EXTENSIONS OF REMARKS

DANTE B. FASCELL—NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of H.R. 4757, which would designate the North/South Center at the University of Miami as the Dante B. Fascell North/South Center.

I thank Chairman GILMAN for his initiative in this matter, for it is a fitting honor for a truly great man.

For 36 years, Dante Fascell served on the House Foreign Affairs Committee, eight years as full Committee Chairman. He devoted his whole lifetime to the service of this nation and the nations of the world. A man with great insight, judgment, and knowledge, he was an advisor to Presidents who was also sought out by foreign leaders and dignitaries.

Throughout his decades of service, Mr. Fascell became more and more convinced of the need for an American foreign policy based on cultural, educational, trade and person-to-person exchanges between nations, in addition to normal government-to-government contacts. His vision became reality at his alma mater, the University of Miami. Dante Fascell is recognized as the father of the North/South Center, which today is Congressionally-authorized and one of the nation's leading institutions focusing on improving relations between the countries of North and South America and the Caribbean.

Despite his great achievements, however, Dante Fascell never forgot his roots. He was always friendly, open and approachable to his constituents in South Florida. He committed his efforts to solving little problems, as well as big ones. His common sense and common touch endeared him to—literally—generations of voters. It is not an exaggeration to say that, by the end of his service in Congress he was, as he is today, truly a legend in Florida.

Mr. Fascell retired from the Congress the year that I was elected, in 1992, and so I never had the honor of serving with him. But I have known him for many years. He set a very high standard for public service which all of us who follow him try daily to meet. And I am completely confident that those of you here today who served with Dante Fascell will agree with me that he is one of the finest men to serve in this body.

I would like to share with my colleagues a few comments on Dante Fascell which appeared in a Miami Herald editorial on his retirement.

[From the Miami Herald, May 28, 1992]

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end. . . .

Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the 'poisonous atmosphere' pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

H.R. 4519

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Texas. Mr. Speaker, under the rules, H.R. 4519 is considered a private bill. However, because of their wide constituent interest, the following Members of Congress would like to be shown as supporters of H.R. 4519.

1. JIM MCGOVERN
2. BOB LIVINGSTON
3. WILLIAM JEFFERSON
4. ALLEN BOYD
5. GENE GREEN
6. JOHN OLVER
7. CARLOS ROMERO-BARCELÓ
8. VIRGIL GOODE
9. BOB STUMP
10. PHIL ENGLISH
11. GERALD SOLOMON
12. LINDA SMITH
13. JIM GIBBONS
14. SUE KELLY
15. JOHN TIERNEY
16. LYNN RIVERS
17. NANCY PELOSI
18. TOM PETRI
19. MICHAEL PAPPAS
20. DAVID HOBSON
21. DAVID OBEY
22. RICHARD BURR
23. CLAY SHAW
24. JAY JOHNSON
25. MARCY KAPTUR
26. BUD CRAMER

A DIFFICULT TASK

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SANFORD. Mr. Speaker, over the past few months, I have heard from literally thousands of folks back home on the President's matter. On Thursday, I had to digest all that I had heard, read and thought about this, and simply vote yes, or no, on whether or not to authorize the Judiciary Committee to proceed with an inquiry of impeachment. I voted yes and owe you an explanation of how I got there.

I agree with opponents of the process who have suggested there has been far too much grandstanding and moralizing on this issue. Frustration with politicians grandstanding, however, never moved me into the camp that believed we needed to quickly move on to "the nation's business." In fact, since this story broke in January, I have tried to listen carefully and in no way have forgotten about issues like Social Security or national security. However, I have come to believe that in the long-run, the current debate is probably just as relevant to the lives of Americans. Here is the reasoning that brought me to this conclusion.

At the core, representative government is built on trust. Thus, maintaining trust in the leaders who run the many components of government is every bit as important as the individual functions of government. In other words, "national security", or "moving onto the nation's business," without trust in the people running it is an oxymoron.

In our system of representative government, every free citizen has ceded over to our school board member, our county council member, our Senator and our President a little

bit of our authority. We place our trust in them. If the President raised his right hand and lied to a grand jury, we have a major problem because he is the chief law enforcement officer of this land. If people felt free to lie in our municipal, state or district court system after raising their hand and swearing to tell the truth, our criminal justice system would not work.

I fear that if we ''leave it alone,'' we would be sending a message to everyone that since the President lied, they can, too. Or, worse yet, that two systems of justice exist—one for ''big people,'' like Presidents, and another for regular people. Since I don't want to pass either one of these messages along to my children or yours, I don't believe we can simply leave this issue to fester.

David Schippers, Chief Investigative Counsel on the Judiciary Committee and a life long Democrat who headed then-Attorney General Robert F. Kennedy's organized crime task force in Chicago, summed this idea up well in his testimony before the committee:

''The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth, is the foundation of the American System of Justice, which is the envy of every civilized nation. If lying under oath is tolerated and, when exposed, is not visited with immediate and substantial adverse consequences, the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse.''

For these reasons, I have come to view the beginning of impeachment proceedings differently than many do. An inquiry does not impeach the President, but instead simply looks at the charges and the evidence behind them. It is a chance to clear this matter and to truly put it behind us in a way that leaving it alone never could.

To date, we have had a prosecutorial endeavor with Judge Starr and the Office of Independent Counsel. They have made their case but it has never been tested by the defense in a ''courtroom'' setting. In an impeachment inquiry, this would change. Democrats on the Judiciary Committee will have the chance to cross-examine witnesses, challenge evidence and tell the President's side of the story. In this process, one of two things can happen: (1) the President is absolved of all charges because the evidence does not hold up after it is cross-examined, and we can therefore truly have this behind us; or (2) there is enough credible evidence to warrant sending it to the Senate.

Scott Peck years ago wrote a book titled ''The Road Less Traveled.'' Its premise was that doing the right thing was often the more difficult, and therefore less traveled, course. An impeachment inquiry fits under the same umbrella. You do not see them in Malaysia, Pakistan, or Zaire. Even the possibility of an impeachment is unique around the world. The key now is that we treat a process this special and unique with the proper consideration. This means sticking to one of America's most cherished values—the idea that we are a nation of laws, not men.

75TH ANNIVERSARY OF HIGH POINT STATE PARK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to call attention to the 75th anniversary of the opening of High Point State Park, one of the most beautiful state parks in the State of New Jersey and, indeed, our nation. At a time when development pressures are stripping us of our open spaces, High Point is a pristine paradise despite the dense population around it. Made up of land donated by private owners and maintained by the state and volunteer workers, High Point is an outstanding example of what can be done when the public and private sectors work together for the betterment of their community. From the Kuser family, who donated the land, to the Friends of High Point State Park, whose volunteers provide a variety of services, many individuals deserve our thanks.

High Point State Park occupies more than 14,000 acres along the northern tip of New Jersey and contains the state's highest peak, 1,903 High Point. Its remoteness has kept the park virtually unchanged since King George of England gave the land to James Alexander—the first private owner—in 1715 as a royal land grant. The first substantial construction did not come for 173 years, when Charles St. John and his family built the plush High Point Inn resort in 1888. In 1909, the inn went bankrupt and was purchased, along with the land, by businessmen Anthony and John Kuser. Anthony Kuser tore down half the inn and reconstructed a ''summer house'' now known to visitors as the Lodge.

Private ownership came to an end in 1922, when Anthony Kuser gave 10,000 acres—the bulk of the modern park—to the State of New Jersey. The Kuser family also paid for construction of the 220-foot obelisk that tops the summit of High Point itself. The tower, completed in 1930, is a monument to veterans killed in the nation's wars. It offers majestic views of the Delaware Valley, the Catskill and Pocono Mountains, and the lakes and forests of the park itself.

As a multi-use park, High Point is managed with an eye toward balancing backcountry preservation with the provision of ample recreational facilities. The northernmost part of the park is the 800-acre John D. Kuser Natural Area, much of which is old growth Atlantic white cedar swamp. Just south of the natural area is the summit of High Point itself. There are three public-access lakes within the boundaries of the park. Twenty-acre Lake Marcia, at 1,600 feet the highest lake in New Jersey, has a supervised bathing beach. Lake Steenykill, west of Marcia, has a boat-launching ramp and furnished cabins that may be rented by family groups. Sawmill Lake, near the center of the park, has boat-launch facilities and 50 campsites.

Hiking, naturally, is one of the prime attractions at High Point State Park. The Maine-to-Georgia Appalachian Trail runs north and south through the length of the park and is intersected by a system of nine park trails varying in length from one-half to four miles.

High Point State Park is treasured by all who have hiked its mountains, swum or fished in its lakes or simply taken in its majestic views. The people of New Jersey owe their undying gratitude to the Kuser family for sharing this natural wonder with the public and, in doing so, keeping it in its natural state. I ask my colleagues in the House of Representatives to join me in thanking the Kuser family, the Friends of High Point State Park, the park's employees and all others involved in protecting this treasure for generations to come.

THAILAND, A BEACON OF HOPE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, 25 years ago today the people of Thailand stood up and threw out a military dictatorship and created a nation built on the rule of laws and not of men.

It was a painful turning point in Thai history. Seventy-three people were killed and nearly a thousand were injured calling for their God given rights, demonstrating for democracy, political pluralism and the rule of law. The people of Thailand led the way in a region that was, and to this day still is, ruled by corrupt dictatorships.

Vietnam, Cambodia, Laos and Burma have not changed much. Most of these nation's dictators are linked to illicit drug production and all of them have no intention of permitting the expression of any political pluralism or the rule of law. To this day, Thailand is still a beacon of hope for thousands who flee from these repressive rulers.

The Karen and the Karenni whose nations were absorbed into Burma, the Hmong who are repressed by the Pathet Lao, the Montagards and other ethnic minorities and hill tribes pursued by the Vietnamese, all of them have taken refuge at one time or another in the free and democratic Kingdom of Thailand.

Thailand's People's Constitution was adopted in 1997 but was born from the blood that was shed in demonstrations 25 years ago today in Bangkok and all across the country involving some 500,000 people. Today we mourn and pay respect for Thailand's heroes who gave their lives for their nation and the greater good of all it people.

The United States remembers you, your nation loves you and the repressed people of the region who take refuge within your borders thank you from the bottom of their hearts.

IN HONOR OF THE MEMORY OF JOHN L. KOCEVAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of John L. Kocevar, a man who devoted his life to protecting and enhancing the well-being of his community in Seven Hills, Ohio.

Serving in World War II with the Army's 392nd Bomb Group in Europe, John Kocevar soon acquired a deep commitment to serving

others. Shortly after the war, John began a career in public service, a career to which he would devote the rest of his life.

Protecting and enhancing the well-being of his community, John served as an enforcement agent and chief for the Ohio Department of Liquor Control, executive officer of the Cuyahoga County Sheriff's Office and attentively owned the former Area Wide Paging Company. In addition to pursuing his public service career, John also spent much of his time in church. John served as a Eucharistic minister and Holy Name Society member at St. Columbkille Catholic Church in Parma.

John L. Kocevar leaves behind his wife, Rita; son, John T.; daughters, Lori Shannon and Kathryn Terlaak; three grandsons; two brothers; and two sisters.

My fellow colleagues, join me in honoring John L. Kocevar, a man who dedicated his life to improving and enhancing the lives of others.

TRIBUTE TO STEPHEN G. YEONAS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my personal thanks and give public recognition to Mr. Stephen Yeonas. Mr. Yeonas has spent the last 50 years dedicated to providing the consistently growing population in Northern Virginia with more than 10,000 quality homes that now are the cornerstone of our neighborhoods and communities. After his graduation from Catholic University of America's Columbus School of Law, Mr. Yeonas founded the Yeonas Company in 1946. As founder and president from 1946 to 1973, the Yeonas Company became the largest builder of new homes in the Washington Metropolitan Area for many years.

With his professional success Mr. Yeonas has also been the recipient of a number of awards bestowed upon him by the industry he led for some many years. These include the ''Man of the Year Award'' by the Home Builders Association of Metropolitan Washington Area and his being named Virginia Realtor of the Year. But I proudly rise today to recognize Stephen Yeonas as truly one of the great philanthropists of Northern Virginia. Most recently Mr. Yeonas and his family have lent their financial support and home building expertise to the Ronald McDonald House of Northern Virginia.

The Ronald McDonald House of Northern Virginia, located on the grounds of Fairfax Hospital, offers the families of critically ill children seeking treatment in the Washington area a safe and free place to stay during their time of need. In support of this noble charity, the Yeonas family has graciously combined the 50th anniversary celebration of the first home their family built with a benefit for the Ronald McDonald House. The Yeonas family of home builders have designed, built, and furnished a show home in McLean from October 17 to November 15. The Yeonas family has selected for the furnishings the finest items and products from the home collection of Virginia's Design Foundry which is run by prominent architect Walter Lynch, AIA.

Every dollar earned from the entry fee to the home will be donated by the Yeonas family directly to the Ronald McDonald House. In addition, a portion of the proceeds from each piece of furniture sold and a percentage of the sale of the show home itself will be donated to the Ronald McDonald House so that they may provide even more families with the support they need.

Over the past 50 years Stephen Yeonas has been building the communities that make Northern Virginia and indeed all of the Metropolitan Washington Area one of the most vibrant areas in the country. As Mr. Yeonas steps down after so many years of service he has left us an indelible legacy of innovation and selfless philanthropy that should serve as a model to us all and I know has been imparted upon his successors, the next generation of Yeonas home builders: Steve Yeonas, Jr., Stephanie Yeonas Ellis and her husband Richard Ellis. I would like to thank Stephen Yeonas for all he has contributed over the past half century. He has enriched the lives of countless thousands and offered hope to so many.

HONORING NOBEL PRIZE WINNER DR. FERID MURAD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Ferid Murad of the University of Texas Health Science Center in Houston on being awarded the 1998 Nobel Prize in Physiology or Medicine. Dr. Murad, along with Dr. Robert Furchgott of the State University of New York in Brooklyn and Dr. Louis Ignarro of the University of California at Los Angeles, were recognized for detailing the important biologic properties of the gas nitric oxide. Their work has led to new treatments and promising research in areas such as heart and lung disease, shock, and degenerative diseases such as arthritis, saving and improving millions of lives around the world.

Dr. Ferid Murad and his colleagues demonstrated that nitric oxide helps to maintain our body's regulatory system. When Dr. Murad and his colleagues started their research more than 20 years ago, many of their peers did not believe that such a gas could be so important to the regulation of circulation. As a result of this research, we now know that maintaining the proper level of nitric oxide in the body is vital to good health. Dr. Murad's research has shown that this colorless, odorless gas is a key regulator of transmitting signals between cells.

Dr. Murad's innovative research focused on how the drug nitroglycerine relieves chest pains by encouraging blood vessels to relax and dilate. Dr. Murad found that when patients receive nitroglycerine, it is broken down in the body to create nitric oxide. Once this gas is released, it sends messages to blood vessels to carry more blood to cramping, oxygen-starved tissues. As a result, patients receive more oxygen and their chest pains are reduced.

