

Born in Peconic on Aug. 12, 1895, Vail was 22 when he was drafted in 1917. He was a farmer at the time, but was in love with the water. "I wanted to get in the Navy," he said in an interview with *Newsday* last year. "They said they'd take me only as a ship's cook." He didn't want to be a cook, so he went to the draft board in December, 1917.

Vail was a member of the Army's 77th, known as the Rainbow Division, which trained at Camp Upton in Brookhaven. He was hospitalized after an enemy mustard-gas attack in France's Argonne Forest in early October, 1918, a month before the war ended. After a number of governmental paperwork snafus, he was awarded the Purple Heart in 1982.

"My son, Everett, was a B-24 pilot in World War II," he has said. "He did 35 missions over Germany, and came home without a scratch. During the Vietnam War, I had seven grandsons in the service." Vail learned only last year that he was a descendant of Revolutionary War soldier Christopher Vail.

Vail first learned to drive in a 1905 Pierce Arrow, and cars became a hobby, then a business. In 1919, he and his brother got a Hupmobile franchise, the beginning of an automobile sales business that grew and grew, lasting until 1983, when he retired at 88.

"In '27 I bought an acre of potato land for \$8,000," he said. "We built a garage, and I built up a \$100,000 business in a little town."

"When World II started, most car dealers went out of business," Vail's grandson, Carl III, said yesterday. "He went out and bought a lot of cars. He once told me he was either going to go bankrupt or make a lot of money. After the war, he had a lot of cars, and he made a lot of money."

Vail helped found chapters of the American Legion in Mattituck and Southold. He was a life member of Eastern Long Island Hospital, a member of the Southold Universalist Church, the Southold Rotary Club and the East End Surf and Fishing Club.

Vail is survived by three children: Mary Hart of Southold, Virginia Bard of New York City and C. Everett Vail of Malabar, Fla.

Cremation was private. A memorial service will be held 3 p.m. Sunday, May 3, at the Universalist Church in Southold.

IN RECOGNITION OF BOOKS FOR  
KIDS

**HON. JACK QUINN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special program underway in my district, Books For Kids.

Now entering its fourth year, Books for Kids aims to collect 70,000 new or nearly new books for children ages 2–12 who have never owned a book of their own or who cannot afford to buy one.

As stated by Dr. Elizabeth Cappella, a confunder of Books for Kids, this program was established to help those children who can benefit the most by developing an early love of reading. That early love of reading can help them gain a major foundation for successful learning and living.

The Books for Kids drive has grown from an idea initiated in 1995 with the cooperation of The Buffalo News, United Way of Buffalo and Erie County, the Buffalo and Erie County Public Library, the Junior League of Buffalo, Inc.,

Buffalo State College's Project Flight and the 30th Congressional District to a successful community wide effort to promote literacy.

Mr. Speaker, today I would like to join with the entire Western New York community, to announce the start of the 1998 Books for Kids drive. I encourage my colleagues to join in similar programs in their Congressional Districts and strive to provide Books for Kids.

CAMPAIGN FINANCE REFORM

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. KIND. Mr. Speaker, next week this body will consider campaign finance reform. After a year and a half of work on this issue, by myself and many other members of Congress, I am hopeful that the result of our work is a meaningful bill that gets the big money out of the electoral process. I am afraid, however, that we may not see true reform.

An editorial in Saturday's *New York Times* may have foreshadowed the result of next week. "In order to quell a rebellion by Democrats and reform-minded Republicans, House Speaker Newt Gingrich promised that there would be a vote by the end of March on campaign finance reform. Now that the deadline is approaching, Mr. Gingrich is working hard to make sure the vote is rigged to come out the way he wants."

Mr. Speaker, I hope the *New York Times* is wrong. I hope that next week you will respond to the call of the public to fix our broken campaign finance system. I hope that next week we will finally have a chance to deliver true reform of our system and restore the public's faith in our democracy. Mr. Speaker, please don't let the people of my district down.

VOLUNTEERISM BY THE MERLE  
REED UNIT OF DELANO, CALI-  
FORNIA

**HON. CALVIN M. DOOLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize and honor the work of the American Legion Auxiliary Unit #124, the Merle Reed Unit of Delano, California, for their remarkable and outstanding community service in the 20th District of California on October 25, 1997, "Make a Difference" Day in Delano truly did make a substantive difference in the lives and well-being of the people of Delano. Thirty-five members of the Merle Reed Unit worked that day on seven different projects designed to benefit the community in a wide range of ways.

