, a well-defined plan of action for the river. Projects and products, including any anticipated impacts beyond the designated river area, are part of this plan of action. Other components of the action plan are community vision, operating procedures and policies, description of how the proposal takes into account existing plans for the area, public participation and public edu-

cation, committed and anticipated resources, schedule of actions, the community's expectation of the federal role, obstacles to community action, including those the community believes can be resolved by joint federal, state and local support, and measures of success.

There is not necessarily an impact on other projects in the designated area that are not included in the designation application. Some projects, of course, may be dependent on each other.

24. Q: Can an AHR designation create a situation to allow one of its projects to circumvent existing and required local and/or regional planning processes? If not, would an application for designation be eligible for consideration if specific projects were not mentioned, but the application stressed the desire to acquire designation to attain an increased federal focus to aid in encouraging and supporting local, regional and state planning processes that would result in projects that are in compliance with local, state and federal requirements?

A: No. American Heritage Rivers designation will not be a means for projects to circumvent local or regional planning processes. Quite the contrary. The goal of American Heritage Rivers is to look to local or regional planning processes and to ensure that the federal agencies are cooperating sufficiently to streamline processes to help communities realize their goals wherever possible. All actions, by all involved with the initiative at the federal, state and local levels, must take place within existing laws and regulations.

If the community wished to identify appropriate roles for and services from the federal agencies, assistance with local, state and regional planning processes would be eligible. All the projects under consideration in a designated area do not necessarily have to be mentioned in the application. However, to the extent that these projects demonstrate how the community meets the criteria, including broad community support and strategies that lead to action, their inclusion is to the benefit of the applying community.

25. Q: Is it the intent of the AHRI to designate rivers on the basis of demonstrated historical, cultural, economic and environmental significance, or to designate rivers based on the merits of proposed projects?

A: Both. It is the intent of the American Heritage Rivers to designate rivers on the basis of their demonstrated historical, cultural, economic and environmental significance and the commitment the communities have to preserving and restoring these resources. Projects identified by the community should integrate, to the largest extent possible, the environmental, historic and economic aspects of their communities.

HONORING THE RETIREMENT OF  
REV. DR. JAMES W. BATTLE, SR.

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. VENTO. Mr. Speaker, I rise today to celebrate the career of the Reverend Dr. James W. Battle Sr. Reverend Battle has served as pastor of Mount Olivet Baptist Church in Saint Paul, MN, since June 1972. His distinguished career and commitment to the community should serve as an example to all.

Pastor Battle answered his call to the ministry and moved with his family to Nashville,

TN, in order to attend the American Baptist College. He graduated and became the chaplain of the State Prison, and later a counselor at Meharry Medical College. In 1972, he accepted the position as pastor of Mount Olivet Baptist Church in Saint Paul, MN. In 1977, the pastor received his master's of divinity from the Luther Seminary in Saint Paul, and earned his doctorate of ministry degree from the United Seminary in New Brighton, MN, in 1985.

Under his leadership, Mount Olivet has steadily grown. Shortly after his arrival, he directed the construction of a new church building and revived Bible study classes. These improvements have resulted in additional services being provided by the church, as well as expansions to the church facility.

Aside from being a dynamic leader of his church, Pastor Battle has extended his energies to the community. He has served as: co-founder of the Saint Paul Ecumenical Alliance of Congregations; member of the St. Paul Urban League; member of the Council of Black Minnesotans; member of the Rainbow Coalition; and chairman of the Minority Advisory Committee of the Metropolitan Transit Commission.

In addition, the Reverend has organized his community at several levels. He was an organizer of the march of the State capitol in honor of Dr. Martin Luther King, Jr., in 1979, and most recently helped coordinate the Minnesota contingency to the Million Man March in Washington, DC, which departed from and returned to Mount Olivet. Currently, he is also involved with a Gang Summit at Mount Olivet, the African-American Parent Group, Native American Special Project, and Lao Family Community Services, all in Saint Paul.

In 1996, I was privileged to be present when Pastor Battle received Luther Seminary's annual Race, Church, and Change Award. He has also been the recipient of the S.E. Hall Community Service Award from the Saint Paul Urban League, and the Martin Luther King Humanitarian Award for Outstanding Achievement and Contribution in the area of religion in 1992 and 1993.

I would like to take this opportunity to congratulate the Reverend Battle and his family for all of his accomplishments as he celebrates 25 years with Mount Olivet. I would also like to thank him for serving his church and community with such dedication and devotion and hope that he and his family are blessed with greater endeavors in the future. Happy Retirement.

IN HONOR OF PUERTO RICO ON  
ITS CONSTITUTION DAY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the citizens of Puerto Rico on Constitution Day, July 25, 1997. The people of Puerto Rico established the Constitution of the Commonwealth of Puerto Rico for the very same reasons our forefathers wrote the Constitution of the United States of America, to establish themselves as a democracy.

The Puerto Rican Constitution ensures basic welfare and human rights for the people, enconces the idea of a government which reflects the will of the people, and pays tribute

and loyalty to the Constitution of the United States of America.

The Puerto Rican culture is a distinctly unique culture. By pledging allegiance to the Constitution of the United States of America, the people of Puerto Rico celebrate shared beliefs and the co-existence of both cultures. By ratifying their own constitution, the people of Puerto Rico retain and honor their original heritage while expressing the desire to pursue democracy and happiness for themselves.

A TRIBUTE TO WILLIAM "B.J." HANNON

**HON. TED STRICKLAND**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. STRICKLAND. Mr. Speaker, I rise today to pay tribute to William "B.J." Hannon. Born September 18, 1927, in Ironton, OH, B.J. has shown throughout his life that one man, by dedicating himself to his work and his community, can make a real and lasting difference in people's lives.

After his graduation from Ironton High School, B.J. proudly served his country in the U.S. Navy from June 1945 to August 1946. After this period of service, B.J. returned home to Ironton and began working at the Wilson Sporting Goods Co., where he was employed for 36 years.

Through his love of sports, B.J. gave every member of the Ironton community the opportunity to become a star athlete. Both children and adults alike have benefited from B.J.'s knowledge of sports and devotion to his hometown. A coach since 1960, B.J. has coached almost every sport conceivable including football, basketball, baseball, softball, and track.

He still coaches youth football, bringing countless hours of fun and hard work to the youth of Ironton.

The impact that a positive role model can have on children is immeasurable, and B.J. has not taken his responsibility lightly. One can only imagine how many little league kids might have been inspired to work a little harder after realizing that what they accomplish on the field can be duplicated in others aspects of their lives. Maybe some of the players on his high school girls' basketball team were inspired to take their game to the next level, college. And the hours of fun and relaxation that playing for his women's softball team or men's basketball team provides have let the adults in Ironton have as much fun as their children. For these reasons, in 1987 B.J. was an Ironton Sports Day honoree.

B.J. has also taken this responsibility to the civic level. He is a member of the Ironton City School Board, the city recreation board, and the Ironton Little League board of directors. These positions have allowed him the opportunity to provide his insight on issues affecting the entire community, and have established him as a greatly respected figure in the Ironton area. The best part is that B.J. doesn't think of these positions as jobs, but as a way to improve the quality of life in Ironton.

At the end of this month, B.J. will be retiring from Cabletron—a company he helped build over the past 10 years. He began with the company on day one when Cabletron first set

up operations in Ironton with just 25 employees. And he has left his mark. I recently attended the dedication of Cabletron's new state-of-the-art manufacturing facility in Ironton which now employs over 550 employees. There is no historical document stating when the last industrial facility was built in the city of Ironton. But we know it has been a long time. The construction of this new facility shows that Cabletron sees its future in southern Ohio. There is no doubt that Cabletron's presence and growth in Ohio are the result of the skills and commitment of our work force. There truly has been an outstanding group of men and women who have contributed to the growth of Cabletron. And B.J. has been at the center of it all. As human resources director, B.J. put together and led this world-class work force.

During the dedication of Cabletron's new facility, every time B.J.'s name was mentioned the workers erupted with applause. The feeling seems mutual. B.J. excels in his ability to work with people. He treats everyone as an individual, and respects them and their opinions.

One of my favorite stories about B.J. involves an incident on a hot summer day when the air conditioning went out at the plant. B.J. showed up with boxes of popsicles for the 120 employees who were working at the plant at that time, and invited them all to take a break and share a popsicle with him. No matter what the situation, you can always count on B.J. to look out for those he works with.

B.J.'s noteworthy professional and public life has paralleled an equally happy home life. Married since 1952, B.J. and his wife Lavena have a son, Jeffrey, and three grandchildren. In his leisure hours, B.J. enjoys getting in some rounds of golf, and not surprisingly, enjoys watching his grandchildren participate in sports.

Mr. Speaker, it is a privilege for me to honor a man who, simply by going about his work and being dedicated to his hometown, has given so much to the Ironton community. People of all ages, athletes, spectators, and fellow employees have had their lives touched by Mr. Hannon, whether they knew him or not. People like Mr. Hannon are what make smalltown America a great place to live. I hope my colleagues will join me in congratulating Mr. Hannon on his retirement and thanking him for his years of dedication to his community.

