

EXTENSIONS OF REMARKS

HONORING INDUCTEES INTO THE INDIANA FOOTBALL HALL OF FAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the following individuals for their induction into the Indiana Football Hall of Fame: Ted Karras, Sr., of Gary, Indiana; Andy Kirk, of Merrillville, Indiana; Stewart Mattix, of Hobart, Indiana; Charles Stainer, of Valparaiso, Indiana; Harold Atterberry, of Morgan Township, Indiana; George Hall, of Kentucky; Bob Kuechenberg, of Florida; and Irv Cross, of Idaho. These eight outstanding sportsmen were inducted as members of the 1998 Indiana Football Hall of Fame class on Sunday, May 31, 1998.

Since its founding in 1973, the Indiana Football Hall of Fame has been honoring prominent coaches, players, officials, members of the press, and citizens who have made lasting contributions to the advancement of football and sporting excellence. The Football Hall of Fame commemorates Indiana's prestigious football history throughout the century. Whether they were involved in football during the early twenties or the present day, the Indiana Football Hall of Fame is dedicated to recognizing those who were instrumental in creating, fostering, and adding to Indiana's excellent football legacy. Each of these eight newly-inducted members made outstanding contributions to Indiana football.

Ted Karras, Sr., graduated from Emerson High School in 1952. After being named 1st Team All state and Parade All-American for his accomplishments in high school football, Ted attended Indiana University. After graduating from I.U. in 1956, he went on to play professional football for eleven years. He played with the San Diego Marines from 1956–1957, the Pittsburgh Steelers from 1958–1959, the Chicago Bears from 1960–1964, the Detroit Lions in 1965, and the Los Angeles Rams in 1966. After his football career ended, Ted taught and coached for 20 years in the Hammond Public School system. Although Ted retired in 1995, he continues to serve as an assistant coach for his son, Ted Jr., at Andrean High School in Merrillville.

Andy Kirk's football career began at Horace Mann High School in Gary, where he played varsity football from 1934–1937. After graduating, Andy attended the Chicago Art Institute on scholarship for two years before leaving to find a new life in sports as a trainer. He worked in Gary at the YMCA, where he served as an apprentice masseur. In 1941, Andy earned a degree from the College of Swedish Massage. He entered the realm of high school sports in 1942 and spent the next thirty years there. He started at Horace Mann High School, spent ten years at Tolleston High School, three years at Lew Wallace High School, and, in 1960, commenced his long ca-

reer at Andrean High School. He also worked for Saints Peter and Paul School for thirty years until his retirement in 1981. Andy still volunteers his time at Andrean High School. He and his wife of fifty-four years, Margaret, reside in Merrillville.

Stewart Mattix is another Hobart High School graduate to be inducted into this year's Indiana Football Hall of Fame class. Stew earned two varsity letters before graduating in 1949. He went on to Ball State University, where he earned a Bachelor of Science in Elementary Education in 1954. Before retiring in 1992, Stew was a teacher, an elementary principal, and an assistant superintendent. In 1958, he took over the field announcing duties for his high school team, the Hobart Brickies. For 34 years, the voice of Stew Mattix was heard all around the Brickie Bowl, as well as during practices he attended. Stew still resides in Hobart with his wife, Connie.

Gary native Charles Stanier attended Horace Mann School from kindergarten through his final year as a senior. He graduated in 1959, but not before he earned recognition as a Captain, All-City, All-Conference, and the Chicago Tribune's All Area-Team for his great performance as both a linebacker and an offensive tackle. For his outstanding talent and dedication, Charlie earned a scholarship to Duke University where he was chosen as First Team Freshman Atlantic Coast Conference before his playing career ended due to knee injuries. In 1963, Charlie graduated from Duke and began his teaching and coaching career at Valparaiso High School. Charlie has served as a line coach under Tom Stokes and Mark Hoffman. He and his wife, Janice, live in Valparaiso, and they have three daughters, Jennifer, Rebecca, and Laura.

Harold Atterberry began working as a member of the maintenance staff of the Portage Township schools in 1972. From then until his retirement in February of this year, he maintained the fields of Portage High School's football field in a professional, meticulous manner, befitting a professional football field. After twenty-five years, he retired and enjoys gardening and spending time with his wife, Nancy, at their home in Morgan Township.

Before graduating from Edison High School in Gary, in 1954, George Hall played football, basketball, track, and baseball. After serving two years in the United States Army, George earned a Bachelor of Science Degree from Purdue University and a Masters Degree from Indiana University. After his college days, George became a football coach. For 29 years, 25 of which were in Hammond, George taught young men the sport of football. He is currently retired and living in Bowling Green, Kentucky.

Bob Kuechenberg played football at Hobart High School, from which he graduated in 1964. After being named Team Captain and All-State End, he attended the University of Notre Dame, from which he graduated with a degree in economics. He played on Notre Dame's National Championship team of 1966, earned the team's Most Valuable Lineman

award in 1967, the Fighting Irish's Defensive Lineman of the Year in 1968, and played in the East-West and All-American Bowls. Bob played for 15 years in the NFL with the Miami Dolphins. With the Dolphins, Bob played in five Super Bowls and earned his place on six different Pro Bowl teams. His accomplishments qualify him as one of the most versatile, effective, and durable offensive linemen throughout the NFL's history. Bob currently lives in Miramar, Florida, where he is the CEO of Kuechenberg Marketing.

Irv Cross, a familiar face on CBS Television's "The NFL Today" show on Sunday afternoons from 1975–1990, is a 1957 Hammond High School graduate. He earned high distinction as the Calumet Region Times' Athlete of the Year for his outstanding accomplishments in football, basketball, and track. Irv went on to star at Northwestern University as an offensive and defensive end, as well as a fullback. He was named Northwestern's Athlete of the Year, and went on to play for the Philadelphia Eagles. After retiring as an active player he became a coach. He then followed up his career as a player and a coach with his notable accomplishments as a commentator and expert analyst on CBS. Irv is currently the Athletic Director at Idaho State University.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Ted Karras, Sr., Andy Kirk, Stewart Mattix, Charles Stanier, Harold Atterberry, George Hall, Bob Kuechenberg, and Irv Cross for being inducted into the Indiana Football Hall of Fame. Their service, dedication, and success has left an indelible mark on Indiana football and Indiana's First Congressional District.

IN RECOGNITION OF THE 200TH ANNIVERSARY OF THE MAHONING PRESBYTERIAN CHURCH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. KLINK. Mr. Speaker, I rise to recognize the 200th anniversary of the Mahoning Presbyterian Church, of Pulaski Pennsylvania. The Mahoning Presbyterian Church is one of the oldest churches in Lawrence County. During the last two centuries, the church has been instrumental in the development of Lawrence County. In addition to being a social center for the community, it has helped to educate and fulfill the spiritual needs of residents and families throughout the region.

From the church's beginning to the present it has served as a guide for its congregants through the best and worst of times. It has withstood the Civil War, two World Wars, the prosperity of the 1920's and the despair of the 1930's, as well as the end of the Cold War. Mahoning Presbyterian Church has never shied away from its duties and obligations to its membership and the region. Thanks to that dedication, the church has succeeded in building a stable community that each member can be proud of.

• 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.

And so I urge my colleagues to rise in recognition of the Mahoning Presbyterian Church of Lawrence County and salute the congregation's 200 years of unwavering commitment to its members. I wish them the best of luck in their future endeavors.

HONORING EMMANUEL BAPTIST
CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. ENGEL. Mr. Speaker, I rise to give congratulations to a great institution of the Bronx, the Emmanuel Baptist Church, which is celebrating its 110th anniversary as a spiritual leader of the community.

The church had its actual beginnings in 1876 as a Sunday School Bible class with seven young men meeting at Haven's Hall. The Sunday School grew rapidly with the members building a chapel, and under the leadership of Rev. F.M. Lamb the church was organized on March 30, 1888 with 28 members forming the constituent membership.

The church has been ministering to its flock under successive ministries and in 1978 the Rev. Nathan Carroll became the church's first African American Pastor. In October 1986 the Rev. Dr. Major McGuire III was called to this historic church. Under his guidance Emmanuel Baptist has expanded the number of congregants several fold with prayer services now conducted throughout the week. Under Dr. McGuire's leadership the church is beginning construction of a new edifice for its worship services.

I have had the pleasure and the privilege of working with the Rev. Dr. McGuire and his wife, the Rev. Darlene Thomas-McGuire, who was unanimously voted co-pastor of the Church. They are a wonderful and dynamic pair working ceaselessly for their community.

The Emmanuel Baptist Church is a cornerstone of the community, giving sustenance and spiritual life to its many congregants under the leadership and guidance of Dr. McGuire.

THE EXPOSURE GROUP HONORS
LOCAL PHOTOGRAPHERS

HON. ELEANOR HOMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to three local photographers, recorders of history, who are being recognized by The Exposure Group, African American Photographers Association for their contributions to humanity and to the District of Columbia.

Robert H. McNeill was born in Washington, DC in 1917 and graduated from Dunbar High School where, in 1935, he first became interested in photography. He worked as a consultant for the Works Project Administration, and owned McNeill Photo Service and GEM Photographers. He was a staff photographer for the US Navel Gun Factory, the Pentagon, the Naval Ordnance Laboratory and the Department of State from which he retired as Chief

of the Photography Branch, Audio-Visual Services. Mr. McNeill's work has been published in several books, many magazines and, mostly recently, in seven issues of the Washington Post Magazine. He has also exhibited his work in a traveling show sponsored by the Rhode Island Institute of Design, the Charles Sumner School, the Smithsonian Institution's Anacostia Museum, the National Museum of American Art and the Smithsonian's Center for African American History and Culture. Mr. McNeill will receive the Maurice Sorrell Lifetime Achievement Award.

James M. Johnson, Jr. is also a native Washingtonian and, for nineteen years, has operated a full-service photography studio in southeast Washington near the banks of the Potomac River. In 1975, he received a Master of Engineering degree from Howard University and worked as an engineer for seven years before he decided to follow his heart and study photography. Mr. Johnson is president of the Professional Photographers' Minority Network, an international affiliate of Professional Photographers of America, and an Ambassador to the International Photography Hall of Fame and Museum. Mr. Johnson will receive the Photographer of the Year Award.

Nestor Hernandez, Jr. is currently the Chief Photographer, Communications Division, District of Columbia Public Schools. He is the president of the FotoCraft Camera Club, which recently celebrated its 60 year history with an exhibit at Howard University. Mr. Hernandez has exhibited his work nationally and internationally. He was exhibited in a solo show at the Christina Cultural Art Center in Wilmington, Delaware and participated in group shows in Springfield, Massachusetts and La Habana, Cuba. Mr. Nestor will receive the Community Service Award of Merit.

Mr. Speaker, I ask that this body join me in saluting these gentlemen photographers, and applauding the magnificent work they have done.

TRIBUTE TO HOWARD IVERSON

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. TIERNEY. Mr. Speaker, I'd like to take this opportunity to formally wish Howard Iverson, editor of the "Danvers Herald" and political columnist for Community Newspapers in Massachusetts all the best on his recent retirement.

Thirty-five years of writing.

That is a lot of words, a lot of ideas, a lot of opinions, and more than a few friends made.

Howard, the paper will miss you and the North Shore will miss you.

Enjoy your retirement, but don't be afraid to share some ideas, some opinions and some history in the newspaper when the mood strikes you. Your readers will be on the lookout, so don't keep us waiting too long.

PROTECT CHILDREN AND MENTALLY DISABLED PERSONS INVOLVED IN MEDICAL TRIALS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. TOWNS. Mr. Speaker, today I rise to introduce a bill which will increase oversight protection for children and mentally disabled individuals who participate in clinical research trials. I am proud that this bill has received bipartisan support. Mr. SHAYS of Connecticut, Mr. BARRETT of Wisconsin, Mr. BURTON of Indiana, and Mr. WAXMAN of California are original cosponsors of this measure.

Institutional Review Boards serve as the principal line of defense for the protection of human subjects who participate in clinical research. These boards review and approve a research plan before the research is carried out and ensure that any risks are warranted in relation to the anticipated benefits. The Department of Health and Human Services (HHS) is the primary Federal department sponsoring biomedical and behavioral research. Its regulatory apparatus for overseeing such research consists of two principal tiers of review: one at the research institution level and the other at the Federal level. Both tiers are responsible for ensuring that individual researchers and their research institutions comply with Federal laws and regulations for protecting human subjects.

However, the GAO and the Inspector General of the Department of Health and Human Services have found that these Boards are falling down on the job. In numerous reports over the last 5 years, each of these oversight agencies have found that IRB's are conducting reviews too quickly and with members who lack expertise in the subject areas, that they conduct minimal review of approved research, tend to allow for unauthorized expansion of research plans or "creep" and that their membership and institutional affiliations may present real and apparent conflicts of interests. Both the GAO and the Inspector General warned that these serious deficiencies may jeopardize the protection apparatus necessary for people who participate in medical research. In a recent hearing of the Subcommittee on Human Resources, of which I am the ranking member, we uncovered a case which may be the realization of the fears expressed by the GAO and the IG.

In New York City, a prestigious IRB permitted a research project which used the drug Fenfluramine. Researchers devised a trial which was reputedly designed to determine whether a relationship existed between aggressive behavior and the brain chemical serotonin. Fenfluramine is a class IV amphetamine which occupies the same status as drugs such as darvon and xanax. It is half of the diet drug "phen-fen". Prior to being withdrawn from the market in 1997 by the FDA, its only approved use was weight control. Because the drug for safety or efficacy on children under 12 years of age. Therefore, no one knows whether this drug may adversely affect children under 12. The research plan called for the participation of male children between the ages of 6-11 years old whose siblings had been adjudicated as delinquents. None of the children sought for the study had any history

of violent or aggressive behavior. There is no evidence that any of the older siblings had any history of violent or aggressive behavior. The research plan specified that all children recruited should be African-American or Hispanic. Caucasian children were specifically excluded.

Prior to the lab portion of the tests, the children were placed on a low protein diet for 72 hours which affects the levels of serotonin in the brain. The children were denied food for 12 hours prior to the test. After receiving Fenfluramine, a catheter was placed in the arms of the participants to enable the researchers to withdraw blood easily. Blood was withdrawn about once an hour during the five-hour tests. The blood readings were used to measure levels of serotonin activity in the children. Because this experiment involved an approved drug which was being given to measure physical and biological responses, FDA approval was not needed. After the experiment, the children and their parents were paid and sent home. Subsequently, several parents have complained that their children have suffered illnesses which they did not have prior to this "challenge".

In numerous memos ranging over a 2-year period, the IRB asked the researchers to explain the scientific premise of their experiment in greater detail and to explain the necessity of exposing children to a procedure which the IRB deemed to constitute "more than minimal risk". After 2 years of correspondence, these issues were never fully addressed. Additionally, Federal regulations require that studies involving human subjects recruit participants in an "equitable" fashion. Here, the research plan breached that requirement because it specifically excluded White children without any medical reasons for the exclusion. The IRB approved this study despite these problems.

Although the Food and Drug Administration and the Office of Protection from Research Risks are charged with the responsibility of investigating complaints involving human subject research, such investigations are rare. Both agencies rarely conduct more than 100 investigations at any given time. Corrective actions or sanctions are imposed on a fraction of those researchers investigated. The Office of Protection from Research Risks is currently investigating this New York study. However, they estimate that it may take up to a year to conclude this investigation. Clearly, we need to assure that Federal officials are empowered to take a proactive role in research abuses. However that will be difficult because currently, IRBs are not required to register or engage in any certification process. We do not know how many IRBs operate in this Nation. Therefore, we cannot know the extent of their use of children and other vulnerable populations.

The bill that I introduce today requires that any IRB that uses children or mentally disabled individuals in research must report to the Secretary of Health and Human Services concerning the participants, the nature, objectives and reasons for the research and the source of funding. The Secretary will be required to make this information available to the public. I believe that this bill will impose sunshine on this secretive process and will afford greater oversight by the government and by concerned members of the public. I ask all of my colleagues who are concerned about

children and the mentally disabled to join me in supporting this bill.

HONORING BUTLER MEMORIAL UNITED METHODIST CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. ENGEL. Mr. Speaker, I rise to speak in celebration of the eighty-sixth anniversary of a church that has become a cornerstone to its community—the Butler Memorial United Methodist Church.

The church was begun by a small group of spiritually minded individuals in 1912. Today it has grown to a congregation exceeding 800 members with the Rev. Granville A. Forde serving as pastor to his growing flock.

A growing church is a busy church and Butler Memorial now has programs for the United Methodist Women, the United Methodist Men, the Methodist Youth Fellowship, four choirs and a number of clubs.

The church is celebrating its anniversary as an integral part of its community, giving the congregants of Butler Memorial and the surrounding area the ecclesiastical guidance that allows for the growth of the temporal as well the spiritual.

The Rev. Forde is taking this opportunity to award to four good people the Community Service Awards for their commitment, caring and dedication to making a difference. They are Kathleen Cushnie, Joseph King and Mildred Lewis with Anathaleo Blake getting a Youth Award.

It is the churches of our community, like Butler Memorial, which make the difference in the lives of the people. I am proud that Butler Memorial is in my district and it is with pride that I rise to celebrate its anniversary of giving to and caring for the people of the Bronx.

RECOGNIZING THE TRAFFORD HIGH SCHOOL "ALL CLASS RE- UNION"

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. KLINK. Mr. Speaker, I rise today to recognize Trafford High School alumni participating in the upcoming "All Class Reunion." The event will take place during the weekend of July 9–12 and is sure to rekindle friendships and reunite former classmates from across the tri-state area.

Trafford School District began in 1905 with the erection of a four room school building. By 1928 the district had expanded in size threefold. In 1956, Trafford School District merged with Penn Township and Penn Borough to create the Penn-Trafford School District.

Trafford High School Alumni believe that this reunion is the first of its kind in Westmoreland County. Classmates from 1924 through 1970 will gather to share their high school memories. A crowd of more than 700 people is expected with more than five hundred being alumni of Trafford High.

I applaud the committee chairpersons, George Valmassoni, Don Smith, Ed Drost,

Bruce Robinson, Vic Capets, Marge Bucar, Bob Kozubal, Hank Pascoe, Ed Erwin, Betty Buchin and Bernic Mikach for two years they have worked to make this event a reality. Without their commitment this event would not have been possible.

So my fellow colleagues, it is with great pleasure that I ask you to join me in recognizing participants in the Trafford High School All Class Reunion. This promises to be a terrific opportunity for old friends and acquaintances to make up for lost time.

TRIBUTE TO J. DONALD LEEK OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to an exceptionally dedicated, compassionate, and distinguished member of Indiana's First Congressional District, Mr. J. Donald Leek, of Gary, Indiana. After serving as the School City of Gary's Athletic Director for twenty-seven years, Don will retire on June 30, 1998. Upon completion of his last day, Don will be honored in Gary's Marquette Park with a final, formal salute for his service, effort, and dedication.