Dr. Murad has a long record of distinguished service as a scientist and researcher. Currently, he serves as the Chairman of the Department of Integrative Biology, Pharmacology, and Physiology at the University of Texas Health Science Center (UT Health Science Center) in Houston. In 1996, Dr. Murad was awarded the Albert and Mary Lasker Basic Medical Research Award by the National Academy of Sciences for his innovative research in understanding the biochemical mechanisms in numerous cells and tissues. Prior to his tenure at the UT Health Science Center, Dr. Murad served as the Vice President of Research and Development at Abbott Laboratories and an adjunct professor with Northwestern University Medical School in Chicago from 1988 to 1992. From 1981 through 1988, Dr. Murad served as the Chief of Medicine at the Palo Alto Veterans Administration Medical Center as well as a professor at Stanford University. From 1975 through 1981, Dr. Murad served as a Professor in the Departments of Internal Medicine and Pharmacology at the University of Virginia School of Medicine.

In addition to congratulating Dr. Murad, I also want to congratulate UT Health Science Center for fostering an environment of innovation and cutting-edge research that attracts and supports the world's best medical researchers and students. Although the initial discovery of nitric oxide's biologic role was made at the University of Virginia, Dr. Murad has continued to conduct nitric oxide research at the UT Health Science Center. And with the awarding of the Nobel Prize to Dr. Marud, UT Health Science Center will continue to attract new facility and students from around the nation and the world who wish to work with such prestigious researchers as Dr. Murad.

I want to congratulate Dr. Murad for achieving the highest honor in his field, the Nobel Prize, and recognize the significant contributions that he has made to understanding the body's regulatory system and saving lives.

AMARTYA SEN CHANGES THE WORLD'S THINKING ABOUT HUNGER AND POVERTY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Ohio. Mr. Speaker, I don't often speak on the floor of the House about economic theory—that being a topic that's usually best left to our colleague, the Majority Leader and former economic professor from Texas.

However, today is not an ordinary day in the field of economics—or for the poor and hungry people I am more familiar with. Today, one of the world's most dedicated and innovative scholars has been named as the 1998 recipient of the Nobel prize for economics—and his contributions are worth our attention and gratitude.

A year ago, the world lost one of its preeminent leaders when Mother Teresa died. Today, another Nobel laureate has been named who is as dedicated as she was to helping the poor of India and the world.

Amartya Sen is best known for his efforts to expose food shortages as a symptom—and not the cause—of famines. Having seen many of the places he studied, I am particularly grateful for his contribution to changing the world's thinking about hunger and poverty.

Hunger is the most devastating form of poverty, and too often it has little relation to the

supply of food. Our world produces more than enough to feed every man, woman, and child alive—and yet today, and every day after that, 24,000 people will die of hunger and the diseases it spawns. Nor is the problem one of getting the food to the people in need.

No, the cause of hunger almost always turns out to be a lack of political will to ease poverty just enough to ensure people can sustain their own lives. Mr. Sen's work has exposed that, and it informs the debate of the many governments, charities, and individuals who devote their efforts to fighting hunger.

The decision of the Nobel committee to make its award to Mr. Sen could not have come at a better time. All around the world, countries whose memory of hunger was fading into the past are facing it again. In Indonesia, the world's fourth-largest country, one-half of its people are in poverty. In Russia, the figure was one-third—but is likely to increase because key crops have failed. Throughout Asia, poverty vanquished through hard work is back, and people are facing conditions not seen since 30 years of intensive development initiatives began.

In addition to this alarming back-slide, full-blown famines now threaten Sudan and North Korea. Two million have died in Sudan during its latest cycle of war and famine; more than a million North Koreans are widely believed to have died since its economic collapse. Africa's prospects for peace—one of the best guarantees against famine—have evaporated, as wars engulf one-third of Africa and threaten to ignite the entire continent.

The people involved in fighting hunger are among the most dedicated, savvy, and exceptional people I have had the honor to know. But not many of them are economists.

Amartya Sen is an exception. He is a pragmatist cut from different cloth than most of his contemporaries. His scholarship is at least as solid as that of pure theorists, but it is remarkable for its focus on practical issues that dominate the lives of vast numbers of the poor who still account for the majority of our world's people.

The name of Amartya Sen is as familiar to students of development economics as Milton Friedman is to earlier economics disciplines. He is the first significant economist to focus on people as more than just the labor side of the capitalist equation. His work brings an ethical component to his discipline that makes it especially relevant for policy makers. And his receipt of the Nobel prize will encourage a wide range of others to continue his efforts.

Mother Teresa said ''we can do no great things—only small things with great love.'' From his humble reaction to the news of his award, it seems that Amartya Sen shares her sentiment. There is no question that both did their work with great love for the poor to whom they devoted their lives.

We all know that Mother Teresa's legacy refutes her humility. Today, the world knows, by the announcement of the Nobel committee's award, that Amartya Sen too has done great things. I am honored to have this opportunity to thank him for it, and to congratulate him on an honor none deserves more.

80TH BIRTHDAY TRIBUTE TO DR. J. EUGENE GRIGSBY, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CLAY. Mr. Speaker, I am very pleased to recognize the accomplishments of Dr. J. Eugene Grigsby, Jr. who, on October 17, 1998, will celebrate his eightieth birthday.

Dr. Grigsby is a distinguished artist, educator and author. His art work is represented in numerous public and private collections throughout the world. He has had one man exhibits in Luxembourg, Arizona, Texas, North Carolina, Georgia, Colorado, Ohio and New York. In addition, his work has been included in group exhibits in Louisiana, Maryland, Illinois, Georgia, Nigeria, Florida, California, Texas, Washington, New Jersey, Iran, Alabama, North Carolina and South Carolina.

Dr. Grigsby began his teaching career as an art instructor at Bethune-Cookman College in Daytona Beach, Florida in 1941. In 1946, he was recruited to establish an art program and department at Carver High School in Phoenix, Arizona. From there, he moved on to Phoenix Union High School and then to Arizona State University in 1966. He retired as professor of art from Arizona State University in 1988. In 1958, Dr. Grigsby was one of a select group of American artists invited to serve as artist in residence at the Children's Creative Center in the American Pavilion during the Brussels, Belgium World Fair.

Gene Grigsby has written numerous articles on art and art education. His writings have appeared in Arts & Activities, Black Art Quarterly, School Arts, and The Journal of the National Art Education Association. His landmark book, Art & Ethnics, is used extensively in public schools throughout the nation as a resource on teaching about diversity and art in America.

Dr. Grigsby has been affiliated with and held leadership positions in numerous professional organizations and associations throughout his long and distinguished career. He has been president of the Arizona Art Education Association; chair of the Consortium of Black Organizations and Others for the Arts; chair of the Artists of the Black Community/Arizona; Chair of the Committee on Minority Concerns of the National Art Education Association; and vice-president of the National Art Education Association. His civic involvement has included being president of the Booker T. Washington Child Development Center, serving as a board member of the Phoenix Opportunities Industrialization Center, the Garfield Neighborhood Association, the Arizona State University Performing Arts Board, the Neighborhood Housing Service of Phoenix, the Phoenix Art Museum, the Phoenix Urban League, Phoenix Festivals, the South Mountain Magnet School Advisory Board, and the Advisory Board of Discover Art the art textbook widely used in grades 1–6.

Dr. Grigsby has received numerous awards for his achievements. This year the National Art Education Association named him their ''Retired Educator of the Year''. He has also received distinguished service awards from his alma mater, Morehouse College, from The Miami University of Ohio and The Arizona Alliance of Black School Educators. He has been honored by Four Corners Art Education Association, the University of Arizona and the National Gallery of Art. The Arizona State University Graduate College bestowed the ''Distinguished Research Scholar'' award upon him in 1983. In 1989 Grigsby received the Arizona Governor's ''Tostenrud Art Award'' for contributions to the Arts of Arizona and in 1992 he was the first African American to receive the Arizona History makers Award presented by the State of Arizona. Inducted into the History maker Hall of Fame along with Grigsby were Barry Goldwater and Sandra Day O'Connor. In 1965 the Philadelphia College of Art awarded him the Honorary Doctor of Fine Arts.

Dr. Grigsby has also been cited by the Phoenix OIC, the Arizona NAACP, and numerous schools, churches and community organizations for his selfless contributions of time, effort and expertise. The Meritorious Service Award of the National Art Education Association has been named the ''Eugene Grigsby Award for Service to Art Education'' in recognition of his significant contributions to the field of art education. In addition, his accomplishments are noted in numerous publications including: Who's Who Among African Americans; Who's Who in the World; Who's Who in America; Who's Who in American Art; Who's Who in the West; and Who's Who in Black America. Chapters on him also can be found in Art: African American; Those Who Serve; Contributions of Afro-Americans to the Visual Arts; Paths Toward Freedom, Biohistory of Blacks and Indians in North Carolina; Afro-American Artists, Dimensions in Black; Black Artists on Art; and American Negro Art.

Dr. Grigsby is still widely in demand as a guest speaker. The former Danforth Fellow has lectured, conducted workshops and demonstrations on African Art, African American artists, and teaching art to high school students throughout the United States and in 13 countries in Africa, South America, the Caribbean and Australia.

Gene Grigsby received his undergraduate education at Morehouse College in Atlanta, Georgia. He went on to earn the Master of Arts degree from The Ohio State University and the Ph.D from New York University in 1963. While in college Grigsby was an art major and a theater minor. He was an active participant in the Atlanta University Players as an actor and as a scenic designer. While attending Art School in New York, he was a participating member of the Rose McClendon Players as actor and scenic designer and was a member of the Langston Hughes' Suitcase Theatre. Grigsby was an apprentice to the scenic designer Perry Watkins for the Broadway Production, ''Mamba's Daughters''. He was a founding member of the Ohio State University Playmakers while attending The Ohio State University. In Phoenix, he became a member of the Civic Drama Festival as an actor and scenic designer.

Grigsby, a 1942 volunteer for World War II, was Master Sergeant of the 573rd Ordinance Ammunition Company under 3rd Army's General George Patton. He devised the method of providing ammunition to the fast moving 3rd Army from Omaha Beach through France, Luxembourg and Germany to the Battle of the Bulge, by issuing ammunition from trucks instead of unloading it on the ground and reloading it on to trucks. After the war in Europe he wrote, produced and directed a hit musical

comedy for the 573rd Army Battalion with soldiers from the 572nd and the 583rd Companies entitled ''Two Points Shy''. This production entertained soldiers in the German cities of Furth, Nuremberg and Hamburg among others. It received commendations from the 3rd Army Commanding Officer.

Gene Grigsby has been a creative dynamo for all of his adult life. His creative energy and talent have helped to train thousands of young artists and art educators. He continues to be a mentor to those who have known and worked with him for over fifty years.

Gene Grigsby and his loving and supportive wife of over 55 years—Thomasena—continue to reside in Phoenix, Arizona. Mr. Speaker, I am happy to count Gene and Tommy Grigsby among my friends, and I am proud to salute the distinguished career of this great artist, are educator and American citizen.

HATE CRIMES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. CARSON. I rise, Mr. Speaker, to make a point, all apart from the self-righteous rancor of our recent debates before we go out from here to our homes across the land. I am concerned about some recent horrors in our country, frightening to Americans of decency everywhere. I rise because I think there is something we can do and because this is the time to start doing it.

This year, we have seen horrific hate crimes committed against innocent men. One man in Texas was brutally dragged behind a pickup truck to his death merely because of the color of his skin.

Another young man was savagely beaten to death in Wyoming because of his sexual orientation. This was the third attack he had suffered in recent months because of his orientation.

The FBI reported 7,947 hate crimes in 1995, and 11,039 in 1996. The vast majority of these crimes were based on racial prejudice. Only 33 of these cases were prosecuted by the Justice Department under existing hate crime laws. However, we also know that hate attacks are chronically under-reported by victims and law enforcement agencies. Attacks like the one in Wyoming are probably more widespread than we know.

We must do more to prevent these kinds of outrages.

I have cosponsored legislation, HR 3043, to require colleges and universities to collect and report statistics concerning the occurrence on campus of crimes arising from prejudice based on race, gender, religion, sexual orientation or disability.

I also have cosponsored HR 3081, which would strengthen criminal penalties of those who commit violent hate crimes.

Many states, including Wyoming, do not even have hate crime laws on the books. My own state of Indiana has no penalties on the books aimed at preventing hate crimes.

These states need to act to do whatever they can to prevent crimes of hate.

Here in Congress, let us dedicate ourselves to passing strong anti-hate crimes legislation before we adjourn this year.

We in Congress and the states must do what we can to focus such attention on hate crimes that it may never be said that we did not act to help to prevent this great national shame.

TRIBUTE TO THE LATE REVEREND DOCTOR LEROY OSCAR PAYTON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, a very distinguished leader in the Northern Virginia and surrounding area, Reverend Doctor Leroy Oscar Payton passed away on September 28, 1998.

Reverend Payton, born September 29, 1931, was the eldest of nine children born to the late Reverend Leroy Payton and Mrs. Sarah Mack Payton. A native of Orangeburg, South Carolina, he had been active in the ministry since the age of 17. He was ordained in 1950 and served as an assistant to the pastor at the Mount Zion Baptist Church in Arlington, Virginia. Reverend Payton held academic degrees from what was then the District of Columbia Teachers College, now known as the University of the District of Columbia, the Washington Bible College, and George Washington University.

In 1960, he became the pastor of First Baptist Church in Sycoline, Virginia, where he served the community and congregation for seven years. In 1967 he was called to the Chantilly Baptist Church, Chantilly, Virginia, where he faithfully served thirty years as pastor. Under the leadership of Reverend Payton, Chantilly Baptist Church, which is place of worship to a number of my constituents, has grown from a small rural congregation to a present day modern suburban church with many ministries. Reverend Payton was retired from George Washington University as the Director of Environmental Services.

My introduction to Reverend Payton was through his work at the Northern Virginia Baptist Association (NVBA). The NVBA is an association of more than one hundred and twenty-five primarily African American churches, many of which are in my district in the counties of Fairfax and Prince Williams, located in the Northern Virginia region of the Baptist General Convention of Virginia. Reverend Payton had been a leader in this Association of churches for more than forty years, culminating his tenure as the fourteenth Moderator of this dynamic one hundred and twenty-one-year-old organization. It was during his stewardship of the Northern Virginia Baptist Association that I came to know and respect Reverend Payton. He preached the message of, ''Love: the Binding Tie and the Healing Balm,'' during his years as Moderator, 1993–1997.

Not only did Reverend Payton preach the word of his belief from which he drew his strength, he was also actively involved in his community. An unassuming gentle man, he believed it to be his duty as a citizen in this great country to concern himself with the immediate community as well as the broader community. He had been recognized on many occasions and had been the recipient of numerous awards because of the warmth of his leadership, spiritual guidance, and dedication to do the Lord's will. Closer to home, Reverend Payton was also a dedicated family man.