They volunteered during the local Red Ribbon Week, promoting drug free awareness throughout the community. They collected yard sale items worth approximately \$4,280 to sell at their "Spring Day", the proceeds of which will be donated to the Salvation Army and local church organizations. The Unit ran a canned food drive for the Holidays, recycled 583 pounds of bottles to benefit Veterans projects, and ran a comprehensive clean-up of

the Auxiliary Post Hall, beautifying both the interior and exterior of the community center. Visits to the sick, local hospital volunteering and a joint luncheon for local Post Boys and Girls State participants rounded out an extremely beneficial day of service.

I commend the members of the Merle Reed Unit for their excellent commitment to bettering the community and the lives of those who live in it through public service, and am proud to be able to make this statement to honor just one of the many outstanding examples of service done everyday throughout this nation. I hope their fellow citizens will recognize the great work that the American Legion Auxiliary Unit had done, and continues to do, for the community, and will follow their admirable example.

REMARKS OF HIS EMINENCE BER-  
NARD CARDINAL LAW ON CUBA

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. MCGOVERN. Mr. Speaker, I would like to share with my colleagues the remarks of His Eminence Bernard Cardinal Law, Archbishop of Boston, on Friday, March 13, 1998. Cardinal Law participated as a speaker in a conference co-sponsored by the Inter-American Dialogue, the Weatherhead Center for International Affairs, and the David Rockefeller Center for Latin American Studies of Harvard University.

AMERICAN ACADEMY OF ARTS AND SCIENCES  
TALK ON CUBA, MARCH 13, 1998, BY BERNARD  
CARDINAL LAW

In preparing these remarks, I reviewed my correspondence file from persons who accompanied me to Cuba for the Pope's visit. Our direct flight from Boston to Havana might have established a record in itself! Every letter expressed appreciation for the opportunity to participate in a historic and profoundly moving event. Almost to a person there was the expressed desire to be of assistance to the Church in Cuba and to the Cuban people.

These pilgrims to Cuba included bishops, priests and sisters, and Catholic laity as well as Protestants and Jews. There were business leaders, bankers, doctors and a Health Care System President. There were heads of social service agencies and representatives of foundations. There were lawyers and judges, Congressmen, presidents of colleges, a law school dean and a university professor, and the editor of a national magazine. We were a wondrously diverse group, but we found unity in our conviction that the time is now for a change in U.S. policy towards Cuba.

Since returning from the Papal Visit, I have often been asked if I thought that change might now come to Cuba. The question misses the point that change has already come. An earlier barometer of change focused on the departure of Fidel Castro as the threshold for any substantive change. The events of the past year clearly demonstrate that that barometer simply does not work. The toothpaste is out of the tube, and Fidel Castro squeezed the tube.

Any blueprint for a change in policy which demands a change in leadership in another country is too rigid a starting point and depending on the means willing to be used to achieve that departure, could lack a moral claim. This is not to condone a dismal record

on human rights. Religious freedom is certainly not yet fully developed in Cuba. The fact remains, however, that dramatic change has occurred within the past twelve months in the area of religious liberty. These changes could not have occurred without the active approval of President Castro. He has been a promoter, not an obstacle to what is now happening in Cuba.

It is not the visit alone, stunning though it was, which chronicles change. Events leading up to the visit must also be acknowledged. Some in Cuba with whom I have spoken place great emphasis on the private audience accorded Fidel Castro by Pope John Paul II. One must also note the mixed commission of government and Church to plan for the Papal visit which marks a sea change in that relationship. The Church was able to engage in a door to door nationwide mission in preparation for the Pope's visit. Religious processions were allowed, as were some outside religious celebrations. The exclusion of the Church from the use of public media was, at least in a modest way, but nonetheless establishing a precedent, lifted with the pre-visit nationally televised address by the Archbishop of Havana, Jaime Cardinal Ortega.

Quite before the time of planning for the visit, the Church was allowed a new expression of social services through Caritas Cuba. While its work is still narrowly circumscribed, a principle of public, organized social service by the Catholic Church has been recognized. The backlog of visa requests by foreign clergy, religious and other Church workers has been broken as the number of visas has dramatically increased.

Change cannot be rooted in a precise paradigm for the future. If we are to measure change realistically, it must be measured against the past. The past that I know in terms of the Church in Cuba begins in 1984. Before then, there were confiscations of Church property, the closing of Catholic schools and other institutional works, the departure, and some would argue the forced exile, of hundreds of Church personnel. There were the labor camps which number among their alumni the present Cardinal Archbishop of Havana. Pervading and justifying all this was an official version of history, employing a method with which we have become all too sadly accustomed in some current trends in the U.S. academy. It is the application of deconstruction to the study of the past in a way which serves an ideological end.