A 1947 graduate of Roosevelt High School, Don was a phenomenal athlete and an excellent student. In addition to his four varsity letters in football and three in track, his outstanding efforts earned him Roosevelt's Most Outstanding Athlete award in 1947. In addition to these honors, Don was the city's low and high hurdler champion in 1946 and 1947, 1947 state runner-up in the high hurdles, and a member of the Panthers' 1947 state championship 880 relay team. Continuing his excellence in track, Don attended North Carolina Central University, where he was his school's conference champion in the low hurdles in 1950 and 1951, and the 60-yard high hurdles champion at the Junior National Indoor Track and Field Meet in New York City in 1950. Upon graduating from NCCU in 1951, Don was inducted into the Air Force and spent the next two years serving his country.

After being Honorably Discharged as a First Lieutenant in 1953, he returned to Roosevelt where he began his coaching career in both football and track. Don's success as a track star contributed to his coaching ability, which helped him direct his teams to nine city championships, nine sectional championships, seven regional titles, and five state championships. In recognition of his coaching successes, Don was named the 1962 Coach of the Year by the Indiana High School Track Coaches Association. Don was also honored as Indiana High School Athletic Director of the year in 1975, and he was inducted into the Indiana Association of Track and Cross Country Hall of Fame in 1974.

Though extremely dedicated to his work as a coach and athletic director, Don selflessly gives his free time and energy to his community, his education, and most importantly, his family. Don is a life member of the NAACP, as well as the Kappa Alpha Psi fraternity. He also volunteers for the Gary YMCA, is a member of the Indiana High School Athletic Directors Association, and served as President of the Civil

Rights Hall of Fame Games. In addition to his degree from North Carolina Central University, Don graduated with an M.S. degree from Indiana University in 1967 and earned an advanced degree from Purdue University in 1976. Don, now seventy years old, plans to continue his daily regimen of walking at least two miles every morning. He also wants to spend more time with his wife, Barbara, their two daughters, Sandra and Cynthia, and his stepson, Cromwell O'Brien.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Don Leeks for his lifetime of service, leadership, and rededication to Gary and Northwest Indiana. Don's efforts as Athletic Director for the School City of Gary are legendary as one tool among many serving to help students stay motivated in the classroom. Don has rewarded the people of his community with true leadership and uncompromising dedication.

TRIBUTE TO GRADUATES AND ACADEMIC ACHIEVERS OF THE 12TH CONGRESSIONAL DISTRICT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has led and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives I ask you to join me in congratulating the following Academic Achievement Award Recipients:

Rafael Feliciano and Shaquana Anderson—P.S. 16; Joseph Santos and Angeline Hidalgo—P.S. 18; Kristoffer Cortes and Christie Santana—P.S. 19; Jose Oquendo and Cindy Rivas—P.S. 49; Myrna Adana and Angela Morales—I.S. 71; Imari Valentin and Gilbert Feliciano—P.S. 84; Andrew Malave and Gabriel Martinez—P.S. 147; Miriam Aponte and Amanda Rodriguez—P.S. 196; Desiree Cardona and Michael Curchar—P.S. 250; Ralph Wilson and Cheetara Little—P.S. 257; Valerio Aguilar and Hugo Rios—P.S. 380; Lauren Cruz and John Bigolski—I.S. 318; and Xiomara Adames and Jose Castro—J.H.S. 50.

Vanessa Rodriguez and Victor Gavela—Beginning With Children School; Abner Aponte and Cesarina Lopez—Eastern District Senior Academy; Julian Blumberg and Jazlyn

Duran—All Saints R.C. School; Jamie Inez Hernandez and Adam Valentin—Most Holy Trinity School; Lauren Teresa and Ana Castro—St. Nicholas R.C. School; Gwen Cruz and Desiree Ortiz—St. Peter & Paul R.C. School; Jacqueline Duran and Adrian Jimenez—Transfiguration School.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, I rise in reluctant opposition to the Dooley amendment.

Mr. DOOLEY has been the chief proponent of increased resources going to agriculture research, and he labored mightily within his committee and at the conference committee on the recently-passed ag research bill, which was signed this morning by the President.

He knows as I do that research has always been the key to U.S. ag productivity and that as we turn to a more market-oriented ag economy, ag research will be even more important in sustaining the U.S. lead in this field.

California's specialty crop agriculture has known this for many years.

One key to our success has been market promotion with such successful programs such as the Market Access Program, but we have a very close relationship with the research going on at our ag schools and getting those results into the field.

Formula funds for our land-grant schools are important.

The competitive funds within the National Research Initiative are important.

We hope the new initiatives—such as the Fund for Rural America and now the new research program in the ag research bill—will play an important role in the future in putting additional resources into research—the committee has been chagrined this year at having to look to these new and promising initiatives for offsets in order to make our bill whole.

But special research grants are also important to our overall research effort.

These are cooperative efforts between industry and our research institutions.

Unlike competitive research which is wholly government funded, industry is making significant contributions—typically 50%—to these limited-duration agriculture projects affecting commodities of local or regional importance.

But Mr. DOOLEY does us a real service with his amendment in pointing out the real difficulties we are struggling with in every bill this year.

These are difficult choices, and the committee had a Hobbesian choice in either letting

the new ag research program go forward or making cuts in virtually every other agricultural program in our bill.

Unfortunately, the amendment presents another difficult choice in determining the direction of our ag research efforts—whether to abandon the special research initiatives which have traditionally served us well in order to move a new research initiative forward.

I appreciate Mr. DOOLEY raising these important issues—in the field of ag research, there is no legislator who has labored longer or has greater standing to comment on these issues.

Although I reluctantly oppose him today, I know that together we will be doing all we can to see that agricultural research gets the resources that pay off so mightily for our nation.

THE REFORESTATION TAX ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Ms. DUNN. Mr. Speaker, today I am introducing legislation, the Reforestation Tax Act, that will lower the tax burden on timber assets that are managed in a sustainable and environmentally sound fashion.

Last year, Congress took a major step toward reducing the Federal tax burden on millions of Americans, eliminating the deficit, restoring greater fiscal integrity to the budget process and, in the process bringing a measure of greater equity to the tax code. Most importantly, we sought to encourage savings, to promote sustained, long-term growth, and to immediately reduce the tax burden of Americans by lowering the tax on capital gains.

The Reforestation Tax Act recognizes the unique nature of growing trees by reducing the amount of gain subject to capital gains by 3 percent each year a timber asset is held up to a maximum of 50 percent. Most importantly, it would apply this tax rate to all taxpayers, individuals as well as corporations. In this manner, we would avoid the inequity we have today whereby neighboring tracks of the same timber are taxed at different rates simply because of the business form of their investments (i.e. one is owned by a small group of investors while another is owned by a larger group of public investors).

Besides ensuring fairness, the Reforestation Tax Act will encourage sound forestry practices that keep our environment healthy for the future. Currently, industrial timberlands help reduce demand for timber from public lands while generally being managed according to principles of sustainable forestry. Moreover, by sequestering carbon, managed forests help to offset emissions that contribute to the "greenhouse effect". Unfortunately, today's high tax burden on forest assets runs counter to our commitment to preserving and investing in the environment. This bill would encourage reforestation—or reinvestment in the environment—by extending tax credits for all reforestation expenses and shortening the amortization period for reforestation costs. As we consider policies to counteract global warming and improve water quality, we need to encourage sound forestry practices. It is this kind of approach that assures our tax policies take

into account the long-term risk of timber investments and rewards timber owners who responsibly sustain forest health over long periods of time.

The Reforestation Tax Act represents the best of sound tax and environmental policy. I urge my colleagues to support and cosponsor this measure.

DESCRIPTION OF REFORESTATION TAX ACT OF 1998

SECTION 1—PROPOSAL TO INCREASE INCENTIVES FOR INVESTMENT IN LONG-HELD TIMBER ASSETS

Proposal: To reduce the negative interaction of tax rates and inflationary gain on investment in long-held timber assets. Section 1 would reduce the amount of gain on harvested timber subject to tax by 3 percent each year the asset is held, up to a maximum 50 percent reduction. The proposal would be available for all timber owners.

Description of Current Law: Under current law, timber is considered a capital asset. However, the lower tax rate for capital assets was eliminated in the Tax Reform Act of 1986. This created a situation where timber owners, who must hold their trees for 20 to 60 years before harvesting, were paying taxes on inflationary gains. Congress partially corrected this problem last year when it restored lower capital gains rates—20% for individuals who held their capital assets for at least 18 months. However, corporate timber owners must still pay the higher regular tax rate of 35% on their timber gains.

Reasons for the Change: The 1997 Taxpayer relief Act (TRA) significantly reduced the Federal tax bill on millions of Americans by reducing the burdensome tax rates on capital gains for individuals. The House passed version of TRA included a capital gains tax reduction for individuals and corporations. Unfortunately, the TRA as finally enacted contains provisions that have unintended consequences for the forest products industry. Because it ultimately excluded corporate assets, the 1997 TRA established a much higher capital gains tax threshold for all corporate assets, merely based on the form of ownership. Discriminating against taxpayers who make long-term investments, based solely on the business form of their investment, is a particularly unfair consequence for the forest products industry.

Timber growing in any form is a long-term, high-risk venture, subject to the unpredictable threats of disease, fire, government intervention, and price in the marketplace. The TRA outcome creates a differential between those who invested in growing trees as a corporation and those who have invested as individuals. Many non-industrial timberland owners' assets are held in corporate form, based on considerations under current law (liability concerns, estate taxes, etc.), so a capital gains differential limited to individuals excludes coverage for much of the nation's privately held timberland. But no matter who pays the capital gains tax, the investments are equally risky, and the incentive to reinvest diminished. Private forest landowners—corporate and non-corporate—furnish most of the nation's timber resources. In fact, less than 8 percent of the nation's timber harvest comes from public lands. There are currently 393 million acres of woodlands owned by 9.9 million private owners, ranging in size from small woodlot owners to large industrial concerns.

How the Sales Price Adjustment Works: Upon the sale of timber, for purposes of determining capital gain, the gain would be reduced by 3 percent for every year the timber was held. This provision is restricted as that the reduction in sales price cannot reduce the gain by more than 50 percent.

Environmental Benefits of the Section 1: U.S. Commercial timberlands are managed

in accordance with some of the strictest environmental standards in the world. We need to support this industry as it competes in the global marketplace against international competitors, many of whom are not subject to the same standards as the U.S. industry. U.S. commercial timberlands are managed not only for purposes of providing timber but also for promoting fish and wildlife habitat and other public purposes. In addition, trees are natural "carbon sinks," sequestering carbon dioxide and giving off oxygen. In plain terms, the U.S. forest products industry is a major contributor toward reducing the accumulation of greenhouse gases through its management of timberlands.

SECTION 2—PROPOSED TO IMPROVE THE TAX CREDIT AND AMORTIZATION PERIOD FOR REFORESTATION EXPENDITURES

Proposal: To remove the current dollar limitation (\$10,000) on the amount of reforestation expenses that are eligible for the 10 percent tax credit and that are allowed to be amortized; secondly, to decrease the amortization period over which these expenses can be deducted from seven to five years.

Description of Current Law: Current law provides a ten percent tax credit to timberland owners who spend up to \$10,000 to reforest their land and allows the same amount (\$10,000) of reforestation expenses to be amortized over a seven year period.

What are Reforestation Expense: The initial expenses required to establish a new stand of trees often include items such as site preparation, the cost of the seedlings, the labor costs required to plant the seedlings and care for the trees in the first several years, and depreciation equipment used in reforestation.

Example of How the Credit and Amortization Provisions Work: Today, if a timberland owner spends \$10,000 on reforestation costs in a year, the taxpayers can take a ten percent credit, i.e., \$1,000 off their tax bill for those expense. The basis is reduced by 50% of the credit (in this case \$500) and the remaining \$950 of expenses are eligible to be amortized, i.e., deducted over a seven year period, generally in equal amounts of one-seventh each year. Reforestation expenses over \$10,000 are not eligible for this incentive.

Environmental Benefits of the Section 2: The provisions are intended to encourage reforestation, both on land that has been harvested and on land that was previously put to other uses, such as agriculture. Trees provide a tremendous benefit to the environment—they prevent soil erosion, cleanse streams and waterways, absorb carbon dioxide from the atmosphere, and provide habitat for a range of species. Tax incentives for planting on private lands also decrease the pressure to obtain timber from public lands, allowing more public land to remain untouched.

Need for Tax Incentives to Encourage Reforestation: The decision to reforest, particularly after harvesting, can be a difficult one. The expenses are high and the eventual benefits quite remote since trees must grow 20 to 60 years until mature enough for harvesting again. During that long period of time, the trees are subject to numerous risks such as disease, forest insects, etc., as well as ordinary market risks.

Reasons for Eliminating the \$10,000 Cap: The arbitrary limit on eligible reforestation expenses restricts the number of acres that can be automatically reforested. With the ever decreasing availability of public timber, it is even more important to encourage the maximum amount of private reforestation possible. It is particularly essential that all landowners be eligible for such tax treatment so that they will have the resources to hire professional foresters, wildlife biologist,

and other experts which allow for more environmentally sensitive forestry practices. Larger owners are penalized under current law because corporations are not eligible for lower capital gains rate on timber. If the tax law is not changed to benefit all timber owners who reforest, it could encourage owners who do not receive tax incentives to get out of the business of owning timber and this would ultimately be very harmful to both timber supply and the environment.

HONORING GWENDOLYN BYRD

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. ENGEL. Mr. Speaker, Gwendolyn Byrd is a grand example of someone who has achieved success in both the public and private sectors. So it is with more than a touch of sorrow that on this occasion we are honoring her on her retirement as New Rochelle City Clerk.

Gwen was born the eldest of four daughters to Marcus and Juanita Tarrant. After attending Pace University for two years she went to work. And, when her family moved to New Rochelle in 1958, she worked for a number of City agencies before becoming the city's first African American and woman named a Deputy City Marshal.

Five years later she opened Byrd's Nest restaurant and also started a catering business which serviced a client list that included the Cathedral of St. John the Divine and many others. In the 1980s she established Hannah's Place at the New Rochelle Marina, serving fresh seafood. In 1989 Gwen joined the Cornell University Cooperative Extension Service counseling the homeless residents of WestHelp on nutrition.

Gwen has always been an ardent volunteer and organizer. She is a founder of the New Rochelle Black Women's Political Caucus and the African American Art and Cultural Appreciation Council.

She was appointed City Clerk in 1992, the first African American and woman to be appointed to such a high city post.

She has given so much for so long I cannot imagine how New Rochelle will get along without her. But that cannot stop me from offering her the very best for a retirement as rewarding as the rest of her life.

TRIBUTE TO MONCHITO PASCUALY ON THE STREET RENAMING CEREMONY IN HIS HONOR IN SUNSET PARK, BROOKLYN

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I offer a tribute to Gladys Pascualy and the Pascualy family on behalf of Monchito Pascualy, the former "mayor" of Sunset Park, Brooklyn, on the day of a street being renamed in his honor in the community. Monchito, as he was known with warmth throughout the Sunset Park community, was a respected and loved member of our diverse

community. He was a business leader who owned two small businesses in Sunset Park and who worked to bring together merchants throughout the community, especially along 4th Avenue, to improve the neighborhood and their livelihood.

Monchito, recognizing that youth are our community's and Nation's future, would often sponsor positive activities and provide trophies and other awards for Sunset Park's youth. His civic mindedness inspired merchants all along 4th and 5th Avenues in Sunset Park to commit themselves to bettering the community, including developing a constructive working relationship with the 72nd Police Precinct.

Monchito's generous and charitable nature would not allow him to see another human being suffering and he would often give freely to those in need. His generosity and leadership are legendary in the community to this day.

Sunset Park lost a great man, a great Puerto Rican and an effective leader when Monchito died three years ago. The renaming of 5th Avenue between 44th and 45th Streets is a well-deserved tribute to Monchito Pascualy who gave so much, and so lovingly to so many in our community. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in paying tribute to Monchito Pascualy on the day of a street being renamed in his honor.

A TRIBUTE TO LOCAL HEROS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. McGOVERN. Mr. Speaker, on December 27, 1997, James Floyd, a part-time Plainville, Massachusetts Police Officer, responded to an accident on Mirimiche Road. Officer Floyd found a car submerged in Mirimichi Lake when he arrived at the scene. After calling for assistance, he proceeded into the freezing water to rescue any victims. He was unable at first to free Thomas Spadoni, who was trapped inside. When Officer Floyd surfaced, Officers Greg Kiff and Brian Scully were at the accident site. Officer Floyd was given a knife and able to cut the victim free. Mr. Spadoni was then given CPR by Officers Kiff and Scully, who were assisted by paramedics from Plainville and North Attleboro. Officer Floyd returned to the water to verify that there were no remaining victims in the car.

Thomas Spadoni was transported to Sturdy Memorial Hospital and then to the University of Massachusetts Medical Center. Hospital officials confirmed that Mr. Spadoni was "clinically drowned." He survived only because of the heroic efforts of Officer Floyd and the other officers at the scene. When James Floyd was asked why he jumped into the water, he stated, "It was a lot of training and instinct."

On January 12, 1998 the citizens of Plainville honored their heroes at a special ceremony in the Wood School Library. Officer Floyd was given the Medal of Valor for actions that far exceeded expectation. The people of Plainville, as well as the citizens of Massachusetts, are indeed fortunate to have these truly dedicated public safety officers in their service.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. GUTIERREZ. Mr. Speaker, in the afternoon of Monday, June 22, 1997, I was unavoidably delayed from reaching this chamber and therefore missed roll call vote number 252, the vote on the Foley amendment to H.R. 4060; roll call vote number 253, the vote on final passage on H.R. 4060, the Energy and Water Development Appropriations bill; roll call vote number 254, the vote on final passage of H.R. 4059, the Military Construction Appropriations bill; roll call vote number 255, to suspend the rules and pass H. Con. Res. 288 and roll call 256 to suspend the rules and pass H. Res. 452. I want the record to show that if I had been able to be present in this chamber when these votes were cast, I would have voted yea on each of them.

COMMEMORATING THE 25TH ANNIVERSARY OF THE SENIOR CITIZENS COORDINATING COUNCIL OF RIVERBAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. ENGEL. Mr. Speaker, today I rise to speak in praise of a group of people celebrating the 25th anniversary of working daily to address the needs of senior citizens who live at Co-op City in the Bronx. The Senior Citizens Coordinating Council on Riverbay, Inc. has taken as its mission to seek out and develop resources and services to meet the needs of the elderly in Co-op City, to facilitate service co-ordination between agencies, to establish a safety net of services for the vulnerable elderly, to advocate for seniors at all levels of decision making, and to organize, educate and empower seniors to act on their own behalf.

This is a grass roots organization in the best sense, for it is made up of local people banding together to help themselves and others similarly situated. It was organized in 1973 as a non-profit organization to help the elderly in Co-op City, the largest co-operative community in the world with more than 15,000 apartments and 50,000 residents.

SCCC was formed shortly after Co-op City opened to help the already large number of retired and those nearing retirement who had come to live in Co-op City. SCCC has organized programs targeting the homebound elderly and operates three centers for congregate meals to help the 90 percent of the seniors in Co-op City who are in the low- to moderate-income categories.

I have worked with SCCC and find it an exemplary model of a helping organization; one that is run locally by people from the community to help their neighbors.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House chamber for roll call votes held the evening of Monday, June 22. Had I been present I would have voted "nay" on roll call 252 and "yea" on roll call votes 253 through 256.