WHY MANAGED CARE PLANS NEED OUTSIDE AUDITS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. STARK. Mr. Speaker, one of the issues under debate between the House and Senate in the Medicare budget reconciliation bill is the issue of whether managed care plans should have an external and on-going—outside—quality review, or whether we should just rely on them being periodically reviewed through the accrediting process.

The Peer Review Organization for parts of the Delaware, Maryland, D.C., and Virginia area has written me, showing how HMO's that obtain accreditation from private accrediting agencies can, upon review and check by an external quality reviewing organization, be found to have serious problems.

It is important that we have both accrediting and outside, external review. The excerpt from the letter from the Delmarva Foundation for Medical Care, Inc., speaks for itself. Second, I would like to include in the RECORD a memo from the National Health Law Program concerning the limits and dangers of relying on private accreditation.

[From the Delmarva Foundation for Medical Care, July 11, 1997]

Table 1 presents non-compliance rates from a Medical Record Review we did of five managed care organizations for FY 97. All but one is accredited by NCQA. Each of these clinical areas were reviewed against specific standards well known and accepted by the industry. For instance, for hypertension, specific processes of care were measured, such as whether the patient had a physical examination, specific laboratory tests, blood pressure monitoring, and diet/exercise education.

TABLE 1—ACCREDITATION AND NON-COMPLIANCE RATE WITH CLINICAL PERFORMANCE STANDARDS

	HMO1	HMO2	HMO3	HMO4	HMO5
NCQA Accreditation <sup>1</sup> .....	3	1	3	0	1
External Review: <sup>2</sup>					
Hypertension .....	38	39	39	46	53
Immunizations .....	(?)	(?)	(?)	57	55
Mental health .....	(?)	(?)	35	(?)	(?)
Initial assessment .....	56	49	43	44	57
Problem corrections .....	47	67	55	44	67

<sup>1</sup>Accreditation figures given in years.

<sup>2</sup>External Review Non-compliance rates given in percent.

<sup>3</sup>Met an acceptable threshold.

These final data reflect results from a review of the SYSTEMS in place at those HMO's. Using health education as an example, 58 percent of the performance standards were not met by one HMO, 33 percent for another. In another example, one HMO, which has a three year accreditation had an overall non-compliance rate of 23 percent; 33 percent of the enrollee rights standards were not met; 39 percent of the patient satisfaction standards were failed and 33 percent of the health education standards were not met.

PRIVATIZING GOVERNMENT REGULATION OF PUBLICLY FUNDED HEALTH PLANS: THE LIMITS OF PRIVATE ACCREDITATION

(Prepared by Claudia Schlosberg, Esq.)

Senate and House conferees begin deliberations this week to reconcile legislation designed to balance the federal budget in the next five years. Both the Senate and House versions contain a daunting number of changes to the nation's health safety net programs: Medicaid and Medicare. Some, such as eliminating the waiver requirement, have received a great deal of attention. Many other provisions, however, lie obscured within hundred of pages of text and have received little, if any public scrutiny. One such provision exempts Medicaid managed care plans from the requirement of an annual external, independent review if they have attained accreditation from a private, non-profit accrediting body such as the National Committee for Quality Assurance or the Joint Commission on the Accreditation of Health Organizations. The annual external review process is designed to look at quality outcomes and the extent to which he managed care entity is meeting the terms of its contract with the state. In similar fashion, the House Medicare provision waive requirements for external review if a plan is privately accredited.

Consumers should be deeply troubled and concerned by this extension of "deemed status" to publicly-funded health plans. Although private accreditation of health care facilities and services historically has played

an important role in the evolution of internal health care quality assurance systems, the role and function of a private accrediting organization is very different from that of a public regulatory authority. The extension of deemed status to publicly-funded health plans, as currently proposed, represents a swift and sure erosion of federal oversight and regulatory authority, the elimination of public access to meaningful information about health plan quality, and diminished public accountability. Consider the following:

(1) Lack of Independence—Private accrediting bodies such as the National Commission of Quality Assurance (NCQA) and the Joint Commission on Accreditation of Health Care Organizations (JCAHO) are closely tied to the industries they oversee and monitor. Industry representatives are heavily represented on their boards and they are financially dependent on the industries they oversee. Fees for accreditation services can run into tens of thousands of dollars. For example, the base rate for NCQA accreditation of a health plan with fewer than 50,000 members is \$42,350 just for the initial two to four day survey. Health care organizations such as managed care companies purchase not only accreditation services but also technical assistance and consulting services to improve survey performance. Although both JCAHO and NCQA assert they operate free of conflicts of interest, the close ties to and financial dependency on the managed care industry, as well as their dual roles as monitor and advisor, raise clear concerns about independence and objectivity.

(2) Lack of Accountability—When the Health Care Financing Administration or a state licensing authority conducts an on-site quality review, the findings of the actual survey reports are available to the public (Nursing homes in fact must post a copy of their latest survey report within the facility). In contrast, the private accreditation process is shrouded in secrecy. Although both NCQA and JCAHO release sanitized summaries of accreditation reports to the public, the underlying findings from the actual surveys themselves are held in strictest confidence. Absent specific legislation, public access to meaningful information, even when relied upon by government regulators, is virtually non-existent.

(3) Flawed Survey Protocols—As a general rule, regulatory authorities are required to conduct annual, unannounced, on-site surveys. The element of surprise is an important tool that helps ensure that surveyors observe the actual operations of a health plan or facility. In contrast, private accrediting bodies generally survey only every three years, and surveys are scheduled well in advance. NCQA for example, schedules surveys in conjunction with the health plan at a mutually agreeable date. NCQA also gives plans advance notice of the specific clinical records that they will review. Additionally, both NCQA and JCAHO supply the names of the survey team members in advance and strongly encourage health plans to undergo "practice" accreditation reviews as a way of preparing for the full accreditation survey. Health plans thus have ample opportunity to assess and spruce-up operations before the survey team's arrival. Often, the fixes are illusory. When the survey team leaves, the amenities and improvements disappear.

Private accrediting bodies also make no provision for interested third parties to speak confidentially with the survey team. JCAHO policy provides for disclosure to the health facility of the identity of any person seeking a public information interview with a surveyor—a process unlikely to encourage staff, patients or interested members of the

public to come forward with complaints or information about health plan policies and practices. Recently, hospital workers at Columbia Sunrise Hospital in Las Vegas, Nevada requested an opportunity to meet in confidence with a JCAHO survey team to share workers' concerns about quality issues in the facility being surveyed. JCAHO refused. Instead two hospital worker representatives met with the JCAHO survey team on hospital premises, at a place and time set by hospital management, with senior hospital officials present.

(4) Discretion and Variability Among Surveyors—Both NCQA and JCAHO use consultant surveyors—professionals from health plans and health practitioners who take time off from their regular jobs to conduct site visits over several days. Although surveyors receive training, individual surveyors have much discretion and use their own judgment when evaluating a health plan or facility. Consequently, there can be a great deal of variation in how standards are scored. Complex scoring methodologies also obscure results. For example, under guidelines established in the JCAHO scoring manual on accreditation of hospitals, perfect scores do not necessarily reflect 100 percent compliance with standards. This is because a score of one (on a five-point scale) requires a showing of only 91-percent compliance, while a score of two requires a showing of only 76-percent compliance. Thus, even facilities with significant problems affecting large number of patients can attain high scores.

(5) Adequacy of Standards.—Although private accrediting bodies purport to utilize rigorous quality standards, the standards will largely focus on process or structure rather than on the outcomes of care. The standards themselves often provide only a minimum framework and give plans enormous discretion to define not only the standards themselves but the level of required compliance. For example:

NCQA Managed Behavioral Health Care Standards for Accreditation require plans to make timely utilization management decisions but the health plan, not NCQA, has discretion to define its own timeliness standard.

To meet NCQA's requirements for clinical quality improvement activities, a full service behavioral health plan that provides both in-patient and out-patient care need only assess and evaluate three issues relevant to its membership. A managed behavioral health plan not only can pick and choose what clinical issues to assess and evaluate, it also has complete discretion to define the clinical issue, to set its own benchmark, and to adopt or establish quantitative measures to assess performance and identify areas for improvement.

Private accreditation standards also fail to address key indicators. For example, NCQA Managed Behavioral Healthcare Standards do not require plans to monitor death or adverse drug interactions. Plans also are not required to monitor long and short-term community tenure. Despite the potential for abuse and misuse in the behavioral health field, absolutely nothing in the standards addresses the use of seclusion and physical restraint.

(5) Public Participation in the Development of Standards—When federal or state governments seek to develop or change standards used to regulate health facilities and services, they are required by law to notify the public and provide opportunity for public comment. In contrast, private accrediting bodies are under no obligation to elicit public comment. Although private accrediting bodies have solicited outside comments on drafts of some accreditation standards, the process is entirely voluntary and variable.