He leaves to carry on his good memory, his loving wife, Margaret, their children—Leroy, Joan, Ravoyne, and Dana; his mother, Mrs. Sarah Mack Payton; five brothers, three sisters and many other relatives and friends. Reverend Payton was the epitome of what makes this nation great—he loved his community enough to care to make a difference in everyday life, he loved his family, and he loved the Lord. He did not look for any accolades. He saw what needed to be done in the community and did it without seeking recognition.

Northern Virginia is without Reverend Doctor Leroy Oscar Payton today, but the memories of his strong leadership, moral courage, integrity, and devotion to God will live on in our hearts and be an example to follow.

TRIBUTE TO COLONEL STEVEN S. HOFFMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SAXTON. Mr. Speaker, I rise to congratulate and pay tribute to Colonel Steven S. Hoffman as he retires from the United States Air Force following 28 years of outstanding military service. During his distinguished career, Colonel Hoffman has served his country, the U.S. Air Force, and the community of McGuire Air Force Base with distinction and honor.

Since July 1996, Colonel Hoffman has been the Director of Staff and Inspector General at the 305th Air Mobility Wing, McGuire Air Force Base, New Jersey, a responsibility that cannot be overestimated nor underappreciated. It is during this period that I have gotten to personally know and appreciate Steve's professional integrity and positive outlook. As the Director of Staff, Steve directed and supervised the daily operational activities of 17 wing staff agencies. In his other role as the Inspector General, he was responsible for a base population of over 11,000 personnel with resources over $1.1 billion and an annual budget exceeding $250 million. Steve excelled under a high operations tempo requiring his leadership and dedication at McGuire Air Force Base.

A native of Shandanken, New York, Steve entered the Air Force in 1970 through the Reserve Officer Training Corps and earned his pilot wings as a KC–135 pilot at Laredo Air Force Base, Texas. Although initially trained as a pilot, Steve sought early in his career to work with people and improve the personal and professional relationships within the Air Force. In addition to his piloting, his tours in the Air Force included positions in Public Affairs, Operations, Plans and Security, Air Force Liaison Officer and Commander/Publisher of the European Stars and Stripes.

Steve's devotion to country and the Air Force is evidenced by the awards he has so richly earned. These awards include the Defense Superior Service Medal, Meritorious Service Medal with two oak leaf clusters, Air Medal and the Air Force Commendation Medal with one oak leaf cluster.

Col. Hoffman, his lovely wife Joyce and their two daughters, Jessica Marie and Jennifer Gabrielle will soon begin a new life in his hometown in New York. I know I speak for the entire McGuire community in wishing Steve and his family the very best as they leave the U.S. Air Force. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

TRIBUTE TO THE HONORABLE ESTEBAN TORRES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. REYES. Mr. Speaker, I rise to celebrate the accomplishments and friendship of Congressman ESTEBAN TORRES who will be retiring from the House of Representatives at the end of this session. He is truly an inspirational leader who will leave this legislative body with the respect and admiration of his colleagues.

His life story reflects the value of hard work and determination. Growing up the son of Mexican immigrants during the depression, he has remained a humble and dignified individual. He has never forgotten his roots nor the sacrifices made by his parents and their generation in speaking out for all Americans.

After serving in the United States Army as a Korean War conflict veteran, his military service was just the beginning of a life of service. Working as an auto plant worker, he became a labor leader throughout the 1960's and ever since has stood up for the working people of this country and around the world. His leadership was soon recognized within the labor movement and led him to speak on behalf of workers rights throughout the Americas. His advocacy on behalf of better pay, compensation, benefits and conditions for workers led to his involvement in the broader community by starting a community development corporation in East Los Angeles which grew into one of the largest anti-poverty agencies in the nation.

Fortunately his international diplomacy and economic development abilities were recognized by President Jimmy Carter. In 1976, Congressman TORRES answered the call of the President, and served as Ambassador to the United Nation's Education, Scientific and Cultural Organization and later as Special Assistant to the President for Hispanic Affairs.

Seeing an opportunity to serve as an elected official, we should all be grateful that in 1982 Congressman TORRES won a seat in this House, and has honorably served in the House of Representatives for the past 15 years.

Since coming to this legislative body he has worked to improve the quality of life for all Americans by bringing greater job opportunities, protecting consumers, and cleaning up the environment. He has taken a lead role in bills impacting Trade, Banking, Crime, Housing, and Economic Development. Throughout, he has been a powerful voice for minorities and the working people of the United States.

His committee assignments on Appropriations and Banking and his leadership position as Deputy Democratic Whip reflect his tremendous ability to bring together diverse interests and work toward common goals. Moreover, as Chairman of the Congressional Hispanic Caucus, he set a high standard for addressing the important issues of the growing Hispanic population.

Congressman TORRES is a person who has always provided me with invaluable guidance and support. I will always appreciate his efforts to improve conditions along the United States-Mexico border which is so important for my community.

He is a true champion of the people, a friend, and someone whose departure will be greatly felt in this legislative chamber. His work on behalf of the 34th Congressional district of California was tremendous, and his constituents can always be proud of the difference his tenure made for their community. I wish him well in his future pursuits as I know that he will remain engaged and active in working to bring greater opportunities for Americans everywhere.

TRIBUTE TO CARNEY CAMPION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my Congressional District's very dedicated individuals, Carney Campion. Carney is being honored as he retires from the Golden Gate Bridge, Highway and Transportation District after 23 years of successful innovative transportation leadership. I am proud to mark this occasion with his family, friends, and colleagues on November 30, 1998 as we celebrate his truly remarkable accomplishments.

Carney Campion is widely recognized as a transportation pioneer in his service to California's North Coast. As the eighth General Manager of the Bridge District, Carney successfully balanced a comprehensive transportation plan that effectively kept the North Coast linked to San Francisco. Due to Carney's strong leadership skills he was able to adapt the changing needs of our communities to the needs of individuals. He reduced automobile traffic and congestion, while protecting the environment with efficient and reliable alternatives such as buses and ferries.

Carney's career accomplishments are many. Among the most noteworthy are the development and modernization of the unified bus and ferry system; the implementation of the District's public awareness, environmental health and public safety program; the purchase of the abandoned Northwestern Pacific Railroad right-of-way from Novato to Willits for vital future rail service; and his fervent commitment to the seismic safety of the Golden Gate Bridge.

Carney has been instrumental in the advancement of electric toll collection systems on bridges throughout the world. As a long time advocate of North Coast transportation matters, he served as Past President to the Board of Directors on the Electric Toll and Traffic Management Task Force, and Vice Chair to the International Task Force of the International Bridge, Tunnel, and Turnpike Association. In his many impressive civic endeavors, Carney has served as Secretary, Treasurer and Vice President to the Press Club of San Francisco during his 35 years of membership. He was also Vice President of the Marin Forum, and Director of the YMCA/Marin and the Marin Theatre Company.

Mr. Speaker, it is my great pleasure to pay tribute to Carney Campion. The North Coast owes Carney Campion a great deal of gratitude for his tireless efforts throughout his 23 years of public service at the Golden Gate Bridge District. I extend my hearty congratulations and best wishes to Carney, his wife Kathryn of 45 years, his six children, and ten grandchildren for continued success and joy in the years to come. Carney Campion will be missed, and remembered.

TRIBUTE TO MS. MARY TULLIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to commend Ms. Mary Tullis of Rosedale, Mississippi. Ms. Tullis is a shining example for both recipients of public assistance and government policy makers of the ability for hard-working people to escape welfare when provided with the proper community support.

No longer requiring public assistance, Ms. Tullis was recently awarded a ''Success Story Award'' by the United States Small Business Administration. She is now serving as a student assistant for the Center for Community Development, which is cosponsored by the SBA and the Small Business Development Center at Delta State, and will be applying for a position as a graduate assistant in the 1999 Spring Semester.

Ms. Tullis has been attending Delta State University for the past 3 years and will graduate with a major in Sociology in December. She is on the Dean's List and has been named a Faculty Scholar. Once in graduate school, Ms. Tullis hopes to write her thesis on matters relating to ''Welfare, Women and Education: Attaining and Sustaining Financial Independence.''

Ms. Tullis sets an example not just as a dedicated worker, but also as a superb parent. She is 47 years old, single, and a mother of 11 children ranging from 9 to 32 years old. Five of her children are in college, one is on scholarship at Yale University and another is almost a senior on scholarship at a boarding school in New England. Two of her children have already received degrees, one in Nursing and the other in Law and Economics.

In addition to her individual achievements, Ms. Tullis has unselfishly sought to assist other public assistance recipients in following her course. A volunteer for numerous community services, she has recently been selected to be a member of the Americorps Delta Service Corps. Her work in the Delta Service Corps will include educating and promoting community awareness in the values of being a volunteer, and she will also assist in creating the Community Service Projects and Signature Projects to locate resources which can be used for further development.

Mr. Speaker, I commend Ms. Tullis for her outstanding achievements, and I would also like to complement Delta State and all the community service organizations which provided her with support in her persistent drive

towards independence. Together they are a model of what can be achieved in this nation through community support and individual effort.

INTRODUCTION OF THE QMB IMPROVEMENT ACT OF 1998

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. McDERMOTT. Mr. Speaker, today Mr. STARK and I introduced legislation that will dramatically improve the Medicare program for its low-income beneficiaries. If passed, our legislation will ensure that Medicare beneficiaries eligible for existing income protections actually receive the benefits they deserve.

The current Medicare program places many beneficiaries at risk due to the inadequacy of its benefit package. Specifically, Medicare's high out-of-pocket costs for ''covered services'' and its failure to cover the cost of prescription drugs and long-term care can seriously erode a beneficiary's total family income. Additionally, as Congress continues to push all beneficiaries into Medicare managed care, many more low- and moderate-income beneficiaries will face increased financial risks.

In 1995, 12.2% of Medicare's 35 million beneficiaries were at or below 100% of the Federal Poverty Level (FPL), 6.2% were between 100% and 120% FPL, and 4.9% had incomes between 120% and 135% FPL. Despite their dual eligibility for both Medicare and Medicaid, health care spending averaged roughly 30% of their total family income.

The programs that Congress designed to protect low-income beneficiaries from unreasonable out-of-pocket costs—the Qualified Medicare Beneficiary (QMB), Specified Low-Income Beneficiary (SLMB), and Qualified Individuals (QI–1 and QI–2) programs—are notorious for having poor enrollment of eligible Medicare beneficiaries.

A recent report by Families USA found that nationwide, roughly 3.5 million Medicare beneficiaries are eligible for QMB, SLMB & QI–1 benefits but are not receiving them. The report highlighted that Washington State was the 10th worst state at enrollment with roughly 100,000 eligible beneficiaries not covered—costing WA low-income beneficiaries $55 million alone in lost Social Security benefits.

The lost Social Security benefits are attributable to eligible seniors having their part B premiums automatically deducted by Medicare from their Social Security checks each month even though they are eligible for one of the existing income protection programs. The loss of $43.80 month/$525.60 year is tremendous to a Medicare beneficiary whose income hovers around $8,000 to $9,000 a year.

The reasons for poor enrollment vary, so rather than dwell on our collective failure, we propose action to fix the problem. Our legislative solution simply would presumptively enroll eligible Medicare beneficiaries in the appropriate QMB or SLMB protection program—enrolling as close to 100 percent of eligibles as possible.

As Congress and the National Commission on the Future of Medicare struggle to reform the Medicare program, we need to keep an open mind about how we can do more to improve, rather than harm, the program.

Presumptively enrolling current Medicare eligibles for existing low-income protections would be a good start. My hope is that in addition to making this necessary improvement, the next Congress and the Commission also will consider other options to enhance the low-income protections such as simplification through federalization and modernizing its eligibility, income, and asset test criteria.

MEDICAID PROTECTIONS FOR LOW-INCOME MEDICARE BENEFICIARIES

QMB: Qualified Medicare Beneficiaries eligible for financial assistance covering Medicare premiums, deductibles, and copayments for singles/couples at or below 100% of poverty—$8,292/$11,100 year.

SLMB: Specified Low-Income Medicare Beneficiaries eligible for Part B premium assistance for singles/couples between 100 & 120% of poverty—$9,900/$13,260 year.

QI–1: BBA '97 allows Qualified Individuals to apply for block grant assistance to pay for Part B premiums if the single/couple's income is between 120 and 135% of poverty—$11,112/$14,892 year.

QI–2: BBA '97 allows Qualified Individuals to apply for assistance to pay for the portion of the Part B premium increase caused by transfer of Home Health Services from Part A to Part B if the single/couple's income is between 135 and 175% of poverty. This benefit is estimated to be worth $1.07/month per beneficiary.

Part B premiums cost $43.80/month equaling $525.60/year.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today in strong support of S. 1722, The Women's Health Research and Prevention Amendments of 1998. This legislation is a positive step in the right direction towards prioritizing research and prevention in regards to women's health.

This timely legislation increases Congress support of research which will clearly benefit a segment of the population often relegated to a ''second place'' status in research. For too long, research on men has been extrapolated to women especially in the area of cardiovascular disease. It is time for Congress to acknowledge the lack of strong and complete research on women's health issues, and do something about it. The question should no longer be when, the question should be, shall we do it today? This legislation is our opportunity to tell the women of America that we recognize their unique health problems and want to advance plans to combat them.

The bill expands research and education in areas such as; breast, ovarian and related cancer, osteoporosis, Paget's and other bone diseases. These diseases have devastated many women, but this legislation allows us to continue to elucidate their pathogenesis, treat, and most importantly possibly prevent these diseases. The importance of the education and early detection programs this legislation extends should not go unnoticed. Education is one of the most powerful keys to empowering women with regards to their health. It also removes the social isolation so many of these ailments may create. In addition S. 1722 will help women to be aware of preventative health programs and support groups designed to assist them in their time of need.

Mr. Speaker, I strongly urge my colleagues on both sides of the aisle to join me in an aye vote for this legislation. As I stated earlier the question is not when will we do it, the question is will we do it today?

IN SUPPORT OF THE PASSENGER SERVICES ENHANCEMENT ACT

SPEECH OF

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. RAMSTAD. Mr. Speaker, I rise in support of this bill before us today to provide for the continuation of preclearance activities for air transit passengers.

I want to thank Mr. CRANE and Mr. SHAW for working with me on this important legislation to help facilitate the services Customs provides to process the massive amounts of people and products entering and existing our country.

This bill, which is similar to legislation Mr. CRANE and I introduced last April, would allow the Customs Service to access funds in the User Fee Accounts and enhance inspector staffing and equipment at preclearance service locations in foreign countries.

This is significant because if U.S. Customs eliminates these positions, preclearance for passengers to the United States will slow, travel will be disrupted, and the tourism industry in many states will suffer. Allowing the preclearance services to continue means a great deal to many employers in my district, like Northwest Airlines and all those affiliated with the Mall of America—which attracts more visitors each year than Disneyworld, Graceland and the Grand Canyon combined.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. This bill gives access to excess funds in the User Fee Account, without any additional cost to taxpayers. Acting-Commissioner Banks testified before our Ways and Means Committee in support of our earlier version of the legislation, and the airline industry supports it as well.

I appreciate how quickly the House has recognized the merits of this legislation and allowed us to bring it to the floor today. I urge my colleagues to join me in support of this critical bill.