PERSONAL EXPLANATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. WELDON of Florida. Mr. Speaker, on June 18, my wife and I adopted a newborn baby boy and I was unable to be in Washington for votes. Due to the adoption, I missed votes on June 18, 19, and 22. Had I been present I would have cast votes as follows.

I would have voted Aye on the following Roll Call votes: 243, 244, 245, 246, 247, 248, 251, 254, 255, and 256.

I would have voted No on the following Roll Call vote: 242.

ECONOMIC GROWTH ACT OF 1998

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. PACKARD. Mr. Speaker, I rise in support of House Speaker NEWT GINGRICH's "Economic Growth Act of 1998." As an original cosponsor of this legislation, I am proud that it will boost economic growth and offer better financial investment resources for all Americans.

The "Economic Growth Act of 1998" will reduce capital gains rates, simplify the tax rate by eliminating exemptions and reduce the holding period for assets. This bill is a win-win situation for all citizens. Critics have claimed that reducing taxes on investment will only benefit the wealthy. This is not the case. A 1997 Congressional Budget Office study found half of all U.S. families own assets such as stocks, bonds, businesses and real estate which encourage savings and investment. One-third of all taxpayers who reported gains or losses over a 10-year period made less than \$50,000 annually. This legislation will make investment and planning more manageable for all Americans, regardless of their annual income.

Mr. Speaker, the "Economic Growth Act of 1998" will benefit Americans, regardless of their stage in life, if they are starting a family, sending a child to college or preparing for retirement. For too long, the threat of monetary punishment often associated with entrepreneurship has loomed over the heads of Americans, discouraging them from saving and investing. This legislation will move our economy with the changing times and interests of America's families and businesses.

A TRIBUTE TO NATIONAL PARK
SERVICE RANGER JOSEPH
KOLODSKI

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, I was shocked and deeply saddened by the news last weekend of a federal law enforcement official's murder in my district. Ranger Joseph David Kolodski, 36, of the U.S. Park Service was killed in cold blood while serving our nation and keeping Western North Carolina communities safe. Unfortunately, legislative business will keep me from attending Thursday's memorial services, so I am sending members of my staff to convey our sympathies and promise that this senseless act will not go unpunished.

A six-year veteran of the Park Service, Ranger Kolodski epitomized the dedication and sacrifice that protect and maintain our nation's natural resources. He was a devoted father and family man. Joe was also a dedicated member of his community. He served in his community church, First Baptist Church in Bryson City, North Carolina. He also volunteered with the Cherokee Emergency Medical Services.

I plan to inquire of National Park Service officials what equipment upgrades or resources could prevent another tragedy from occurring. We need to guarantee that our National Parks and Forests remain safe for visitors and personnel. In the 82 years of the National Park Service, Ranger Kolodski is the third to fall in the line of duty. We need also to be sure the men and women who keep them safe have the tools they need to protect themselves!

Finally, my thoughts and prayers are with Florie—Ranger Kolodski's wife of 17 years who is also a Park Ranger—and Rachel, Joseph and Sarah—Joseph's children. For them, Ranger Kolodski was a devoted husband and father. At this time of grief, I urge Members to join with me in conveying our sympathies to this young family and work with me to see that our Park Rangers have the tools they need to be safe.

A SPECIAL TRIBUTE TO THE
HURON PLAYHOUSE IN RECOGNITION OF ITS FIFTIETH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to one of the truly outstanding landmarks in Ohio's Fifth Congressional District, the Huron Playhouse. On Opening Night, Tuesday, June 30, 1998, the Huron Playhouse will celebrate its Fiftieth Anniversary.

The Huron Playhouse is the oldest continuing educational summer theater in the state of Ohio. Over the past fifty years, the Huron Playhouse has been the summer home to more than 475,000 attendees, who have come to see 329 productions of some 262 different plays. The successes of the Huron Playhouse,

over its fifty-year history, are strong examples of what hard work, determination, talent, and creativity can bring.

The Huron Playhouse has a very rich and tradition-filled history. Started in 1948, the Huron Playhouse began as a partnership summer theater program by Bowling Green State University and the Huron community. Over the past fifty years, the BGSU/Huron partnership has continued to grow and has provided the tremendously educational and entertaining theatrical productions that are associated with the Huron Playhouse.

Mr. Speaker, the Huron Playhouse is one of the cornerstones of the Huron community. It continues to be a wonderful summer theater of which we can all be proud. The Fiftieth Anniversary Celebration of the Huron Playhouse is a time to reflect upon the achievements of the past, and a time to look to the future with much enthusiasm. I am sure the next fifty years of the Huron Playhouse will be just as memorable as the first.

Mr. Speaker, I would urge my colleagues to stand and join me in paying special tribute to the Huron Playhouse, to all those who have attended its performances, to the directors, producers, cast, crew, and orchestra members, and all others who have helped build it into the premier theater in the area. We congratulate you on fifty wonderful years, and wish you all the best in the future.

HONORING GENEVIEVE BROOKS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. ENGEL. Mr. Speaker, we rise to speak in the highest praise of a woman who has worked for much of her life to improve the lot of people in need, a woman who has done more than probably anyone to save and create housing in the Bronx when it seemed that everyone else was fleeing.

Genevieve Brooks is vice president for the Faith Center for Community Development, where she is dedicating herself to creating and preserving healthy neighborhoods. She has been doing this in many guises for most of her life. As Deputy Borough President of the Bronx she oversaw policy implementation for a county of 1.2 million people while managing the day-to-day operations of 120 people and agency professionals, as well as community based organizations, in planning for and improving housing and the delivery of municipal services. She has served on the Boards of Directors of Bronx Health and Human Services Development Corp. and the Bronx Overall Economic Development Corp. She has also served on the Consumer Advisory Council of the Federal Reserve Board and the Advisory Council of the Federal Home Loan Mortgage Corp.

She has organized and run dozens of organizations to improve housing either communally or throughout the Borough. She was instrumental in the Bronx being named one of America's top ten cities.

Genevieve Brooks is being honored for her good works by being named Bronx Woman of Distinction. No one is more deserving of this honor; no one has done more to earn it.

PROTEST ON BEHALF OF
ALEXANDR NIKITIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. HOYER. Mr. Speaker, next week, on Thursday, June 25, human rights activists and defenders of the environment plan to gather in front of the Russian Consulate in San Francisco to protest the continuing mistreatment of former Russian Navy Captain Alexandr Nikitin.

Working with the Norwegian environmental group "Bellona," Mr. Nikitin provided resource material for a report entitled "The Russian Northern Fleet: sources of Radioactive Contamination," that exposed the Russian Navy's nuclear waste dumping in the White Sea and Kola Peninsula region. The report revealed, for instance, that fifty-two decommissioned nuclear submarines still containing nuclear fuel are rusting at the Murmansk dockside and that nuclear reactors from other decommissioned submarines were simply dumped into the Arctic Ocean.

It would probably be too much to ask that the Russian government thank him for his efforts. Frankly, the Russian government is not the only government that has not looked kindly on environmental whistle blowers. However, most governments would not go to the lengths to which the Russian government has gone to punish Mr. Nikitin for his expose.

On February 2, 1996, he was arrested and charged with "revealing state secrets," a charge that could carry the death penalty if he were convicted. In October 1996, the Federal Security Service (FSB) declared the Bellona/Nikitin report "forbidden literature." Nikitin was held in pretrial detention from February to December 1996. I would note that during this time his brother-in-law, who had served in the Russian Northern Fleet, died of radiation poisoning.

Protests from human rights activists and defenders of the environment resulted in Nikitin's release from detention, but the charges were not dropped. The FSB attempted to have him indicted on the basis of unpublished "secret decrees," a blatant violation of the Russian constitution. Even the Federal Prosecutor's office admitted that "mistakes were made" and that the case "contains no hint of espionage." The FSB had to back down, and after six earlier investigations, now claims to have a legitimate case to go to trial. One wonders how many chances the FSB gets.

Meanwhile, Nikitin has been required to remain in St. Petersburg. His wife and daughter came to the United States last year to accept on his behalf the prestigious Goldman Environmental Prize for his environmental work. Their apartment is kept under surveillance, the phone has been tapped, and Nikitin's lawyer was recently approached by thugs on the street and told to "stay away from this."

But the FSB has misjudged their man. Alexandr Nikitin and his family are standing up to the reactionary forces of the past. They do this not only for themselves, but for millions of Russians and millions of others on this planet who are endangered by ecological irresponsibility and indifference. If we care about human rights and the future of our planet, we should add our voices in support of Alexandr Nikitin's cause. The Russian government

would be better served by honoring the efforts and integrity of citizens such as Alexandr Nikitin rather than trying to silence and punish him.

GIFTED AND TALENTED STUDENTS EDUCATION ACT OF 1998

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. GALLEGLY. Mr. Speaker, today I will introduce the Gifted and Talented Students Education Act of 1998 that would provide block grants to states to identify and assist our nation's most gifted and talented students.

Gifted and talented students are this nation's greatest natural resource. They are our future Thomas Edisons, Langston Hughes, George Gershwin and Albert Einsteins. Unfortunately, these students are not being challenged today and our nation is missing out on their future achievements. According to Secretary of Education Richard Riley, our nation is facing a "quiet crisis" in that we are not appropriately educating our nation's most gifted and talented students. We must challenge these students with exceptional talent so they do not slip through the cracks and their talent does not go untapped.

My legislation addresses this "quiet crisis" by providing block grants to state education agencies to identify gifted and talented students from all economic, ethnic and racial backgrounds—including students of limited English proficiency and students with disabilities—and to provide support programs and services to ensure these students achieve their full potential. Funding would be based on each state's student population, with each state receiving a minimum of \$1 million per year.

I encourage all of my colleagues to join me in my commitment to ensure our nation's gifted and talented students reach their fullest potential and to ensure we have a new generation of Americans ready to meet the demand of the 21st Century.

POLYCYSTIC KIDNEY DISEASE

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. COOK. Mr. Speaker, I rise today to share with my colleagues the story of a remarkable woman from Salt Lake City. Her story, and that of her family, brought home to me the reality of a tragic and widespread affliction called Polycystic Kidney Disease, or PKD.

Heidi Naylor suffers from PKD. So did her grandfather. So does her mother. So does her aunt. So do two of her brothers and sisters. Her children may ultimately develop this devastating disease as well.

Heidi's grandfather died from PKD when he was only 43 years old. Heidi's mother has undergone surgery six times in a single month to

treat the disease. She has had 38 surgeries overall and has been on dialysis for the last 15 years. Heidi's mother has suffered from numerous life threatening complications including punctured lungs, pancreatitis, and numerous infections. However, the nurses and technicians at her dialysis center call her the "Energizer Bunny," because she never gives up. She has survived longer than almost anyone else in Utah on dialysis. Heidi told me that her mother is an inspiration to her entire family because, "when you see her and her determination to live here on this earth you can't help but feel uplifted."

Heidi herself is 33 years old with three children, and has also been diagnosed with Polycystic Kidney Disease, which is also known as PKD. Taking a cue from her indefatigable mother, she is fighting to make a difference. Heidi has become involved with Polycystic Kidney Research Foundation. She came here to Washington last week, which is when I had the pleasure of meeting her. Heidi called herself a rookie advocate, but she was extremely articulate in relating her family's compelling story, and in advocating a greater federal commitment to PKD research. Heidi says that she wants to work to ensure that effective treatments are available if her children in case they develop PKD.

Six hundred thousand Americans suffer from PKD. As Heidi's story makes clear, it is a genetic disease. It is also very painful and debilitating. Sufferers are afflicted with cysts on both kidneys which impair their functions. More than half of those afflicted develop kidney failure. In fact, PKD is the third leading cause of kidney failure. PKD sufferers make up approximately 10% of the End Stage Renal Disease population in the U.S. Medicare and Medicaid End Stage Renal Disease coverage for PKD sufferers costs the government over one billion dollars annually.

Congress can help people like Heidi and her family in their fight against the pain and the debilitating symptoms and complications of PKD.

First, we can fight for increasing funding for the NIH. I understand that the Appropriations Committee is in the process of considering a \$1.25 billion increase in NIH funding. Mr. Speaker, I urge all of my colleagues to support this needed spending increase.

Second, we should let the NIH know that it should increase the funding for PKD research through the National Institute of Diabetes and Digestive and Kidney Diseases. NIH funding for this disease is low compared to the large number of individuals who are afflicted. Increased funding for PKD research would be a wise and compassionate investment. Scientists have recently discovered the gene that causes most cases of PKD and are working on finding ways to translate this discovery into treatments for the disease. Finally, as I have already noted, PKD costs the government over a billion dollars a year in Medicare and Medicaid coverage for End Stage Renal Disease. Effective treatments will eliminate the need for this spending.

Mr. Speaker, I ask you and my colleagues to consider that a relatively small investment in research at the NIH can end a great deal of pain and suffering, and ultimately save the Treasury billions of dollars. It will also help Heidi Naylor and her family. It will let them

know that we in the Congress are standing beside them in their fight against PKD. And that is the least we can do.

CONCERNS FOR THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS CONFERENCE REPORT

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. WHITFIELD. Mr. Speaker, two days ago the full House passed the FY 1999 Energy and Water Development Appropriations Bill. I was proud to lend my support to that bill, although there are several important issues affecting my District that I would like to bring to the attention of my House colleagues.

I represent the workers at the Paducah Gaseous Diffusion Plant—one of two plants in America that originally enriched uranium for our country's nuclear weapons production program. Today, that uranium is sold to commercial nuclear power companies.

The environmental cleanup associated with the enrichment process is financed by the Decontamination and Decommissioning Fund. The President requested \$277 million for the D&D fund. The Senate bill includes \$197 million while the House bill provides \$225 million.

The federal government is responsible for this cleanup, Mr. Speaker, and further delays will result in higher long-term costs. It is my hope that the House and Senate conferees will agree to fund the D&D program at the higher House-approved funding level.

Another issue of special importance to me was raised by my colleague in the Senate, MITCH MCCONNELL, during a floor discussion with Senator PETE DOMENICI, Chairman of the Energy and Water Development Appropriations Subcommittee.

The United States Enrichment Corporation (USEC) currently manages the two uranium enrichment plants in Paducah, Kentucky and Portsmouth, Ohio. Legislation has already passed the Congress to privatize USEC and final privatization action is imminent. Once that Corporation is privatized, I have been advised that between 600 to 1,700 jobs will be lost at the two plants.

I have also been told that USEC has accrued approximately \$400 million on its books for the purpose of cleaning up the uranium waste generated by the enrichment process since USEC took over operation of the plants from the Department of Energy in 1993. However, this money only remains available until USEC is privatized and, at that point, the monies would be transferred to the Treasury.

I oppose returning those funds to the Treasury when they were originally earmarked for cleanup of USEC's uranium waste at both of the gaseous diffusion plants.

It would be my hope that my colleagues on the Energy and Water Development Appropriations Subcommittee will work with me to ensure that the money earmarked for the purpose of cleaning up the uranium tails produced by USEC will continue to be dedicated for these purposes and help mitigate job losses at these plants.

IN HONOR OF PAUL O'DWYER

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to express my great sorrow at the passing of a wonderful man, Mr. Paul O'Dwyer who died last night at his home in Goshen, New York. Born in the tiny village of Bohola, County Mayo, Ireland, Paul was one of eleven children—the youngest son of two school teachers. As a young man, Paul left his native home and like millions of his fellow countrymen before him, set sail for America seeking a better life. He arrived in New York in 1926, and found work as a laborer on the shipping docks in lower Manhattan. While working long hours by day as a laborer, Paul managed to earn his law degree at night from St. John's University Law school.

As a young attorney in New York, Paul became the driving political force among the Irish of New York. He was a man of tremendous energy, and more importantly, tremendous conviction. His office was open to all who needed help and he was always ready to champion a good cause. Whether it was signing up African-American voters in the South when they were being denied the right to vote; organizing efforts to break the British blockade of Israel in 1948; fighting for the rights of labor; or galvanizing the Irish-American movement for justice in Northern Ireland, Paul never saw a wrong he didn't try to right.

I speak for all who of us who knew an loved Paul when I say he will be sorely missed—but his legacy will live on. I would like to extend my deepest sympathy to Paul's wife, Patricia, his sons, Brian, Rory, William, his daughter, Eileen and the rest of his family.

EVERY CURRENCY CRUMBLES**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. PAUL. Mr. Speaker, it has recently come to my attention that James Grant has made a public warning regarding monetary crises. In an Op-Ed entitled "Every Currency Crumbles" in The New York Times on Friday, June 19, 1998, he explains that monetary crises are as old as money. Some monetary systems outlive others: the Byzantine empire minted the bezant, the standard gold coin, for 800 years with the same weight and fineness. By contrast, the Japanese yen, he points out, is considered significantly weak at 140 against the U.S. dollar now to warrant intervention in the foreign exchange markets but was 360 as recently as 1971. The fiat U.S. dollar is not immune to the same fate as other paper currencies. As Mr. Grant points out, "The history of currencies is unambiguous. The law is, Ashes to ashes and dust to dust."

Mr. James Grant is the editor of Grant's Interest Rate Observer, a financial publication, and editorial director of Grant's Municipal Bond Observer and Grant's Asia Observer. He has also authored several books including the biographical "Bernard Baruch: Adventures of a Wall Street Legend", the best financial book of

the year according to The Financial Times "Money of the Mind: Borrowing and Lending in America from the Civil War to Michael Milken", "Minding Mr. Market: Ten Years on Wall Street with Grant's Interest Rate Observer" and "The Trouble with Prosperity: The Loss of Fear, the Rise of Speculation, and the Risk to American Savings". He is a frequent guest on news and financial programs, and his articles appear in a variety of publications.

[From the New York Times, June 19, 1998]

EVERY CURRENCY CRUMBLES

(By James Grant)

Currencies, being made of paper, are highly flammable, and governments are forever trying to put out the fires. Thus a half decade before the bonfire of the baht, the rupiah and the yen, there was the conflagration of the markka, the lira and the pound. The dollar, today's global standard of value, was smoldering ominously as recently as 1992.

Monetary crises are almost as old as money. What is different today is the size of these episodes. It isn't every monetary era that features recurrent seismic shifts in the exchange values of so-called major currencies. On Wednesday morning, after co-ordinated American and Japanese intervention, the weakening yen became 5 percent less weak in a matter of hours.

People with even a little bit of money ought to be asking what it's made of. J.S.G. Boggs, an American artist, has made an important contribution to monetary theory with his lifelike paintings of dollar bills. So authentic do these works appear—at least at first glance, before Mr. Boggs' own signature ornamentation becomes apparent—that the Secret Service has investigated him for counterfeiting. "All money is art," Mr. Boggs has responded.

Currency management is a political art. The intrinsic value of a unit of currency is the cost of the paper and printing. The stated value of a unit of currency derives from the confidence of the holder in the promises of the issuing government.

It cannot undergird confidence that the monetary fires are becoming six- and seven-alarmers. Writing in 1993 about the crisis of the European Rate Mechanism (in which George Soros bested the Bank of England by correcting anticipating a devaluation of the pound), a central bankers' organization commented: "Despite its geographical confinement to Europe, it is probably no exaggeration to say that the period from late 1991 to early 1993 witnessed the most severe and widespread foreign exchange market crisis since the breakdown of the Bretton Woods System 20 years ago." But the European crisis has been handily eclipsed by the Asian one.