In an earlier visit to Cuba, I objected to President Castro concerning the severe intimidation of the omnipresent Committees of the Revolution. These watchdogs of Marxist orthodoxy saw as dangerously subversive the baptism of a child or the visit of a priest or the regular attendance at Mass. Castro's response, replete with Church history according to Marx, made the claim that the state did allow for religious freedom. The State was powerless, in his explanation, to counter the strong anti-Church sentiment of the people borne of what he described as the Church's oppressive and sinful past.

For the past fourteen years, I have been in continual contact with the Church in Cuba. I was present in the Nunciature in Havana the first time Castro met with Cuban bishops. There were no more than three substantive encounters of this kind before the Pope's visit. During the past fourteen years there have been sporadic efforts on the part of the Cuban government to marginalize the Church by suggesting that the bishops were "counter revolutionary", which in our terms would mean unpatriotic and subversive.

Against that all too schematic background, focus on Havana, Sunday, January 25, 1998. The Plaza of the Revolution has a new face: a heroic-sized painting on the fa-

cade of the national library portrays Jesus in the familiar style of the Sacred Heart. One million Cubans, with a sprinkling of foreign pilgrims, are ranged in front of the altar. Fidel Castro, in a business suit, is in the front row.

For me, one among the many moving moments stands out in a particularly vivid way. During the Havana Mass, the Holy Father commissioned representatives from various dioceses to go forth and present the message of the Church. He presented each with a Bible. The last person to approach the Pope was an older woman, quite frail, who was helped up the stairs by two young men. When she approached the Holy Father, she threw her arms around him. There they were, aging and frail, this elderly woman and the Pope, with their common witness to fidelity in the face of Communist oppression. As she was helped down the stairs, she was accompanied by the thunderous applause of thousands of Cubans.

I wondered what she thought. Must it not have been for her the unfolding of a miracle? What had it been for her these past years in a land governed by Marxism? What must have been her joy in this sea of Cubans, so many young and ecstatic in their celebration of faith? I could only think of Anna in the incident recorded by St. Luke. Anna was an old woman, a widow, who spent her days in prayer and fasting in the Temple. When Mary and Joseph brought the infant Jesus to present him to God in the Temple, Anna came to the scene at that moment. St. Luke says "she gave thanks to God and talked about the child to all who looked forward to the deliverance of Jerusalem."

It must be said that the Cuban government could not have been more obliging and welcoming. The Masses of the Holy Father were televised live nationally.

As the Holy Father left Jose Marti Airport on January 25th, he said that in our day "no nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard."

These are important words of the Pope which have meaning not only for the Catholic faithful but for all women and men of good will, including those who exercise leadership in government. Current U.S. policy towards Cuba was set during the missile crisis. A few things have happened since then, however, including the tearing down of the Berlin Wall and the unraveling of Communist hegemony in Eastern Europe. The visit of the Holy Father to Cuba in January of this year is one of those defining events. A policy driven by events of an earlier time does not meet the challenge of new possibilities which the Holy Father's visit opens up.

One of the strongest impediments to new policy initiatives is the pressure of partisan politics. Is it but the musings of an unrealistic cleric to suggest than an earlier pattern of a bipartisan foreign policy could serve us well again? To that end, I propose the establishment of a bipartisan National Commission on U.S./Cuban relations. Such a Commission, perhaps Presidential or conceivably organized by a non-governmental body, would have as its charge the development of policy initiatives which could build on the changes already perceived in Cuba since the Pope's visit. The work of this Commission should be completed within three to six months. It should not take longer than this because the Commission's work would be essentially a simple and straightforward task.

The Commission might be co-chaired by President Carter and President Bush or President Ford. It ought to include Senator Lugar, Representative Hamilton, a U.S. Bishop, Elizabeth Dole, head of the American Red Cross, two corporate CEO's, two prominent Cuban-Americans, someone from the field of medicine and someone representing the concerns of the media.

Since the Holy Father's visit, there has been the release of more than 400 prisoners. While one political prisoner is one too many, this direct response to the Holy Father's visit cannot be dismissed. So very much more needs to be done to broaden the scope of human rights in Cuba. However, I am convinced that the best way to do this is to move the starting point of U.S. Policy from the missile crisis to the Papal visit. The Holy Father has amply demonstrated that a policy of positive engagement can achieve far more change within Cuba than can the embargo.