KATHLEEN LUKENS—A LIVING SAINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of Mrs. Kathleen Lukens, a resident of Rockland County, NY, late last night.

Kathleen Lukens is a lady for whom the title ''living saint'' was exceptionally appropriate.

She was the personification of the giving, loving person who are so rare in today's world. She served as an inspiration for many and will not soon be forgotten.

A recent editorial stated that: ''Kathy Lukens is the mover of every developmentally disabled child, so committed has she been to showing Rocklanders and others they need not offer 'pity' but recognize that these people are 'gifts to us'.''

In the mid 1960's, Kathy Lukens became an activist in order to help her own son, David, who was developmentally impaired. Her movement grew by leaps and bounds, due in good part to her energy and dedication. She first created a day care program specifically for children with developmental disabilities, and then became founder and first president of the Exceptional Child P.T.A. She established camp venture in 1969, the first all day summer camp program for the disabled. Today, it is open to all children.

Venture also operated 15 group homes for the challenged, affording them with a venue to conduct productive, normal lives. Over 1,000 individuals are served today by the programs Kathy Lukens initiated.

Kathy Lukens was born on Jan. 5, 1931, in Philadelphia, PA, the daughter of Joseph and Margaret Burge. She lived in Philadelphia before moving to New Jersey when she was 13 years old, attending elementary schools in Edgewater and Bergenfield.

Kathy attended Columbia University's graduate program and in 1952 graduated from Barnard College with distinction and a bachelor of arts degree in history.

Kathy married Dr. John H. Lukens, a clinical psychologist, in Bergenfield, NJ, in Sept. 1954. They moved to Rockland County in 1958, settling in Tappan.

Kathy was first employed as an elementary school teacher and as a newspaper reporter for the Bergen Record in New Jersey and the Rockland Independent and the County Citizen, both in Rockland County, prior to establishing camp venture in 1968.

Kathy was the author of two books: Thursday's Child Has Far To Go (1969) and Song of David (1989). Her early career encompassed an amazing amount of volunteer work. She co-founded the Tappan Zee Nursery School in 1959 and served as president of the Lockhart Nursery School in 1964.

In 1974, Kathy Lukens founded the Child Advisory Council of the Rockland County Legislature. She founded and was president of the Rockland County Exceptional Child Parent Teacher Association in 1958; was chair of the Rockland County Community Service Board from 1991 to 1997, and was vice chair from 1982 to 1985; was chair of the district planning focus group of the Letchworth transition group from 1995 to 1997; and the Board of Directors of the New York Foundling Hospital from 1985 to 1990.

Kathy Lukens was very active in the anti-nuclear movement in the 1960's, and was a participant in the famous march on Washington in 1963, at which Martin Luther King, Jr. gave his famous ''I have a dream'' speech.

Kathy was the first women elected to the U.S. Catholic Bishop's Advisory Council in 1973 and co founded the Rockland County Catholic Interracial Council in 1963.

Kathy Lukens received honorary degrees from the College of New Rochelle, from Long Island University, St. Thomas Aquinas College and the Dominican College. She was named outstanding woman in Rockland County by the Association of the American Society of Women.

In 1984, Kathy Lukens was named 'woman of the year' in New York State by Governor Cuomo. Later that same year, the Governor bestowed upon her the Eleanor Roosevelt Community Service Award.

Lukens was appointed in 1985 to the New York State Advisory Council on Mental Retardation and Developmental Disabilities. Governor Pataki appointed her to the Provider Council of New York in 1996.

Among the major achievements of Kathy Lukens' life was the establishment of camp venture. She understood that those in our society who could not help themselves needed our time, our efforts, our energy and our love.

In summary, the life and career of Kathy Lukens is that of a truly unique lady who distinguished herself in more facets than most other people: an outstanding teacher, journalist, author, humanitarian, care giver and mother, Kathy Lukens was a renaissance person, who remained humble and unassuming regarding her own remarkable accomplishments. Those of us who had the honor of knowing and loving her were well aware that this modest lady was in fact one of the more remarkable persons we would ever encounter.

It is of some small gratification that Kathy remained with us long enough to see the new Center for Adult Living and Day Treatment Center in Sparkill named in her honor. It is a fitting tribute to this lady who gave so much for so many others.

We extend our deepest condolences to her widower, John, who for 44 years was truly her partner in goodness. We also extend our sympathies to her son, Daniel, who has now taken over the operations of camp venture, her son David, who inspired her to dedicate her life to others her son Mark who duplicated much of her work by helping found Crystal Run, a similar facility in Orange County, and her son Jonathan.

We extend our condolences to her daughter Margaret and to her nine grandchildren.

We also extend condolences to the thousands of individuals and their families whose lives were touched and made better by this exceptional lady.

Kathy Lukens, who left us too prematurely, will long be missed.

THE SMALL BUSINESS FRANCHISE ACT OF 1998

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. COBLE. Mr. Speaker, I rise today to introduce the Small Business Franchise Act of 1998.

Franchise businesses represent a large and growing segment of our nation's retail and service businesses and are rapidly replacing more traditional forms of small business ownership in our economy. As a result, franchise owners have become the heart and soul of America's economic engine and the backbone of local commerce. In fact, according to the International Franchise Association, a new franchised outlet opens every eight minutes and the industry gave birth to tens of thousands of new jobs in the last year alone.

The franchisor/franchisee relationship is fundamentally an economic one where the objective of each party is to make money. By purchasing a franchise, a franchisee can sell goods and services that have instant name recognition, while the franchisor can increase market access with little or no risk. However, buyers should beware—like any investment, purchasing a well-known franchise is no guarantee for success. As I have studied this issue, I have come to realize that there is an uneven playing field for the small business person looking to become a franchise owner.

For instance, while pre-sale disclosure information must be made available to the buyer by the corporate franchisor, post-sale opportunities to pursue recourse for presentation of misleading or false information in the pre-sale negotiations are inadequate. I am introducing this legislation because I believe this gross inequity needs to be addressed.

Under present regulations, small business franchise operations are subject to the Federal Trade Commission's (FTC) trade regulation rule. The FTC issued this rule, entitled the ''Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures'' on December 21, 1978, and under the Federal Trade Commission Act. The FTC rule requires franchisors to give prospective franchise purchasers financial details about the business and explain the arrangements in the franchise agreement. Well intentioned as this prospectus requirement is, as the old saying goes, ''the devil is in the details,'' and I am afraid that much of this pre-sale information, while detailed, may be very misleading. After hearing many horror stories from franchise owners about the inaccuracy of pre-sale disclosure, I must question the reliability of this information. In fact, there are no current protections to ensure that this information is relevant and accurate. The FTC, the regulatory body with oversight responsibility, does not even review this material for accuracy as say the Securities and Exchange Commission must when a private company readies itself for a public stock offering.

The FTC enforces the franchise rule as part of its consumer protection mission. However, FTC enforcement is definitely lacking. Under current rules, franchisees do not have the right to sue franchisors for violations of the franchise rule. The FTC brings suit only on behalf of the federal government, not as a representative of individuals who may have been adversely affected. In July 1993, an audit by the General Accounting Office found that the FTC acted on less than six percent of all franchise complaints brought to its attention.

Because of the FTC's inability to review more franchise complaints, the FTC recently approved a plan to allow the largest corporate franchisors to self-regulate their own industries. Under this program, violators of franchise disclosure laws could avoid federal enforcement proceedings by attending what amounts to an industry-run reform school that it intended to teach franchisers how to comply with disclosure rules. And adding insult to injury, if the corporate violator completes this program, they do not have to report the infraction on disclosure documents available to prospective small business franchisees. Mr. Chairman, I venture to say that this FTC ruling threw full disclosure and due diligence for future franchise owners right out the window.

In the past 20 years, there has been tremendous change in the franchising industry, and as a result, I believe it is time for Congress to review the franchise rule and level the playing field for the thousands of small business owners who invest in franchise operations. The legislation that I introduce today, along with my distinguished colleague from Michigan, Congressman JOHN CONYERS, addresses the fundamental and necessary safeguards that this industry so desperately needs. I believe that the safeguards provided by this legislation level the playing field for small business franchisees across our nation. This legislation, like the Automobile Dealers Day in Court Act and the Petroleum Marketing Practices Act, rights the imbalance that has existed for too long in the franchisor/franchisee relationship.

Recognizing that it is too late to act on this legislation during the 105th Congress, I am hopeful that the 106th Congress will address this matter and ensure that this important segment of the small business world will remain viable for future generations.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the martial law resolution, H. Res. 589. This measure waves the one-day layover requirement, guaranteed by House rules, and allows any appropriations bill, appropriations conference report or continuing resolution to be brought to the floor for a vote—today and for the remainder of the 105th Congress. This is yet another attempt by the Republican majority to prevent critical Democratic proposals from being brought to the floor for consideration.

In spite of the fact that the fiscal year is over, the Republican Congress has failed to complete the regular business of the House, including: Passing a budget resolution and concluding action on several appropriations bills.

Rather than legislating, House Republicans have focused their efforts on investigating. In fact, over the last four years, House Republicans have spent more than $17 million on more than 50 politically-motivated investigations in the House. They have shown very little interest in creating positive legislative accomplishments that would benefit our Nation's working families. And, they have wasted valuable time on promoting excessively partisan issues.

Earlier this year, congressional Democrats joined the administration in introducing a comprehensive education proposal—which includes school modernization and class size reduction initiatives. These efforts are critical to ensuring that students across the United States are prepared for the twenty-first century. However, House Republicans have continuously blocked this legislation from being considered on the floor. Instead, they have supported anti-public school initiatives such as school vouchers and budget cuts in essential education funding.

Mr. Speaker, recent polls indicate that the American voters are primarily concerned with improving public education in this country. However, the Republican 105th Congress has failed to act on legislation that would help to improve our Nation's public schools. School modernization and class size reduction legislation is vital to enabling local school districts to renovate and modernize their existing facilities as well as to build new classrooms that will enable them to effectively address rising school enrollments.

According to the General Accounting Office, our neighborhood schools are sorely in need of $112 billion to repair or upgrade dangerous and substandard school facilities. In fact, 60 percent of the Nation's public schools have at least one major building feature in complete disrepair.

Before the 105th Congress adjourns, we must work to address these and other problems associated with critical funding needs for school modernization and class size reduction. The Democratic education proposal provides Federal tax credits to pay the interest on $22 billion in bonds for the modernization or construction of more than 5,000 schools across the country. It also assists local school districts in hiring an additional 100,000 qualified teachers and reduce class size in grades one through three. At a time when the Nation's public schools are experiencing record school enrollment, and many teachers in the early grades have classes at large as 36 students, this effort is absolutely essential.

It is for these reasons that I urge my colleagues to join me in opposing the martial law resolution. It is time to stop playing games. We must get to work and enact legislation that will benefit all of our Nation's children and ensure that they have access to quality public school education.

Vote no on H. Res. 589

AGRICULTURE'S UNFINISHED BUSINESS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. MORAN of Kansas. Mr. Speaker, I rise today on behalf of America's farmers and ranchers. Agricultural producers make up only two-percent of the U.S. population, yet they are productive and efficient enough to safely and inexpensively feed this country and much of the rest of the world. Our agricultural production system is the envy of the world, but we cannot take it for granted.

Mr. Speaker, farmers and ranchers work hard for us. Tonight I call on Congress and the President to return the favor.

Agriculture is different than other U.S. industries. It is a sector that is at the whims of both government policies and the global economy. Unfortunately, neither one of these influences are controlled by the Kansas farmer. The collapse of the Asian economy has beaten down prices like a hailstorm ripping across the Kansas plains. According to the U.S. Treasury Department, Kansas' agricultural exports to Asia have fallen by 20%. Through no fault of their own, Kansas farmers will miss out on over $2 billion in farm income due to lost markets and low prices. We need to take action, not just for today, but for the next generation.

In the short-term, the most important issues is the disaster relief bill for agriculture. This bill passed both the House and Senate, only to be vetoed by the President. The passage of this legislation could not be more timely or important. The price decline, combined with the weather and transportation problems, has left many farmers and ranchers in dire straits. Congress and the President need to put aside their differences to pass a meaningful relief bill.

In the long-term, removing sanctions and foreign subsidies must be a to priority for Congress. I am pleased that a bill to limit agriculture embargoes has passed the House. This bill should be approved by the Senate and sent to the President for him to sign into law. Congress should then focus on repealing sanctions that currently damage our producers and work to ensure that new sanctions are done only as a measure of last resort, and not a knee-jerk reaction to the problem of the day. If this is going to be a global agricultural economy, we in the U.S. have to give our farmers a chance to sell and market around the globe.

Subsidies must also be addressed. The Export Enhancement Program, one of our only programs available to promote agriculture exports, has been left unused since I arrived in exports, an increase of 300%. The U.S. is still being out spent by nearly $7 billion by the European Union. To do nothing is the worst response possible. We cannot afford to stand by while our competitors take away markets by using aggressive government subsidies.

Mr. Speaker, we owe a lot to the American farmer. Working together on their behalf is the least we can do. It is time to act.

THE NORTHWEST SALMON RECOVERY ACT OF 1998

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. FURSE. Mr. Speaker, as the entire country knows, the Pacific Northwest enjoys significant benefits from federal power through the Bonneville Power Administration. As I have advocated throughout my career, the Northwest also needs to be able to meet all of the public obligations associated with these benefits, including restoring fish and wildlife, meeting tribal treaty and trust obligations, and paying the U.S. Treasury.

I come to the floor today to introduce legislation that will give the Northwest region new tools to deal with anticipated changes in the utility industry, and new tools to promote salmon recovery and renewables conservation.

This bill, the Northwest Salmon Recovery Act of 1998, includes the following provisions to help the region get on track with its conservation responsibilities:

First, a Unified Plan for Fish and Wildlife. Under this bill, the Secretary of the Interior will be responsible for overseeing the development of a unified plan for salmon recovery in the Pacific Northwest. The plan will have as its

goal to restore harvestable, sustainable fish and wildlife populations in the Columbia Basin, consistent with the ESA, the NW Power Act, the U.S.-Canada Pacific Salmon Treaty, and the Clean Water Act.

Second, the bill establishes a Natural Resources Recovery Fund. This Fund will aid us in paying for restoration of fish and wildlife in the Columbia Basin, the fish mitigation and enhancement requirements of the Northwest Power Act, and the water quality standards under the Clean Water Act. Funding would come from a 3 mills/kilowatt hour charge on all retail power sales in the northwest.

Third, this bill provides accountability. The bill provides for an improved accounting system for BPA expenditures, based upon GAO recommendations. Under these provisions, Treasury repayments are met; WPPSS debt obligations are met; costs for flood control, navigation, power generation, irrigation, and fish & wildlife are independently assessed and reported; and accounting records are made publicly available.

Finally, this legislation creates a cost recovery mechanism that would give BPA authorization to adjust the rates of its customers up to the market rate.

