

up in their neighborhood anytime soon to provide price competition to the incumbent cable company.

The effect of lifting consumer price controls 13 months from now in the absence of robust competition would be to permit cable monopolies to charge what they want for everything but the broadcast-tier basic service without an effective marketplace check on their ability to raise rates excessively. This means that for the vast majority of cable consumers, the expanded tier of service that typically includes CNN, ESPN, TNT, DISCOVERY, MTV, and other popular cable programming services will be offered without any price limits in place.

Without a legislative change to extend consumer price protections for cable consumers past March 31, 1999, consumers will be hit with a cable rate El Nino. Congress must act in time to adjust the law to take note of the fact that cable competition has not developed sufficiently to warrant lifting consumer price controls. The recent cable competition report from the FCC in January underscores this fact. The new Chairman of the FCC, William Kennard, noted when releasing the report that policymakers "should no longer have high hopes that a vigorous and widespread competitive environment will magically emerge in the next several months."

Our legislation would simply repeal this sunset date from our communications statutes. Cable operators would then be deregulated through two underlying provisions that are already available under the law.

The first test for deregulating an incumbent cable operator in a franchise area that is contained in the Communications Act of 1934 would be met if emerging competitors served more than 15 percent of the households in a particular franchise area (see Section 623(l)(1)(B)). Second, if a local phone company offers a competing cable service directly to subscribers in a franchise area then the incumbent operator is immediately deregulated, without waiting for the phone company to garner 15 percent of the market (see Section 623(l)(1)(D)).

As I said during deliberations on the Act in 1995, when Mr. SHAYS and I offered a cable consumer protection amendment, and which I continue to believe today, sound public policy should compel us to repeal consumer price protections only when effective competition provides an affordable alternative choice for consumers, making regulatory protections unnecessary.

Until that time, the question boils down to this—do you want your monopolies regulated or unregulated?

In my view, such protections should not be lifted on an arbitrary deadline set on the basis of politics instead of economics. I urge my colleagues to support this effort on behalf of millions of cable consumers across the country.

INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. DEGETTE. Mr. Speaker, I rise today to oppose H.R. 424. I strongly support effective

crime control and crime prevention measures. I am also a steadfast proponent of smart gun control laws and tough sentences for gun-related violence. However, this misguided attempt imposes penalties for possessing a weapon that are far more severe than are the sentences for many violent crimes, like manslaughter. It is outrageous that the penalties imposed by this legislation for a first time offender for drug possession who has a gun at the time of the crime is ten years while a rapist receives only six years. We need to get tough on crime, but we also must be smart in our crime control strategies. Mandatory sentencing does not allow judicial flexibility to address each crime individually, imposing tough sentences when necessary and second chances when warranted.

The severity of sentences should reflect the seriousness of the crime committed. The sentencing policy included in this legislation which punishes criminals based not on their crime but on whether or not they possess a gun and the type of gun they possess simply does not make sense.

JAVITS-WAGNER-O'DAY BLIND WORKER OF THE YEAR

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PETERSON. Mr. Speaker, I rise today to recognize Joyce A. Gnoffo of Williamsport, Pennsylvania, who has been selected as Blind Worker of the Year as a participant in the Javits-Wagner-O'Day program.

Ms. Gnoffo was nominated for this honor by her co-workers at North Central Sight Services, Inc., which provides a variety of computer media to the U.S. Department of Defense and pressure sensitive labels to General Service Administration. Ms. Gnoffo was selected for this honor as a result of her on-the-job performance at North Central Sight Services, Inc.

I know I am joined by many in congratulating Ms. Gnoffo in this wonderful achievement, and I wish her the very best of luck as she competes nationally for the Peter J. Salmon Award.

Thank you, Mr. Speaker, for this opportunity to recognize and to congratulate Joyce A. Gnoffo.

JCAHO ACCREDITATION PROCESS A SHAM; MILLIONS OF LIVES AT RISK AT "ACCREDITED" HOSPITALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. STARK. Mr. Speaker, a recent investigation of New York City hospitals has uncovered startling evidence of substandard care at hospitals with high accreditation scores from Joint Commission on Accreditation of Health Care Organizations (JCAHO). In a scathing report, the Public Advocate for the City of New York presents strong evidence that hospitals circumvent JCAHO's annual announced sur-

vey visits—simply by hiring extra staff to make operations look smoother than they really are.

In too many cases, the report finds that JCAHO's high test scores mask a darker reality—that some accredited hospitals may be endangering the health of patients because they don't meet basic standards of care.

The New York City report demonstrates widespread quality of care problems in 15 accredited City hospitals. For example, it finds: Inadequate supervision that can mean patients are left in pain; substantial delays in treatment of emergency room patients; outdated and broken equipment; overcrowded, understaffed clinics; unsanitary conditions throughout the hospital; incomplete and poorly documented patient charts.