Cardinal Ortega has commented on the so-called Helms-Burton Act that "any economic measure that aims to isolate a country and thus eliminates the possibility of development, thus threatening the survival of people is unacceptable."

It is impossible to reasonably support the embargo against Cuba while at the same time granting most favored Nation status to the People's Republic of China, and while moving into closer relations with Vietnam. Both of these nations have a deplorable record on human rights in general and on religious liberty specifically. If openness is thought to further freedom in those nations where change is not so evident, how is that a different standard is applied to Cuba where there is evident change?

We should not wait for the report of a bipartisan commission to introduce some measures which would ameliorate human suffering in Cuba, which would foster cultural, religious and other interchanges, and which would therefore, encourage the new attitude of openness and change within Cuba. It is time for the U.S. to respond positively to the change that is occurring in Cuba.

There is no moral justification for the current embargo. In terms of effectiveness as an agent of change it has proven to be a complete failure. The most egregious aspects of the embargo, namely the prohibition of sale of food and medicine, must be lifted immediately. The two bills currently in Congress which would do this should be immediately passed. What is needed in Cuba is the ability to purchase food and medicine in the U.S. A singular focus on facilitating charitable donations of food and medicine is patently inadequate.

There are certain things that can be done tomorrow by the President of the United States.

The President should agree to license direct, humanitarian flights to Cuba.

The President could take immediate action to ease remittance restrictions, increase visiting privileges, and expand opportunities for U.S. citizens particularly Cuban Americans, to visit Cuba by restoring direct flights. The right to travel is a Constitutional right. It should not be violated for out dated political reasons.

The President could restate that he will continue suspending the international trade bans of Helms-Burton indefinitely. This would help the people of Cuba and it would ease the concerns of our closet allies and trading partners.

The President should give serious critical attention to the legal opinion that concludes that the Executive Branch has the legal and constitutional right to grant a general license for medicines and for food. Such an action on the part of the President would, of

course, effectively end the food and medicine embargo immediately.

The foreign policy initiatives of a President can be decisive. President Nixon went to China. President Carter brought Begin and Sadat to Camp David. President Reagan met Gorbachev in Iceland to ease nuclear tensions and President Bush followed up by reducing our nuclear weapons. President Clinton has the possibility of charting a new relationship between the United States and Cuba.

Let me end by recounting an incident during the Pope's visit. One of the pilgrims traveling with us took a walk along the waterfront. He was alone, it was raining, and the pavement was slippery. He stumbled and fell, with a resultant large cut in the head. Some passersby stopped their car and took him to the emergency room of the nearest hospital. The care he received was both professionally competent and compassionate. However, he was struck by the fact that the only medicine he could observe on the shelf in the treatment room was some alcohol. When the doctor arrived to stitch his wound, he first reached into a pocket of his white coat, removed a light bulb, and screwed it into the empty socket so that he could see more easily. It is not just a bulb that is missing. There is often a lack of power with devastating consequences, especially in surgery. The lack of medicines more quickly and cheaply attainable from the U.S. severely restricts the treatment that can be provided. Even more basically, the effects of the lack of sufficient food threaten the most vulnerable members of the population, the old and the young.

I would submit that the people of Cuba deserve better than that from us. I would submit that it adds no honor to our country to deprive a people of those necessities which should never be used as bargaining chips.

Change is occurring in Cuba. The question is, do we have the political will and moral courage to change?

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#### HEALTH CARE CLAIMS GUIDANCE ACT

### HON. BILL MCCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. MCCOLLUM. Mr. Speaker, today I join my colleague from Massachusetts, Mr. DELAHUNT, in introducing the Health Care Claims Guidance Act. This legislation recognizes that, in our zeal to crack down on health care fraud and abuse, we must be careful not to throw our nets so wide that we ensnare honest providers who are making inadvertent billing mistakes. Ensuring that health care providers comply with all federal, state and local laws and regulations is, and always has been, a priority. At the same time, we should not carelessly paint all health care billing mistakes as billing fraud.

Many hospitals and other health care providers have received demand letters from the offices of U.S. Attorneys asserting that the provider may be guilty of fraudulent billing and threatening the imposition of treble damages plus \$5,000 to \$10,000 per claim under the False Claims Act unless a quick settlement is reached. In some cases, demand letters have been sent based on alleged overbilling of less than \$100. In one case, a demand letter was sent to a hospital for overbilling in the amount of \$8.79 on a single claim over a one year period.