At this critical time for salmon in the Northwest, bold steps are needed to ensure that these fish do not go extinct. I know that my colleagues continue to lead the fight to protect salmon and restore the greatness of these Northwest icons after I'm gone.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 4757, a bill to name the North-South Center after our former colleague, Dante Fascell.

It is fitting that Congress is naming the North-South Center, which Dante helped found, in his honor. During his long and distinguished career in the House, Dante used his position as chairman of the Foreign Affairs Committee to promote understanding and cooperation between nations of the Western Hemisphere. To advance this view, in 1984 Dante helped establish the North-South Center, located in Miami. This educational institution helps promote better relations between the United States and the other nations of the Western Hemisphere through cooperative study, training and research. Today, the North-South Center plays an essential role in the conduct of American diplomacy.

Mr. Speaker, one of Chairman Fascell's top priorities in Congress was to promote closer relations among our allies in this hemisphere. Dante was also a tireless fighter against tyranny and oppression in Latin America and the Caribbean. Since the North-South Center is essentially carrying on Dante's work, it is fitting that this organization be named in his honor. I hope the naming of the North-South Center will remind future generations, and especially South Floridians, the gratitude we owe Dante Fascell for his tireless efforts.

I urge my colleagues to support H.R. 4757.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. HOUGHTON. Mr. Speaker, I rise today to applaud the University of Miami for naming the North-South Center after one of their most esteemed graduates and one of the greatest Members of Congress to sit in this chamber—Dante Fascell.

My experience with Dante really started when I joined the International Relations Committee in 1988. Dante was Chairman. He was always fair, even handed, and very knowledgeable in all matters of international relations—especially on issues pertaining to the U.S.-Latin America relationship. That's why I feel that naming the Center after Dante is particularly appropriate.

Dante Fascell has contributed so much to the North-South Center, the University of Miami, the Congress, the Nation, and the world. I'm so glad that he's been honored so appropriately. I think I speak for everyone, Mr. Speaker, when I say that we all miss him dearly.

TRIBUTE TO SPOTTSWOOD W. ROBINSON, III

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize Spottswood W. Robinson, III. Judge Robinson died in his Richmond, Virginia home on Sunday, October 11, 1998. He was 82 years of age.

Spottswood W. Robinson, III was a federal appeals judge, law school dean, civil rights attorney, husband, father, son, friend, and HERO. The world is less one phenomenal individual, and I rise because I must pay tribute to his life and his many accomplishments. As a Howard University Law School graduate, I was inspired by those civil rights giants who also inspired and taught Judge Robinson. It is upon the back of Judge Robinson on which I rise.

A graduate of Virginia Union University in Richmond, Judge Robinson entered the Howard Law School in 1936, at age 20. His arrival came at a time when Charles Hamilton Houston, a pioneering black lawyer, was building the law school into a think tank for civil rights. According to U.S. Court of Appeals Chief Judge Harry Edwards, ''Robinson graduated from Howard Law School with what is still reputed to be the highest scholastic average in the school's history.'' He received his law degree in 1939 from Howard, magna cum laude.

Originally planning to return to practice law with his father in Richmond, he accepted a two-year teaching fellowship at Howard, which, due to World War II, turned into eight years. In 1941, Oliver W. Hill, Martin A. Martin and Spottswood W. Robinson III formed the law firm of Hill, Martin and Robinson. Mr. Robinson taught full time and practiced law part time.

Mr. Robinson became a full-time lawyer in 1947. The law firm of Hill, Martin and Robinson had been handling some civil rights cases when they received a letter in 1951 from two black high school girls in Prince Edward County, VA, who said their school was inadequate and that 450 students refused to attend classes. The decision to take this case led to their historic involvement in *Brown* vs. *Board of Education* in 1954. The Virginia case was combined with Brown and other cases from South Carolina and Delaware.

The Supreme Court's decision in *Brown* vs. *Board of Education* declared that segregation in public schools violated the constitution. When the court handed down its decisions, the justices also ruled on the four other cases.

Since Robinson had become legal representative of the Legal Defense and Educational Fund in Virginia in 1948, he was charged with arguing the constitutional history of the 14th Amendment before the Supreme Court during the *Brown* case.

Robinson's view was that the 14th Amendment had envisioned the establishment of complete equality for all people, regardless of race. Equality was denied to blacks, he held, as long as their children could not go to white schools.

Continuing his civil rights advocacy, Mr. Robinson helped lead the 1956 fight against Virginia's so-called NAACP Bills, a set of laws passed by Virginia legislators attempting to cripple the activities of the National Association for the Advancement of Colored People. The U.S. District Court in Virginia eventually threw out the laws in a decision that called them unconstitutional.

Judge Robinson was also an instrumental force in the following landmark civil rights decisions:

McGhee vs. *Sipes* and *Hurd* vs. *Hodge,* 1948 (decided along with *Shelley* vs. *Kraemer*) in which the Supreme Court ruled that court enforcement of race-based restrictive property covenants is unconstitutional.

Morgan vs. *Virginia,* 1948 where the Supreme Court ruled that State-enforced racial segregation in interstate transportation is unconstitutional.

Chance vs. *Lambeth,* 1951 in which the 4th U.S. Circuit Court of Appeals ruled and the Supreme Court upheld that carrier-enforced racial segregation in interstate transportation is unconstitutional.

Department of Conservation and Development vs. *Tate*, 1956 where the 4th Circuit ruled and the Supreme Court upheld that the denial of state park facilities on racial grounds is unconstitutional.

In addition, from 1949 to 1951, he was part of an NAACP team that defended the Martinsville Seven, a group of black men accused of raping a white woman in Martinsville, VA. The men eventually were executed.

President John F. Kennedy appointed Robinson to the United States Commission on Civil Rights where he served from 1961 to 1963. In 1964, he was appointed by President Lyndon B. Johnson as the first black to serve as a judge of the U.S. District Court in Washington. Judge Robinson was also the first black to serve as a judge of the U.S. Court of Appeals for the District of Columbia and, was chief judge of the appellate panel from 1981 until 1986.

At the courthouse, Judge Robinson was known to friends as ''Spots.'' A self-effacing

and kind man whose conscientious matter led him to once fill a 43 page opinion with 403 footnotes.

Judge Robinson was bestowed with many honors during his life for his work in civil rights and commitment to community. In his home State of Virginia, the Old Dominion Bar Association gave him its President's Award in 1988. The National Bar Association honored him with its Wiley A. Branton Award in 1993. In 1995, Mr. Robinson was honored in the Virginia Power/North Carolina Power ''Strong Men and Women, Excellence in Leadership'' educational series. He also received an honorary doctorate of laws in 1986 from New York Law School, for his efforts ''to achieve true equality under the law for all Americans'' and addressing ''the conscience of the nation.''

In his personal life, Judge Robinson was an accomplished woodworker and an amateur architect who designed his own split-level home in Richmond. He loved fishing so much that the built his own fishing boat in his basement in 1953 and utilized it for 25 years.

Judge Robinson is survived by his wife, Marian Wilkerson Robinson; a son, Spottswood W. Robinson IV of Richmond; a daughter, Nina Govan of Greenbelt, MD; and a sister, Mrs. Isadore Burke of Freeport, Bahamas.

Judge Spottswood W. Robinson, III, is gone, but his legacy shall remain. His hard work and dedication paved the way for those of us who came after him. As an African-American male, an attorney, and an elected member of this esteemed body, it is incumbent upon me to honor Judge Robinson for allowing me to tread mightily in his footsteps.

DIANE MEDINA'S ''COMMUNITY EXCELLENCE AWARD''

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me in honoring a leading Hispanic in the entertainment industry, Diane Medina, the Director of Diversity Programs for the Walt Disney Company. Next month, Diane will be honored by the Latino Entertainment Media Institute's Community Excellence Award.

The Latino Entertainment Media Institute is a non-profit organization which follows and speaks to the issue of Hispanics in the entertainment industry. Their theme this year is: ''Investing in our Image.''

Diane Medina is uniquely qualified for this award. Her entire life she has worked to bring Hispanics into the entertainment industry across a wide swath of opportunities that currently exist. She was born and raised in Southern California, where she has worked in the industry for over 25 years. She worked at ABC in Human Resources and diversity, moving to the Walt Disney Company after they bought ABC.

Walt Disney knew a good thing when they saw it. Diane has immersed herself in the non-profits associated with the industry which advocate a larger inclusion of Hispanics in Hollywood. She sits on boards for the following non-profits dealing with issues pertaining to Hispanics in the entertainment industry: the *Imagen* Foundation, Nosotros, Latino Entrtainment Media Institute, National Hispanic Foundation for the Arts, Hispanic Academy of Media Arts and Sciences, the National Council of La Raza (host of the Alma Awards), and many others.

Just last month during Hispanic Heritage Month events, Diane and I discussed the direction of one of the non profits with whom we both have worked, and, as always, I was impressed with her passion and her commitment to the prospect of including Hispanics in the entertainment industry at all levels, from on-camera talent, to behind-the-camera talent, to the business suites of the studios.

Diane and I share a common philosophy about how to accomplish our goal of getting more Hispanics in the entertainment industry. We both believe that if you appeal to the better angels of those you are trying to convince, you get more done. My grandfather used to tell me that you get more flies with honey than with vinegar.

Diane knows, from her position inside the industry, that if the Hispanic presence is to change, so, too, must the voices doing the presentation. We are both persuaded that the very best way to increase that presence is to approach both the industry and the community with reasoned voices.

I ask my colleagues to join me in commending Diane for her role in increasing the number of Hispanics throughout the industry, and for being a role model for those who aspire to be part of the entertainment industry.

TRIBUTE TO THE HONORABLE HENRY B. GONZALEZ

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. REYES. Mr. Speaker, I rise in tribute to Congressman HENRY B. GONZALEZ who will be retiring from the House of Representatives at the end of this session. As the Dean of the Texas delegation, he has been a remarkable representative for his district, for Texas, and for the entire Nation.

Throughout his career Congressman GONZALEZ has never failed to stand up for the rights of others. For over 40 years, beginning in the Texas legislature and throughout his career in the United States House of Representatives he has stood up for minorities. Moreover, he has continually spoken out for improved educational, economic and housing opportunities for the Nation. His legendary courage to stand by his principles, and singularly take on controversial positions in the national interest are an inspiration to all Americans.

Moreover, we should all be grateful for his skilled leadership as Chairman of the House Banking Committee. His oversight and investigative skills steered our Nation through one of the most serious financial periods of our Nation. Through his insightful and decisive actions he brought about meaningful solutions to the devastating multibillion dollar savings and loan crisis. Additionally, he averted a similar crisis in the banking industry with important legislative reforms with an overhaul of our system of deposit insurance.

Furthermore, as the first Mexican-American Congressional Representative from Texas, he has been an inspiration for Hispanics and all Americans. He stands as a model of a person having the courage to sometimes stand alone and blaze a new trail in the name of public service. He is an example of the American ideal that one person can truly make a difference. His powerful voice spoke out for the hopes and dreams of millions of Americans, and his level of dedication and commitment is a standard for all Members of Congress.

I am proud to say that I have known Congressman GONZALEZ for many years. I am even more proud to have had the opportunity to serve with him as a Member of the 105th Congress. Congressman GONZALEZ is a person whose strength of character and tenacity I admire and respect.

As he leaves this legislative body, his independent spirit will forever remain in this chamber. We will always remember Congressman HENRY B. GONZALEZ as a fierce advocate for the highest American ideals. His 37 years of service are filled with distinction and accomplishments, and his constituents can be proud of sending a legendary advocate for his district and for all Americans.

Congressman HENRY B. GONZALEZ, I wish you well in your future pursuits, and know that you leave a powerful legacy of tirelessly working for the betterment of America.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: ''This matter will be the most divisive issue this nation has faced since Vietnam.'' While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why during the Vietnam war, as has been the case with every war or military conflict since our nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moments notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our founding fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other towards fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office, the same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BOUCHER. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 2281.

Through this legislation, we extend new protections to copyright owners to help them guard against the theft of their works in the digital era. At the same time, we preserve the critical balance in the copyright law between the rights of copyright owners and users by also including strong fair use and other provisions for the benefits of libraries, universities, and information consumers generally.

I am pleased to advise my colleagues that many of the compromises achieved in this legislation reflect the work of the Commerce Committee. I want to underscore my appreciation for the leadership of Chairman BLILEY and Ranking Member DINGELL in successfully crafting balanced legislation both in the Committee and as conferees.

I want to highlight briefly several provisions addressing fair use and the effect of this legislation on consumer electronics devices, computers and other technologies. These provisions are fundamental to the balance that the conferees have achieved in this measure.

First, the conferees included a provision which ensures that the legislation's prohibition against circumvention of copy protection technologies in digital works does not thwart the exercise of fair use and other rights by all users. This safeguard requires that the Librarian of Congress, in consultation with the Register of Copyrights and the National Telecommunications and Information Administration of the Commerce Department, conduct proceedings periodically to determine if these rights are being adversely affected by copy protection technologies in the digital age. If the Librarian of Congress determines that noninfringing uses of certain classes of copyright works are, or are likely to be, adversely affected, then the measure's prohibition against circumvention of copy protection technologies shall not apply to users with respect to those works.

Second, with respect to consumer electronics devices and other equipment, the conferees included a ''no mandate'' provision which should reassure manufacturers of future digital telecommunications, consumer electronics and computing products that they have the design freedom to choose parts and components in designing and building new equipment. Read together with other provisions of the measure and other parts of the relevant legislative history, the ''no mandate'' provision confirms that Congress does not intend to require equipment manufacturers to design new digital telecommunications equipment, consumer electronics and computing products to respond to any particular copy protection technology.

Third, the conferees also clarified that manufacturers, retailers and professional services can make ''playability'' adjustments to their equipment without fear of liability. Recognizing that, whether introduced unilaterally or after a multi-industry development process, a copy protection technology might cause playability problems, the conferees explicitly stated that makers or servicers of consumer electronics, telecommunications or computing products can mitigate these problems without being deemed to have violated the measure's prohibition against circumvention of a copy protection technology. Equipment manufacturers should thus be able to make product adjustments without fear of liability, and retailers and professional servicers should not feel burdened with the threat of litigation in repairing videocassette recorders and other popular products for their customers.

Taken together, these provisions demonstrate that the legislation is not intended to diminish core fair use and other rights that have always been recognized in our copyright law. These provisions confirm that the measure does not limit the development and use of consumer electronics, telecommunications, and computer products used by libraries, universities, schools and consumers everyday for perfectly legitimate purposes.

In short, with these and the other changes made to preserve the rights of information consumers, the conferees have produced a bill worthy of our support. I commend their efforts in achieving this careful compromise.

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STUMP. Mr. Speaker, we have unfortunately come to the point of impasse with the other body over efforts to wrap up veterans' legislation in the 105th Congress.

The House and Senate Veterans' Affairs Committee have reached agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion.

The House is ready to act on that agreement.

However, there seems to be difficulty in the other body because certain Members may disagree with the compromises agreed to by the two veterans' committees.

We should not have come to this point, Mr. Speaker.

The House has worked diligently this year on veterans' legislation.

We have passed bills in a timely fashion: two bills in the month of March, two bills in May, and two in early August.