Monetary systems have broken down every generation or so for the past century. The true-blue international gold standard didn't survive World War I. Its successor, a half-strength gold standard, didn't survive the Great Depression. The Bretton Woods regime—in which the dollar was convertible into gold and the other, lesser currencies were convertible into the dollar—didn't survive the inflationary period of the late 1960's and early 1970's.

Today, the unnamed successor to Bretton Woods is showing its years. The present-day system is also dollar-based, but it differs from Bretton Woods in that the dollar is no longer anchored to anything. It is defined as 100 cents and only as 100 cents. Its value is derived not from a specified weight of gold, as it was up until Aug. 15, 1971, but from the confidence of the market.

For the moment, the market is highly confident. So is the world at large. In 1996, the

Federal Reserve Board estimated that some 60 percent of all American currency in existence circulates overseas. The dollar has become the Coca-Cola of monetary brands.

However, as Madison Avenue knows as well as Wall Street, brand loyalties are fickle. In the early 1890's, the United States Treasury was obliged to seek a bailout from the Morgan bank. During the great inflation of the 1970's, Italian hotel clerks, offered payments in dollars, rolled their eyes. The yen, today reckoned dangerously weak at 140 or so to the dollar, was 360 as recently as 1971. The tendency of the purchasing power of every paper currency down through the ages is to regress. Is there any good reason that the dollar, universally esteemed today, should be different?

None. Certainly, the deterioration of the American balance-of-payments position doesn't bode well for the dollar's long-term exchange rate. Consuming more than it produces, the United States must finance the shortfall. And it is privileged to be able to pay its overseas bills with dollars, the currency that it alone can legally produce. Thailand would be a richer country today if the world would accept baht, and nothing but baht, in exchange for goods and services. It won't, of course. America and the dollar are uniquely blessed.

Or were. France and Germany have led the movement to create a pan-European currency, one that would compete with the dollar as both a store of value and a medium of exchange. The euro, as the new monetary brand is called, constitutes the first serious competitive threat to the dollar since the glory days of the pound sterling.

In a world without a fixed standard of value, a currency is strong or weak only in relation to other currencies. The dollar's "strength," therefore, is a mirror image of—for example—the yen's "weakness." It is not necessarily a reflection of the excellence of the American economy.

And no degree of excellence can forestall a new monetary crisis indefinitely. Some monetary systems are better than others, and some last longer than others, but each and every one comes a cropper. The bezant, the standard gold coin of the Byzantine empire, was minted for 800 years at the same weight and fineness. The gold may still be in existence (in fact—no small recommendation for gold bullion—it probably is), but the empire has fallen.

After the 1994 crisis involving the Mexican peso, the world's financial establishment vowed to stave off a recurrence. Even as the experts delivered their speeches, however, Asian banks were overlending and Asian businesses were overborrowing; the credit-cum-currency eruption followed in short order. Naturally, officials and editorialists are now calling for even better fire prevention systems.

But "stability," the goal so sought after, is ever unattainable. The history of currencies is unambiguous. The law is, Ashes to ashes and dust to dust.

CAMPAIGN FINANCE**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, June 24, 1998 in the CONGRESSIONAL RECORD.

LIMITING CAMPAIGN SPENDING

Hoosiers will sometimes ask me why Congress doesn't simply change the system for

financing congressional races. They are concerned about the rapidly escalating cost of campaigns and the "money chase" by candidates, and there is usually a "Just fix it" tone to their question. It can obviously be difficult for Members of Congress to change a system under which they were elected, but there are other, more fundamental reasons why campaign finance reform is so difficult—reasons arising out of a Supreme Court decision made more than two decades ago.

The Buckley case: The debate over campaign finance reform has become closely linked to the First Amendment rights of speech, expression, and association. In a famous 1976 decision, *Buckley v. Valeo*, the Supreme Court held that the giving and spending of campaign contributions were forms of political speech protected by the U.S. Constitution. The Court, however, distinguished between the constitutional protection afforded campaign contributions to a candidate by individuals, political action committees (PACs), or other groups and the protection afforded campaign spending by the candidate or others for direct communications with voters. Congress, the Court concluded, could place reasonable limits on campaign contributions to candidates because those contributions pose the possibility of corruption, or at least the appearance of corruption. Campaign spending by candidates or others, on the other hand, could not be so limited because the risk of corruption was less apparent and did not justify restrictions on the free speech rights of candidates.

The Buckley case has been a very large obstacle to meaningful campaign finance reform. The upshot of the decision is that Congress can properly limit the amount an individual or PAC can give to a candidate, but not the overall amount spent by any given candidate. Congress has the authority to limit campaign spending indirectly through a voluntary system of public financing, as is used in Presidential campaigns, but resistance to public financing makes that alternative unlikely. Buckley has helped spawn a campaign finance system where hundreds of millions of dollars are spent each year on federal elections.

Need for reform: I believe it is time for the Supreme Court to revisit the Buckley decision. I agree that campaign spending deserves some protection as free speech, but also believe spending can be restricted consistent with the Constitution. As the Court in Buckley acknowledged, campaign spending limits could be upheld if there were compelling governmental interests to justify such limits. The Court did not find those compelling interests existed in 1976. I believe they exist today with over 20 years of documented evidence.

Time fundraising: First, spending caps can be justified as a way to limit the harmful effects of fundraising on the legislative process and our system of representative government. Candidates today are engaged in an ever-escalating effort to raise money. In 1976 my campaign cost about \$100,000; in the last election it cost \$1 million. The practical effect of the money chase is that candidates spend more time raising money and less time meeting with constituents and doing their legislative work. They are not gathering information, analyzing policy, or debating the issues with their fellow Members. They are not learning what questions and problems most trouble the voters or going to public forums to hold their views up to public scrutiny. Consequently, the legislative process suffers.

Money wins: Second, spending caps can be justified as a way to reduce anti-competitive electoral practices. The simple fact is that

the candidates who spend the most usually, but not always, win. Wealthy or well-funded candidates have a decided advantage in seeking office. Too many talented and energetic people simply choose not to run because they don't have the stomach to get into the money chase or because they are dismissed as not being viable candidates without the money. Incumbents are fully aware of this dynamic and they exploit it. They amass large war chests to scare away the competition, and as a result many incumbents today run unopposed. The upshot is that political debate is curtailed, and people with large amounts of money drown out everybody else's speech.

Corruption: Third, spending limits can be justified as a way to go after the threat of corruption. Most voters today believe their elected representatives are beholden to people and interests with money, not to them. Many campaign contributions may come from the candidate's natural political base, but if he has to seek an unlimited amount of money he will have to tap money from outside his natural supporters. And that puts a lot of pressure on him to take positions he does not favor and do things he does not want to do. Every act an elected official takes, whether to vote one way or the other, to introduce a bill or not, to deliver a speech, to conduct a committee hearing, has to be assessed in terms of its potential to attract or repel campaign funds. This situation feeds voter cynicism and disillusionment with elected officials and with government.

Conclusion: A host of legislative proposals to address these problems are being shot down by references to the Buckley decision and the First Amendment. I have never understood the different treatment of contributions and expenditures in Buckley. My view is that if government is justified in restricting contributions it is justified in limiting spending as well. Democracy can be threatened by excessive activity on either the spending or the contribution side of campaign finance.

It is time for the Supreme Court to review and modify the Buckley decision. The government has a strong interest in restoring the health of our democracy. The very essence of representative government is challenged by the present regime of money raising. Money has produced a crisis in our democratic system. Voters perceive that money too often controls who runs and who wins and that candidates spend too much time chasing money rather than listening to them. They become disillusioned and their disillusionment leads to disengagement.

Surely the Court can find a way under our Constitution to prevent money from skewing electoral results or from disproportionately influencing the priorities, the activities, and the decisions of our elected representatives. We simply have to find a way to preserve democracy without sacrificing free speech. If we are to find a way to reinvigorate our democracy, we must reexamine the Buckley case.

STARR'S PREVIOUS DENIAL OF LEAKS MAY HAVE VIOLATED THE LAW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. CONYERS. Mr. Speaker, I enter into the RECORD the following article from the National Law Journal concerning legal issues that have been raised by Mr. Starr's previous denials of

allegations of improper disclosures by his office to the press.

[From the National Law Journal, June 29, 1998]

LIES, NOT LEAKS, REAL STARR ISSUE? CRITICS SAY HIS LEAK DENIALS MAY HAVE VIOLATED U.S. LAW

(By David E. Rovella)

Kenneth W. Starr's critics say the Whitewater independent counsel should be investigated for leaking grand jury information. But if he's found to have done anything wrong, it may not be for leaking, but for lying—the very offense Mr. Starr is trying to pin on the president.

Such thinking has gained some currency among lawyers connected to the investigation, but not because of Mr. Starr's recently published admission that he gave information to reporters—information some say may be protected by grand jury secrecy laws. Instead, defense lawyers are focusing on statements Mr. Starr made in the past six months, statements that gave the impression that he never commented about such matters.

For example, a defense lawyer involved in the investigation says confidential memos sent by the Office of the Independent Counsel to him and to the Justice Department deny such leaks. As a result, he argues, Mr. Starr's recent statements could make him vulnerable under 18 U.S.C. 1001(a)(2), which punishes false statements made to executive branch officials, such as U.S. Attorney General Janet Reno.

In short, Mr. Starr and Bill Clinton are accused of unseemly acts most people don't care much about. For Mr. Clinton, the allegation is sex with a White House intern. For Mr. Starr, it is allegedly illegal leaking. But if either man is brought down, it would not be because he committed an illicit act, but conceivably because he lied about it.

Just as Mr. Starr has been allowed to chase evidence of Mr. Clinton's lying or suborning perjury to cover up alleged sexual peccadilloes, lawyers representing possible targets of the Whitewater investigation say Ms. Reno should appoint a special prosecutor to investigate alleged leaks and any possible false statements made by Mr. Starr. Justice officials would only say that the Office of Professional Responsibility is reviewing the article in Brill's Content magazine, published June 15, in which Mr. Starr made his so-called leak confession.

The independent counsel has said in at least three separate public statements that information he provided to reporters did not violate Rule 6(e)(2) of the Federal Rules of Criminal Procedure, which requires grand jury secrecy. But observers say even the possibility that he lied increases pressure on the Justice Department to launch an unprecedented probe of the independent counsel.

"It's very parallel to Clinton and Lewinsky," says former Iran-Contra associate independent counsel Gerard E. Lynch. "The question of leaks, like the question of consensual oral sex, is something only two people know about, and neither one wants to tell."

THE DEFENSE OF STARR

In a June 16 letter to Mr. Starr, Clinton lawyer David E. Kendall listed various points during the six-month Lewinsky investigation when Mr. Starr had publicly declined to comment on grand jury matters, citing secrecy concerns. One lawyer close to the investigation, who requested not to be identified, says that when complaints about alleged leaking by Mr. Starr were filed with Deputy Attorney General Eric Holder Jr., Mr. Starr responded with scathing denials. "He had made statements to Justice that he

had not done these things," the lawyer says. Neither Mr. Starr nor the Justice Department would comment on whether such memos were sent or what they may have contained.

But Mr. Starr's carefully worded statement tracks his defense against such charges. In the magazine article, he stated that his talks with reporters did not violate grand jury secrecy because the information provided stemmed from interviews with grand jury witnesses before they testified.

If there ever is an investigation, there remains some question of how Justice would probe the OIC without compromising its independence. "Most 6(e) cases tend to be [Freedom of Information Act] cases, media requests to open the court—not dealing with the behavior of the prosecutor," says former Iran-Contra associate independent counsel John Q. Barrett.

Experts say Ms. Reno could use her general powers to appoint a "Regulatory Special Prosecutor," similar to those appointed prior to the independent counsel law. This, they say, is preferable to seeking another independent counsel—which would likely be denied by the Special Division of the U.S. Circuit Court of Appeals for the District of Columbia—or to asking Mr. Starr to expand the mandate of former DOJ official Michael Shaheen, who is probing alleged payoffs of Whitewater witness David Hale by right-wing groups.

THE "DOW JONES" CASE

Both the leaking and lying charges hinge on a May 8 ruling by the D.C. Circuit that dealt with media access to hearings spawned by the Whitewater grand jury. A passage in the ruling, which may be a nonbinding dictum because it doesn't directly involve media access, contradicts Mr. Starr's initial assertions that he did not breach 6(e). In *Re: Motions of Dow Jones & Co.*, 98-3033. Circuit Judge A. Raymond Randolph addressed 6(e)(2), which requires secrecy for "matters occurring before the grand jury."

"This phrase . . . includes not only what has occurred and what is occurring, but also what is likely to occur," he wrote. "Encompassed within the rule[is] . . . the substance of testimony [and the] strategy or direction of the investigation."

Some experts who say that using 18 U.S.C. 1001's prohibitions of lying against Mr. Starr would be a stretch also say they doubt the potency of Dow Jones on 6(e). "If I were a special prosecutor assigned to pursue this theory, it wouldn't be a slam-dunk," says Mr. Lynch.

Another facet of Mr. Starr's defense deals with charges that his alleged leaking violates Justice Department policies. Under 28 U.S.C. 594(f)(1) of the independent counsel act, Mr. Starr must obey the "established policies" of the Justice Department, "except to the extent that to do so would be inconsistent" with the act.

One of those policies is Rule 1-7.530 of the U.S. Attorney's Manual. While barring media contact concerning ongoing investigations, the rule makes an exception for "matters that have already received substantial publicity, or about which the community needs to be reassured." Mr. Starr says he was obligated to correct misinformation in the press, and therefore his press comments fell under that exception. (Mr. Lynch says that this argument is "a little lame.")

However, the independent counsel law may relieve Mr. Starr of having to follow 1-7.530 at all, if he feels that doing so would be "inconsistent" with the act.

But Mr. Lynch says this provision of the law isn't a free ride. Mr. Starr "is not a total free agent; he's a substitute for a regular prosecutor," he says. "You're not supposed to make up your own rules along the way."

INTRODUCTION OF THE VIRGINIA FLOOD CONTROL BILL

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a bill that is designed to alleviate a serious problem for flood victims. In 1996, much of the southeastern region of our country took the brunt of the punches hurricane Fran could muster. Soon thereafter, Congress reacted by sending emergency aid to help rebuild the lives of those caught by this natural disaster. Many of my constituents were recipients of that aid and were grateful for it. However, the bureaucracy that accompanied some of Congress' best intentions was not as welcomed.

The people of the 6th district of Virginia are good, hard working, self-reliant people. Their first reaction was not to look for government intervention when calamity struck. Instead, they turned to their families and neighbors and told each other that it was time to go to work.

The flooding caused by Hurricane Fran in Allegheny, Augusta, Rockbridge, and Rockingham Counties dumped tons of rock and other debris in fields, pastures, living rooms and basements. My constituents, the farmers and landowners, wanted simply to start their tractors, put their gloves on and begin moving rocks. However, federal bureaucrats told them they needed to apply for a permit to put their lives back together.

If the farmers and landowners came crying to the government for help to move the debris, one might understand the federal cries for delay. But these folks were simply doing what they were always taught; if you want to get a job done right, do it yourself. Imagine their frustration when someone, probably from Washington, DC, came by and threatened to fine them if they continued to move the rocks without a permit.

Homer Allman, a landowner in Rockingham County, told me the so-called "repairs" the government so readily provided left nothing to be spoken for. "The work they did is already eroding," he said. "they provided me with six people who took three or four days to work on a plot of 1500 square feet of land that needed attention. In result, they made no banking and bore out a 50-foot channel. I could have done that in one afternoon with my bulldozer, and saved the taxpayer money."

Another landowner and constituent of mine, Page Will, observed that once the Army Corps of Engineers relaxed some permitting requirements, regular folks dug in and the work was completed. This is the impetus and spirit of my bill. Once we get the federal bureaucrats and their political way of prioritizing emergency projects out of the way, stream beds were cleared, banks were stabilized, and debris removed from pastures."

My bill prohibits the Secretary of Agriculture, or other executive branch officials, from preventing a State or local government to remove any rocks or other debris from land or water when the primary purpose of the removal operation is to reduce the risk and severity of subsequent flooding. I fail to see the need for federal intervention in what is seemingly their right to fix as landowners.

It's as simple as that. Why does the federal government have to get involved if it isn't

being asked to supply the equipment or human resources to get the removal projects underway? My constituents and I strongly believe that they should not be.

I urge my colleagues to support this legislation.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

Mr. SERRANO. Mr. Chairman, I would like to express my support for the Energy and Water Development Appropriations bill that we are voting on today on the House floor. With limited resources, this bill funds a diverse array of programs, everything from flood control projects to renewable energy technologies, in a truly bipartisan way.

I would also like to take this opportunity to recognize the outstanding contributions of two statesmen, Chairman MCDADE and the Ranking Member VIC FAZIO. Both of these Members have served this institution with distinction and have managed to once again carefully balance the diverse needs of our nation in a carefully crafted bill. VIC FAZIO and JOE MCDADE have been my friends, as well as colleagues, and their sense of fairness and ability to listen will be missed.

The people in the South Bronx are particularly grateful that funding was provided in this bill for the Corps of Engineers to initiate and complete a reconnaissance report for flood control, environmental restoration and other related purposes of the Bronx River. The restoration of the Bronx River is very important to the community that I represent, and this reconnaissance study will give the community the valuable information that it needs as it proceeds with its numerous efforts on behalf of the Bronx River.

Secondly, the Bronx community is deeply appreciative of the funding that was provided for the Corps of Engineers to continue design and construction activities at Orchard Beach in New York. More than two million people, many low-income and minority, visit Orchard Beach every year. Unfortunately, the beach is suffering from severe erosion and the sand needs to be replenished. In their March 1992 report, the Corps of Engineers New York District referred to this project as "environmentally acceptable with the potential to serve as a demonstration for tidal wetland restoration, provide direct environmental benefits and indirect educational value to the local population."

In conclusion, I would like to reaffirm my strong support for this legislation and for the way in which it both carefully balances the needs of our nation and takes into account the very specific needs of the residents of the South Bronx. Also, I would like to again express my deep appreciation for the fine work and many contributions of VIC FAZIO and JOE

McDADE. They will both be missed, and I wish them success in their future endeavors.

INTERNET TAX FREEDOM ACT

SPEECH OF

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

Mr. COX of California. Mr. Speaker, even prior to recent changes which enabled the Internet Tax Freedom Act to be endorsed by the National Associated of Governors, National Conference of State Legislatures, and other state and local government groups, the bill had already been endorsed by a number of prominent individual Governors, State lawmakers, State Treasurers and tax collectors.

I'd particularly like to single out for thanks the support of California Gov. Pete Wilson, New York Gov. George Pataki, Massachusetts Gov. Paul Cellucci, Virginia Gov. Jim Gilmore, former Massachusetts Gov. Bill Weld, former Virginia Gov. George Allen, California Board of Equalization Chairman Dean Andal, former Federation of Tax Administrators president Ernie Dronenburg, Ohio Treasurer Ken Blackwell, Utah Senate Democrat Leader Scott Howell, and Maryland House Republican Leader Martha Klima. (Attachment # 1).