Clearly, when such conditions are present, JCAHO should respond with sanctions, not high praise. Yet only last year, JCAHO flunked fewer than 1% of hospitals. The organization says that it fails so few because it prefers to work with hospitals to "correct" any violations that are detected. But if its accreditation standards are low to begin with, then can consumers and plans really rely on JCAHO reports? This is a critical question for Medicare beneficiaries, since JCAHO-accredited hospitals are "deemed" to have met Medicare's "Conditions of Participation," a key proxy for quality of care.

The weaknesses of JCAHO's current system are made plain in the New York report. Simply put, there are no surprise inspections, and little apparent follow-up of pro-forma walk-throughs. "Simply investigative steps, such as unannounced visits, confidential employee interviews, and document audits" could make a vast difference in what JCAHO actually found.

To make matters worse, under the Joint Commission's arbitrary scoring system, hospitals with serious quality of care problems are often awarded high accreditation scores. In effect, JCAHO surveyors are encouraged to rank hospitals highly on each standard, even if the hospital is unable to meet that standard! This practice makes a mockery of the review process.

In fact, almost all (98 percent) of the institutions surveyed in the New York City study received scores of 80 or better on a 100 point scale, and none had a score below 70! Mr. Speaker, I am astounded that, of the 18,000 institutions surveyed each year, none are judged to fail outright. Nearly all of them met JCAHO standards.

These inflated grades are confusing and misleading. Although each facility is rated on individual standards, the highest score of 1 on a scale of 1 to 5 only indicates 91% compliance; a score of 2 indicates only 76% compliance.

The results of such a skewed system are that public health authorities are left to do the hard work of sanctioning and shutting down facilities that are appalling deficiencies.

In 1994, New York City's Union Hospital was reviewed by JCAHO and given a score of 92. Three years later, in March 1997, the hospital's score rose to a near-perfect 97. But later that year, the New York Department of Health concluded that hospital staff had failed to properly treat high-risk emergency room patients, including two rape survivors, and was using outdated and expired drugs. Nurses pointed to understaffing and a lack of experienced staff in the pediatric, post-partum, and

maternity departments and the emergency room. By October, public health authorities moved to partially shut the hospital, which has since been filed for bankruptcy.

In Brooklyn, New York, Interfaith Medical Center received a JCAHO score of 89 in 1995 that was raised to 94 a year later. Strange, because a 1997 Wall Street Journal article on Interfaith painted a picture of a badly deteriorated facility, with heating and plumbing systems in bad disrepair and non-functioning elevators. Hospital staff, the story found, had to stave off invasions of rats, mice, and flies. Even the hospital's president, Corbett Price, was quoted as saying, "This hospital is being held together by rubber bands and Band-Aids."

JCAHO's problems are not confined to New York. In Las Vegas, poor care at Columbia/HCA's JCAHO-accredited Sunrise Hospital generated numerous newspaper articles and television pieces in October 1996, ultimately causing JCAHO to place the facility on probation a year later.

Just recently, JCAHO placed Columbia's North Houston Medical Center on preliminary non-accreditation status—but only because an employee called a hotline number to report that problems had been overlooked—including a high level of incomplete patient records. After returning to North Houston in December, JCAHO downgraded the hospital's status.

In other cases, where serious problems have been brought to light by state inspection teams, JCAHO has proved reluctant to downgrade a hospital's accreditation status.

Given this spotty record, I am outraged by media reports that the Joint Commission is considering softening its already loophole-ridden review process. According to a leading trade publication, Modern Healthcare, JCAHO may move to allow hospitals that self-report a "sentinel event" within five days of its occurrence will be put on accreditation watch. The definition of "a sentinel event" is one that could lead to the death or serious injury of a patient.

The misguided scoring and lax oversight documented in the New York report suggests that another system of oversight is needed. I am cosponsoring two bills that would overhaul the current voluntary review process. The Accreditation Accountability Act of 1997 (H.R. 800) would require all Medicare-accrediting organizations to hold public meetings. One-third of governing board members would be members of the public.

Second, the Medicare and Medicaid Provider Review Act of 1997 (H.R. 2543) would levy user fees on hospitals and other health care providers to underwrite the costs of independent federal compliance and audits. I am happy to report that President Clinton included the heart of this bill in the budget package he recently sent to Congress.

For too long, we've given JCAHO and the Health care industry the benefit of the doubt. Self-policing simply isn't working. The New York City report is all the evidence we need to show that patients suffer—sometimes fatally—from substandard care provided by JCAHO-accredited hospitals. Let's put patients' needs first, back where they belong.

A SPECIAL TRIBUTE TO HARRY THOMPSON ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding individual from Ohio's Fifth Congressional District, Mr. Harry Thompson. On Saturday, February 28, 1998, Mr. Thompson will be retiring from the Ottawa County Board of Elections.