(6) Access to Standards—Unlike federal regulations, standards and surveyor guidelines, which are readily available to the public through libraries, the world wide web or low and no-cost publications, private accreditation standards are difficult and expensive to access. Private accrediting organizations copyright and market their standards and survey materials. The cost of NCQA's Standards for Managed Care Plans is \$75.00. Copies of the surveyors' guidelines and data collection tools cost an additional \$195.00 each or can be purchased together at the discounted price of \$365. Thus, the complete set of NCQA accreditation materials for managed care plans is over \$400—an amount which is prohibitive for most of the general public and the public sector advocacy community. Without ready access to the standards and guidelines, consumers and their advocates have little opportunity to effect policy debates, seek improvements or monitor implementation.

(7) Lack of Meaningful Enforcement—Once a survey is completed and scored, an accreditation decision is made. As a general rule, a health plan or facility can receive full accreditation, accreditation with recommendations, one-year accreditation, denial or deferral. Other than denying, deferring or granting less than full accreditation status, private accrediting bodies do not have the tools or the mandate to pursue intermediate sanctions or take other action to ensure compliance. The result is that poor performing facilities can continue to operate with impunity. To monitor private accrediting bodies' performance, federal Medicare law requires the Health Care Financing Administration to conduct validation surveys of health facilities that have been granted "deemed" status. However this important safeguard is not included within the provisions extending deemed status to health plans.

(8) Complaint Investigations—Unlike state and federal authorities, private accrediting bodies do not routinely respond to or investigate complaints, even when they relate to facilities and services which they have accredited. The extension of deemed status to health plans threatens to undermine public resources needed to sustain these critical regulatory activities.

#### CONCLUSION

While private accrediting bodies play an important role in the evolution of quality assurance systems, the private accreditation process is inherently limited. Private accrediting bodies operate as partners with health plans and are not accountable to the public. Standards measure process, not quality. Even NCQA admits that "NCQA accreditation does not constitute a warranty or any other representation by NCQA to any third parties (including, but not limited to, employers, consumers, or organizations members) regarding the quality or nature of the . . . services provided or arranged by the [health plan]." Accordingly, private accreditation of health plans should not be used to supplant a truly independent oversight process. At the very least, if private accreditation is to be more formally integrated into public oversight of health plans to minimize actual (not just perceived) duplication, public accountability must be preserved. Accordingly, private accrediting bodies must be required to fully disclose survey information, government must have authority to validate survey data; effective enforcement mechanisms must be clearly established in law; government must remain the final arbiter on compliance issues and retain authority to investigate complaints and enforce standards; and standards used to reach accreditation decisions must be developed in a

public process and once developed, placed in the public domain at low or no cost.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPRO-  
PRIATIONS ACT, 1998

SPEECH OF

**HON. DAVE WELDON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. WELDON. Mr. Chairman, during the debate on my amendment to the Interior appropriations bill that will ensure families are able to enjoy this national seashore, I was asked by my colleagues to submit examples of the type of behavior that park visitors were encountering. In response to these requests, I am submitting the following examples. When families go to a national park, they do not expect to see the type of behavior that is listed below. These examples are taken verbatim from National Park Service Criminal Incident Records. My amendment, which was adopted 396-25 ensures that Brevard County, FL is able to set its own public decency standard without fear of the Federal Government overruling their decision.

CRIMINAL INCIDENT RECORDS

Two visitors stopped at the visitor center and reported a man and woman having sex on the beach while numerous other nude people watched. Ranger [deleted] and I responded and walked to the area, observing the couple described earlier and approximately 10 others in the immediate area. Most were regulars on the beach, including [deleted].

On 02-[deleted]-96 at approximately [deleted] hours, Ms. [deleted] reported to me at the North District Ranger Station that she and her two sons ([deleted], age 9 and [deleted] age 2) had witnessed a sexual offense on the beach. Ms. [deleted] stated that she and the children were on the beach, 60 yards south of boardwalk #5, when they observed a W/M walking down the beach who then stopped 20 feet from them. He took his clothes off and sat down. Then he started masturbating in full view of them. She and the children then walked off the beach. The W/M put his clothes on fast and walked off the beach. He got in front of them and stopped on the boardwalk at the top. When Ms. [deleted] came up to him she called him a Creep and told him he shouldn't masturbate in front of her children. He told her that she was crazy. She walked to her vehicle and the W/M went into the bathroom. She had her back turned in his direction and told her son [deleted] they must have lost him. [deleted] told her the W/M was getting into a van. Ms. [deleted] then followed the van up A1A at a high rate of speed.

While visiting the Beach at Parking Lot Area 2 with my 3 sons, ages 12-15 and a female friend who is a local resident, and her two sons, ages 7 and 16; we found we needed to cut our visit short due to the arrival of a young man who, approximately 50 yards

from us, began sunbathing in the nude. Several times he would stand up, or would turn and lie in different positions facing whichever direction our children ran. He did not attempt to speak to anyone, but we felt this type of behavior was inappropriate at a national site.

I was contracted by the complainant who was very upset with the confrontation she and her family had with two nude white males. While walking south from boardwalk #3, two males who had been lying in wait for the group to get close, both got up and began walking toward [deleted] family. Shocked by the nudity of the men, the family quickly turned around and departed the beach. I attempted to explain to the group the situation the Park Service and its rangers at Canaveral National Seashore are faced with.

[Deleted] stated that while she was on the beach at grid marker 29, south of boardwalk #4, on an ATV she came upon a dead sea turtle. A white male who was jogging came up to her asking questions about the turtle, and as he was talking to her he began fondling himself. [Deleted] got on the ATV and headed north. When she looked back, the male appeared to be masturbating.

Mr. [deleted] came to the North District Ranger Station on [deleted]93 at approximately [deleted] p.m. He wrote the following complaint against nudity.

Currently, I have alternating weekend visitation with my son. Having selected Cape Canaveral National Seashore for time to spend with my son, I eagerly awaited an enjoyable day. "National," implies family oriented being these parks are visited by families; however, while walking south of parking lot 5 with my 9 year old son, an adult male walked out of the water, nude, without any consideration for the ill-effect this could have on a child. I now have to determine how to explain this to my son. I believe this activity is detrimental to a family unit and should not be tolerated at a vacation location.

At about [deleted], 03/[deleted]93, Mr. [deleted] approached me at the Miles Avenue 7-11 store. He said that he and his wife had just been walking on the beach about 1 mile south of parking lot 5. He said that when he got some distance away from his wife he looked back and saw a nude white male, with an obvious erection, "Bird-dogging" his wife. He said the man walked up close to his wife and clearly attempted to display his masculinity to her.

Mr. [deleted] described the subject as a white male, [deleted]. He said he saw the man drive away from parking area 5 in a 2-door Honda with Florida tag# [deleted] said he did not want to press charges. But wanted me to file a report.

[Deleted]

On 02-[deleted]93 at approximately [deleted] hours, I was contacted by [deleted]. She explained that she had been jogging on the beach, north of Lot #13, when a man jogged up to her and removed his shorts. He then started to jog next to her and was fondling himself and trying to "masterbate". [Deleted] repeatedly told the man to put his shorts on. She said she was going to report him and get him "busted". [Deleted] then went up a boardwalk to get away from the individual. A few minutes later the man drove up beside her and asked her if she wanted [deleted].

On 8/[deleted]96 at about [deleted] hrs, I received a complaint from a male visitor

who alleged that [deleted] had been fondling his genital area in front of the complainant's female companion. The complaining party did not wish to give his name. [deleted] denied this allegation. I checked for want's and warrants on [deleted] and did not find any.

[Deleted] that made a verbal threat about the complaining party but then calmed down and returned to the beach.

Mr. [deleted] called via cell phone to report two males and one female engaged in sex acts on the beach in front of numerous passersby. I responded, but was unable to locate the suspects or reporting party. The phone connection was poor and the message misunderstood as to location.

Later, Mr. [deleted] contacted me on the road and described in detail how the three performed sex acts without regard for others on the beach.

He described each individual and I recognized Mr. [deleted] as a regular visitor. Ms. [deleted] had just been issued a citation for unsafe operation, and the third individual was observed [deleted] leaving the park.

I was stopped by a [deleted] at the boardwalk #3. She was complaining about a [deleted] male who was walking around her family. The male was nude and purposely exposing himself to her family. Suspect left the area and parking lot when he observed me arriving on the ATV. [Deleted] wrote a complaint and I seized the suspect's abandoned property, (towel, shirt, cooler, sunscreen, and umbrella).

ANTI-GOVERNMENT, ANTI-SOCIAL  
ATTITUDES

**HON. DAVID R. OBEY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. OBEY. Mr. Speaker, many of us are concerned about some of the anti-government and anti-social attitudes that are developing in some rural communities. It is important to understand that one of the contributing factors in this unhealthy development is the economic squeeze that is being placed on many hard-working farmers throughout the country. Recently an article appeared in one of my hometown newspapers, City Pages, which brings into sharp focus the psychological emotional pressures that are fed by the cruel way that farmers have been dealt with in national farm policy over the past decade or more. One does not have to agree with every point in the article to recognize that this analysis is attempting to bring to our attention some profound truths about the damage that is being done to rural America by those policies. I urge every American who cares about justice and cares about the future social stability of the country to heed the concerns brought to light so forcefully in the article.