The Internet Tax Freedom Act is strongly supported by President Clinton, who endorsed the legislation in February 1998 in a speech to high-tech executives. The legislation is also supported by the U.S. Treasury Department, which endorsed the legislation in May 1997 in testimony before Congress. I'd like to insert into the Record the following letter of support from the Deputy Secretary of the Treasury, the Honorable Lawrence H. Summers. (Attachment # 2).

In addition to significant support from prominent stated officials and President Clinton, the Internet Tax Freedom Act has also garnered support from a broad and diverse coalition of individuals and organizations, consumer and taxpayer advocates, and service and trade associations representing businesses involved in the Internet community. I'd like to ask that several letters of support from these individuals and organizations be placed in the RECORD. (Attachment # 3).

STATEMENTS OF PROMINENT STATE LAWMAKERS AND OFFICIALS WHO SUPPORT THE INTERNET TAX FREEDOM ACT

VA Gov. Jim Gilmore: "Virginia's Internet community is a thriving forum for commercial innovation and entrepreneurship. Now is not the time to tax the infant but promising marketplace of electronic commerce. Virginia must foster the economic growth of the Internet rather than thwart it with a state-by-state patchwork of burdensome tax policies."

CA Gov. Pete Wilson: "The Internet is a newly emerging business tool that holds great promise for commercial uses, and your bill will ensure that the Internet industry will have a chance to develop without the market distortions caused by a haphazard tax structure. Without that protection, countless potential businesses will never have the opportunity to succeed."

Former Federation of Tax Administrators President Ernie Dronenburg: "I am confident that the Internet Tax Freedom Act's feder-

ally-imposed hiatus will create a unified and concerted effort ultimately leading to a fair solution for states and localities, the Internet industry and their customers. The dramatic growth in the Internet industry requires that action on this legislation should occur sooner rather than later."

CA Tax Board Chairman Dean Andal: "Instead of applying traditional legal concepts to the taxation of electronic commerce, state tax bureaucrats are becoming legal contortionists in an attempt to tax Internet sales. The resulting confusion among prospective Internet merchants and service providers could substantially impede the development of Internet commerce. Congress must act, as it should have long ago, to clearly identify the boundaries of state taxation of interstate commerce."

NY Gov. George Pataki: "New York's efforts alone are not enough. There must be a national effort to protect the Internet from a myriad of new taxes and reporting requirements that would hurt the development of the whole industry and the jobs that go with it. Ordinarily such taxes would be within the jurisdiction of the states. Since the Internet does not respect traditional geographic borders, Congressional action that would have a beneficial effect on the development of on-line commerce in both New York State and the nation is justified and desirable."

Former VA Gov. George Allen: "The moratorium on Internet taxation called for by this legislation has the potential to boost the long-term growth and utilization of this technology tool in Virginia and across the nation. As a strong supporter of the Constitution's rich federalist tradition and a firm believer in common-sense Jeffersonian conservative principles, I recognize the apparent tension created by this legislation between the important principles of lower taxes and State sovereignty. I firmly believe, however, that the proper balance exists in this bill between these two seemingly distinct ideals."

Former MA Gov. Bill Weld: "The real threat to Massachusetts' future economic health is the taxing power of hundreds of jurisdictions who are thinking only of maximizing their tax revenue and not considering the creative energy and potential of the Internet. The Congress has a constitutional obligation to assess the various threats to the nation's interstate commerce."

MD House of Delegates Republican leader Martha Klima: "States' rights are enormously protested by many of us in the state legislatures, but I hope that in this instance, you help protect us from ourselves and require a satisfactory moratorium prohibiting state and local governments from various forms of taxation."

UT Senate Democrat leader Scott Howell: "A national moratorium is consistent with efforts in several states to discourage precipitous Internet taxation by local governments. We also believe that the consultative approach is a sensible way to provide breathing room to form a federal-state and international consensus on Internet policies. We understand that eventually there may be sufficient commerce taking place on the Internet to be considered as a source of tax revenues for states, but that level of activity still lies several years in the future. In the meantime, we think it is necessary for federal, state, local, and even international policy makers to develop broadly-agreed-to comprehensive policy."

THE DEPUTY SECRETARY

OF THE TREASURY,

Washington, June 23, 1998.

Hon. NEWT GINGRICH,

Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As the House prepares to consider H.R. 4105, the Internet Tax Freedom Act, I welcome the opportunity to share the Administration's views on this important legislation.

The Administration strongly supports a temporary and appropriate moratorium on taxation of the Internet and electronic commerce. The dramatic growth of the Internet and electronic commerce is creating jobs and economic growth, expanding customer choice, and making U.S. firms more competitive in global markets. We would not want duplicative, discriminatory or inappropriate taxation by 30,000 different state and local tax jurisdictions to stunt the development of what President Clinton has called "the most promising new economic opportunity in decades." Thus, any taxation of the Internet and electronic commerce must be clear, consistent, neutral, and non-discriminatory.

At the same time, we must not allow the Internet to become a tax haven that drains the sales tax and other revenues that our states and cities need to educate our children and keep our streets safe. In conjunction with this moratorium, we need to establish a commission that will explore the longer-term tax issues raised by electronic commerce, and develop a policy framework that is fair to states and localities while allowing the Internet to earn its fair place in the ever-changing business world.

The Administration strongly urges the House to act now to pass this legislation as we work to accomplish these two goals. The Administration will have suggestions for improving the bill, but we believe that any outstanding issues can be resolved in a House-Senate conference.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

LAWRENCE H. SUMMERS.

CHAMBER OF COMMERCE,

June 23, 1998.

Hon. CHRISTOPHER COX,

U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE COX: On behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region, we urge you to support the Internet Tax Freedom Act when it comes before the House floor.

The U.S. Chamber views the successful development of electronic commerce as essential to the future health of American business. Today's patchwork of state and local taxes on the Internet interferes with the free flow of electronic commerce and, if current trends continue, will reduce the potential of the Internet as a new frontier for commerce. The Internet Tax Freedom Act's moratorium on state and local taxes on the Internet or interactive computer services, will ease the burden on electronic commerce.

Passage of the Internet Tax Freedom Act would compliment well the Senate companion bill, S. 442, which has a six-year moratorium on all existing and future taxes on electronic commerce. Making the Internet more accessible for small business owners is a major concern for the U.S. Chamber and we may consider using this vote in our annual How They Voted vote ratings.

The U.S. Chamber commends the House on its efforts concerning this issue, and pledges

to continue working with both Houses of Congress to enact this landmark legislation. Successful passage of the Internet Tax Freedom Act will be critical for the future of electronic commerce and for the future of private enterprise.

Sincerely,

R. BRUCE JOSTEN.

CITIZENS AGAINST GOVERNMENT WASTE
PORK CHOPS

TALKING POINTS ON WASTE ISSUES BEFORE THE
105TH CONGRESS

THE INTERNET TAX MORATORIUM ACT (H.R. 3529)
"ESTABLISHING A NATIONAL POLICY AGAINST
TAXING INFORMATION"

On June 17, the House Judiciary Committee approved the Internet Tax Freedom Act (H.R. 3529), a bill that imposes a three-year moratorium on new taxes targeted at Internet users. Rep. Chris Cox (R-Calif.), a sponsor of the legislation, praised the committee action, stating: "We are one step closer to establishing a national policy against taxing information."

Electronic commerce is a rapidly growing industry. One-third of all Internet users bought products online within the last year. Commerce on the Internet is expected to grow to \$327 billion by 2002 if undue regulation is not imposed, according to Forrester Research Inc., a Massachusetts consulting firm.

More and more businesses are offering their services over the Net—more than 25 percent of all small businesses have already established an Internet presence, according to one survey. Online stores, such as Amazon.com and Dell Computer, are finding out that they can build real businesses selling products online. Total Web-related revenues generated \$24 billion in 1997, nearly double the amount from the previous year.

Total Web-related revenues are projected to reach \$1 trillion by 2000, according to one industry analysis. Others, including the accounting firm of Arthur Andersen, have put this figure between \$150 and \$600 billion. In 1996, the U.S. Treasury Department projected more conservative online revenues of \$70 billion by 2000.

A KPMG Peat Marwick survey found that more than half of participating financial executives responded that ambiguous state and local tax laws are already inhibiting their involvement in electronic commerce. An alarming 20 percent of executives were so confused by the tax situation that they did not know if their companies were even subject to sales and transaction taxes for the sale of products over the Internet.

The Internet Tax Freedom Act provides for tax-free Internet access and prohibits state and local governments from imposing taxes on Internet access charges. Taxes on Internet access, online services, and "bit taxes" are expressly banned for three years.

The Internet Tax Freedom Act prevents multiple or discriminatory taxes on the Internet and protects consumers and vendors who buy and sell over the information Superhighway.

THE INTERNET TAX FAIRNESS COALITION,
June 23, 1998.

DEAR MEMBER OF CONGRESS: Today, H.R. 4105, the Internet Tax Freedom Act, will be brought to the floor of the House. We urge your support of this important legislation.

As you know, the Internet Tax Freedom Act (ITFA) would place a temporary moratorium on taxation of Internet access and discriminatory taxation of electronic commerce. This "time-out" will enable consumers, businesses, and local governments to establish fair and non-discriminatory rules-of-

the-road for the taxation of Internet commerce—rules that will allow e-commerce to flourish both at home and abroad. The members of our coalition feel this bill is essential if America is to realize the full potential of the Internet and electronic commerce. The alternative, which we have begun to glimpse in the past two years, is a rush by numerous state and local authorities to tax this exciting new medium, leaving consumers confused or disadvantaged, and online businesses facing a host of overlapping and discriminatory tax demands.

The Internet is changing the way Americans interact, shop, do business and learn. By enacting the ITFA, Congress would ensure millions of citizens that their use of the Internet will not be stifled by overreaching or unfair taxation.

The ITFA was reported out of both the Commerce and Judiciary Committees without dissent, and enjoys strong, bipartisan support. We hope you will lend it your support, as well, when H.R. 4105 is considered today on the House floor.

The Internet Tax Fairness Coalition (www.stopnettax.org) is a coalition of leading Internet and high-tech companies and trade associations that supports the fair and equitable tax treatment of the Internet and online services. The Coalition believes Congressional action is necessary to implement a moratorium to address Internet-related tax issues.

Sincerely,

THE INTERNET TAX FAIRNESS COALITION.

MEMBERS

America Online, Inc., American Electronics Association, American Hotel & Motel Association, American Society of Association Executives, Americans for Tax Reform, Association of Online Professionals, Business Software Alliance, California Internet Industry Alliance, Charles Schwab & Co., Inc., Citizens for a Sound Economy, CommerceNet, Commercial Internet Exchange, Computer Software Industry Association, Computer Technology Industry Association, DCI, Frontiers for Freedom, Hewlett Packard, IBM, Information Industry Association, Information Technology Association of America, Interactive Services Association, International Mass Retail Association, Microsoft Corporation, National Association of Realtors, National Retail Federation, NCR Corporation, Securities Industry Association, Silicon Valley Software Industry Coalition, Software Forum, Software Publishers Association, Ticketmaster, US Chamber of Commerce, US Internet Council, US West.

JUNE 23, 1998.

Hon. CHRISTOPHER COX,

The U.S. Capitol, Washington, DC.

DEAR REPRESENTATIVE COX: Congratulations on your efforts to prevent unfair taxation of the Internet.

The Internet and the development of electronic commerce present difficult policy questions in areas as diverse as tax, privacy, liability and telecommunications regulation. However, we believe it is best to adhere to time-tested principles like consumer choice, deregulation and competition. We believe that tax policy should not discriminate against electronic commerce.

We have long believed that lower taxes and a smaller government are keys to a successful and healthy economy. American consumers and retailers are benefiting as a part of the marketplace becomes electronic: the Internet provides more consumer choice and is a growing market for consumers from around the world.

The laws that you create must be neutral and consistent. Stated another way, govern-

ment ought not choose one technology over another or one type of transaction over another, and consumers should know what to expect of our laws.

Again, we commend your efforts to ensure a neutral and consistent tax policy that will not hamper development of electronic commerce.

Sincerely,

Grover G. Norquist, President, Americans for Tax Reform. James L. Gattuso, Vice President, The Competitive Enterprise Institute. Paul Beckner, President, Citizens for a Sound Economy. Thomas Duesterberg, The Hudson Institute.

THE SAVINGS AND INVESTMENT
RELIEF ACT OF 1998

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. SOLOMON. Mr. Speaker, I rise today to introduce H.R. 4120, the Savings and Investment Relief Act of 1998. This legislation would provide relief to every American who invests in the stock market. Fortunately, Mr. Speaker, in this day and age, the stock market is no longer the sole province of the rich and the elite. Our capital markets, which are the most liquid and efficient in the world, are accessible to virtually every American. In fact, as of 1995, nearly half of all households in America owned stock, either individually, in a mutual fund or through a pension plan. However, I suspect that many of these Americans do not know that they are subject to a tax every time they—or their pension plan or mutual fund—sell stock. This tax yields the government hundreds of millions of dollars in revenue each year. This is in addition to the income taxes and capital gains taxes which Americans are already paying.

Under our securities laws, the Securities and Exchange Commission (SEC) collects transaction fees on sales of stocks. These fees were originally designed solely to fund the SEC's regulation and supervision of the securities markets. The SEC's role in protecting investors is critical, and the hardworking members of the Commission and its staff should be commended for the good job that they do. However, the SEC is now collecting transaction fees far in excess of what it needs to carry out these functions, transforming what was intended to be a user fee with a specific purpose into a huge, general tax.

When Congress enacted the National Securities Markets Improvement Act of 1996 (NSMIA), we intended to bring total SEC fee collections, which had already grown to significantly exceed the Commission's budget, more in line with its costs. However, in fiscal year 1997, total SEC collections actually grew to 324% of its appropriated budget authority, and 382% of its requested budget. Frankly, Mr. Speaker, this situation is ridiculous and it must be addressed. We talk a lot on this floor about common sense government and about putting money back in the pockets of the ordinary, hardworking Americans. The legislation I am introducing today would accomplish both of these objectives.

Mr. Speaker, my bill is really very simple. It would cap annual collections of transaction

fees assessed on trades of NASDAQ and exchange-listed stocks, so that when the Commission had collected all the money it needs for the year, the fee would simply shut off. All we are saying with this bill is that once the SEC has collected sufficient money to fund itself, then investors do not have to pay any more fees.

At the same time, Mr. Speaker, my bill would offer more flexibility than under current law and ensure that the SEC always has sufficient money to carry out its important mission of protecting investors. The bill provides that for any year in which the SEC does not collect enough fee revenue to cover its budget, the Appropriations Committee can temporarily raise the transaction fee rate through an Appropriations Act to ensure that sufficient money is collected to fund SEC functions for that fiscal year.

I urge all Members to support this important legislation which would save a substantial amount of money for millions of American investors, and guarantee that the SEC always has enough funding to carry out its critical function of protecting shareholders.

CONGRATULATING THE NOAA CORPS ON ITS 81ST ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mrs. MORELLA. Mr. Speaker, this year marks the 81st anniversary of the National Oceanic and Atmospheric Administration Commissioned Corps. Known as "America's Seventh Service," the officers of the NOAA Corps are an integral part of the National Oceanic and Atmospheric Administration who serve with distinction throughout this multi-disciplinary scientific organization. I am proud to congratulate the NOAA Corps for 81 years of dedicated service to our Nation.

The NOAA Corps was designed to allow for flexibility in the assignment of professionals to remote, hazardous, or otherwise arduous duties throughout the wide range of vital environmental and stewardship activities encompassed by NOAA. Corps officers today combine such unique qualifications as: research ship and aircraft operations; technical expertise with advanced academic backgrounds in hydrography, geodesy, fisheries sciences, meteorology, and oceanography; and leadership in technical program and data management contributing to the coherence, integrity, and effectiveness of the administrative structure of NOAA.

The dedicated scientists, engineers, and officers of the uniformed NOAA Corps have a long and decorated tradition of providing mobility, flexibility, operational, and professional skills in the unique response capability to our Nation. The Corps houses experts in nautical charting and hydrographic surveying. These functions are vital to our national interest to ensure the continued safe navigation of trade. NOAA Corps pilots provide critical operations when conducting low-altitude penetration missions of hurricanes and tropical storms in support of weather research and prediction. Corps officers supply the data collection and management that are requisite to ensuring accurate fisheries stock, turtle, and marine mammal assessments.

The Corps has contributed on many occasions over the recent decades in providing valuable scientific and engineering skills, especially in times of national emergencies. The Corps made immediate vital contributions during both Operations Desert Shield and Desert Storm. NOAA provided ship, aircraft, and technical skills during the Gulf War to assess the oil-based environmental damages caused by Iraq. Shore personnel contributed scientific expertise in hazardous materials management, while a NOAA ship carried scientists in the Gulf to evaluate the extent of environmental damages. In another recent example, NOAA Corps officers and ships provided crucial survey support in response to the TWA Flight 800 recovery effort. The Corps swiftly located the wreckage of TWA Flight 800 and created highly detailed map products which greatly facilitated the retrieval of wreckage by Navy divers.

Today, the NOAA Corps expertly performs its missions, whether in charting our Nation's coastline, assessing our fisheries stocks, or flying into hurricanes for scientific research and the humanitarian need to produce better safety warnings for the protection of life and property. NOAA Corps officers serve in NOAA research laboratories and program offices throughout the Nation and in remote locations around the world. These officers remain ready to apply their science and service skills to the many problems facing the United States in the management and study of oceanic and atmospheric resources.

I extend my warmest congratulations to the men and women of the NOAA Corps on this 81st anniversary. The expertise and flexibility that the Corps has demonstrated in the past will serve the Nation for years to come. The NOAA Corps has reached a celebrated milestone, and I wish it an even greater future.

HONORING ST. FRANCES OF ROME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. ENGEL. Mr. Speaker, St. Frances of Rome celebrates its centenary this year; one hundred years of neighborhood building in the Bronx.

In 1898, using a tent with a cross atop it, St. Frances of Rome was founded in the mostly Irish, German and Italian Wakefield section. Three years later a wooden church building was erected and soon after the growth of the parish caused a Mission Church to be established in the nearby Woodlawn area. Further growth in the parish led to it being subdivided and the Mission Church became St. Barnabas Church.

By the mid 1920's property was acquired for a more permanent church and in that same decade the school for St. Frances of Rome was started. The basement church was opened on Easter Sunday in 1926 with the rectory being constructed about the same time. In 1928 Father Moore, the first pastor of the church and a man of vision and energy, died. The great cross on the church is dedicated to him and the street outside was renamed Moore Plaza.

In the following years the growth of the parish continued under hardworking pastors who tended their flock with great care and concern.

The building continued with the present upper church, an additional school building constructed. The parish adapted to a newer congregation by expanding daycare and programs for the homebound and elderly and establishing a food pantry.

I salute the parish of St. Frances of Rome. What it has given to the growth of the Bronx and to New York City cannot be measured in mere numbers. The spiritual unity it has conferred on us has made us a community.

HONORING DAN AND BOBBIE JENSEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is my honor to come to the floor today to honor Dan and Bobbie Jensen of Fort Collins, Colorado. They offer an example of honesty and integrity, which my colleagues in Congress, and all Americans, would be wise to emulate.