In contrast, the other body did not bring a veterans' bill to the floor until the last day of September.

They are still trying to bring up various bills under unanimous consent but holds are being placed on some of them for one reason or another.

This puts the House in the difficult position of facing the need to try one last time in this session to move a bill which includes all the agreements reached between the two Veterans' Affairs Committees.

Passage of House amendments to the Senate amendment to H.R. 4110 will provide the Senate the opportunity to either send this entire package to the President for his signature or kill the bill, including the cost-of-living adjustment for veterans service-connected disability payments. I want to make it very clear to House Members and Members in the other body that I will not ask the House to take any further action on this legislation this year.

The House has done its job, more than once.

The other chamber should clear this bill for the President to sign.

We should be forthright and sincere about our efforts on behalf of veterans rather than engaging in brinkmanship over the provisions on one particular piece of legislation.

I hope we can avoid this situation in the future, Mr. Speaker.

The House Committee would like to work with the other body next year to reach agreement on individual bills during the course of the session.

Waiting until the very last minute to act on bills risks our entire work product on behalf of veterans.

I believe this bill is an excellent package of program enhancements for veterans.

It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in defense of freedom.

This bill includes:

Significant progress toward improving health care to Persian Gulf war veterans;

An independent scientific evaluation by the National Academy of Science of the potential health effects of risk factors veterans may have been exposed to in the Gulf war;

An increase in pensions for those incredible heroes who earned the Congressional Medal of Honor;

A new innovative loan guarantee program for multifamily transitional housing for homeless veterans;

Burial benefits and national cemetery eligibility for World War II merchant mariners;

Increasing the Federal share for establishing State veterans' cemeteries to one-hundred percent;

Extending VA home loan eligibility for guard and reservists through the year 2003;

Authorizing medical facility construction funding at a level that is $157 million above the administration's budget request; and

Providing a cost-of-living adjustment (COLA) for veterans' compensation, pension, and related programs.

H.R. 4110 also includes various enhancements to medical care, pension, insurance, education, and employment provisions in current law.

The COLA will follow the Social Security Administration figure, which is based on the Consumer Price Index.

Final action on H.R. 4110 will provide plenty of time for the VA to implement the COLA by December 1, 1998.

I strongly urge my colleagues to vote for this bill.

I want to express my appreciation to the leadership of the Veterans' Affairs Committee in the other body, Chairman SPECTER and Senator ROCKEFELLER, for reaching agreement on these provisions.

I also want to thank the members of the House Veterans' Affairs Committee for their hard work on all the bills passed by the House this year and their cooperation on reaching these agreements.

We have truly worked in bipartisan fashion for the benefit of veterans.

Mr. Speaker, this is the final piece of legislation the Veterans' Affairs Committee will bring to the floor in the 105th Congress.

I want to tell the Ranking Democratic member of the committee, Mr. EVANS, that his work and cooperation on all these issues, as well as the day to day operation of the committee are truly appreciated.

The House Committee on Veterans' Affairs takes a back seat to none in our bartisan approach to the very serious business of crafting legislation.

LANE EVANS has steadfastly adhered to that tradition and should be commended by all veterans for his support on their behalf.

His committee staff members have also performed their responsibilities in the highest bipartisan tradition of the committee—and I want to thank every member of the majority and minority staff for their contribution to the committee's work.

MEDICARE MEDICAL NUTRITION THERAPY ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its members. In fact, fewer than one percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, The Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide seniors coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Dietetic Association and the Nevada Dietetic Association for their fine work in helping me educate members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BERMAN. Mr. Speaker, I am pleased that the House yesterday passed H.R. 4757 to rename the North-South Center in Miami after former House Foreign Affairs Committee Chairman Dante B. Fascell. I am proud to have cosponsored the bill, and I commend International Relations Committee Chairman BEN GILMAN and Ranking Member LEE HAMILTON for their leadership in introducing it.

I had the great pleasure of working with Dante on what was then known as the House Foreign Affairs Committee. He richly deserves the honor of having the North-South Center renamed after him. As the Committee's senior expert on Latin America, Dante Fascell contributed substantially to U.S. policy toward the region even before becoming chairman in 1983. A stern opponent of Cuba's Communist regime, Dante was a driving force behind the establishment of Radio Marti in 1982. He promoted democracy throughout Latin America and the world.

I remember his years as chairman with deep respect and fondness. Watching Chairman Fascell officiate over foreign affairs legislation was the political equivalent of watching a great maestro conduct a fine orchestra. During his tenure as chairman, Dante frequently bridged the Committee's deep ideological divisions by working out compromises. He tried to strengthen the Committee's voice in foreign policy by defending its prerogatives on foreign aid authorizations. He also fought for Congress's overall role in making foreign policy. In 1987, Dante served as vice chairman of the special committee that investigated executive branch conduct in the Iran-Contra scandal.

Dante Fascell helped establish the North-South Center, an independent research and educational organization that produces policy-relevant studies on such critical issues as democracy, trade, sustainable development and the persistent gap between the rich and the poor. Formally associating Dante's name with the Center is especially appropriate because of their shared emphasis on the Western Hemisphere. Renaming the Center after him is fitting recognition of his many years of hard work in foreign affairs. We all miss his presence and wish him well in his retirement in his beloved Florida.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, I have stood many times before this body to advocate the return of at least one of the Bells of Balangiga to its rightful owners, the people of Samar in the Philippines. To this effect, I introduced House Resolution 312, calling on the transfer of the one of the bells from F.E. Warren Air Force Base. Today, I am proud to transmit to this body the remarks of Congressman Marcelino ''Nonoy'' C. Libanan, a distinguished colleague from the Republic of the Philippines House of Representatives. Congressman Libanan represents the Lone District in Eastern Samar.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

(By Hon. Marcelino C. Libanan)

I rise on a matter of personal and collective privilege.

Mr. Speaker, many have tried and just as many have failed. But this will not stop this representation from singing in a louder tune that very same refrain for the return of the Bells of Balangiga to where they belong; to the belfry of Balangiga Church, to the faithful of our Christian community; and, to the heart of every Samareno.

On September 28, 1998, the people of Eastern Samar will once again observe a date of remembrance and commemorate a victorious past when our forebears, ill-equipped and ill-armed, fought gallantly and won a battle in defense of our country's freedom and independence. And this makes this year very significant as we are celebrating the Centennial of our Philippine Independence.

The reprisal of the United States Army under Col. Jacob Smith need not be recalled in this august chamber when they killed ''every Filipino capable of bearing arms and burned Samar and made it a howling wilderness.'' In fact he said, ''the more you kill and burn, the better you will please me''. This savagery of unparalleled notoriety had earned him the monicker ''Hell Roaring Jake''.

Yes, Colonel Smith was court-martialed, reprimanded and cashiered after the U.S. Congress conducted a searching inquiry. But, this is not enough. The Bells of Balangiga, our most symbolic civic treasure, which they carted away must be returned.

Lifeless and motionless, these bells are kept in an Air Force Base in Wyoming, USA. Few Americans attach significance to these relics. These have no value to them. They care less about these bells for very few of them know their importance. In a privilege speech delivered before the House of the U.S. Congress, Guam Representative Underwood, said: ''There was a time when the officers of F.E. Warren wanted to get rid of the bells. These brass relics have no relevance for F.E. Warren Air force Base, which is a missile base. Few people seem to know or care about these bells. But, to us, freedom loving Filipinos, these represent not only national pride but also as memorial for the brave men who offered their lives so that others may graciously live under the blessings of independence.

Eight (8) years have passed since our people and our government started making serious efforts to repossess these bells. Filipinos from a broad spectrum composed of legislators, religious, governors, peasants, professionals, business leaders and even the President of the Republic have joined the nationalistic chorus demanding for nothing less than the return of these historic bells.

To us, Eastern Samarenos, these bells are not mute for they are capable of making sound; they are not captives for they cannot be imprisoned; neither can they be silenced for they are forever shouting for freedom and yelling the sentiments that every Filipino have been wanting to.

These are enough considerations that should not fall on deaf American ears. Indeed, for so many long years, it has been the dream of every freedom-loving Filipino to have these bells returned to our motherland and hear them toll once more. Representative Underwood can never be more correct when he said: ''For almost 100 years, the Philippines has been our closest friend and ally, and in the name of friendship and cooperation it would only be fitting and proper for the United States to share the Bells of Balangiga with the people of the Philippines for their centennial celebrations.'' Well said; said well. As I have intimated earlier, many have tried and many have failed.

To the mind of my constituents, the return of the Bells of Balangiga could be an opportunity for the Americans to show that they have indeed changed; for the homecoming of these inanimate relics which are symbols of our forebears' blood, flesh and tears, will at the very least, show a screaming message that America is now sensitive to our national freedom, liberty and dignity and is ready to value international comity and goodwill. In short, only when we hear these Bells of Balangiga toll anew, and its sound reverberates over our land, can we, the Filipino people, say that we are ready to talk about this animal called VFA.

Mr. Speaker, in the name of international understanding, national pride and dignity, I respectfully appeal to my colleagues in this chamber to join me champion this good cause so that the bells of Balangiga shall be returned to its rightful owners the Filipino people. Hence, this representation filed House Resolution No. 145 entitled: A Resolution Demanding from the Government of the United States of America (USA) for the Immediate Return of the Bells of Balangiga to the People of the Republic of the Philippines'', co-authored by twenty-seven of my colleagues, I earnestly urge this august chamber for its immediate adoption.

Thank you very much.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LAZIO of New York. Mr. Speaker, I want to compliment Subcommittee Chairman TAUZIN and Chairman BLILEY as well as the Ranking Democrats of the full and subcommittee, Mr. DINGELL and Mr. MARKEY for their work in bringing this bipartisan legislation before the House today. I imagine all of us have heard from friends, neighbors, and constituents who have been victims of slamming. I know I have heard from Long Islanders who are so frustrated that somehow, without their knowledge, their long distance carrier has been switched. Trying to get their phone bill corrected and switched back to their desired carrier can be a time-consuming and frustrating experience.

The legislation before us today should accomplish two goals. First, it should reduce the likelihood that consumers will be slammed. The bill therefore encourages carriers to act responsibly by adhering to a new Code of Subscribers Protection Practices. Carriers who do not comply with the Code's consumer protection requirements and then make an error will be subject to FCC civil penalties as well as a possible fine. Second, Congress cannot legislate away human error. If a consumer loses his long distance carrier and has not been slammed, this bill should make it easy for the consumer to rectify quickly the situation. This bill says the consumer will only have to make one call to return to the carrier of his choice. Additionally, to compensate the consumer for his trouble, he will be switched back to his authorized carrier for free and will be credited up to 30 days of service. Because consumers will not have to be obligated to pay for the service they used after they have been slammed, carriers will have every incentive to guard against mistakes. Carriers will no longer be able to profit from slamming.

The bill before the House today also strikes a fair balance because a long distance company has the opportunity to produce their records of a verified sale when faced with a consumer complaint. This is very important legislation that seeks to protect American families and businesses from slamming. I urge its adoption.

RIGHTS OF THE INDIVIDUAL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. PAUL. Mr. Speaker, I commend to my colleagues in Congress as well as citizens everywhere an article authored by Michael Kelly, National Journal editor. Mr. Kelly aptly describes how the notion of hate crimes undermines a pillar of a free and just society; that is, equal treatment under the law irrespective of which particular group or groups with whom an individual associates. Ours is a republic based upon the rights of the individual.

PUNISHING 'HATE CRIMES'

(By Michael Kelly)

As one who wholeheartedly supports capital punishment, I have what seems to me a cleareyed vision of what justice demands in the murder of Matthew Shepard, the 21-year-old Wyoming college student who was, one night last week, robbed, pistol-whipped, tied to a fence and left to die. Bring in the monsters who did this, try 'em, verdict 'em and string 'em up, preferably before an applauding crowd of thousands.

And justice does appear on the way to being served. Two young men—Russell A. Henderson and Aaron J. McKinney—have been arrested and charged with first-degree murder; their girlfriends have been charged as accessories. There does not seem to be a lot of doubt that Henderson and McKinney did commit the acts that caused Shepard's death, nor does it seem at all likely that they will escape punishment.

But this, it is said, is not enough. Because Shepard was gay, and because his killers appear to have been motivated in part by an anti-gay animus (though police say robbery was the primary motive), justice is said to demand more. Specifically, it demands more bad law.

''Hate-crime'' laws mandate increased penalties for defendants found guilty of committing crimes inspired by certain categories of prejudice. In 21 states and the District of Columbia, the categories are: race, religion, color, national origin and sexual orientation. Nineteen additional states have hate-crime laws that do not cover sexual orientation. Ten states, including Wyoming, have not passed categorical hate-crime laws. There is also a federal law, which covers race, religion, color and national origin but not sex or sexual orientation.

For Shepard's sake, the cry arises, Wyoming must pass a hate-crime law, and Congress must pass a new, more sweeping, Federal Hate Crimes Protection Act, which would add to the roster of crimes made federal offenses those inspired by bigotry based on sex, disability and sexual orientation. ''There is something we can do about this. Congress needs to pass our tough hate crimes legislation,'' President Clinton declared Monday, the day Shepard died of his injuries.

At least he is consistent. No president has ever been more willing to assault liberty in the pursuit of political happiness than has this one. Clinton is always willing to embrace any new erosion of rights, as long as there is a group of voters or political contributors out there who wish it so. This is one area in which Clinton has been thoroughly bipartisan. In his five years in office, he has joined Republicans in Congress on quite a spree of liberty-bashing. He has signed laws that have stripped habeas corpus to its bones, vastly increased the number of crimes deemed federal offenses, established

mindless mandatory sentencing and targeted certain classes of defendants—terrorists, drug pushers—for the special evisceration of rights.

And playing to the other side of the political spectrum, Clinton has consistently and strongly supported the expansion of harassment and discrimination law, an expansion that has in recent years increasingly worked to criminalize behavior that government once regarded as private. Well, at least he supported such law until the case of *Jones* v. *Clinton* arose.

Of all the violence that has been done in this great expansion of state authority over, and criminalization of, the private behavior and thoughts of citizens, none is more serious than that perpetuated by the hate-crime laws. Here, we are truly in the realm of thought crimes. Hate-crime laws require the state to treat one physical assault differently from the way it would treat another—solely because the state has decided that one motive for assaulting a person is more heinous than another.

What Henderson and McKinney allegedly did was a terrible, evil thing. But would it have been less terrible if Shepard had not been gay? If Henderson and McKinney beat Shepard to death because they hated him personally, not as a member of a group, should the law treat them more lightly? Yes, say hate-crime laws.

In 1996 the FBI recorded 1,281 ''crimes against persons'' for reasons of sexual-orientation bias. Two of these were murders and 222 were aggravated assaults. Four hundred and seventy-two of what the government termed hate crimes were not assaults but ''acts of intimidation.'' These latter would not be crimes except for the determination that expressions of certain prejudices and hatreds were in themselves criminal offenses.