HARVEST OF RAGE

HOW THE RURAL CRISIS FUELS  
ANTIGOVERNMENT MOVEMENT

(By Joel Dyer)

It's two in the morning when the telephone rings waking Oklahoma City psychologist Glen Wallace. The farmer on the other end of the line has been drinking and is holding a loaded gun to his head. The distressed man tells Wallace that his farm is to be sold at auction within a few days. He goes on to explain that he can't bear the shame he has

brought to his family and that the only way out is to kill himself.

Within hours Wallace is at the farm. This time the farmer agrees to go into counseling; this time no one dies. Unfortunately, that's not always the case. Wallace has handled hundreds of these calls through AG-LINK, a farm crisis hotline, and many times the suicide attempts are successful. According to Mona Lee Brock, another former AG-LINK counselor, therapists in Oklahoma alone make more than 150 on-site suicide interventions with farmers each year. And Oklahoma has only the third highest number of farm suicides in the nation, trailing both Montana and Wisconsin.

A study conducted in 1989 at Oklahoma State University determined suicide is by far the leading cause of death on America's family farms, and that they are the direct result of economic stress.

As heartwrenching as those statistics are, they also are related to a much broader issue. Those who have watched the previously strong family farm communities wither have seen radical, anti-government groups and militias step in all across the country, and especially in the Midwest.

As far back as 1989, Wallace—then director of Rural Mental Health for Oklahoma—was beginning to see the birth pangs of today's heartland revolt. In his testimony before a U.S. congressional committee examining rural development, Wallace warned that farm-dependent rural areas were falling under a "community psychosis."

"Many debt-ridden farm families will become more suspicious of government, as their self-worth, their sense of belonging, their hope for the future deteriorates. . . These families are torn by divorce, domestic violence, alcoholism. There is a loss of relationships of these communities to the state and federal government.

"We have communities that are made up now of collectively depressed individuals, and the symptoms of that community depression are similar to what you would find in someone that has a long term chronic depression."

Wallace went on to tell the committee that if the rural economic system remained fragile, which it has, the community depression could turn into a decade's long social and cultural psychosis, which he described as "stress syndrome."

In 1989, Wallace could only guess how this community psychosis would eventually express itself. He believes this transition is now a reality.

"We knew the anti-government backlash was just around the corner, but we didn't know exactly what form it would take. You can't treat human beings in a society the way farmers have been treated without them organizing and fighting back. It was just a matter of time."

#### THE RURAL SICKNESS

"I don't even know if I should say this," says Wallace regarding the explosion that destroyed the Alfred P. Murrah building killing 168 people, "but the minute that bomb went off, I suspected it was because of the farm crisis. These people (farmers) have suffered so much." Wallace, who has spend much of his professional life counseling depressed farmers, could only hope he was wrong.

The United States has lost more than 700,000 small- to medium-size family farms since 1980. For the 2 percent of America that makes its living from the land, this loss is a crisis that surpasses even the Great Depression. For the other 98 percent—those who gauge the health of the farm industry by the amount of food on our supermarket shelves—the farm crisis is a vaguely remembered headline from the last decade.

But not for long. The farms are gone, yet the farmers remain. They've been transformed into a harvest of rage, fueled by the grief of their loss and blown by the winds of conspiracy and hate-filled rhetoric.

By the tens of thousands they are being recruited by the anti-government militia movement. Some are being enlisted by the Freeman and Christian Identity groups that comprise the most violent components of this revolution of the heartland.

Detractors of these violent groups such as Morris Dees of the Southern Poverty Law Center blame them for everything from the Oklahoma City bombing to the formation of militia organizations to influencing Pat Buchanan's rhetoric. They may be right.

But the real question remains unanswered. Why has a religious and political ideology that has existed in sparse numbers since the 1940s, suddenly—within the last 15 years—become the driving force in the rapidly growing anti-government movement which Dees estimates has five million participants ranging from tax protesters to armed militia members?

The main cause for the growth of these violent anti-government groups is economic, and the best example of this is the farm crisis. What was for two decades a war of economic policy has become a war of guns and bombs and arson.

At the center of this storm is the "justice" movement, a radical vigilante court system, a spin-off of central Wisconsin's Posse Comitatus system of the 1980s, which will likely affect all our lives on some level in the future. It may have touched us already in the form of the Oklahoma City bombing.

Freemen/Identity common-law courts are being convened in back rooms all across America, and sentences are being delivered. Trials are being held on subjects ranging from the Bureau of Alcohol, Tobacco and Firearms' handling of Waco to a person's sexual preference or race. And the sentences are all the same—death.

We may never prove the Oklahoma City bombing was the result of a secret common-law court, but we can show it was the result of some kind of sickness, a "madness" in the rural parts of our nation. Unless we move quickly to address the economic problems which spawned this "madness" we are likely entering the most violent time on American soil since the Civil War.

Men and women who were once the backbone of our culture have declared war on the government they blame for their pain and suffering—and not without some cause.

#### THE ECONOMICS OF HATE

The 1989 rural study showed that farmers took their own lives five times more often than they were killed by equipment accidents which, until the study, were considered to be the leading cause of death.

"These figures are probably very conservative," says Pat Lewis who directed the research. "We've been provided with information from counselors and mental health workers that suggests that many of the accidental deaths are in reality, suicides."

\* \* \* \* \*

In Oklahoma, the government is foreclosing on Josh Powers, a farmer who took out a \$98,000 loan at 8 percent in 1969. That same loan today has an interest rate of 15 percent—almost twice as high as when the note was first issued. The angry farmer claims that he's paid back more than \$150,000 against the loan, yet he still owes \$53,000 on the note. Says Powers, "They'll spend millions to get me, a little guy, off the land—while Neil Bush just walks away from the savings and loan scandal."

The 1987 Farm Bill allowed for loans such as this to be "written down," allowing farm-

ers to bring their debt load back in line with the diminished value of their farm. The purpose of the bill was to keep financially strapped farmers on the land. But in a rarely equaled display of government bungling, this debt forgiveness process was left to the whims of county bureaucrats with little or no banking experience.

As Wallace points out, "Imagine the frustration when a small farmer sees the buddy or family member of one of these county agents getting a \$5 million write-down at the same time the agent is foreclosing on them (the small farmer) for a measly \$20,000. It happens all the time. When these little farmers complain, they're given this telephone number in Washington. It's become a big joke in farm country. I've even tried to call it for years. You get this recording and nobody ever calls you back.

"These farmers are literally at the mercy of these county bureaucrats and some of them are just horrible people. . . We've had to intervene several times to keep farmers from killing them."

Most Americans are unaware that the farm crisis isn't over. According to counselor Brock, things are as bad now for the family farmer as they were in the 80s. She notes that recent USDA figures that show the economic health of farms improving are, in fact, skewed by the inclusion of large farming cooperatives and corporate farms. Brock also says that "state hotlines are busier than ever as the small family farmer is being pushed off the land."

According to Wallace thousands of people have died as a result of the farm crisis, but not just from suicides. The psychologist says the number of men and women who have died of heart attacks and other illnesses—directly as a result of stress brought on by foreclosure—dwarfs the suicide numbers.

These deaths are often viewed as murder in farm country.

This spring, I went to western Oklahoma and met with a group of farmers who have become involved in the Freeman/Identity movement. This meeting demonstrated not only their belief that the government is to blame for their loss, but also the politics that evolve from that belief.

"They murdered her," says Sam Conners (not his real name) referring to the government. The room goes silent as the gray haired 60-year-old stares out the window of his soon-to-be-foreclosed farmhouse. In his left hand he holds a photograph of his wife who died of a heart attack in 1990. "She fought 'em as long as she could," he continues, "but she finally gave out. Even when she was lying there in a coma and I was visiting her every day—bringing my nine-year-old boy to see his momma everyday—they wouldn't cut me no slack. All they cared about was getting me off my land so they could take it. But I tell you now, I'm never gonna' give up. They'll have to carry me off feet first and they probably will."

The other men in the room all quietly as they listen to Conners' story, their eyes alternating between their dirty work boots and the angry farmer. The conversation comes to a sudden halt with a "click" from a nearby tape recorder. Conners looks clumsy as he tries to change the small tape in the micro-cassette recorder. His thick earth-stained fingers seem poorly designed for the delicate task. "I apologize for recording you," he says to this reporter. "We just have to be careful."

With their low-tech safeguard back in place, one of the other men begins to speak. Tim, a California farmer who looks to be in his early 30s, describes his plight: another farm, another foreclosure, more anti-government sentiment. Only this time, the story is filled with the unmistakable religious overtones of the Christian Identity movement;

one world government, Satan's Jewish bankers, the federal reserve, a fabricated Holocaust, a coming holy war. "This kind of injustice is going on all over the country," says Tim. "It's what happened to the folks in Montana (referring to the Freeman) and it's what happened to me. That's why LeRoy (Schweltzer), the leader of the Justus Township Freeman) was arrested. He was teaching people how to keep their farms and ranches. He was showing them that the government isn't constitutional. They foreclose on us so they can control the food supply. What they want to do is control the Christians."

