

Standard, notes that in the late 1970s, when teenage smoking declined nearly one-third, cigarette prices were declining about 15 percent. Given that teenage smokers smoke an average of only eight cigarettes a day, adding even a dime per smoke (\$2 per pack) would not deter them.

The 40 percent decline in smoking between 1975 and 1993 coincided with a public health campaign emphasizing individual responsibility for choices. Then came the Clinton administration and the ascendancy of victimology: Wicked corporations preying upon helpless individuals are responsible for individuals' behavior. Calfee says per capita cigarette consumption has barely declined since 1993.

Also in the *Weekly Standard*, Dennis Prager, a theologian and talk-show host, notes that the full apparatus of the modern state has been mobilized for "the largest public relations campaign in history teaching Americans this: If you smoke, you are in no way responsible for what happens to you. You are entirely a victim."

This assault on the idea of personal responsibility, Prager writes, further pollutes "a country that regularly teaches its citizens to blame others—government, ads, parents, schools, movies, genes, sugar, tobacco, alcohol, sexism, racism—for their poor decisions and problems." This assault, a result of the politics produced by a culture of irresponsibility, is an emblematic fruit of Clintonism.

#### RECOGNIZING THE 50TH ANNIVERSARY OF THE ARMED FORCES

SPEECH OF

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 29, 1998*

Ms. LEE. Mr. Speaker, as an Army brat, I rise in support of House Concurrent Resolution 294.

H. Con. Res. 294 is the resolution to recognize the 50th anniversary of the integration of the Armed Forces. The integration of the military was crucial to enhancing the quality of life not only for my family, but for the children of all Black military personnel.

I am proud of my father, Lt. Col. (retired) Garvin A. Tutt. He fought for this country during World War II as a member of the 92nd battalion in Italy. He also served the United States with honor in the subsequent Korean conflict. Yet, I vividly remember that back in the States, my dad, my mother, my sisters and myself could not eat in restaurants, could not attend movie theaters in town, could not drink out of water fountains except those marked "colored" only. However, after Executive Order 9981, military bases became "safe havens" where at least recreational facilities on base were open to African American families. Oftentimes, Ft. Bliss, in which my dad was stationed, was the only "Safe Haven" for my family.

As an adult, I have had the privilege to work for my predecessor, a former Marine and a great champion for justice, Congressman Ron Dellums. During my employment with Ron, I had the honor to work with great African American Heroes of the United States Armed Forces such as the Tuskegee airmen. They are loyal and dedicated Americans who sacrificed so much for their country, all the while suffering the degradation and humiliation of segregation.

Mr. Speaker, I do not think that Americans who were born after the civil rights movement realize the extent of the overt, divisive and punishing discrimination against a group of people, African Americans, the extent of their alienation from the rest of the people of the United States. The United States Armed Forces, more than any other body of its size, is an institution based on a strict set of explicit and implicit rules of behavior. The act and process of integration of the armed services is a political, social, and legal phenomenon that must be appreciated, recognized, praised, honored, and made known to all Americans, all people who are committed to a just and fair society.

When President Truman issued Executive Order 9981 in 1948, it was six years before *Brown vs Board of Education* and ten years before the nominal integration of some of our schools. Through his leadership, President Truman eradicated the legal structure of racism in our military force. The integration of the military had remarkable, positive consequences for American society. I believe that this is a story of success largely unknown to people outside of the Armed Forces. This is a story of the Government taking a series of steps to bring equality of access to all personnel. This work made training available; supported promotions, and allowed people to gain experience, which has led to the promotion of African American non-commissioned and commissioned officers. This is the successful story, still unfolding, of a major branch of the Government working to rid itself of the evils of racism and segregation.

50 years is not a long time, Mr. Speaker. The vestiges of racism and discrimination still exist. I hope that, as we commemorate the 50th anniversary of the integration of our Armed Forces, we recommit ourselves to ending bigotry in this country.

MR. STARR: NO OCTOBER SURPRISE, PLEASE

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 30, 1998*

Mr. CONYERS. Mr. Speaker, media reports this week suggest that Independent Counsel Kenneth Starr may be close to wrapping up his four year, forty million dollar investigation of the President. If that is true, I can only say that it's about time. Even my Republican colleagues in the Senate, Mr. ORRIN HATCH and Mr. ARLEN SPECTER, said this week that it is time for this investigation to come to a close.

While we have no way of knowing what action, if any, the Independent Counsel will take after he closes-up shop, one thing is for certain: if he intends to send any type of report to Congress, he should not do so before the mid-term elections.

Each day, countless talking heads spend hours on end speculating about who's up and who's down in this investigation of the President. But almost no time is spent on issues that really matter in this election, like health care reform, tobacco legislation, and campaign finance reform. While the talking heads base their opinions on gossip and supposed leaks, the issues that matter in people's lives get overlooked.