The most innocent of providers often feel forced to settle these claims instead of facing the prospect of an automatic \$10,000 fine for a small disputed amount. Even if a provider could clearly prove their innocence and show that these claims resulted from innocent clerical error, they would be likely to settle the case rather than incur large legal costs. The numbers speak for themselves. In fiscal year 1997, there were 4,010 federal civil health care fraud matters pending but only 89 cases resulted in the actual filing of a civil complaint. The large majority were settled.

Considering that providers are faced with a federal health care payment system of more than 1,700 pages of law and over 1,200 pages of regulations interpreting those laws, as well as thousands of additional pages of instruction, it is inevitable that human error will occur and that erroneous claims will be submitted. Every day, providers submit over 200,000 federal health care claims, adding up to 73 million claims per year. Considering the sheer volume and complexity of such claims, it is unreasonable to view every single billing mistake as fraud that merits the threat of the severest civil sanctions.

Mr. Speaker, the Health Care Claims Guidance Act provides a clear and simple way of distinguishing between those claims that are fraudulent and those claims that result from human error. The bill establishes a de minimus threshold requiring that the amount of damages in dispute be a material amount for an action brought under the False Claims Act. The de minimus threshold would be established by the Secretary of Health and Human Services. This requirement would protect against the use of the False Claims Act for small, erroneous billings which likely result from human error.

In addition, the legislation would provide safe harbors for reliance on government advice or written policies. There is no better example of fundamental unfairness than when a private party relies on government advice but is then threatened with court action for having done so. The Health Care Claims Guidance Act would also provide safe harbors for claims that are in substantial compliance with model compliance plans. Affirmative defenses would be established for these situations.

It is clearly in the public's interest for parties to work together to prevent health care billing mistakes from occurring. Providers should actively seek out trouble spots and quickly flag problems to government agencies. At the same time, in order to further the goal of compliance, federal agencies which administer federal health care programs should be encouraged to assist providers in the early detection and correction of practices which may result in a disputed claim. By encouraging such self-policing, providers and government agencies will be able to work together to root out problems quickly.

It is clear that there are organizations and individuals engaging in efforts to defraud the federal government and we must use all of the tools at our disposal to pursue and severely punish such willful violators. In fact, during consideration of the Health Insurance Portability and Accountability Act during the last Congress, the Crime Subcommittee worked on provisions to strengthen criminal health care fraud statutes. At the same time, there are honest providers doing their best to comply with complex health care rules and regulations

who will make honest mistakes. The Health Care Claims Guidance Act provides clear guidance to ensure that the false claims of fraudulent actors are distinguished from the honest mistakes of innocent providers. I urge all my colleagues to support the Health Care Claims Guidance Act.

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HONORING CANTOR BRUCE  
WETZLER OF CONGREGATION  
SHAAREY ZEDEK

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Ms. STABENOW. Mr. Speaker. I wish to recognize the service of a very special individual, Cantor Bruce Wetzler of Congregation Shaarey Zedek in East Lansing. After 39 years, Cantor Wetzler will be retiring.

Cantor Wetzler graduated from the Hebrew High School of Congregation Tikvoh Chadoshoh in New York City. He then attended Yeshivah University Cantorial Institute and the Jewish Theological Seminary, while studying music at both the New York School of Music and the Victor Stott Music Conservatory.

Since 1959, Cantor Wetzler had dedicated his life to Congregation Shaarey Zedek by serving as musical leader, teacher, community spokesperson, and spiritual advisory to people of all ages.

Most of all, through music, Cantor Wetzler has brought many people in East Lansing closer to God. Whether it is a weekly service or a personal experience like a wedding or a Bar or Bat Mizvah, Cantor Wetzler has offered his voice though song to many people through the years. With his guidance, families and individuals have gained a better understanding of loss and a better appreciation of joy.

Cantor Wetzler is a leader in the greater Lansing community, but his special dedication to his Congregation and religious belief has been unparalleled. I wish him the very best in his future endeavors and I know he will relish the additional time with his wife Miriam, his two daughters, and his two grandchildren.

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#### AMENDMENT TO H.R. 10

### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 19, 1998*

Mr. BLILEY. Mr. Speaker, elsewhere in the Congressional Record today, an amendment in the nature of a substitute to H.R. 10, the Financial Services Act of 1998, was filed by James Leach on behalf of both the Banking Committee and the Commerce Committee.

This legislation is the culmination of 20 years of work, and represents our best opportunity to enact meaningful financial modernization and consumer protection this term. We have tried to work on a bipartisan basis where possible, and have enjoyed extensive input and involvement from affected businesses and consumer groups throughout the process. While everyone had to make compromises to move this bill forward, we have achieved our fundamental goals of functional regulation, increased competition on a level playing field,