#### THE MIND OF THE FARMER

Losing a farm doesn't happen overnight. It can often take four to six years from the time a farm family first gets into financial trouble. By the end, says Wallace, these families are victims of chronic long term stress. "Once a person is to that point," he explains, "there are only a few things that can happen."

"There are basically four escape hatches for chronic long term stress. One, a person seeks help—usually through a church or the medical community. Two, they can't take the pain and they commit suicide. They hurt themselves. Three, they become psychotic. They lose touch with reality. They basically go crazy. And last, they become psychotic and turn their anger outward. They decide that since they hurt, they're going to make others hurt. These are the people that wind up threatening or even killing their lenders or FMHA agents. They're also the ones that are most susceptible to a violent anti-government message."

Unfortunately, psychotic personalities looking for support can find it in the wrong places. "Any group," says Wallace, "can fill the need for support. Not just good ones. Identity, militias or any anti-governmental group can come along and fill that role. Add their influence to a personality that is already violent towards others and you have an extremely dangerous individual."

No one knows how many members of the 700,000 farm families who have already lost their land or the additional hundreds of thousands that are still holding on to their farms under extreme duress have fallen prey to this violent psychosis, but those who have watched this situation develop agree the number is growing.

Wallace says that most people don't understand the mindset of farmers. "They ask, why don't farmers just get a new job or why does losing a farm cause someone to kill themselves or someone else?" Another rural psychologist, Val Farmer, has written often on this subject. In an article in the *Iowa Farmer Today*, he explained why farm loss affects its victims so powerfully.

"To lose a farm is to lose part of one's own identity. There is probably no other occupation that has affects its victims so powerfully."

"To lose a farm is to lose part of one's own identity. There is probably no other occupation that has the potential for defining one's self so completely. Those who have gone through the loss of a family farm compare their grief to a death in the family, one of the hardest experiences in life."

"Like some deaths, the loss may have been preventable. If a farmer blames himself, the reaction is guilt. Guilt can stem from a violation of family trust. By failing to keep the farm in the family, he loses that for which others had sacrificed greatly. The loss of the farm also affects the loss of the opportunity to pass on the farm to a child. Guilt can also arise from failing to anticipate the conditions that eventually placed the farm at risk; government policy, trade policies, world economy, prices, weather."

"On the other hand, if the loss is perceived to have been caused by the actions and negligence of others, then the farmer is racked with feelings of anger, bitterness and betrayal. This feeling extends to lenders, government, the urban public or the specific actions of a particular individual or institution."

"The stress intensifies with each new setback: failure to cash flow, inability to meet obligations, loan refusal, foreclosure notices, court appearances and farm auctions." Farmer concludes that "these people start grasping at straws—anything to slave off the inevitable."

#### PREYING ON THE SICK

Wallace agrees with Farmer and believes the anti-government message is one such straw. "When you reach the point where you're willing to kill yourself, anything sounds good. When these groups come along and tell a farmer that it's not his fault, it's the government's fault or the bank's fault, they're more than ready to listen. These groups are preying on sick individuals."

It's no wonder that groups like the Freeman, We the People and Christian Identity have found such enthusiastic support. They preach a message of hope for desperate men and women.

The Freeman offer their converts a chance to save the farm through a quagmire of constitutional loopholes and their complicated interpretations of the Uniform Commercial Code. Their legal voodoo may seem nuts to a suburban dweller, but to a desperate farmer they offer a last hope to hang on to the land their grandfather homesteaded, a trust they intended to pass on to their children.

And just how crazy their rhetoric is remains to be seen. Not all in the legal community scoff at the Freeman's claim, famed attorney Getty Spence—who represented Randy Weaver, a survivor of Ruby Ridge—has stated that at least some of their interpretations of constitutional law are accurate. It will be years before the court system manages to sort out the truth from the myth, and only then provided it desires to scrutinize itself—something it historically has shown little stomach for.

Organizers of We the People told farmers they could receive windfalls of \$20 million or more from the federal government. They explained to their audiences—which sometimes reached more than 500—that they had won a Supreme Court judgment against the feds for allowing the country to go off the gold standard. They claimed that for a \$300 filing fee the desperate farmers could share in the riches.

The media has repeatedly described the exploits of Freeman/We the People members: millions in hot checks, false liens, refusal to leave land that has been foreclosed by the bank and sold at auction and plans to kidnap and possibly kill judges.

Members of the press, including the alternative press, have commented on the fact that what all these people seem to have in common is that they are unwilling to pay their bills.

The *Daily Oklahoman* quoted an official describing these anti-government groups as saying: "We are talking about people who are trying to legitimize being deadbeats and thugs by denying their responsibilities."

But that analysis is at best partially true and at worst dead wrong.

What most of these radical anti-government people have in common—and what most government officials refuse to acknowledge—is that they were, first and foremost, *unable* to pay their bills. It was only after being unable to pay that they took up the notion of being unwilling to pay.

These farmers are the canaries in the coal mine of America's economy. They are in ef-

fect monitoring the fallout from the ever widening "gap" between the classes. The canaries are dying and that bodes poorly for the rest of us in the mine.

Both Farmer and Wallace agree that, as a rule, farmers have an extremely strong and perhaps unhealthy sense of morality when it comes to paying their bills. They suffer from deep humiliation and shame when they can't fulfill their financial obligations.

Wallace says, "It's only natural that they would embrace an ideology that comes along and says they are not only not bad for failing to pay their debts but rather are morally and politically correct to not pay their debts. It's a message that provides instant relief from the guilt that's making them sick."

In much the same way, only more dangerous, Christian Identity offers a way out for stressed farm families. Identity teaches that Whites and native Americans are God's chosen people and that Jews are the seed of Satan. Identity believers see a conspiracy of "Satan's army of Jews" taking control of banks, governments, media and most major corporations and destroying the family farm in order to control the food supply. They believe that we are at the beginning of a holy war where identity followers must battle these international forces of evil and establish a new and "just" government based on the principles of the Bible's Old Testament as they interpret it. They become a soldier in a holy war under orders to not give up their land or money to the Jewish enemy.

#### AND JUSTICE FOR SOME

The renegade legal system known as the "Justice" movement is now estimated to be in more than 40 states. It seems to have as many variations as the fractional anti-government movement that created it. Some mainstream Patriots hold common-law courts at venues where the press and those accused of crimes are invited to attend. Sentences from these publicly held trials usually result in lawsuits, arrest warrants, judgments and liens being filed against public officials.

In Colorado, Attorney Gail Norton has been just one of the targets of these courts. She's had millions of dollars worth of bogus liens filed against her. Across the nation, thousands of public officials including governors, judges, county commissioners and legislatures have been the targets of this new "paper terrorism." In most cases they are found guilty of *convorting* with the enemy: the federal government.

Ironically, arresting those involved in this mainstream common law court revolution isn't easy. It's not because they can't be found; it's because they may not be doing anything illegal. Last month, Richard Wintory, the chief deputy of the Oklahoma attorney general's office, told the *Daily Oklahoman* that he could not say whether common-law court organizers had broken any laws.

The debate as to whether or not citizens have a constitutional right to convene grand juries and hold public trials will eventually be resolved. It's only one of the fascinating legal issues being raised by the heartland revolt. But there is a darker side to this vigilante court system, one that deals out death sentences in its quest to deliver justice and create a new and holy government.

In his book *Gathering Storm*, Dees describes Identity this way: "There is nothing 'goody, goody' to 'tender' bout Identity. It is a religion, a form of Christianity, that few churchgoers would recognize as that of Jesus, son of a loving God. It is a religion on steroids. It is a religion whose god commands the death of race traitors, homosexuals, and other so-called children of Satan."

It is for this reason that the common law courts convened by those groups influenced by the Identity belief system are by far the most dangerous. Death sentences can be doled out for almost any conceivable transgression.

In the remote western Oklahoma farmhouse, Freeman/Identity farmers discussed the Justice movement. One man who had recently lost his farm to foreclosure explained their court system. "What you're seeing right now is just the beginning of taking back our country, the true Israel. The Bible says that we're to be a just people. Where is justice in this country? Our judges turn loose rapists and murderers and put farmers in jail. We're about justice. Why would anyone be afraid of that?"

"We're holding courts right now in every part of this land. We're finding people guilty and we're keeping records so we can carry out the sentences. It's the citizen's duty and right to hold common law courts. It's the militia's job to carry out the sentences."

The farmer goes on to explain that Identity doesn't believe in prisons. He says that nearly all serious offenses are dealt with by capital punishment and that this punishment system is based on the Bible, the first 10 amendments to the Constitution and the Magna Carta. When asked how these death sentences would be carried out, he says, "There's a part of the militia that's getting ready to start working on that (death sentences). I think they're ready to go now. You'll start seeing it soon."