Raising two beautiful girls, Dan and Bobbie are dedicated to their family. Whether it was cheerleading, a track meet, or a choir performance, the girls could always count on their parents to be there supporting and cheering them on. The Jensens worked hard to make sure their children learned to make responsible choices regardless of the cost or situation, and these loving lessons are now being passed on to their three grandchildren.

Their family watched as Dan and Bobbie worked together to build their home development company, Jensen Homes, into one of the most successful companies in Fort Collins. Running a successful business is never easy, but even when things were tough, they made sacrifices to insure all of their employees and vendors were paid in full. They didn't do this for a pat on the back, or because it was forced on them—they simply did it because it was the right thing to do.

Dan and Bobbie's dedication has extended beyond their immediate family and business, and has been an true asset to the community. Their commitment to living out their faith led them to help create "Man Alive," a ministry program dedicated to strengthening the family. Through Man Alive, speakers such as Dave Roever, Dr. Malcolm Smith, and Pastor James Ryle of Promise Keepers, have come to our community to share a message of hope for our youth, and encouragement for men to recognize God's calling in their lives.

Mr. Speaker, Dan and Bobbie's life together is a true inspiration. I am proud to represent them in Congress, and on the occasion of their 27th wedding anniversary I wish them many more years of happiness.

THE MEDICARE CONTRACTING FLEXIBILITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare Contracting Flexibility Act of 1998.

For years, we have been telling the Health Care Financing Administration (HCFA) to be a more prudent purchaser of health care. Now, we need to provide them with the tools to act more like a private company and hold Medicare contractors accountable.

Specifically, the Medicare Contracting Flexibility Act would enable HCFA to contract with other types of companies besides health insurers to process claims for the Medicare program. Right now, the pool of potential contractors is limited and has been steadily diminishing, leaving HCFA at the mercy of the few contractors that remain. If one fails or has difficulty processing claims, HCFA is hard-pressed to find a replacement.

This problem is especially evident in HCFA's inability to bring its contractors into compliance for the year 2000. Although several contractors are not yet in compliance, HCFA appears to have little leverage in forcing contractors to make the necessary system adjustments. This means that January 1, 2000, Medicare's claims processing system could malfunction, wreaking havoc throughout the provider community.

The Medicare Contracting Flexibility Act would enable HCFA to solve this short-term problem by expanding the pool of potential contractors and fostering more competition among companies so that HCFA could get the best value and service for each taxpayer dollar spent.

The Medicare Contracting Flexibility Act would also give HCFA the ability to solve long-term problems by laying the groundwork for other changes to the contracting program. For example, HCFA could set performance standards for contractors, or combine claims processing for Medicare Parts A and B under one contractor, as opposed to having two separate entities.

All of these changes would translate into better, more effective service for the Medicare program, and ultimately the nation's 39 million Medicare beneficiaries. I urge my fellow Members of Congress to join with me in passing the Medicare Contracting Flexibility Act. Together we can ensure that HCFA has the tools to be a more prudent purchaser of health care.

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OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

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bine such unique qualifications as: research ship and aircraft operations; technical expertise with advanced academic backgrounds in hydrography, geodesy, fisheries sciences, meteorology, and oceanography; and leadership in technical program and data management contributing to the coherence, integrity, and effectiveness of the administrative structure of NOAA.

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I extend my warmest congratulations to the men and women of the NOAA Corps on this 81st anniversary. The expertise and flexibility that the Corps has demonstrated in the past will serve the Nation for years to come. The NOAA Corps has reached a celebrated milestone, and I wish it an even greater future.

HONORING REVEREND WILLIE H. UPSHAW, D.D.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. ENGEL. Mr. Speaker, the City of Yonkers and especially the Mount Carmel Baptist Church are fortunate to have a pastor such as

the Reverend Willie H. Upshaw. Dr. Upshaw has been pastor of the Church for 31 years, since 1967. It was under his guidance that the membership grew from 150 to more than 2,500.

Dr. Upshaw was born in Alabama and began his journey in the church early in life as an active member of the Galilee Baptist Church. In 1957 he moved to New York where he was licensed to the ministry and, in 1967, ordained.

That same year Dr. Upshaw became Pastor of the Mount Carmel Baptist Church where he sees to the needs of his flock by visiting and praying with the sick and shut-ins, dedicating infants, bringing the Gospel to persons at nursing homes and prisons and helping those in the community who look to him for guidance and counsel.

Dr. Upshaw served as Executive Vice President of the Yonkers Council of Churches, as President of the Ministerial Fellowship of Yonkers, as a member of the Central Hudson Baptist Association, the Central Hudson Baptist Retreat, and the Board of Directors of Yonkers General Hospital. He has received the Community Service Award and was recognized by the American Heart Association for unparalleled dedication to the Heart Healthy Education Project. Dr. Upshaw and his wife Carolyn have two children and two grandchildren.

He personifies the good that one man can bring to a community. I salute him for the good work he has done for all of us.

RECOGNIZING THE COLORADO GUNSMITHING ACADEMY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, as the Congressman representing the Fourth District of the State of Colorado, I am proud to have constituents like Earl and Charlene Bridges who run the Colorado Gunsmithing Academy in Lamar, Colorado. These individuals set the standard for integrity and craftsmanship for small business in America and I am grateful for their contribution to not only the state, but the entire nation. I submit the following article detailing the success of the Colorado Gunsmithing Academy for the RECORD.

STUDENTS SAY LAMAR ACADEMY GIVES THEM GOOD SHOT AT A JOB

(BY KIT MINICLIER)

LAMAR—Students at the Colorado Gunsmithing Academy of Lamar start by building their own rifles from scratch.

The approach enables them to learn patience and development skills in stockmaking, metalsmithing, welding and other disciplines while building their own single-shot rifle.

It is theirs to take home, and many use them to demonstrate their expertise when applying for their first job in their new profession.

Only 4½ years old, the academy is already developing a national and international reputation, attracting students from Connecticut to California and from Norway, Sweden, Australia and Holland.

It is one of three gunsmithing schools in Colorado. There are only 17 in the nation,

said Charlene Bridges, president of the Lamar school. The other Colorado schools are at Trinidad State Junior College and the Colorado School of Trades in Lakewood.

Bridges' husband, J. Earl Bridges, is director and chief instructor. He has been a gunsmith for 15 years and has been teaching the craft for the past six.

Since it opened, the academy "has worked on no less than 3,000 firearms, and maybe four have been returned to redo something or because we overlooked something," Earl Bridges said.

In addition to learning how to build their own rifles from stock to trigger assembly to barrel, students are expected to repair or remodel a minimum of 40 firearms during their mandatory 2,240 hours at the academy.

Roughly one-third of their time must be spent on "design, function and repair of firearms." Only 175 hours are spent on theory. There is no homework, just many hours of painstaking precision work, and students are encouraged to read, said Charlene Bridges.

A major difference between this school and others is the emphasis on the basics involved in building a gun from raw metal bar stock, said instructor and part owner Michael Syler, who owned a gun shop near Dallas before moving to Lamar.

Tuition, excluding room and board, is \$11,760 for the course, and students pay an additional \$5,300 to acquire the tools of their trade.

"The quality of the work here is impeccable. Everything approved by (Bridges) must be top notch," said student Jay Crowder, 27, of Knoxville, Tenn.

Although the school doesn't guarantee job placement, "it seems like anyone who needs a job gets one. Eventually, I want a place of my own," Crowder said.

Student Mike Fricks, 29, of Texarkana, Texas, said he appreciated the opportunity to "do finer quality work at a higher standard rather than just basic gun repair."

Fricks' current project, and his last before graduating, is a double gun, which has two independent triggers and barrels just in case one malfunctions. He already has lined up a job after sending a perspective employer a gun he made.

Kevin Macluskie, 28, said he finished his rifle in 270 hours. The school is open 10 hours a day, four days a week, although students may elect to go only six or eight hours a day and take longer to graduate.

Several other students, each of whom has his own spacious work bench, spoke positively of the close, careful supervision and the encouragement. Recently, there were 10 students in the academy, each working at his own level.

The academy's system produces fine results, says Taylor Carroll of Carroll's Gun Shop in Wharton, Texas, who hired academy graduate Dave Wright after visiting the school.

"I've been in business 38 years," said Carroll, who sells guns and has always employed a gunsmith for custom work and repairs. When his veteran gunsmith retired after more than 30 years, "I began searching for a gunsmith."

He knew Earl Bridges by reputation, visited the spacious shop south of Lamar twice and talked with the instructors. "I was happy with what I saw," and he is delighted with Wright.

"I'm very, very satisfied with everything he has done for me," Carroll said.

HONORING THE LATE LEONARD HARPER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. RANGEL. Mr. Speaker, I rise today to honor the late Leonard Harper on his remarkable achievements in the field of theater and stage shows.

Mr. Harper was one of the leading figures who transformed Harlem into a cultural center during the 1920's. His nightclub productions at Connie Inn, Lafayette Theater and the opening of the new Apollo Theater drew people from all over the world.

Mr. Harper's accomplishments on Broadway include the all-Black "Kentucky Club Revue" at the New Amsterdam Theater, and his work as a director on the big musical hit, "Hot Chocolates" at the Hudson Theater. The production was a milestone, the first-ever production with three Black men as the sole creative force, which changed Broadway forever.

Mr. Harper brought the cabaret form of entertainment to a professional level. As a producer and a brilliant choreographer, he introduced some of the most extraordinary talents to ever perform on stage and cabaret.

Mr. Harper was previously honored by the New York State Assembly and the City Council of New York for his remarkable achievements.

Mr. Speaker, I ask you and my colleagues to join me in saluting Mr. Leonard Harper for his contributions to the community and his extraordinary accomplishments.

TORTURE AND MURDER OF AKAL TAKHT JATHEDAR BY INDIAN POLICE MUST BE INVESTIGATED AND PUNISHED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. TOWNS. Mr. Speaker, the truth about India's brutality towards the Sikhs continues to come to light. A group of 13 human-rights activists issued a statement on May 19 at a press conference in Chandigarh about the torture and murder of Gurdev Singh Kaunke, the Jathedar of the Akal Takht, from December 25, 1992 to January 1, 1993. After being tortured for a week, Jathedar Kaunke, the religious leader of the Sikh Nation, was murdered by the police.

Jathedar Kaunke was abducted on December 25, 1992 by the police from the Jagraon subdivision of the Ludhiana district. Even Akali Dal leader Parkash Singh Badal, now the Chief Minister of Punjab, condemned this action. He was briefly detained for his statement. Yet he has refused to refer this terrible incident for investigation by India's Central Bureau of Investigation (CBI) on the flimsy pretext that it would demoralize the murderous, out-of-control Punjab police. It is a well-known fact among the people of Punjab that the person responsible for the torture and murder of Jathedar Kaunke is SSP Swaran Singh Ghotna. Ghotna is not a last name, but a very inhumane torture technique used by the police for which he is infamous.

On January 2, 1993, the police claimed that Jathedar Kaunke had escaped. This claim was false. He had been killed the day before. According to a news article, he was murdered by being torn in half, similar to the way that the driver for another religious leader, Bbab Charan Singh, was murdered by the Indians.

The human-rights activists created a commission to look into the matter. According to their statement, they seek "an appointment with the Chief Minister of Punjab to acquaint him with its findings and to demand registration of a case against the culprits." They pointed out that this demand "is no more than a reiteration of the position that Parkash Singh Badal himself had taken at the time of the incident. The Akal Takht is the highest institution of the Sikhs that embodies their sacral and secular aspirations. Its former Jathedar was inhumanly tortured to death. We are confident that the Sikh Chief Minister of Punjab would not treat this matter in the same lackadaisical spirit that generally marks his attitude on our human-rights concerns." They also demanded police protection for key witnesses in the case because India has a record of intimidating, bribing, even killing witnesses.

Signers of this statement include Hindu human-rights activist Ram Narayan Kumar, Justice Kuldip Singh, President of the World Sikh Council, Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, Inderjit Singh Jaijee, chairman of the Movement Against State Repression, Dr. Sukhjit Kaur, Maj. Gen. Narinder Singh, Amrik Singh Muksar, D.S. Gill, R. S. Bains, Amar Singh Chahal, Jaspal Singh Dhillon, Mrs. Baljit Kaur, and Navkiran Singh. They should be recognized for their courage in standing up to the Indian tyranny.

This incident reveals the truth that for minorities living under Indian rule, there is no democracy. The mere fact that they have the right to choose their oppressors does not mean that they live in a democracy. In this light, it is not surprising that there are 17 freedom movements throughout India. If the United States is interested in real freedom, peace, and stability in South Asia, we must support self-determination for the Sikh Nation and all the nations of South Asia. I call on my colleagues to join in supporting an internationally-supervised plebiscite in Punjab, Khalsitan, so that the political status of this troubled country can be decided the democratic way. I also call for my colleagues to vote to stop all aid to India until the basic human and democratic rights of all people are respected. I would like to introduce the statement from The Committee for Coordination on Disappearances in Punjab in the RECORD.

THE COMMITTEE FOR COORDINATION ON DISAPPEARANCES IN PUNJAB

Bhai Gurdev Singh Kaunke, former Jathedar of the Akal Takht, was illegally arrested from his village home in Jagraon subdivision of Ludhiana district on 25 December 1992. The police authorities later claimed that Bhai Gurdev Singh Kaunke escaped from the custody of 2 January 1993, a claim that was widely condemned as false. Holding the then Chief Minister Beant Singh responsible for the murder of Jathedar Kaunke, Akali Dal (Badal) had not only demanded his resignation but had also asked for a high powered judicial inquiry to determine the truth. Prakash Singh Badal, the present Chief Minister of Punjab, was himself detained when he was visiting the bereaved at

their village on 5 January 1992. A copy of the Punjabi Tribune dated 10 January 1993, which reported the Badal Akali Dal's position on Jathedar Kaunke's case, and report of his arrest in Ajit's 6 January 1992 edition, are enclosed.

A team specially appointed by the Committee has been conducting investigations to determine the true facts of the case. The team comprises the following: Ram Narayan Kumar, Amrik Singh Muktsar, Jasapl Singh Dhillon, D.S. Gill and Rajwinder Singh Bains. Investigation conducted by this team conclusively proves inhuman torture of Bhai Gurdev Singh Kaunke, first at the Sadar Police Station of Jagraon and then at the CIA interrogation Center, from 25 December 92 to 1 January 1993. The team has also acquired irrefutable evidence to establish that the former Jathedar of the Akal Takht was killed under torture.

The Coordination Committee is seeking an appointment with the Chief Minister of Punjab to acquaint him with its findings and to demand registration of a case against the culprits under relevant sections of the IPC. We also insist that the government of Punjab must hand over the investigation of the case to the CBI. Our demand, which rests on legally binding evidence, is no more than a reiteration of the position that Prakash Singh Badal had himself taken at the time of the incident. The Akal Takht is the highest institution of the Sikhs that embodies their sacral and secular aspirations. Its former Jathedar was inhumanly tortured to death. We are confident that the Sikh Chief Minister of Punjab would not treat this matter in the same lackadaisical spirit that generally marks his attitude on our human rights concerns.

We also demand that the key witnesses in the case and their family members be provided with adequate security from a central police force. Our experience in the Khalra case shows that policemen accused of grave human rights offenses resort to every method—from cajoling, browbeating and bribing to open threats to life—to suborn the witnesses and to destroy the evidence. Therefore, it is crucial that the key witnesses to the custodial torture and murder of Akal Takht's former Jathedar are protected from harassment from the very beginning.

Darshan Singh, former policeman at Jagraon when the incident occurred, is a key witness in the case. We demand that Drashan Singh and his family members be protected by the CRPF.

We would submit a list of other important witnesses in the case, who must likewise be protected, to the Chief Minister when we meet him.

Justice (rtd) Kuldip Singh, President, World Sikh Council; Justice (rtd) Ajit Singh Bains, Maj. Gen (rtd) Narinder Singh, D.S. Gill, Amar Singh Chahal, Inderjit Singh Jaijee, Navkiran Singh, Ram Narayan Kumar, Converter; Dr. (Mrs.) Sukhjitt Kaur, Amrik Singh Muktsar, R.S. Bains, Jaspal Singh Dhillon, Mrs. Baljit Kaur.

FIFTIETH ANNUAL MONTGOMERY COUNTY AGRICULTURAL FAIR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mrs. MORELLA. Mr. Speaker, this summer, my constituents will celebrate the 50th Anniversary of the Montgomery County Agricultural Fair! I am proud to again be a part of this

yearly community tradition. Over the past fifty summers, our local fair has proven itself as one of the very finest in the nation. It is the largest county fair in Maryland, with more than 250,000 visitors and 17,000 exhibits last summer. During this extra-special anniversary year, we recall the grand past of our county fair and look ahead to an exciting future.

Congratulations and best wishes to all of the fair's participants. The farmers, artists, craftspeople, entertainers, and volunteers work diligently all year to make this annual event a tremendous success. The highlight of every summer, the Montgomery County Agricultural Fair attracts people of all ages in a magnificent example of community spirit to display for the public the true importance of agriculture. It offers a chance to have fun, learn about local agriculture, and build memories. The summer event provides the opportunity to proudly showcase the agricultural foundations of Montgomery County.

During this milestone anniversary celebration, we look forward to even more exciting fairs in the future. The agricultural leaders of our community are firmly committed to a strong future of farming in Montgomery County. In just two summers, we will be at the dawn of a new millennium. I am sure that the glorious tradition and heritage of the Montgomery County Agricultural Fair will continue to flourish in the next century and beyond.

I'll see you at the fair!

HONORING ADELE ZELLER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. ENGEL. Mr. Speaker, I rise to speak of an extraordinary person who is being named Woman of the Year by the Business and Professional Women's Club of Mount Vernon—Adele Zeller. I have known Adele for several years and can attest that she is a dynamic person who gives unselfishly for the betterment of the whole community.

She and her husband Noel have owned businesses in Mount Vernon since 1964 and have lived in Westchester County for the past thirty years. They have founded and operated several companies, the latest, Zelco Industries, has expanded operations worldwide with facilities in the United States, Italy, Hong Kong and China. Its broad range of products are distributed in 30 countries around the world.

They have also opened a second company in Italy. This expansion can be credited to Adele's remarkable sales and marketing proficiency and her ability to converse in Italian, Spanish and French.

Adele is Chair of the Mount Vernon Chamber of Commerce and is also a member of the Board of Directors of the Rose YM-YWHA. In both positions she is serving with distinction.

Her hard work and caring and her dedication to the community has made Mount Vernon a better community for all who live and work there. I know we all cherish and thank Adele Zeller for her dedication and commitment.

HONORING JAMES K. HAAS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to congratulate James "Jim" K. Haas of Lamar, Colorado for attaining the rank of Eagle Scout. Jim is a member of Varsity Team #222 chartered by the Church of Jesus Christ of Latter Day Saints. A mere two percent of all Boy Scouts ever attain this elevated rank.