We have very few days left in this legislative session to get the people's work done, certainly not enough to consider or respond to anything that comes from the independent Counsel's office. If we were to receive a report before the upcoming elections, it could only be seen as an effort to influence the outcome of those contests.

Mr. Starr is supposed to be an independent prosecutor, but all too often since he took office in 1994, he has seemed to wear his politics on his sleeve. Mr. Starr has chosen to continue representing clients, including tobacco companies, whose interests are adverse to those of President Clinton. Many in the Republican party would like nothing better than to play politics with a report from the Independent Counsel. That is especially true because we need only eleven seats to take back the House of Representatives this fall. Not only would it be wrong for the Independent Counsel to provide fuel for that fire, it would undermine whatever integrity his investigation may retain.

If the Independent Counsel intends to send us a report, the right thing for him to do is to wait until the new Congress begins its work. Mr. Starr, for the good of our country, don't play politics with the timing of your investigation of the President. No October surprise, please.

#### H.R. 4162—THE REGULATORY INFORMATION PRESENTATION ACT

**HON. HELEN CHENOWETH**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 31, 1998*

Mrs. CHENOWETH. Mr. Speaker, on June 25, 1998, I introduced H.R. 4162, a bill that will assist the American public, small business and anyone else interested in understanding how a decision was reached by the federal government when publishing regulations. My bill, entitled the "Regulatory Information Presentation Act," is presented to the Congress for comments and to bring the issue for debate.

In May of this year, the GAO released a report that points to the need for this legislation. The report, entitled "Regulatory Reform Agencies Could Improve Development, Documentation, and Clarity of Regulatory Economic Analyses," should be read by all of my colleagues.

Currently, the Administrative Procedure Act, provides only that a notice of proposed rule-making must include the legal authority for a rule and "either the terms or substance of the proposed rule and/or description of the subjects and issues involved." The provisions for final rule are even more general: They must "incorporate \* \* \* a concise general statement of their basis and purpose."

The above APA provisions were adopted in 1966. Since then, there has been a demand for more rigorous analysis of proposed rules and increased "transparency" in the rule-making process. In addition, since 1981, several Presidents have uniformly required OMB and the Federal agencies to address certain analytical issues in rulemakings, and particularly in major regulatory actions. The current Executive Order is E.O., 12866, which was signed by President Clinton in September 1993. The previous Executive Order 12291, was signed by President Reagan in February

1981. During this time, it has become routine for agencies to address the issues covered in those Executive Orders; however, the public rulemaking notices published in the Federal Register often do not reflect clearly the agency's rationale for the rulemaking action, and the agency discussions of proposed and final rules, contained in the Federal Register "Preamble" to the substance of the rule, are highly inconsistent in format and depth of information, making it difficult for the public to understand the basis for the rule and how particular issues were addressed. Often, such information might exist, but it is not summarized in the Federal Register notice, but is contained in an agency docket or other files, where it is generally inaccessible to all but the most knowledgeable and Washington-based individuals. In other words, the current rulemaking information presentation system is not "user-friendly" for the public.

The proposed bill would address this matter by requiring the Office of the Federal Register to establish a uniform format for Federal agency rulemaking that would make clear how an agency addressed certain issues that are commonly addressed in rulemaking and which are covered in the regulatory Executive Order. If a particular issue was not relevant for an individual rulemaking, presumably the agency would simply put "not applicable" under that subject heading in the Federal Register notice.

This should not make more work for agencies; in fact, it should reduce effort for all concerned, particularly our citizens.

One provision would call for some additional effort, but it would be minimal. The "Public Notice" section of the proposed legislation (Sec. 4) would establish certain reporting requirements for agencies regarding number of rules promulgated and reviewed by OMB each year. The purpose of this is to allow Congress to track the level of regulatory activity from year to year.

I urge my colleagues and the American public to support this legislation.

#### TRIBUTE TO CARL S. SMITH

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 31, 1998*

Mr. GREEN. Mr. Speaker, I rise today to reflect on the passing of an outstanding man, a legendary Houstonian, and a great Texan, Carl S. Smith, who died this week at the age of 89. Carl served 51 years as Harris County's Tax Assessor and Collector. Mr. Smith served the citizens of Harris County with distinction and honor.

Carl was a legend in Harris County politics. He was first appointed to the office by the Harris County Commissioners Court in 1947. The next year, he won election to the office and was re-elected 12 times.

Well liked and respected, Mr. Smith was revered by many of his employees. He was always known for insisting, from his staff, on unwavering courtesy to the public. He expected much of this staff, but he treated them kindly and with respect.

Carl had a real interest in helping all people. In 1952, he was the first Harris County official to promote an African-American employee to an important government position, a deputy

clerkship. In addition, he wrote the statewide property tax exemption for citizens over 65 that was later adopted as a constitutional amendment.