Perhaps we already have. Was the Oklahoma City bombing only the largest and most recent example? When asked, the men in the room state emphatically that they have no first hand knowledge of the bombing—even though some of them were questioned by the FBI within days of the deadly explosion. They say the don't condone it because so many innocent people died. But they agree that it may well have been the result of a secret court sentence. The court could have found the AFT guilty for any number of actions—including Waco and Ruby Ridge—and the militia foot soldiers, in this case McVeigh and Nichols, may have simply followed orders to carry out the sentence.

Whatever the case in Oklahoma City, it seems likely that this new and radical system of vigilante justice can't help but produce similar catastrophes.

The process that gave us that bomb was likely the result of the same stress-induced illness that is tearing our country apart one pipe bomb or burned-down church at a time. Comprehending and healing that illness is our only hope for creating a future free of more bombs, more death and destruction.

IN MEMORY OF MARJORIE MORRIS

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN, Mr. SHERMAN, and I rise today to honor the memory of our dear friend, Marjorie Morris, who passed away earlier this month. Marjorie was a warm, compassionate and caring woman who spent most of her life helping children and families. She was a wonderful

mother to her three children, Blond, Clifford, and Paul, and the loving wife of our close friend, Hugo. Marjorie and Hugo were married for 48 years.

Born in Kansas, Marjorie moved with her family to California when she was a young girl. She met her future husband at UCLA, where both were elected officers of the campus United Nations Association. They were married on September 1, 1949.

Marjorie touched the lives of literally thousands of children. She was a kindergarten teacher in San Fernando, and then a teacher at the Lokrantz School for children with special needs. From 1981 to 1983, she was president of the 4,000-member Southern California Association for the Education of Young Children.

From 1965 to her death Marjorie was a member of the board of directors of the Foundation for Early Childhood Education, an agency that operates 31 Head Start and other sites for 1,500 children.

Marjorie also loved music; she sang in Roger Wagner's choral group at UCLA and conducted a weekly children's folk music program on Radio Station KPFK. Marjorie's family had the good fortune to hear her sing at holiday gatherings. She was blessed with a truly beautiful voice.

We ask our colleagues to join us in honoring the memory of Marjorie Morris, a woman who brought joy and love into the lives of many. She will be missed.

MAST MOUNTED SIGHT (MMS) AND  
THERMAL IMAGING SENSOR SYSTEM (TISS)

**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. DREIER. Mr. Speaker, I rise today to commend the over 200 McDonnell Douglas employees in Monrovia, CA, who are engaged in producing night vision/targeting systems for use by the U.S. Army and Navy. For nearly 10 years, the Army's Mast Mounted Sight [MMS] has been assembled at this facility.

During Desert Shield/Desert Storm, many Americans saw pictures and video images of Army OH-58D Kiowa Warrior helicopters with a large dome over the rotor blades. This dome, or MMS, was developed to increase survivability through its capacity to identify and target potential threats in both day and night, and during adverse weather. Through its multi-sensor electro-optical sighting system, our pilots were able to see through fog, and storms and thick smoke from burning oil fields, thus allowing our soldiers to own the night.

The U.S. Navy also made wide use of the MMS to protect our warships passing through narrow shipping lanes. More than 200 Mast Mounted Sights were deployed during the Gulf War to spot and destroy floating mines, detect and track antiship missiles, and to destroy enemy missile sites. Even under adverse conditions of war in a desert environment, the MMS maintained a 96 percent mission capability rate.

Using lessons learned from producing the MMS, the team at Monrovia is transitioning their facility to the next generation system known as Thermal Imaging Sensor System [TISS]. TISS is primarily designed for ship-

board application and uses a combination of infrared sensor, TV camera and eyesafe laser range finder to detect, recognize and track mines, ships, small boats, low flying aircraft, cruise missiles and swimmers. TISS is fully operational at night and during bad weather, and is effective in close-in operations where radar may be ineffective. It is also useful for navigating and for search and seizure operations.

TISS can easily be adapted to helicopters, fixed wing aircraft and security installations. TISS is now in production and delivery of initial units to the fleet is scheduled for September 1997. The U.S. Navy plans to procure between 120 to 150 systems over the next 6 years.

Over the past few years, my staff and I have visited the outstanding production facility in Monrovia and found both the workers and production line to be of the highest quality. Each and every McDonnell Douglas employee at Monrovia, along with their supplier team, should be extremely proud of their efforts in providing our military forces the finest and most reliable equipment available for carrying out their difficult mission of defending the resources and interests of the United States of America.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

**HON. JAY KIM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 22, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2160:

Mr. KIM. Mr. Chairman, I rise in support of the Cox-Hall compromise amendment. I applaud my two colleagues for working together on this issue to come up with this solution which continues the United States tradition of humanitarian assistance, while preventing direct shipments of food to the rogue regime in North Korea.

Yes, North Korea is ruled by one of the last remaining hardcore Communist dictatorships, and yes, some of the food aid currently flowing into North Korea may be diverted to the military. Nonetheless, I believe that we need to help feed the starving people of North Korea.

The United States has a long tradition of helping feed the world's hungry citizens. The United States has always helped out humanitarian causes. We have always fed people in need: Bangladesh, Cambodia, Congo, Somalia and Haiti, to name a few. Some have had regimes just as awful as North Korea's.

I would like to quickly point out one such country: Ethiopia.

In the 1980's, Ethiopia was suffering through a great famine. Much like North Korea, a natural disaster—combined with the bankrupt policies of the Stalinist Mengistu regime—resulted in millions of starving people.

Yet, we did not deny those people food because of their war-mongering government. We did not let children starve because Mengistu

bought tanks instead of food. Instead, we used nongovernment food relief agencies to make sure that the food reached the people who needed it most. This is exactly what this amendment would assure: that our food aid goes through responsible, international organizations, not directly to the Communist government of North Korea.

Currently, our food aid to North Korea is sent through the World Food Programme and other international food-relief organizations. The World Food Programme has monitors on the ground in North Korea who closely follow the food deliveries to make sure that the food gets to the starving people.

USAID has come up to Capitol Hill—and has testified before the International Relations Committee—that the majority of the food does get to the innocent civilians who need it most.

While some food may be diverted, cutting off all food and aid will really only hurt the starving people of North Korea. It will not hurt the ruling communists or the North Korea Army.

Finally, I fear that cutting off this aid would endanger the fragile stability on the Korean Peninsula. While we all want to put pressure on the North Korean regime, I do not want to create a situation where North Korea is blocked so much into a corner and its only response would be to come out fighting. Not with 37,000 United States troops on the Korean peninsula. With the United States troops stationed along the DMZ, are we going to get dragged into another Korean War?

Believe me, in no way do I want to "prop up" the North Korean regime. My family and I were victimized by the Communists in the 1950s. But it is not our food aid that is propping up Kim Jong-Il. Our aid is not enough to really subsidize his regime. It is only enough to help feed the truly starving men, women and children in North Korea: those poor people the Communists have ignored.

Mr. Chairman, I applaud the compromise and call on all my colleagues to support the Cox amendment.

#### RACE RELATIONS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 23, 1997 into the CONGRESSIONAL RECORD.

#### A NATIONAL DIALOG ON RACE RELATIONS

A Member of Congress from southern Indiana does not very often have to deal with the problem of race. Looking back over several years it is difficult for me to remember many public discussions of the race issue in my public meetings. And that is probably because in southern Indiana blacks and Hispanics are a small percentage of the population.

Race, nonetheless, is a dominant strain in our national politics, much as it has been since the settlement of America in the 17th Century. This country has long struggled with the meaning of race and the implications of people of different racial backgrounds living and working together. We fought a Civil War over the issue. When I first came to Congress in the middle of the civil rights era in the 1960s, national debate focused on race relations between whites and blacks. Race relations today are more complex, particularly with the large influx of

immigrants from Asia and Central America in the last 20 years. Half a century from now, there will be no majority race in America.

The great challenge of public policy is to lessen historic divisions among the races, to build a country where people of diverse backgrounds can coexist peacefully. Sometimes we confront the issue of race, sometimes we don't. Often it takes a crisis to make us really examine the issue. And even when we do confront it, we have difficulty achieving a national consensus on what exactly to do.

#### PUBLIC VIEWS ON RACE

Polls suggest that while Americans view race as a serious problem, only one in 10 believes the country faces a racial crisis. Most people, at least most white people, tend to think that there is no race problem or if there is, it is more a problem of individual moral failure than it is of race or racism. Whites also think that the biggest race problem facing the country is the continuation of racial preference policies.

Blacks are far more pessimistic about the racial climate than whites. Three in four white Americans said blacks in their community are treated the same as whites. Only 49% of the blacks agreed. Whites really see very little problem when it comes to opportunities for blacks in jobs, education, and housing. Many blacks see racial discrimination as a fact of life. Most blacks think the government should play a role in addressing the effects of past and present discrimination. Only a minority of whites think that government should make special efforts.

I find in southern Indiana a distinct lack of urgency about racial issues. Many other things are more important to people, such as balancing the budget, creating good jobs, fighting crime, reducing health care costs, and improving educational opportunities. Hoosiers believe race relations have significantly improved since the 1960s. Nonetheless, when matters of race do arise, they can be sharply polarizing.