Jim began his Scouting career at six years of age, as a Tiger Cub at Pack #221 chartered by Washington Elementary School. He completed the Cub ranks at Washington through first year Webelos. Jim then transferred to Pack #222 and completed the second year Webelos and Arrow of Light Requirements. In May of 1993, Jim became a Boy Scout in Troop #222, and a Varsity Scout in February of 1996. Jim has served as quartermaster, grub master, scribe, chaplain, assistant patrol leader, and senior patrol leader. He has attended two years of summer camp at San Isabel Scout Ranch, Packard High Adventure Camp, and the 1997 National Jamboree at FT. A.P. Hill, VA. He also earned the "On My Honor" religious award in 1997. To date, Jim has earned 42 merit badges, the varsity letter, three varsity pins, and is looking forward to a Philmont trek this summer.

Jim chose his Eagle project after a wildfire swept through the Lake Hasty Campground last March, destroying much of the natural cover for the birds in the area. With the help of fellow members of Troop and Team #222, 13 quail shelters were erected, two bat boxes, two owl platforms, and 12 bird houses were placed in the Hasty Lake area. A total of 164 hours was involved in this project.

Mr. Speaker, I hereby submit for the RECORD a copy of an article which appears in the Lamar Daily News about Jim Haas.

JIM HAAS ACHIEVES THE RANK OF EAGLE SCOUT

An Eagle Court of Honor was held May 2, 1998 for James K. Haas. Jim is a member of Varsity Team #222 chartered by the Church of Jesus Christ of Latter Day Saints.

The Eagle Court was conducted by David Northup. Opening flag ceremony was presented by Dragon Patrol of Troop #222 with piano accompaniment of Stars Spangled Banner by Katie Rose. The invocation was given by Andy Rose. "Voice of the Eagle" was presented by Robet Haas. Eagle presentation was done by James Rupp. Lance Porter then issued the Eagle Charge. Congratulatory letters were read by Connie Haas. A memory quilt highlighting Jim's Scouting accomplishments was presented by his sister, Jennifer Haas and family friend, Paige Porter. A special music number "Because I Have Given Much" was sung by the David Northup family. Closing flag ceremony was done by the Hawk Patrol of Troop #222. Benediction was given by Jim Haas.

Jim chose red, white and blue as his colors for this Court of Honor, and Service as his theme. Table decorations consisted of red and blue streamers on white table clothes, with silk flower vases of red roses and blue and white carnations. Jim presented these as a token of his appreciation to all who helped with his Court of Honor.

Out of town guests included, Mr. and Mrs. James Rupp and Mr. and Mrs. Robert Haas,

grandparents of Canon City. Debra Rupp-Lindt, aunt, of Grand Junction, John Sallee, Pioneer Trails Paraprofessional, La Junta and Ted Kadlecsek, Post 2203, Rocky Ford. Several other Scouting volunteers from the Lamar area as well as many friends were in attendance.

On Feb. 19, 1998, James K. Haas completed the requirement to attain the rank of Eagle Scout. Jim is the son of Ken and Connie Haas. He is 16 years old and a sophomore at Lamar High School. In addition to Scouting Jim is also active in the Lamar FFA Chapter, where he received the Star Greenhand Award for the 1997 year, has attended "Made for Excellence" Leadership Training, attended the 69th Annual State Convention in Pueblo, and served on several committees. Jim is currently president of his Sunday School class, past member of the Cloverleaf 4-H Club and has been a Lamar Daily News carrier for five years, as well as a great asset to the family business. In his spare time he enjoys reading, farm mechanics, shooting sports, camping and hiking.

Jim began his Scouting career at six years of age, as a Tiger Cub at Park #221 chartered by Washington School. He completed the Cub ranks at Washington through first year Webelos. Jim transferred to Pack #222, chartered by LDS Church, and completed second year Webelos and Arrow of Light requirements.

May 1993, Jim became a Boy Scout in Troop #222, and a Varsity Scout in February 1996. Jim has served as quartermaster, grub master, scribe, chaplain, asst. patrol leader, and sr. patrol leader. Jim has attended Junior Leadership Training, two years summer camp at San Isabel Scout Ranch, Packard High Adventure Camp, and the 1997 National Jamboree at Ft. A.P. Hill, Va. "On My Honor" religious award was earned in 1997.

To date Jim has earned 42 merit badges, the varsity letter, three varsity pins, and is looking forward to a Philmont trek this summer.

Jim chose his Eagle project after a wildfire swept through the Lake Hasty Campground last March, destroying much of the natural cover for the birds in the area. After several meetings with Virgil Harp of the Corp of Engineers, and Steve Keefer of Department of Wildlife, the service project was successfully completed November 1997. With the help of follow members of Troop and Team #222, 13 quail shelters were erected, two bat boxes, two owl platforms, and 12 bird houses were placed in the Hasty Lake area. A total of 164 hours was involved in this project.

Scoutmasters Rich Nelson and James Bair, along with assistant Scoutmasters David Northrup, Tom McKannon, Kent Fisher and team coach Ken Haas, have all been instrumental in Jim's completion of Eagle rank.

As the Congressman representing the Fourth Congressional District of the State of Colorado, I am proud to represent James Haas. He sets a fine example showing the impact that youth can make when they strive to live a life of integrity. Once again, I congratulate him for this tremendous achievement and wish him well in any future endeavor he wishes to pursue.

HONORING THE RISING SUN CHAPTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the Rising Sun Chapter of the

Prince Hall Royal Arch Masons for providing leadership and support to its members and to the New York community.

The first Independent African Grand Holy Royal Arch Chapter of North America located at South Eleven Street, Philadelphia, Pennsylvania, held its Grand Chapter Convocation on November 27, 1847.

At that convocation a petition was presented by Brothers from New York requesting that a delegation be sent from Grand Chapter to confer the several Royal Arch Degrees. The petition was received and adopted, and ten Brothers from New York were exalted.

Going back to the Civil War and the military conflicts that followed, its members have shown the way in the defense of this country overseas, even while confronting the challenges of racism at home.

Since its beginnings the lodge has made education a priority, and worked for the economic and social improvement of its members and the African-American community at large.

During the Harlem Renaissance Companion Arthur Schomburg, a Royal Arch Mason, shared his knowledge of the history of people of African descent and inspired other scholars and writers, such as James Weldon Johnson, Claude McKay and Richard Wright.

The lodge has supported the civil rights movement, been prominent in fighting the scourges of our community, from drug addiction to deadly diseases. It has supported efforts to improve the educational system and prepare our young people for the job market.

Mr. Speaker, I ask you and my colleagues to join me in saluting the Rising Sun Chapter for their great accomplishments.

TRIBUTE TO JEANNETTE MARY LOSCIUTO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Ms. Jeannette Mary LoSciuto upon her retirement from the New York City Board of Education. Jeannette taught in the NYC public school system since 1972 and will retire from teaching after 25 years. Jeannette's last 23 years were spent at the Joseph B. Cavallaro School, Intermediate School 281K in Brooklyn. Jeannette taught language arts to the students of IS281K and was the department leader for 20 years. Jeannette was also the faculty advisor for the school yearbook and newspaper from 1980 to 1982.

Jeannette is not only an educator but also very active in the Coney Island community. Her community activism includes serving as a member and/or officer on the local Community Board, boards of numerous elementary schools, day care centers, housing and homeowner associations, task force on poverty, Community Council, and PTAs. She also served with the Community Democratic Club from 1964 until its dissolution in 1994. This participation included positions as the editor of the newsletter, election district captain, poll watcher, petition counter and checker, and a member of its Executive Board.

Jeannette joined the Boys Scouts of America in 1963 and continued to be active long after her children's involvement. Jeannette re-

ceived various awards in her capacity as Den Mother; Webelo Leader; instructor; counselor for the Sheepshead District, Brooklyn; member of the Training and Commissioners staff and committee person, first in Troop & Pack #678 and then in Troop & Pack #504. Her active involvement with the Boys Scouts of America continues as committee person and merit badge counselor. In 1974, Jeannette was awarded the prestigious Silver Beaver.

Mr. Speaker, it is with great honor that I pay tribute to Jeannette M. LoSciuto upon her retirement as a teacher in the NYC public school system. At a time, when there have been many stories told about the failures in our public school system, it is with great pleasure that we can honor someone whose dedication is an inspiration to our youth.

RESTORE TAX RELIEF FOR SMALL COACH BUILDERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. CRANE. Mr. Speaker, I rise to commend to the attention of my colleagues a bill I am introducing today which will correct an inequity in the tax code which punishes certain small businesses.

The 1990 Omnibus Budget Reconciliation Act taught Congress a number of tough lessons. At the time, I took on the leader of my party, then President Bush, and, along with every other House Republican, opposed the 1990 bill because of its huge tax increases. The bill enacted the infamous luxury taxes on boats, automobiles and other goods in order to "tax the rich." What I predicted at the time was confirmed when the U.S. boat and aircraft industries were hit hard economically as a result of these so-called "tax the rich" policies. The rich were not harmed, rather U.S. workers were out of jobs when consumers stopped buying goods subject to luxury taxes.

While Congress has since worked to repeal these harmful luxury taxes, there are a few remaining tax inequities from that 1990 bill. The federal gas guzzler tax attempted to force better gas mileage from automobiles in the U.S. by overtaxing cars that exceeded government mandated fuel economy standards. Congress in 1986 provided an exemption from the gas guzzler tax for small automobile manufacturers. Those benefitting from this tax relief were the small coach builders who modify existing automobiles into limousines. Unfortunately, the 1990 tax bill repealed this small business exemption, thus subjecting the small coach builders again to the gas guzzler tax.

Like the other luxury taxes, the negative consequences of this new tax increase fell hardest on the workers of the coach building industry. In the late 1980s, there were 35 builders producing up to 9,000 autos. Today, only 12 builders remain and they produce less than 2,400 vehicles. The gas guzzler tax adds, on average, \$1,800 to the cost of one of these vehicles. This cost must also be borne by the small businesses who operate limousine services and must replace a vehicle every 18 to 24 months.

The bill I introduce today will restore that exemption for small coach builders from the gas guzzler tax. Specifically, my bill will exempt

coach builders who annually manufacture fewer than 10,000 vehicles from this onerous tax.

I urge my colleagues to join me in providing this tax relief for small businesses by cosponsoring this legislation.

A DISTINGUISHED CAREER OF
ACHIEVEMENT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. BARCIA. Mr. Speaker, the quality of health care that people receive is most directly related to the skills and manner of the people providing the care. A kind word, a reassuring look, or a friendly touch can do as much to help speed along a person's recovery as can any medicine. The patients at Bay Medical Center have had the good fortune to have the professional leadership of more than 1,200 employees by Dorothy Watrous, the Vice President of Patient Care, who is retiring after seventeen years of service.

During her time at Bay Medical, Dorothy Watrous has been credited with instituting many successful programs. She implemented Primary Care Nursing and Nursing Career Ladders, which have earned national praise as innovative and effective efforts. Dorothy has worked to provide educational opportunities for employees of the Center. She has also given back to the nursing profession through her work in developing an annual nursing scholarship program through Bay Medical Center for qualified students in the community.

One of the most important actions on her part was to develop a flexible scheduling program that accommodated working mothers. Given the demands that medical staffs face, the ability to deal with the realities of family needs helped to provide a happier staff that could only make patients feel even better about the responsiveness of their care. She also provided strong encouragement to employees to pursue further education and move up to positions of greater responsibility.

Having received both her Bachelor's and Masters of Science degrees in nursing from the University of Michigan, Dorothy Watrous went on to serve within the U.S. Public Health Service. She also has participated in many community service projects, including the Board of Directors for the Bay County Women's Center, and the Allocations Committee of United Way of Bay County. She also is the Vice Chairperson for the Board of Directors for Bay Medical Education, and on Advisory Committees for Bay-Arena Skill Center, Delta College, Saginaw Valley State University, and Great Lakes Junior College. She is an active member of the Bay City Presbyterian Church and Choir, the Saginaw Torch Club, and the Bay YWCA Week Without Violence Committee.

Mr. Speaker, when an individual does so much for her profession and for her community, that person deserves to be lauded. While her day-to-day presence will be missed, her efforts and initiatives will certainly continue to be of benefit to people for years to come. I ask you and all of our colleagues to join me in thanking Dorothy Watrous for her years of dedication, and in wishing her the very best for her retirement and all that lies ahead.

SENDING BEST WISHES TO
MARYBETH SCARPONE

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. PAPPAS. Mr. Speaker, I am sad to report that Marybeth Scarpone, a staff assistant who serves the residents of New Jersey's twelfth congressional district in my Freehold office, has announced that she is leaving the office. Marybeth has been a joy to have in the office. She has always been cheerful and pleasant. She greets constituents with a bright, happy smile putting them at ease. Her caring nature is evident by the numerous letters of gratitude we receive from constituents whom she has helped.

Marybeth grasped new challenges in her life with enthusiasm and exuberance, from the art competition and the women's forum to the youth council. All have been successful events thanks in part to the efforts of Marybeth. Today, my district office is decorated with the artwork of those students who were runner ups in this year's competition.

Often, Marybeth would go beyond the call of duty and we will not only remember her for her happy, beaming demeanor but for the rash of poison ivy after a beach cleanup and the way she looked after chaperoning the 4-H high school essay contest winners on their trip to D.C.—a day that started at 5:00 a.m.

Once in a while you could catch her spending her lunch hour in our conference room with baskets and gardening gloves, caring for the beautiful plants that brighten up our bay window.

Someone else may one day occupy Marybeth's desk but no one can occupy the place in our hearts that she has found. We will miss her very much and we wish her a future of success and happiness.

IN SUPPORT OF BRAIN INJURY
RESEARCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. PASCRELL. Mr. Speaker, Traumatic Brain Injury, known as TBI, is the number one killer and cause of disability among young people in the United States. It claims more victims than breast cancer, prostate cancer and AIDS combined, yet it receives little attention from Congress, the media and the medical community.

It is time that Congress demonstrate its commitment to head injury patients and expand our efforts to treat and cure brain injuries. Each year, more than 2 million Americans are involved in an incident which results in head injury. Approximately 100,000 victims die and 500,000 will require hospitalization.

Traumatic brain injury can strike anyone and leave devastating results. Trauma to the head can result in significant impairment to an individual's physical, psychosocial and cognitive functional abilities. TBI affects the victim's whole family both emotionally and economically and often results in immense medical and rehabilitative expenses. The direct and indirect costs of TBI are \$25 billion per year.

In 1996, Congress passed the Traumatic Brain Injury Act which authorized the NIH to expand research studies and establish innovative programs regarding traumatic brain injury. We must now provide the NIH with sufficient funding so that exciting new research, such as regeneration, can reach the clinical stage and give victims and their families new hope.

I urge my colleagues to support NIH brain injury funding so that we can help save Americans from the devastation of Traumatic Brain Injury.

INTRODUCTION OF LEGISLATION
CONCERNING THE CHATTAHOOCHEE
NATIONAL RECREATION
AREA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. GINGRICH. Mr. Speaker, today I introduced a bill, H.R. 4141, to modify the boundaries of the Chattahoochee River National Recreation Area to protect the lands, waters, and natural, cultural, and scenic resources along the Chattahoochee River.

Expansion of the Chattahoochee National Recreation Area will provide additional recreation opportunities for citizens, will protect and preserve the endangered Chattahoochee River, and will be accomplished through support and funding from federal, state, local, and private entities.

The Chattahoochee River, ranked as one of the ten most endangered rivers in the country provides the drinking water for the Atlanta metropolitan area and almost half of the population of Georgia. One of the major concerns to our river is the imminent threat of development. Runoff from construction and the overdevelopment of areas surrounding the forty-eight mile stretch of the river north of the city have resulted in pollution silt, and sediment build-ups. This bill authorizes the creation of a greenway buffer between the river and private development to prevent further pollution from continued development, provide flood and erosion control, and maintain water quality for safe drinking water and for the abundant fish and wildlife dependent on the river system. Protecting this valuable resource is vital to the future of the state of Georgia and what I consider to be one of the most important things that I can do in my public career.

The massive influx of people—more than 400,000 since 1990—into the Atlanta metropolitan area has not only endangered the river, but has also dramatically increased the need for recreational areas. The Chattahoochee River is currently one of the most visited recreation areas in the country. At the rate of growth expected in this area, the demand for parks will only increase. Visitor enjoyment will be enhanced by increased acreage and by adding land-based links between existing units of the national recreation area. This additional land will be welcomed in a city with a lack of public parks and green spaces.

This greenway project will serve as a model for future conservation efforts. Public and private cost sharing will ensure local involvement in the expansion of the park boundary. Federal appropriations provided in this proposal will be matched by funding from the State of

Georgia, local governments, private foundations, corporate entities, private individuals, and other sources. The cost to the federal government will be less than half of the estimated cost of the effort and will almost certainly be much less.

I am very pleased to introduce a proposal that will promote private/public partnerships in protecting vital natural resources and in increasing recreational opportunities for citizens. Expanding the Chattahoochee National Recreation Area will ensure that future generations will have clean water to drink and will be able to enjoy the beauty of this nationally significant resource.

TRIBUTE TO NICK BACA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a hero and a pillar of our community—Nick Baca, who died in January, 1998 at the age of 76.

Although Nick served honorably in World War II and narrowly escaped death, he rarely spoke of his service and kept the memories buried for many years. In June of 1944, as a Ranger scout with the Second Ranger Battalion, he scaled the cliffs of Pointe du Hoc on the Normandy coast of France to destroy enemy bunkers. He was one of 24 out of 120 who reached the top in a barrage of gunfire and grenades.

He fought in the Battle of the Bulge and was taken prisoner. In December of 1944, he was lined up with his fellow prisoners in a column three men deep to be shot, but miraculously escaped a bullet in the massacre by the German guards. Covered with bodies, Nick lay still so the soldiers with bayonets did not notice him. The man on top of him was stabbed to death by a bayonet and Nick's leg was cut. He hid for several days before making his way back to friendly lines—one of only a handful who survived this massacre of American prisoners of war in Malmédy, Belgium.

After the war, he returned as an Army sergeant to his life in Los Lentes, New Mexico where his family had lived since the 1600s. When jobs became scarce, he became the first of his family to leave this area, and he moved to National City, California. Here he established himself in the construction industry and became a leader in the community. He was especially active in the Veterans of Foreign Wars. He was president of an Hispanic social organization in the 1970s.

His was a wonderful life. He was a man who did his duty to his country, who contributed to his community, and who raised his family well. He is survived by Eloise, his wife of 56 years, and his children, Rosalie Ortega, George Baca, Robert Baca and Herman Baca, who is a prominent Mexican-American activist in San Diego County—along with 18 grandchildren and 11 great grandchildren.

My thoughts and prayers go out to his wife and children and to the larger community who was touched by his presence. We will all miss him.

IN SUPPORT OF H.R. 3905, FAIRNESS IN ASBESTOS COMPENSATION ACT OF 1998

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. CONYERS. Mr. Speaker, today I have agreed to cosponsor H.R. 3905, the "Fairness in Asbestos Compensation Act of 1998," legislation originally introduced by Chairman HYDE.

I have done so because litigation over asbestos claims may have reached a crisis point. Hundreds of thousands of American workers who were exposed to asbestos, and who have suffered or are suffering from serious diseases as a result, have to wait for years to have their legitimate claims paid. In some cases, innocent victims are in danger of not receiving any compensation at all, because the liable corporations have protected themselves, or will protest themselves, under the bankruptcy laws.