Mr. Speaker, Harry Thompson has dedicated much of his life to serving his country, his community, and his party. Mr. Thompson has served as a member of the Board of Elections for ten years, the past eight as the Chairman. During his tenure on the board of elections, Mr. Thompson was a strong public servant, an impartial judge of electoral issues, and a valued colleague to those with whom he worked.

Like his unwavering service to the Board of Elections, Mr. Thompson dedicated a great deal of time to the Ottawa County Republican Party. Mr. Thompson served as the county GOP Chairman for many years, retiring just this past year. Mr. Thompson diligently worked to encourage and support increased participation in our political process. His support of grassroots political exercises has certainly helped to strengthen the free form of government we enjoy.

Mr. Thompson has placed an enormous emphasis on service to government, to politics, and to the community. We have often heard that America works because of the unselfish contributions of its citizens. I know that Ottawa County is a better place because of the countless hours given by Harry Thompson. His public service and commitment to Ottawa County will be sorely missed.

Mr. Speaker, in addition to the flag being flown over the Capitol on Mr. Thompson's behalf, I would urge my colleagues to rise and join me in paying special tribute to Mr. Harry Thompson, a true American, a dedicated public servant, and a good friend. We wish him well in his retirement and in the years ahead.

A SPECIAL SALUTE TO JUDGE WILLIAM K. THOMAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. STOKES. Mr. Speaker, I am proud to salute an outstanding member of the judicial system, United States District Judge William K. Thomas. Judge Thomas recently retired after nearly 32 years on the federal bench. I take special pride in recognizing him at this time.

President Lyndon Johnson in 1966 appointed Judge Thomas to the U.S. District Court in Cleveland. In an article which appeared on January 30, 1988, the Plain Dealer newspaper paid tribute to Judge Thomas, highlighting his distinguished career. The article is entitled, "A Fair Piece of Work," and recognizes an individual who earned a reputation as a thorough, hard-working and dedi-

cated judge. His reputation for fairness earned him the respect of his colleagues and peers.

Mr. Speaker, during my career as a practicing attorney, I tried cases in Judge Thomas' court. In my opinion, he is one of the finest trial judges in the nation. He is also a gentleman whom I respect and greatly admire. For this reason, I want to share the Plain Dealer article with my colleagues and others around the nation. I extend my personal congratulations to Judge Thomas and wish him the very best in his retirement years.

A FAIR PIECE OF WORK

(By Mark Rollenhagen)

When William K. Thomas was sworn in as a federal judge, one of the speakers at his swearing-in ceremony invoked the words of a former law partner who had long ago said Thomas could never be a good lawyer.

"The trouble with Bill Thomas is he wants to be fair to both sides," the partner had said.

Thomas, who retires today after nearly 32 years on the federal court bench in Cleveland, flashed a contented smile earlier this week when he recalled those words.

At 86 years old, he leaves what he sometimes refers to as "the judging business" with a reputation as a meticulous, hard-working jurist who treated lawyers, criminals and parties to civil lawsuits with respect and fairness.

"He's one of the best I've ever tried a case in front of," said James R. Willis, a veteran criminal defense lawyer who represented Cleveland Mafia boss James T. Licavoli when Licavoli was convicted in 1982 of racketeering. "He was patient, he listened to what you were saying and he ruled decisively. That's the whole package."

The Licavoli case, in which the mob figure and others were convicted of conspiring to kill mobster Daniel J. Greene, was perhaps the highest profile criminal case of Thomas' career. Greene, killed by a bomb in 1977, was in competition for control of organized crime in the Cleveland area.

But Thomas also presided over a trial in which porn king Reuben Sturman and several associates were found not guilty of obscenity charges, and he helped negotiate an end to a police standoff in 1975 with bank robber Eddie Watkins, who was holding hostages at a bank in Cleveland.

Watkins was sentenced to prison in 1967 by Thomas, but escaped.

Watkins had asked for Thomas.

As for civil lawsuits, Thomas also shepherded a settlement of lawsuits brought by students injured when Ohio National Guardsmen fired on a crowd of demonstrators at Kent State University. With the jury deliberating, Thomas met with the lawyers in his chambers and pounded out a carefully worded agreement in 1979 in which the state of Ohio agreed to pay the plaintiffs \$675,000.

Thomas said it would be difficult to pick out any of his cases as being bigger or more difficult than any of the others. He said he had never been one to look back.

What he has enjoyed the most, the judge said, is the view of life he had from the bench.

"I think the contact with individuals that comes to a trial judge is a great reward," Thomas said. "You have a chance to see the ebb and flow of humanity."

Thomas said his judicial temperament was formed in part by the experience of being dressed down in front of a client by a federal judge when he was a lawyer. "I vowed that I would never do that if I became a judge," Thomas said.

Thomas became a judge in 1950 when his friend, then-Gov. Frank Lausche, appointed