#### A NATIONAL DIALOG ON RACE

The challenge is to approach any discussion of racial problems in a manner likely to produce consensus in the country. There has been a trend in recent years toward separation of the races. Blacks and whites may often share a common workplace, but social interaction between the races, whether at school or after work, is limited. The mantra of the civil rights movement used to be integration of the races. Today, there is serious discussion among black and white leaders about the merits of separation and self-help.

President Clinton recently initiated what he hopes to be a national what he hopes to be a national dialog on race by appointing a commission to study ways to improve race relations. He has said he will host public meetings throughout the country to discuss issues of race. Such a dialog may be painful, but also may ultimately be helpful and healing. How the dialogue is carried out makes all the difference. Honesty is critical. It is also important to frame the issues not in terms of conflict, but rather areas of common interest, such as good schools and safe neighborhoods.

My own experience is that the best way to improve relations among races is to have people work together at something they believe both to be worthwhile and important. If you get two adult women, for example, of different races together to talk about the future of their children, you can see the making of harmony and consensus. People who may not believe they have very much in common learn that they really do. A dialogue that simply leaves people feeling that we remain far apart doesn't get us very far.

#### ROLE OF GOVERNMENT

Some will argue that any national effort to improve race relations must include a strong commitment of federal resources to break

the cycle of poverty, improve schools, and provide jobs. But in today's budget and political climate, that's just not possible. Public policy is focused on cutting the budget and cutting taxes, not on financing massive new government programs. There is no possibility that Congress would approve a massive new social program.

Government can nonetheless play an important role. Expanding opportunities, particularly educational opportunities, must be a top priority. The more Americans who have a full opportunity to participate in a growing community, the stronger the community becomes. Obeying and enforcing the law are also fundamental to improving racial relations. We have a long list of civil rights laws on the books today, but also a backlog of discrimination claims. It is also important to recruit and encourage people of all races for political, civic, and business leadership so we can develop common solutions to our problems.

#### CONCLUSION

We still have a long way to go before we feel really comfortable working with each other, living with each other, and helping each other solve problems. We have torn down many of the legal barriers in the country. We have not been as successful breaking down the barriers in our hearts and minds.

I do find that Hoosiers, like most Americans, really would like to talk about the racial problems in their communities, in the state, and in the nation. A national dialogue on race which helps reduce the gaps in knowledge and perception will have merit. The right kind of dialogue can help us move forward in dealing with the challenges of race. The wrong kind of dialogue can hold us back.

#### ON THE INTRODUCTION OF THE TEACHING EXCELLENCE FOR ALL CHILDREN (TEACH) ACT OF 1997

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 23, 1997*

Mr. MILLER of California. Mr. Speaker, I rise today to offer The Teaching Excellence for All Children (TEACH) Act of 1997.

This legislation addresses a long-standing concern that many of our Nation's school children are being taught by teachers who are not qualified to teach in their subject areas. This is a disservice to students, to parents, to the teachers themselves, and to taxpayers.

The problem, documented in several studies, will only get worse as the student population continues to rise along with the demand for ever more new teachers.

Parents have a right to know whether their children are being instructed by qualified teachers. And taxpayers have a right to expect Congress to do all it can to ensure that federal education dollars are being spent in a responsible manner. I believe this legislation addresses both of those important demands.

Under this legislation, states receiving Federal education funds would set clear standards for teacher quality. The bill will also ensure accountability for federally supported teacher education, provide financial rewards to teachers who choose to teach in high-need schools

and who pursue advanced teaching credentials, and establish local community partnerships to help to schools to recruit and retain qualified teachers.

TWO MILLION TEACHERS NEEDED OVER NEXT NINE YEARS

The number of elementary and secondary school students is expected to increase each successive year between now and the year 2006, from the current level of 51.7 million to an all time high of 54.6 million.

The need for qualified teachers will increase accordingly. Between now and 2006, enrollment and teacher retirement together will create demand for an additional 2 million teachers.

The shortage right now of qualified teachers to fill this demand is a significant barrier to students receiving an appropriate education.

TOO MANY TEACHERS ARE NOT FULLY QUALIFIED TO TEACH IN THEIR SUBJECT AREAS

Last September, the National Commission on Teaching and America's Future found that one-quarter of classroom teachers were already not fully qualified to teach in their subject areas. An even newer report—forthcoming from the Department of Education—indicates that 36% of teachers have neither a major nor minor in their main teaching field. Both reports show that the problem is even more serious in academic subjects such as math and science and in schools with high numbers of low-income and minority children.

Research evidence suggests that teacher quality is probably the single most important factor influencing student achievement. Now is the time to redouble efforts to ensure that all teachers in our Nation's public schools are properly prepared and qualified and that they also receive the ongoing support and professional development they need to be effective educators.

A FAIR DEAL FOR TEACHERS

Teachers are among the hardest working people in our country and they certainly have one of the most important jobs in our country. The vast majority of teachers deserve our wholehearted admiration, respect, and gratitude.

Unfortunately, our public polices have not always reflected this attitude. As the Association for Supervision and Curriculum Development recently pointed out, "teacher education, which encompasses preservice preparation as well as ongoing professional development, has suffered a chronic lack of funding resources, and status in the United States, particularly as compared to education in other professional fields."

In addition, the Teaching for America's Future report pointed out that: "Not only do U.S. teachers teach more hours per day but they also take more work home to complete at night, on the weekends and holidays." At the same time, the report goes on to say that "Other industrialized countries fund their schools equally and make sure there are qualified teachers for all of them by underwriting teacher preparation and salaries. However, teachers in the United States must go into substantial debt to become prepared for a field that in most states pays less than any other occupation requiring a college degree."

I think the public is willing to address these issues. Education tops the list of concerns in most public opinion polls. But at the same time, parents and taxpayers want greater accountability to ensure that any additional re-

sources directed at improving teacher quality have a maximal impact on student achievement.

By coupling support for teachers with enhanced accountability, this bill is a win-win for all those involved—educators, parents, taxpayers and, above all, our Nation's schoolchildren.

125TH ANNIVERSARY CELEBRATION OF PEARL RIVER, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. GILMAN. Mr. Speaker, I rise today in recognition of the 125th anniversary of Pearl River, NY, this year. This is indeed a great moment for the people of this Rockland County, NY community, and I invite my colleagues to join with me in extending our congratulations to the Pearl River community on this momentous occasion.

It was on the 11th day of January, 1872, that a post office was founded in Pearl River, signaling the emergence of a community in that area. Since then it has steadily grown to become the second largest hamlet in the State of New York. Pearl River might well have remained a small, sleepy back-woods locality, had it not been for the coming of the railroad, which literally opened Pearl River to the outside world, allowing the place, and with it the people, to grow and diversify. However, although many things have changed in Pearl River over the last 125 years, one thing still remains the same: Pearl River's pride in its merchants and community. In 1997, a person can walk down the streets of Pearl River and still feel the sense of self-respect and security that was felt all those years ago. Indeed, Mr. Speaker, every year I look forward to the parade held in Pearl River on St. Patrick's day, which according to "The Almanac of American Politics" is the third largest St. Patrick's day parade in the world.

A committee has been set up to oversee Pearl River's anniversary celebrations, in what promises to be an action-packed, fun-filled week of excitement and jubilation. Festivities will begin on Sunday, July 27, 1997, with events for all age groups and interests. The calendar of events is filled with such diverse activities as a bicycle race, musical performances, slide shows, and the cutting of the 125th birthday cake. Celebrations will end with a parade, to be held on Sunday, August 3.

Mr. Speaker, in joining the celebration on this auspicious occasion, I once again invite our colleagues to join with me in extending our greetings and congratulations, and wishing the people of Pearl River continued progress, growth and happiness for the next 125 years.

STAMP OUT BREAST CANCER ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 1997

Mr. UNDERWOOD. Mr. Speaker, I rise today to express my strong support for H.R.

1585, the Stamp Out Breast Cancer Act. The bill would authorize the Postal Service to establish a special postage stamp, priced one cent above the price of ordinary first class postage, the revenues from which would go toward the research of breast cancer. Seventy percent of the profits would go to the breast cancer research at the National Institutes of Health, and the remaining 30 percent would go to the Defense Department where breast cancer research is also conducted.

The importance of breast cancer research cannot be over-emphasized. More than 1.8 million women in America have been diagnosed with cancer. Each year, nearly 50,000 die. Although medical research and greater public awareness have gone a long way toward improving these statistics, through early detection and more effective treatment, the challenge still remains. As you may know, I have long been a strong supporter of legislation that helped promote breast cancer research and treatment. In the 104th Congress I cosponsored a bill that provided Medicare coverage for annual screening of cancer for women over the age of 65. I also supported H.R. 418, the Breast Cancer Early Detection Act, which required Medicare to cover annual mammograms for women over the age of 65.