In 1994, negotiators between labor unions representing the bulk of the asbestos worker victims, on one side, and asbestos manufacturers, on the other side, resulted in a settlement agreement that was designed to alleviate the crisis. This agreement, known as the "Georgine Settlement" after Robert Georgine, President of the Building and Construction Trades Department of the AFL-CIO and the lead negotiator for labor in the settlement talks, would have established an administrative procedure for resolving asbestos claims. The U.S. District Court that oversees much of the federal class-action asbestos litigation approved the settlement as fair and reasonable. *Georgine v. Amchem Products, Inc.*, 157 F.R.D. 246 (E.D. Pa 1994).

Last year, however, in *Amchem Products, Inc. v. Windsor*, 117 S. Ct. 2231 (1997), the Supreme Court invalidated the Georgine Settlement, not on grounds of unfairness, but because the settlement agreement did not fit within the technical requirements of Rule 23 of the Federal Rules of Civil Procedure, which governs class-action lawsuits. The Court held that the federal courts lacked statutory authority to order so sweeping a settlement. Writing for the Supreme Court majority, Justice Ruth Bader Ginsburg stated: "The argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution."

Given the Supreme Court's decision, I believe that the relevant parties should again come to the table to work out a legislative solution if at all possible. That is why I have agreed to cosponsor H.R. 3905. I do want to note, however, that I have some specific concerns about the language of the bill as it is currently drafted. I am concerned the bill would eliminate the availability of punitive damages in those cases in which asbestos victims choose to pursue ordinary tort remedies instead of the administrative claims procedure. I have always believed, and I continue to believe strongly, that punitive damages must be available to sanction outrageous wrongdoing by corporate defendants. Otherwise, some unscrupulous businesspeople will simply choose to treat the damage caused by

unsafe products as a cost of doing business. This in no way means that I believe those defendants in the Georgine Settlement engaged in such conduct, but I do believe that such judgments should be left to the judicial process.

In addition, it is my position that any legislation we enact in the asbestos area should have as closely as possible to the terms of the Georgine Settlement. To the extent H.R. 3905 may depart from those terms, I believe we should examine such departures very closely.

I look forward to working with Chairman HYDE on a bipartisan basis on this important legislation.

THE MEDICARE+CHOICE PHARMACEUTICAL MANAGEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare+Choice Pharmaceutical Management Act of 1998.

This bill would provide important protections for Medicare beneficiaries receiving prescription drug benefits through Medicare+Choice plans. These plans would be required to disclose important information about how they manage their drug benefits to cut costs, including any incentives offered to doctors to get them to switch to cheaper, but sometimes less effective, medications.

While many health plans still manage their own drug benefits, an increasing number of plans are hiring a new breed of management consultants known as pharmaceutical benefit managers (PBMs) to do their work for them. These companies currently manage prescriptions for some 115 million Americans and the number is expected to reach 200 million by the year 2000.

Plans have turned to PBMs in the hopes that they will be able to cut rising prescription drug costs. PBMs accomplish that goal by setting up lists of approved drugs (known as formularies), requiring specific authorization of non-formulary drugs, and urging doctors—often by providing financial and other incentives—to switch prescriptions for less expensive medications.

Of greater concern is the fact that PBMs are often given free reign to manage benefits through their own programs, with little oversight from the health plan. And, PBMs are neither licensed health care providers nor subject to federal regulation by the Food and Drug Administration (FDA).

Several of the largest PBMs are now owned by drug manufacturers and many independent PBMs have formed "strategic alliances" with drug manufacturers, exchanging preferential treatment on a formulary with millions of dollars in rebate payments from the drug companies. Since 1993, the three largest PBMs, serving fully 80% of covered enrollees, have been acquired by drug manufacturers at a total cost of \$12.8 billion. And, a January 1998 study showed that drug-company-owned PBMs covered 41% of the lives enrolled in PBM programs.

Drug companies that own PBMs say that they have "firewalls" in place to prohibit the two companies from sharing proprietary information or conducting joint marketing efforts

and other deals that benefit the drug company. But can any company policy resolve this inherent conflict of interest, especially when the goal is to maximize profit? If you've the CEO of a major drug company, wouldn't it be tempting to try to get more doctors to prescribe your company's new medication for high blood pressure?

I certainly think so. But, in case you think I'm just being cynical, consider the case of PCS, the largest PBM covering 50 million lives. When PCS was acquired by Eli Lilly, which manufactures Prozac, in 1994, Lilly's chairman openly declared that "this purchase will help us sell even more Prozac." Internal PCS memos obtained by the New York City Public Advocate revealed a plan to steer the company's managed care customers toward Prozac and another top Lilly drug, the ulcer medication Axid. Millions of messages would be sent to physicians and pharmacists urging switches, leading to a projected \$171 million in additional sales.

Given that there are millions of dollars at stake for drug manufacturers and PBMs, it's very tempting for these companies to join forces to steer physicians to prescribe their products. But, there's more at stake than just money—the health and welfare of Medicare beneficiaries who join Medicare+Choice plans is also at risk. I am attaching testimony given by the Public Advocate for the City of New York before President Clinton's Advisory Commission on Consumer Protection and Quality that clearly shows just how low these companies will go to push their products.

I have introduced the Medicare+Choice Pharmaceutical Management Act of 1998 to discourage these types of activities by requiring Medicare+Choice plans to disclose the following information about their pharmacy benefits management: the committee (if any) used to develop and oversee drug formularies, including the composition of the committee and how they decide what drugs to include on the formulary; and incentives to physicians, pharmacists, and patients associated with formulary compliance programs, including drug switching and any known health risks associated with such a program; all policies and procedures for any drug utilization reviews of physicians and pharmacists, including any counseling, intervention, enforcement actions, or penalties associated with these reviews; any expedited process for amendment drug formularies to include new drugs that become available, particularly those that treat or alleviate potentially life-threatening illnesses; and any requirements for prior treatment failures of a particular drug before approving alternative drug therapies.

Medicare+Choice plans will be required to disclose this information when they apply for a contract with Medicare and to make this information and their drug formularies available to the public upon request. That way, the Health Care Financing Administration (HCFA), the agency that reviews these contracts, will know about a health plan's pharmacy program—and any financial incentives to push certain drugs—and can make the decision whether to contract with that plan or require changes in their pharmacy benefits management. And, even more important, the information will allow consumer groups and individuals to make recommendations and choices about the managed care plans that best serve the patient.

I urge my fellow Members of Congress to join with me in cosponsoring the

Medicare+Choice Pharmaceutical Management Act of 1998. Together, we can ensure that Medicare beneficiaries get access to the prescription drugs ordered by their physician, not by a benefits manager focused on the bottom line.

TESTIMONY OF MARK GREEN, PUBLIC ADVOCATE FOR THE CITY OF NEW YORK, BEFORE THE ADVISORY COMMISSION ON CONSUMER PROTECTION AND QUALITY IN THE HEALTH CARE INDUSTRY—FEBRUARY 26, 1998

We all know that there is no more common health care experience in America than filling a prescription. But few Americans know that the terms of our every day drug-counter transactions are changing more fundamentally and rapidly than anytime in modern medical history. I suggest that your report to the President reflect this fact and propose reforms that protect patients from the adverse consequences of "drug switching."

A two-year investigation by my office has concluded that health plans are now frequently intervening in the prescription process, pressuring physicians and pharmacists to switch medications to less therapeutically valuable drugs. In addition, the approved "drug formularies" sometimes exclude critical drugs from coverage altogether. These preferences seldom have anything to do with medical appropriateness. Indeed, for some individual patients, the substituted drug is not as efficacious as the original prescription and can lead to harmful side effects.

While the original intent of these now widespread substitution strategies was to lower costs without affecting the quality of care, existing research indicates that this practice results in higher overall costs. Instead of cost-containment, commercial interests have become the guiding force behind drug preferences. Health care organizations have established a variety of business relationships with drug manufacturers that are shaping, and in some cases compromising, drug choice. The exposure of these arrangements has sounded a sudden alarm among those concerned about the independence and trust implicit in the prescription tradition of American medicine.

Five federal agencies have weighed in critically on the drug switching issue in the last few years: the FDA [US Food and Drug Administration], the OIG [US Office of the Inspector General], the HCFA [US Health Care Financing Administration], the FTC [US Federal Trade Commission] and the GAO [US General Accounting Office]. The FDA recently issued draft guidelines to attempt to monitor these practices. Yet it is estimated that 71 percent of HMOs will have programs encouraging substitutions by the end of the year.

The American Medical Association says that the "frequency and intensity" of HMO substitution interventions "pit the interest of patients against the economic interest of their health care providers" and have risen "to the level of harassment." The American College of Cardiology argues that heart medications are highly specific to particular patients and warns that substitutions represent "a real and present danger" that could involve patients being switched to drugs that might produce "life threatening toxicity" or other adverse reactions. My own surveys of almost 400 New York physicians and pharmacists found that 75 percent of both believe substitutions are diminishing care, while almost all said plans routinely contact and urge them to make substitutions.

Recent academic and governmental reports have concluded that both the employer groups paying the premiums and the HMOs engaging in drug management tactics are be-

coming increasingly concerned about the care-consequences of these switches. Fourteen medical journal articles have reached critical conclusions, six of which suggested that these new drug preference practices may be leading to extended illness, more visits to doctors and emergency rooms, longer hospital stays and greater total costs.

What has galvanized this concern is the growing power of a new force in drug selection—PBMs [pharmaceutical benefit managers]. HMOs retain PBMs as consultants to help them administer drug coverage. These companies, which have overnight become billion dollar giants in their own right, manage prescriptions for 115 million Americans. They are the engines driving the new substitution initiatives. With 90 percent of HMOs now employing one form or another of pharmacy management, 200 million Americans are expected to be covered by PBMs by the end of the decade.

Though the initial rationale for turning over drug management to PBMs was cost containment, drug costs continue to increase as a share of total health costs and faster than inflation. Indeed, drug costs have risen from \$21 billion ten years ago to \$50 billion today, and ambulatory costs for drug-related problems, including reactions to PBM-induced substitutions, are now estimated at \$76.6 billion.

PBMs develop the formularies, a list of covered and preferred drugs, thereby determining prescription access for millions of patients. They pay incentives to pharmacists to get them to push doctors to switch prescriptions, and drop independent pharmacists who do not engineer switches often enough. PBM consultants call and visit doctors to discuss specific patients and urge the use of specific drugs. They impose rock-bottom prescription budgets on doctors, and review the prescribing records of recalcitrant physicians to make sure they make the favored drug selections. They even punish patients who do not accept switches by charging them higher co-pays. Yet PBMs are neither licensed as health care providers nor regulated by any oversight agency.

But PBM drug preferences are frequently of questionable independence. Since 1993, the three largest PBMs, serving fully 80 percent of covered enrollees, have been acquired by pharmaceutical manufacturers at a total cost of \$12.8 billion. Other manufacturers have formed "strategic alliances" with major PBMs, paying millions of dollars in rebate payments for preferential treatment on a formulary. The overarching corporate purpose of these acquisitions and arrangements has clearly been to increase market share for certain widely used drugs. Studies have shown, for example, that the manufacturer-owned PBMs are unsurprisingly pushing the prime pharmaceuticals of their owner.

PCS, for example, is the largest PBM, covering 50 million lives. It was acquired by Eli Lilly, the manufacturer of Prozac, in 1994. Lilly's chairman openly declared after the PCS merger that "this purchase will help us sell even more Prozac." Internal PCS memos obtained by my office revealed a plan to steer the company's managed care customers toward Prozac and another top Lilly drug, the ulcer medication Axid. Millions of messages would be sent to physicians and pharmacists urging switches, leading to a projected, almost instant, burst of \$171 million in additional sales. Yet both drugs cost more than effective competitors'.

PCS hired outside experts to justify the Prozac switch. Though only one of the three consultants recommended knocking a top competitor, Zoloft, off the preferred list, PCS did it anyway. In fact, the one consultant they followed found that Prozac had the longest dose adjustment time of three main antidepressants—two and a half months

compared to Zoloft's five and a half days. The consultant also found that Prozac produced far more side effects, including headaches, sexual dysfunction, insomnia, diarrhea, anxiety and agitation. Yet the PCS letter subsequently sent to thousands of physicians erroneously suggested that Prozac had the shortest adjustment time and fewest side effects.

The misuse of this PCS drug utilization letter for transparent promotional purposes was one of the reasons the FDA recently decided to monitor drug substitutions. HCFA recently reported that PCS believes that 30 percent of the prescriptions written under its preferred drug program are successfully switched, providing some measure of how extensive this practice is becoming.

Such drug policies influenced by commercial interests can have damaging effects on care. Patients are being switched to chemically dissimilar agents that are not rated as equivalent by the FDA, and usually have different side effects, dosages and efficacy rates. Patients stabilized on one medication are also being moved to another without any clinical cause, leading one doctor to label these switching strategies "massive unfunded human experimentation." With doctors constrained by preferred lists, the many differences between patients—age, ethnicity, multiple disease states—are not always factored into prescribing decisions.

Hurt most by these practices are the elderly and chronically ill because they often consume daily dosages of a variety of highly competitive medications. Take the example of 65-year-old Clara Davis, a retired grocery store manager from Bolivar, Tennessee. She lost a third of her stomach after her ulcer medication was switched. Her physician tried to persuade her plan not to force the substitution but it insisted. While recovering from the operation she suffered a paralyzing stroke.

As we meet, several states—Maine, New York, California and Virginia—are considering legislative action to protect the Clara Davis' of this country and to restrict drug formularies based more on commercial, rather than health, considerations. But ultimately, since drug sales are obviously national in scope, there must be a national policy on drug substitutions. I urge you not to squander your once-in-a-generation opportunity to stop this new and growing trend of HMOs—not physicians and pharmacists—prescribing the pills that we all swallow.

Given how extensive and harmful managed-care-driven drug substitutions have become, I urge the Commission to include this language in their final report. I believe that these recommendations implement the mandates of the Consumer Bill of Rights on Information Disclosure and Participation in Treatment Decisions:

"Consumers should be fully informed about all factors affecting a prescription choice. Health care organizations and physicians should disclose any possible side effects or economic reasons for a recommended therapeutic switch. Health care organizations should restrict substitutions to those that are found to be therapeutically equivalent by the FDA. Consumers should be free to reject these recommended switches without penalty, such as the imposition of a higher copayment. Consumers have the right to continue on a drug regimen that has been medically beneficial for them, without pressures on their physician to switch. Health care organizations should make their preferred drug lists, as well as formularies, available to consumers. Drug substitutions should take into account the potential overall cost of a change in care, not merely the comparative costs of two medications in the same therapeutic category.

"The President should provide strong, continuous leadership to improve the quality and delivery of prescription drug care in the United States. The President should act to eliminate all commercial interests advising, selecting or influencing prescription drug treatments and act to improve the health of all Americans by developing a patient-specific prescription drug policy."

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IN RECOGNITION OF JETER NIMMO

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects to a good friend, fine Texan and more importantly a great American—Mr. Jeter Nimmo. Jeter was born on January 24, 1920 in Delta County, Texas, where he learned the importance of family, church and community. Jeter took these values with him to the University of Texas at

Austin, where he earned a degree in engineering, and to the Army Air Corps, where he served his country as a pilot during World War II.

Jeter spent the majority of his adult life in Van Zandt County, Texas, where he was a community leader. Actively involved in church and community affairs, Jeter often volunteered his time, labor and talents to the First Baptist Church of Van Zandt. Not only did Jeter dedicate himself to his family and church, but he also served as an officer for both the Federal Land Bank and the Texas Farm Bureau Association. Such tireless efforts to his community made Jeter the wonderful man and special friend that I stand here today to honor. Giving not only of himself, but even of his own money to those individuals and families less fortunate, Jeter was a daily testimony of his commitment to God, family, friends and community.

Mr. Speaker, Jeter Nimmo passed from us on February 25th of this year. He is survived by his two daughters and their husbands: Nancy and Joe Lambert of Colfax, Texas and Caroline and Mike Athey of Niceville, Florida.

Mr. Speaker, as we adjourn today's session, let us do so in honor of this outstanding husband, father, friend and American, Mr. Jeter Nimmo. He will be missed by all those who knew him.

RECOGNIZING THE CONTRIBUTION
OF FORT MONMOUTH TO THE
UNITED STATES ARMY SIGNAL
CORPS

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. PAPPAS. Mr. Speaker, it is my privilege to offer congratulations to the United States Army Signal Corps which is celebrating its 138th anniversary. In particular, I would like to recognize Fort Monmouth Army Base in my district, New Jersey's twelfth, which was

"home" to the Signal Corps for 58 years of crucial advances in military communications.

On June 21, 1860, the Signal Corps was born, the brainchild of Albert James Myer, an Army doctor who believed there should be a trained, professional military signal service. From its first use in New Mexico during a Navajo expedition, to its use during the Civil War, the Spanish American War, the two World Wars, the Korean and Vietnam Wars to the present day, the Signal Corps has provided necessary communication devices which have protected the lives of the men and women who have advanced the cause of freedom.

Fort Monmouth was "home" to the Signal Corps School from 1917 to 1975. As the center for signal education, as well as major laboratory, Fort Monmouth played an important role in the major world conflicts of this time period. Early radiotelephones developed at Fort Monmouth were used in the European theater during World War I. The first Army radar was developed in 1938. This new technology, as well as the development of the tactical FM radio, were important communications devices which helped to lead the Allies to victory in World War II. These innovations are still used today, by military and non-military alike.

Fort Monmouth has also made major contributions to the development of space communications. "Project Diana" in 1946 successfully bounced electronic signals off of the moon, a milestone on the road to space communication. Solar-powered batteries, typewriters for space shuttles, and communications satellites were some of the other advances developed at Fort Monmouth. Though no longer home to the Signal School, Fort Monmouth continues to serve as an important technological logistics, and training center. Today, Fort Monmouth serves as home to CECOM, the Army's Communication and Electronic Command.

I would like to thank the men and women of Fort Monmouth for their continuing dedication to the protection and promotion of freedom. I am confident that their important work will continue well into the next millennium.

HONORING SISTER WINIFRED
DANWITZ, Ph.D.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. ENGEL. Mr. Speaker, I rise to join in celebrating the Golden Jubilee of Sister Winifred Danwitz, a woman whose accomplishments are so many that they seem crammed into those fifty years, but one who looks forward to doing even more.

Sister Winifred is the former Administrator of the Mount Saint Ursula Speech Center for New York City and Professor Emeritus of Special Education at the Graduate School of the College of New Rochelle. She was selected a Fellow of the American Speech-Language-Hearing Association.

Her teaching experience includes the College of New Rochelle and its graduate school, Fordham University, Hunter College and Iona College. The list of her organizational activities where she served in a senior position runs off the page. She has almost as many awards.

Now she is embarking on her latest venture as Executive Director of Angela House. Angela House began as her idea. It will be an innovative demonstration project to address the problems confronting homeless women and their young. Angela House will serve as a model supportive transitional residence to provide these women and their children with the supervision, support and training in a nurturing environment.

Sister Winifred will be as successful in helping these women and their children as she has been in her other endeavors. Her generosity of spirit has made beneficiaries of all of us. I am proud to be able to praise her work, her dedication and her innovation. She is our treasure.