There is a long history of police and prosecutors slighting assaults against gays and lesbians. Justice demands that the cops and the courts treat the perpetrators of assaults against citizens who happen to be homosexual as harshly as they do the perpetrators of assaults against anyone else. But not more so.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on October 13, 1998, during roll call vote numbers 524, 525, 526, 527, 528, and 529. Had I been present, I would have voted ''yea'' on roll call vote number 524, ''aye'' on roll call vote number 525, ''aye'' on roll call vote number 526, ''yea'' on roll call vote number 527, ''yea'' on roll call vote number 528, ''yea'' on roll call vote number 529.

TRIBUTE TO THE LATE FRED SANDERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to the memory of Mr. Fred Sanders. Fred was a small business owner in Leasburg, Missouri who, for ten years, ran a small campground and rented rafts and canoes to folks who wanted to enjoy warm-weather days floating down the serene Meramac River and to take in the beauty of the Onodaga State Park. Fred, however, was more than a successful entrepreneur. He was also a successful community leader.

In 1991, a flood damaged a bridge in the Onodaga State Park, which enabled campers and ''floaters'' to make their way to Fred's campsite and canoe and raft rental outfit. In his quest to see the bridge rebuilt, Mr. Sanders met with some resistance. Fred made up his mind to try and rebuild the bridge himself. While his initial attempts were blocked, Fred persisted and after years of working with the county government, they agreed to replace the damaged bridge.

Seven years after Fred began his crusade, the bridge in Onodaga State Park is now rebuilt. Unfortunately, Fred passed away on March 17, 1998—several months before his long-fought-for bridge was finally completed. In honor of Fred's unwavering commitment to this bridge project, the new bridge in the Onodaga State Park was dedicated in his memory on October 10, 1998. I cannot think of a more fitting tribute to Fred. He fought long and hard to get this bridge built, and he was instrumental in making a real difference in Crawford County, Missouri. I think we can all learn from Fred's exemplary perseverance and commitment to a local infrastructure improvement project that one person truly can make a difference in his or her community. I am proud to be able to honor the memory of Mr. Fred Sanders today here in the House of Representatives.

HONORING SISTER M. ANITA ROSAIRE FAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a truly remarkable lady who has recently celebrated a significant milestone in her life.

Sister M. Anita Rosaire Fay, who is celebrating her jubilee year as a Dominican Sister, entered the Dominican sisters convent at Mount St. Mary in Newburgh, NY, on September 8, 1928. When she entered the sisterhood, she brought with her to the order the love of a wonderful family and a deep and abiding faith.

Sister Anita's love of God goes back to her birth, as does her love of life. Always an avid sports fan—then and now—she often recalls playing hooky with her brothers and sisters to see the New York Yankees play.

Sister Anita received her B.A. from Fordham University and her M.A. degree from Villanova University, majoring in history and political science.

Sister Anita taught for 45 years in elementary education and secondary education in both New York State and New Jersey. Sister also taught political science and other courses at Mount Saint Mary College in Newburgh, NY. One of the legislators in our New York State Assembly, Tom Kirwan, who studied under Sister Anita when he was still a State Police officer, is only one of her many students who were inspired to enter politics by Sister Anita.

In 1975, Sister Anita informed me that she was seeking new challenges to conquer. I invited her to join my Washington Congressional staff, and she remains with us to this day. My entire Congressional staff values her wise counsel and her cheery disposition, as do I. She is considered the sunshine and the morale booster in our office.

Sister Anita's dedication to assisting my constituents is rivaled only by her dedication to her beloved Georgetown Hoyas. Sister Anita balances her time between helping my Congressional offices operate at peak efficiency, rooting for her favorite basketball team, and the Office of the Hours prayers.

Mr. Speaker, as Sister Anita is celebrating her 70th Jubilee year as a Dominican sister, I am pleased to call her remarkable life to the attention of all our colleagues and their staffs, and invite everyone to join in celebrating her remarkable life.

DISABILITIES EMPLOYMENT AWARENESS MONTH—A PACIFIC PERSPECTIVE ON INDIVIDUALS WITH DISABILITIES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, Guam is the place where America's day begins. While small, idyllic and remote, it is a place where lots of things happen first. Today, I rise to inform my colleagues of a new first, we are the first to bring our other brothers and sisters from the international community of persons with disability together to develop our own local solutions to the global issues of rehabilitation and employment in the Pacific. We have used our own talent and skills from our communities to study what we can do to address the issues of unemployment of persons with disability on Guam and the rest of the Pacific. The importance of these locally-developed solutions cannot be overstated as persons with disabilities face barriers and problems that are endemic to our way of life. From my friends at the Rehabilitation Research and Training Center of the Pacific at San Diego State University, I have learned that over 16,000 individuals with a disability in the Pacific have applied for assistance in order to work, train and attend school in 1995. The unemployment rate of persons with disabilities in the Pacific is four times that of any other group. Applying this statistic anywhere else with any other group in America and it would be deemed a travesty. However, we have also learned that through our own studies and methods, we are in the best possible situation to remedy these inequities.

Over the last four years, our friends and colleagues at San Diego State University, University of Guam, Northern Marianas College, American Samoa Community College, College of Micronesia—FSM, and the College of Marshall Islands have established local steering committees for rehabilitation research and training. This work culminates in the first ever international conference, entitled ''Pacific Perspectives for the Employment of Persons with

Disabilities in the 21st Century.'' The conference will be convened on Guam from October 28–30, 1998.

It is momentous that this conference will be held in concert with ''Disabilities Awareness Month'' in the Pacific. Our own local network on Guam of rehabilitation professionals, educators, teachers, researchers and consumers acknowledge the people from our business communities employing persons with disabilities. On Guam on October 26, 1998, we are awarding those members of our own business community for their continued support by employing persons with disabilities. Mr. Rodney Priest, the Chairperson of the Guam Rehabilitation Advisory Council and a research associate with San Diego State University, was instrumental in organizing this event. The October 26 event maintains our commitment to our greatest resource, the people of Guam.

Hiring the disabled is an asset for us all. There are similar ceremonies acknowledging employers in the islands across the Pacific this month. Events will also be held in the Marshall Islands, the Federated States of Micronesia, American Samoa, the Republic of Palau and the Commonwealth of the Northern Marianas Islands.

October is Disabilities Awareness Month. During this month, we commemorate individuals with disabilities and pay tribute to their contributions in our communities. None of the activities this month would have been possible without the successful collaboration between institutions of higher education, community service organizations, responsive government officials and supportive consumers from our villages. These recent cooperative efforts have been coordinated by San Diego State University Rehabilitation Research and Training Center of the Pacific, funded by the National Institute on disability Rehabilitation Research.

The Rehabilitation Research and Training Center of the Pacific adopted a model for research that focuses on participation, action and local priorities. This unique approach resulted in the sponsorship of the Guam Rehabilitation Research Local Steering Committee led by people with disabilities who live in my district. Together with other similar committees led by persons with disabilities from the islands, these groups are improving our ability to address our systems of service and economic development which result in real jobs, careers and life-long learning impacting our communities today and in the future. This is an example of community leadership combined with university skills that can positively affect the lives of numerous individuals in the 21st century. It is a Pacific perspective that should be acknowledged and replicated.

Mr. Speaker, this message would be incomplete without mentioning other individuals and organizations contributing tremendously to assisting individuals with disabilities. I commend Dr. Fred McFarlane, Director of the Interwork Institute and the Rehabilitation Research and Training Center of the Pacific (RRTCP) and Dr. Kenneth Gelea'i, Co-Director and Research Coordinator of the RRTCP. I also commend the Association of Pacific Island Legislatures (APIL), presided by Senator Carlotta A. Leon Guerrero, for their commitment to individuals with disabilities, as evinced by their resolution passed by APIL's 17th General Assembly. I also congratulate Mr. Rodney Priest for his tireless efforts on behalf of Guam's disabled community.

TRIBUTE TO GARY GRAY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SMITH of Michigan. I rise before you today to honor Gary Gray, a constituent of mine from Adrian, Michigan whose accomplishments and accolades are many.

Mr. Gray is the recipient of the Lenawee County Chamber of Commerce 1998 Small Business Person of the Year Award. This distinguished honor is bestowed upon those individuals who have not only created and guided successful businesses but have made an even greater contribution through their selfless giving to those in their community.

Gary Gray, a nationally recognized physical therapist, grew up in the city of Ft. Wayne, Indiana. Upon graduating from the University of Indiana in 1976, he began his professional career as Director of Physical Therapy at Bixby Hospital in Adrian, Michigan. He continues to enjoy Adrian as his home.

In 1986 Gary opened the doors of Gary Gray Physical Therapy Clinic, Inc. in Adrian with two employees. Nearly thirteen years later this thriving company has grown into three sites employing 35 employees.

Upon realizing the critical need this country has for continuing education in rehabilitation, he began Wynn Marketing, Inc. in 1988. Through the years, Wynn Marketing has produced 95 seminars throughout the nation, presenting innovative, practical and enlightening rehabilitation seminars to over 10,000 physical therapists, athletic trainers, orthopedic physicians and chiropractors. The closeness of his family life is revealed in the fact that his mother and father are the hosts and coordinators of these seminars.

Gary continues to be a consultant to various college and professional athletic teams around the country as well as educational institutions. He is the author of several published articles and manuals on rehabilitation and prevention. Recognized by various physical therapy schools around the nation, many of these are required reading in the physical therapy curriculum.

Recognized as a successful inventor of rehabilitation equipment, Gary opened the doors of Functional Designs in 1997. The purpose of this company is to develop and market many of Gary's inventors i.e. the Golf Gazebo, the Stretch Frame and the Pyramid Strider.

Gary Gray consistently supports community projects, especially those involving youth. He developed the ''Hot Rock'' boys basketball camp in 1989. This two week summer camp of basketball ministry combines the unique blend of both sport and Christ in the lives of the youth today. This past summer's Hot Rock was enjoyed by over 120 young boys and remains fully sponsored by Gary.

Realizing the need was also there for the young girls of the community, Gary developed ''Girls of Summer'' in 1995. Over 70 girls were ministered to this past summer, again combining the blend of basketball and Christ.

Beginning his 5th year as the assistant varsity basketball coach at Lenawee Christian High School is one of the positions Gary holds most dear. His love of Christ and family is prevalent to all who know him. His lovely wife of 22 years, Cindi, is also known as an excellent speaker and leader in the community. He has two wonderful sons of whom he is very proud: Brad, a freshman at Cornerstone College and Doug, a junior at Lenawee Christian High School.

I want to commend Gary Gray for all of his achievements. He truly is deserving of the Lenawee Chamber of Commerce's Small Business Person of the Year Award.

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

Mr. Speaker, I have been proud to represent Kenneth Jernigan and his wife, Mary Ellen, since coming to Congress in 1996. But more than being my constituent, Mr. Speaker, Dr. Jernigan has been my friend. In fact, as he did with so many others over his lifetime of leadership, he encouraged me and helped me to believe in myself.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But in the story of Kenneth Jernigan, from his humble beginnings in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with America is told.

Dr. Jernigan may have been blind in the physical sense, but he was a man of vision nonetheless. As a leader of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. Speaker, for those who knew him and loved him, for the blind of this country, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be different. But the world he left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left behind is visible in the hundreds of thousands of lives that he touched and will continue to inspire through the programs and projects that will live on in his name. This will be the case for many generations to come.

Kenneth Jernigan will be missed deeply by his family and friends, and his loss will be shared by all of us because he cared for all of us. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Kenneth Jernigan taught us all to love one another and live with dignity. This is the real and lasting legacy of Kenneth Jernigan.

Mr. Speaker, on September 24, 1998, an article entitled, ''Friends Pay Homage to Crusader for the Blind. Jernigan Still Working Despite Lung Cancer'' appeared in the *Baltimore Sun*. Because it presents a fitting tribute to Dr. Jernigan's life and work, I insert the text of this article in the RECORD at this point.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND JERNIGAN STILL WORKING DESPITE LUNG CANCER

(By Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington.

Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people.

James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federal of the Blind (NFB), who is in the latter stages of lung cancer.

''The wonderful life I've had is all due to Dr. Jernigan,'' Omvig said. In the 1950s, he ''was sitting around at home'' in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with ''my old poetry and drinking buddy.''

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type ''Kernel Book'' series of inspirational books for the visually impaired.

But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as ''one of the best in the country.''

''There are good things in everything, even this illness,'' said his wife, Mary Ellen Jernigan. ''You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know.''

TRIBUTE TO BILL GRADISON

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KASICH. Mr. Speaker, I rise today to pay tribute to our former colleague Bill Gradison. Bill served as a highly respected Member of this body from 1975 through January, 1993. For the past 6 years Bill has served as President of the Health Industry Association of America. He will retire from that post at the end of the year.

During his years at HIAA, Bill has demonstrated the same knowledge, commitment and skills that he did in this body. As an expert on health care policy, Bill worked to improve the Nation's health care system and the health of all Americans. Equally important, he did so at all times with great thoughtfulness and by truly being a gentleman.

In his 18 years in the House, Bill had a strong influence on many issues, including health care, the budget, Social Security, trade and governmental self discipline.

Bill found health care to be particularly absorbing and challenging. Both on and off Capitol Hill, Bill has worked hard to ensure that all Americans have access to high quality health care at a reasonable cost.

In Congress, Bill worked enthusiastically to promote hospice care, an innovative, compassionate approach to caring for the terminally ill and their families. In 1982, legislation which he sponsored with then Representative Leon Panetta to allow hospices to provide care under Medicare was enacted. Over the years, Bill sponsored numerous other hospice-related measures that received strong bipartisan support. Today, this humanitarian yet cost effective end of life care is widely accepted.

One of Bill's most significant non-health congressional achievements was indexing income tax brackets and the standard deduction for inflation. Bill was also a major participant in developing the 1983 Social Security measures that restored the Social Security System to solvency.

I hope my colleagues will join me in congratulating Bill for his years of service in Congress and at HIAA. We should certainly appreciate his contributions to public policy and wish him the best of luck in his future endeavors.

100% ENROLLMENT OF LOWER INCOME MEDICARE BENEFICIARIES IN THE QMBY & SLMBY PROGRAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. STARK. Mr. Speaker, I am pleased to join Representative MCDERMOTT in introducing legislation to ensure that 100 percent—or as close to 100 percent as humanly possible—of low-income Medicare beneficiaries eligible for QMBy and SLMBy are enrolled in those programs. The bill provides for a data match between the IRS and HHS to detect low income Medicare beneficiaries and presumptively enroll them in the programs.

We are introducing the bill in the last hours of the Congress so that the administration, seniors' groups, and others can study the issue over the adjournment period and make suggestions for improvements and changes for a new bill in the 106th Congress.

In 1988, Congress enacted provisions to protect low-income Medicare beneficiaries from the financial distress of out-of-pocket health care costs. The protections were embodied in the Qualified Medicare Beneficiary (QMB) Program under which state Medicaid Programs pay Medicare premiums, deductibles and co-insurance for people with limited resources and with incomes of not more than 100 percent of the Federal poverty threshold, currently $691 per month for an individual. In subsequent years similar but more limited provisions were enacted for those with slightly higher incomes.