Now, in the 105th Congress, I rise in support of the Stamp Out Breast Cancer Act, an innovative and effective weapon in the battle against breast cancer. The act deserves special praise in two particular aspects. First, the act insures that Federal support for breast cancer research is not decreased, offsetting the increased funds raised through the special postage rate. Second, the act helps increase public awareness and involvement in this worthy cause by allowing them to make voluntary contributions to breast cancer research through their purchase of the stamp. Once again, I state my unwavering support of the Stamp Out Breast Cancer Act and urge my fellow Members of Congress to do likewise.

DENYING LEGAL IMMIGRANTS VALUABLE PRENATAL CARE SERVICES ISN'T EVEN PENNY WISE—IT'S JUST POUND FOOLISH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1997

Mr. STARK. Mr. Speaker, today I rise to defend the rights of legal immigrants in our country. In particular, I would like to address the potential health care crisis that is threatening the well-being of our legal immigrants and our health care system.

In the quest to shrink the Federal budget deficit, many government programs have been threatened. Many of my Republican colleagues would lead you to believe that eliminating funding for legal immigrant health care is a fiscally and morally responsible way of attacking the deficit. In the new welfare law, my colleagues have done just that, by leaving many health care funding decisions to state governors. As a result, health insurance programs that currently benefit legal immigrants, such as California's Medi-Cal Program, stand to lose funding when money-strapped states refuse to appropriate sufficient funds. Legal immigrant prenatal care is an example of an

essential government funded health care program that stands to suffer. Cutting spending by ignoring the health care of those folks is a perverse approach to reforming our Government.

While the benefits of regular prenatal care are widely known, I would like to refresh the memories of some of my colleagues. Regular prenatal care helps to prevent birth outcomes that can be both physically and financially disastrous and distressing. Reductions in infant mortality, long-term disability, and infant and maternal illnesses have been demonstrated in numerous studies documenting the importance of prenatal care. Healthier mothers and babies lead happier lives, resulting in smaller health care costs in the long run.

Legal immigrants deserve the same access to these essential prenatal care services as full citizens. We owe much of our country's development and success to legal immigrants. My ancestors and most of the ancestors of my colleagues and fellow citizens entered the country as immigrants. We need to acknowledge not only the contributions of past immigrants, but of current legal immigrants. Many legal immigrants today serve in our military and are hard-working taxpayers. They deserve basic health services in return for their contribution to society.

If legal immigrants are denied access to such effective prenatal care, both the government and these immigrants rely on Medi-Cal for their medical coverage, many of which receive prenatal care. If California gains more independent leverage in funding Medi-Cal, as is proposed in the welfare law, innocent mothers and babies stand to be denied preventive care. Instead, they will crowd our hospitals and emergency rooms for avoidable crisis care as well as routine matters. The costs that our state will have to absorb will well offset any savings incurred through the welfare law. This process will be repeated throughout the country, leaving millions of legal immigrants and their states, in dire financial, not to mention public health, straits.

I am baffled by why my Republican colleagues would want to encourage the demise of prenatal care programs for legal immigrants

just as programs such as Medi-Cal have proven to work so well. According to the California Policy Seminar, Medi-Cal expansions during the 1990's have increased the percentage of pregnant women who received adequate care once they began prenatal care from 72 percent in 1990 to 85 percent in 1995. Willfully halting the progress that has been made in prenatal care availability is irresponsible, immoral, and illogical. Instead of dismantling prenatal care programs for legal immigrants we should be focusing on improving the timeliness of care received by legal immigrant mothers. I appeal to my colleagues to consider these realities as we continue to debate budget expenditures.

The attached summary of a California Policy Seminar study on prenatal care documents the need to maintain coverage for legal immigrant prenatal care services. An investment in important preventive health programs secures a healthy future for our country and the legal immigrants who will continue to be integral to our progress as a nation.

[California Policy Seminar Brief Vol. 9 No. 2  
June 1997]

ACCESS TO MATERNITY CARE IN CALIFORNIA  
(By Paula Braveman, Kristen Marchi, Susan Egarter, Michelle Pearl, Lisa Nelson, Michelle McDermid)

#### IMPLICATIONS FOR FUTURE POLICY

This report presents findings from a study of 10,132 women who gave birth in California during 1994-95, based on previously unavailable data concerning characteristics of the women delivering in the state, their income and insurance status, their use of prenatal care, and barriers to care remaining after Medi-Cal eligibility expansions. These findings suggest several important considerations for policy making and for the design of health care services to improve birth outcomes in California.

- The majority of women who deliver in California are low-income—a finding that needs to be reflected in the design of perinatal health care delivery.

- The expanded prenatal coverage needs to be maintained, not reduced. The expansions of Medi-Cal income eligibility for pregnant women have been successful in ensuring that

virtually all (98%) pregnant women in California during 1994-95 had health insurance coverage at some time during their pregnancies. This represents considerable progress since 1990, when only 89% of pregnant women in California had prenatal insurance.<sup>2</sup> Because uninsured women are currently almost all income-eligible for Medi-Cal, there does not appear to be a need to expand income eligibility beyond 200% of the poverty level. However, legislative efforts to eliminate Medi-Cal eligibility for immigrants threaten to increase the number of low-income women without coverage for prenatal care. While this study did not obtain information on immigration status, it did find that 28% of women with Medi-Cal coverage during pregnancy had lived in the United States for five years or less. Thus, the number of women who could remain uninsured during pregnancy, either because they no longer qualify for Medi-Cal or because they fear deportation if they enroll, is potentially high.

- The success of Medi-Cal income eligibility expansions has been demonstrated by improvements both in the provision of coverage to low-income women at some time during their pregnancies, and in the proportion of women who receive an adequate number of visits once they begin care. The greatest remaining challenges are ensuring that low-income women receive timely coverage and timely prenatal care.

- Timing of prenatal care initiation was related to whether the pregnancy was planned or wanted. Continued support for programs such as the State-only Medi-Cal family planning program may help reduce unplanned or unwanted pregnancies as well as contribute to timely prenatal care for women who choose to become pregnant.

- The importance of pre-pregnancy care for improved birth outcomes has been described by others.<sup>6</sup> In current study nearly half (49%) of women with Medi-Cal coverage reported having no regular source of care before pregnancy, and these women were 40% more likely to have had untimely care than were women with a regular source of care, controlling for other risk factors. Improvement in the number of women with a pre-pregnancy source of health care could be expected by providing all women with continuous insurance coverage.

## 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 Thursday, July 24, 1997, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 25

9:30 a.m.

## Foreign Relations

To hold hearings on the nominations of Maura Harty, of Florida, to be Ambassador to the Republic of Paraguay, and James F. Mack, of Virginia, to be Ambassador to the Co-operative Republic of Guyana.

SD-419

10:00 a.m.

## Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## Veterans' Affairs

To hold hearings on pending legislation.

SR-418

## JULY 28

1:00 p.m.

## Special on Aging

To hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care.

SD-562

2:00 p.m.

## Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings on S. 474, to prohibit gambling on the Internet.

SD-226

## JULY 29

9:00 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine the effect of the Federal Agriculture Improvement

and Reform Act (P.L. 104-127) on price and income volatility, and the proper role of the Federal government to manage volatility and protect the integrity of agricultural markets.

SR-332

9:30 a.m.

## Energy and Natural Resources

To hold hearings on S. 967, to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and S. 1015, to provide for the exchange of lands within Admiralty Island National Monument.

SD-366

## Labor and Human Resources

To hold hearings to examine the status of educational opportunities for low-income children.

SD-430

10:00 a.m.

## Foreign Relations

To hold hearings on the nominations of Richard Dale Kauzlarich, of Virginia, to be Ambassador to the Republic of Bosnia and Herzegovina, James W. Pardew, Jr., of Virginia, for the rank of Ambassador during his tenure of service as U.S. Special Representative for Military Stabilization in the Balkans, Anne Marie Sigmund, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Keith C. Smith, of California, to be Ambassador to the Republic of Lithuania, and Daniel V. Speckhard, of Wisconsin, to be Ambassador to the Republic of Belarus.

SD-419

## Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## Judiciary

To hold hearings to examine the copyright infringement liability of on-line and Internet service providers.

SD-226

2:00 p.m.

## Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To resume hearings to examine issues with regard to the constitutional role of federal judges to decide cases and controversies, focusing on the problem and impact of judicial activism, whereby federal judges' decisions are based on policy preferences.

SD-226

2:30 p.m.

## Commerce, Science, and Transportation

To hold hearings on S. 268, to regulate flights over national parks.

SR-253

## JULY 30

9:30 a.m.

## Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

## Environment and Public Works

To hold hearings on S. 1059, to amend the National Wildlife Refuge System Administration Act of 1066 to improve the management of the National Wildlife Refuge System.

SD-406

## Indian Affairs

Business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involving Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds.

SD-106

10:00 a.m.

## Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

## Judiciary

To resume hearings to examine the terms and parameters of the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.

SD-G50

2:00 p.m.

## Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the management and operations of concession programs within the National Park System.

SD-366

## JULY 31

9:00 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.

SR-332

10:00 a.m.

## Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

2:00 p.m.

## Judiciary

## Immigration Subcommittee

To hold hearings to review annual refugee admissions.

SD-226