Carl's wife of 59 years, Dorothy DeArman Smith, died in 1991. They were parents of two daughters, Nancy Stewart and Pam Robinson, both of Houston.

Mr. Speaker, I ask all the Members of the House to join me in offering their gratitude for the hard work and dedication of Carl S. Smith.

#### AUTHORIZING VA HEALTH CARE FOR VETERANS EXPOSED TO NASOPHARYNGEAL RADIUM IRRADIATION THERAPY—H.R. 4367

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 31, 1998*

Mr. EVANS. Mr. Speaker, today I am introducing legislation to authorize the Department of Veterans Affairs to provide health care treatment to veterans exposed to Nasopharyngeal Radium Irradiation Therapy (NRIT) and to include these veterans in its Ionizing Radiation Registry (IRR) Program. Joining me as original co-sponsors of the bill in the House are Representatives BOB FILNER, COLLIN PETERSON, CORRINE BROWN, FRANK MASCARA, BARBARA LEE, LUIS GUTIERREZ, CIRO RODRIGUEZ, JULIA CARSON, NEIL ABERCROMBIE, and JOSEPH KENNEDY. The measure I am introducing today is similar to legislation submitted to Congress by the Administration and closely reflects S. 1822, as introduced by Senator SPECTER and cosponsored by most of the members of the Senate Veterans Affairs' Committee: Senators THURMOND, JEFFORDS, MURKOWSKI, ROCKEFELLER, AKAKA, WELLSTONE, LIEBERMAN, and MURRAY.

During the 1940's to the 1960's, many submariners and air crew members were occupationally exposed to NRIT to prevent ear injury. The Centers for Disease Control has estimated that as many as 20,000 service members may have received this treatment. Treatment was not limited to service members. This therapy was prevalent among civilians and was even used to treat children. Studies have found statistically significant associations between exposure to this therapy as a child and development of certain head and neck cancers. Associations between health outcomes and adult exposure to therapy are less clear, but poor recordkeeping on the use of this treatment may not allow new studies to determine definitive associations within the veteran population and previous studies have been flawed.

VA has noted that the high levels of exposure among treated individuals may call for special consideration of this population. Exposure to radiation during nasopharyngeal treatments was greater than the exposure of many of the veterans who already populate VA's IRR. Given the high incidence of exposure to this therapy for occupational purposes among the veteran population, the relatively high levels of exposure these individuals were subjected to, and the scientific evidence that exists, the Administration requested that Congress authorize these veterans' treatment in VA medical facilities. It is time to give the veterans who received NRIT treatments—many

of whom did so involuntarily—the benefit of the doubt. It is time to allow VA to treat them and the conditions it believes may be linked to this exposure and add them, along with other veterans who were exposed to far lower levels of radiation, to its registry. This is a responsible bill—and it's the right thing to do.

I urge my colleagues to sign on as a cosponsor to this important legislation.

#### PATIENT PROTECTION ACT OF 1998

SPEECH OF

### HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 24, 1998*

Mr. FAWELL. Mr. Speaker, I would like to take some time to talk about some "good news" in the area of private health care. So often, the news media and Congress will tend to center on what's wrong with private health care and ignore the many good things that have happened, and are happening in private health care.

For instance, let us recognize that about 132 million people in America are getting their health care in the private market via employer provided health care under the ERISA statute! About 80 million of these people are receiving their health care from their employers under self-insured health plans, that is, where the employer is acting as their own insurance company, so to speak. Here, we are talking about fee for service plans, PPOs and variations of managed care. But under these self-insured plans, in general the employer does not pay "premiums" or transfer the obligation to pay benefits to an insurance company or HMO. Instead, the employer takes the place of the insurance company and may even contract directly with hospitals, doctors, other providers and health care networks. The market dynamics of these arrangements help to bring the price of health care down. Most of the large corporations in the United States use this method to supply health coverage to their employees. The remainder of the 132 million people who receive their employer provided health insurance from their employers do so under standard indemnity insurance policies, HMO contracts or other forms of fully-insured health insurance coverage purchased by their employers. With the exception of governmental plans, all private employer provided health coverage plans are under ERISA, although indemnity health insurance policies and HMO policies (referred to as "fully insured" coverage, as opposed to "self-insured" coverage) are subject to regulation by the states. That is, while the employer provided plan (i.e. the employer benefit plan consisting of medical care) is always under ERISA, in those instances where an employer buys an indemnity or HMO policy for his employees, the states control the issuance, make up and conditions of the policies themselves.

The important point, however is that the employers of America, under the ERISA statute are voluntarily providing health insurance coverage for their employees. There is no law requiring employers to finance health care, fully or partially, for their employees. ERISA, insofar as health care is concerned, has functioned over the years—especially in the area of self-insurance—with relatively little interference from either federal or state laws. It is