Premium and other cost-sharing protections are critical to the well-being of low-income Medicare beneficiaries. Medicare covers less than half of the total health spending of the elderly and is less generous than health plans typically offered by large employers. Health care spending for low-income beneficiaries who are also eligible for Medicaid is substantially higher—Medicare payments for them are 70 percent higher than for those with higher incomes. Beneficiaries spend, on average, more than $2,500 out-of-pocket on Medicare premiums and cost-sharing, and on health services not included in the Medicare program. This is a third of the annual income of an individual living in poverty.

Moreover, on average the health of low-income Medicare beneficiaries is substantially worse than that of the general Medicare population: Low-income beneficiaries are nearly twice as likely as those with higher income to self-report fair to poor health and nearly twice as likely to have used an emergency room in the past year; they are less likely to have a particular physician; and they are three times more likely to have needs for assistance due to functional impairments in activities such as dressing, eating and bathing.

Despite the importance of financial protections and their promise of help to low-income beneficiaries, the current QMBy and SLMBy (Specified Low-Income Medicare Beneficiaries, with incomes up to 120 percent of poverty) benefits have failed to reach nearly four million eligible individuals. A recent Urban Institute report estimates that only 10 percent of those eligible are participating in the SLMBy program and less than two-thirds of those eligible are enrolled for QMBy benefits.

Complex enrollment processes, requirements to apply at welfare offices, lengthy delays in refunding premiums deducted from cash payments, and the lack of effective, coordinated outreach and problem-solving systems have all been identified as issues that impede program effectiveness. Identifying and enrolling those entitled to benefits has been a significant challenge of the buy-in programs. Moreover, administration of the buy-in programs by different Medicaid systems of the 50 states and the District of Columbia make the benefit unevenly available across the country.

The importance of the buy-in programs to low-income Medicare beneficiaries should not be underestimated. Because of their greater-than-average health care costs, and because Medicare does not cover many services critical to older and disabled people, individuals eligible for buy-in programs can benefit greatly from the extra income they retain when they are relieved of cost-sharing responsibilities. The obvious and most important aspect of the buy-in programs is that they put income back into the pockets of low-income people who can use it to pay for food, clothing, shelter, unreimbursed medical expenses and other necessities of life.

Mr. Speaker, we look forward to public comment on the technical features of the bill, and hope it will have widespread support in the 106th Congress.

HONORING SHELDON L. GOLDBERG ON HIS RETIREMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate my constituent Sheldon L. Goldberg on his retirement as President of the American Association of Homes and Services for the Aging (AAHSA), after more than fifteen years of service. The AAHSA is a national nonprofit organization representing 5,000 nursing homes, continuing care retirement communities, senior housing and assisted living facilities and community service organizations for the elderly. The AAHSA is a leader in the development of an integrated continuum of care for frail elderly people and individuals with disabilities. I am familiar with the AAHSA through their nursing facilities and retirement communities in Maryland, including Asbury Methodist Village in Gaithersburg, the Friends House Retirement Community in Sandy Springs, the Hebrew Home of Greater Washington in Rockville, and the National Lutheran Home in Rockville. Mr. Goldberg, who has been a force in the long-term care field for more than twenty years, is leaving the AAHSA to become the CEO of the Jewish Home and Hospital in New York City.

During his tenure at the AAHSA, Mr. Goldberg has been instrumental in expanding the organization's focus in several key areas, including public policy advocacy. In addition, the AAHSA's array of services has grown under his guiding hand, and now includes capital financing through the AAHSA Development Corporation, professional certification for retirement housing professionals, and continuing care retirement accreditation through the Continuing Care Accreditation Commission. Mr. Goldberg also spearheaded the AAHSA's movement to include ''Services'' in its name and initiated the development of the International Association of Homes and Services for the Aging, serving as its president since 1994.

In addition to serving as President of the AAHSA since 1982, Mr. Goldberg currently serves on the United States board of the International Leadership Center on Longevity and Society, the board of Generations United, and the Housing Development Reporter advisory board. He served as president of the National Assembly of National Voluntary Health and Social Welfare Organizations from 1992 through 1995, when he was the recipient of the 1995 Award for Excellence in the National Executive Leadership Forum. In 1995 and 1996, Mr. Goldberg served as chair of the Leadership Council of Aging Organizations, a coalition of national organizations concerned with the well-being of America's elderly and committed to representing the elderly's interests in the federal policy arena.

Prior to joining the AAHSA, Mr. Goldberg held the position of executive director of the Wisconsin Association of Homes for the Aging for three years. Prior to that he was director of the Wisconsin County Boards Association and a budget analyst at the Wisconsin Department of Health and Human Services. A native of Wisconsin, Mr. Goldberg received his bachelor's degree in political science, psychology and sociology and his master's degree in psychology at the University of Wisconsin, where he also did his graduate work in public administration.

Sheldon Goldberg has been a tireless advocate for the needs of older Americans. I know his colleagues join me in recognizing his many years of service to the AAHSA and in wishing him health, happiness and personal fulfillment in his future endeavors.

INTRODUCTION OF SMALL BUSINESS FRANCHISE ACT OF 1998

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CONYERS. Mr. Speaker, I am pleased to be introducing the ''Small Business Franchise Act of 1998'' along with my good friend from North Carolina Mr. COBLE. This legislation represents the culmination of many months of work in crafting legislation which creates an appropriate balance between the rights of franchisors and franchisees.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979 (16 C.F.R. 436), was designed to deter fraud and misrepresentation in the pre-sales process and provides disclosure requirements and prohibitions concerning franchising and business opportunity ventures. However, the FTC has consistently maintained that it has no jurisdiction over problems franchisees face after the franchise agreement is entered into.

In the absence of any federal controls or regulation, a number of problems and complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

Taking of Property without Compensation. The franchise relationship almost always includes a post-termination covenant not-to-compete which prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can have the effect of appropriating to the franchisor all of the equity built up by the franchisee without compensation.

Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the existing franchisee that it causes significant damage or destruction to the existing franchised business.

Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, equipment, furniture, or other items from the franchisor or sources affiliated with or approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the characteristics of the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks, promotional fees, and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks, promotional fees, and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that we in Congress insure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. There is of course little time left in the 105th Congress to allow for consideration and inaction of this legislation. However, I am hopeful that this legislation will be at the top of the Judiciary's committee agenda when we return next year, and I will be seeking hearings on this matter at the earliest occasion.

The following is a section-by-section description of the legislation.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE

Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES

Subsection (a) prohibits any person, in connection with the advertising, offering, or sale of any franchise, from (1) employing a device, scheme, or artifice to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon

any prospective franchisee; (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact; and (4) discriminating among prospective franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age in (a) the solicitation, offering or sale of any franchise opportunity, or (b) the selection of any site or location for a franchise business.

Subsection (b) prohibits franchisors, sub franchisors, and franchise brokers, in connection with any disclosure document, notice, or report required by any law, from (i) making an untrue statement of material fact, (ii) failing to state a material fact, or (iii) failing to state any fact which would render any required statement or disclosure either untrue or misleading. The subsection also prohibits franchisors, sub franchisors, and franchise brokers from failing to furnish any prospective franchisee with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to a prospective franchisee, whether orally or in writing, which is inconsistent with or contradicts such disclosure document.

''Disclosure document'' is defined as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES

Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of any franchise agreement, from (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) discriminating among franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age; (3) hindering, prohibiting, or penalizing, either directly or indirectly, the free association of franchisees for any lawful purpose, including the formation of or participation in any trade association made up of franchisees or of associations of franchises; and (4) discriminating against a franchisee by imposing requirements not imposed on other similarly situated franchisees or otherwise retaliating, directly, or indirectly, against any franchisee for membership or participation in a franchisee association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration or termination of a franchise to (i) cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, except that language in the franchise agreement purporting to determine ownership of a trademark, trade secret, or other intellectual property shall not be binding upon any court or forum for purposes of this paragraph, but may be considered as evidence of such ownership, (ii) alter the appearance of the business premises so that it is substantially similar to the standard design, decor criteria, or motif in use by other franchisees using the same name or trademarks within the proximate trade or market area of the business, or (iii) modify the manner or mode of business operation so as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the proximate trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT

Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has skill or knowledge, the franchisor is required to exercise the skill and knowledge normally possessed by franchisors in good standing in the same or similar types of business.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertakes to perform bookkeeping, collection, payroll, or accounting services on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor's fiscal year, and (iii) disclose the source and amount of, and deliver to the fund or program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6. PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under the Act by reason of willful misfeasance, bad faith, or gross negligence in the performance of duties, or by reason of reckless disregard of obligations and duties under the franchise agreement. Nor may a franchisor require that a franchisee agree to not make any oral or written statement relating to the franchise business, the operation of the franchise system, or the franchisee's experience with the franchise business.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which would purport to waive or restrict any right granted under the Act.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the act or any Federal law of the State in which the franchisee's principal place of business is located, (ii) depriving a franchisee of the right to commence an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement or stipulation ancillary or collateral to the franchise, in a court of arbitration forum in the State of the franchisee's principal place of business, or (iii) excluding collective action by franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with an applicable State franchise law is not waived, excused or avoided, and evidence of violation of the Act or State law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7. ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising the powers conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

SECTION 8. TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable conditions generally applied to new franchisees. The qualifications must be based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer, provided that the refusal is not arbitrary or capricious and the franchisor states the grounds for its refusal in writing to the franchisee.

Subsection (b) requires that a franchisee give the franchisor at least thirty days' written notice of a proposed transfer, and that a franchisee, upon request, will provide in writing to the franchisor a list of the ownership interests of all persons holding or claiming an equitable or beneficial interest in the franchise subsequent to the transfer.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee successfully complete a reasonable training program, (2) payment of a reasonable transfer fee, (3) the franchisee pay or

make reasonable provisions to pay any amount due the franchisor or the franchisor's affiliate, (4) the financial terms of the transfer at the time of the transfer comply with the franchisor's current financial requirements for franchisees. A franchisor may not condition its consent to a transfer on (1) a franchisee forgoing existing rights other than those contained in the franchise agreement, (2) entering into a release of claims broader in scope than a counterpart release of claims offered by the franchisor to the franchisee, or (3) requiring the franchisee or transferee to make, or agree to make, capital improvements, reinvestments, or purchases in an amount greater than the franchisor could have reasonably required under the terms of the franchisee's existing franchise agreement.

Subsection (e) permits a franchisee to assign his interest for the unexpired term of the franchise agreement and prohibits the franchisor from requiring the franchisee or transferee to enter an agreement which has different material terms or financial requirements as a condition of the transfer.

Subsection (f) prohibits a franchisor from withholding its consent without good cause to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee's interest retains control over more than 25 percent of the voting power as the franchisee.

Subsection (g) prohibits a franchisor from withholding its consent to a pooling of interests, to a sale or exchange of assets or securities, or to any other business consolidation among its existing franchisees, provided the constituents are each in material compliance with their respective obligations to the franchisor.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement and for which the franchisor shall not impose any fees or payments or changes in excess of the franchisor's cost to review the matter.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchise purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor's complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor's trade secrets or intellectual property rights except by agreement with the franchisor.

SECTION 9. TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (1) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he give notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (2) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (3) requires that the entity assuming the franchisor's obligations have the business experience and financial means necessary to perform the fanchisor's obligations.

SECTION 10. INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from prohibiting or restricting a franchisee from obtaining equipment, fixtures, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee's choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for approval of competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service.

Subsection (c) requires a franchisor and its affiliates officers and/or its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits from vendors as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent of the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of a established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless that person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, medication, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date or enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

H. CON. RES. 283 ON TIBET

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERMAN. Mr. Speaker, I am proud that House Concurrent Resolution 283, expressing the sense of the Congress on the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet, is being considered now.

I offered this Resolution in an effort to maintain the world's attention on developments in Tibet. A comparable provision has been offered and passed in the Senate. With 66 cosponsors in the House, this resolution has strong bipartisan support.

Tibet remains on the American foreign policy agenda today and it remains on the international community's agenda largely because the U.S. Congress does not let anyone forget what is happening to Tibetans and Tibet culture under Chinese rule. This resolution reflects our serious concern for the plight of the Tibetan people and our strong support for the Dalai Lama's efforts to enter into serious discussions with the Chinese leadership on the future of Tibet.

The resolution cites a recent and comprehensive report by the International Committee of Jurists entitled ''Tibet: Human Rights and the Rule of Law.'' It is the fourth report on Tibet by this distinguished body since 1959 and their first since 1964. The December 1997 report was inspired by the situation in Tibet that by all credible accounts, including the Department of State, remains unsettled and in many ways has grown more desperate.

The President has appointed a Special Coordinator for Tibetan Issues. Until recently, this position was held by Mr. Gregory Craig of the U.S. Department of State. I understand that he has played a very active and productive role behind the scenes in promoting discussions between the Dalai Lama and his representatives and the Chinese. I would hope that further progress will be made on opening this dialogue as President Jiang Zemin indicated that he would do during his summit meeting with President Clinton. Discussions must lead to negotiations and a positive outcome to those negotiations would improve substantially American relations with China.

Finally, I would like to draw the House's attention to the continuing detention of Gendun Choekyi Nyima. Over three years ago, the Dalai Lama announced the recognition of this young boy, then only six, as the Panchen Lama of Tibet. Within days, this child disappeared from his home. It was not until a year later that the Chinese Ambassador to Geneva admitted to a meeting of the United Nations Committee on the Rights of the Child that Gendun Choekyi Nyima was under the ''protection'' of the Chinese government. Repeated requests from governments and private humanitarian organizations to meet with the boy have been denied. No one knows where he is nor the conditions under which he lives. It is unconscionable that in today's world a young child, now nine years old, has apparently become a pawn in Beijing's political efforts to control Tibet.

I would like in particular to thank MR. PORTER, an original cosponsor of this resolution; Mr. GILMAN, chairman of the International Relations Committee, and Mr. BEREUTER, chair of the Asia and Pacific Subcommittee, on which I serve as Ranking Member, for doing all they could to see that this resolution was brought forward for consideration. I appreciate the efforts they both made to achieve a compromise which would permit the House to consider this initiative. I would also like to note the contribution made by Mr. BEREUTER's subcommittee counsel, Dan Martz, who has negotiated in good faith with my staff to reach accommodation on this legislation. I understand that Mr. Martz will be soon leaving the subcommittee staff to join the private sector in New York City. His advice will be missed in the subcommittee but we all wish him well in his next endeavor.

I urge my colleagues to join me in introducing this resolution which calls for the release of Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet, and for a dialogue between the Dalai Lama and Chinese authorities.

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Sponsor: Rep. Berman (introduced 05/22/98).

66 Cosponsors

Rep. Porter—05/22/98.
Rep. D. Payne—05/22/98.
Rep. Lantos—05/22/98.
Rep. Lowey—05/22/98.
Rep. Wolf—05/22/98.
Rep. C. Smith—05/22/98.
Rep. J. Kennedy—05/22/98.
Rep. Scarborough—06/25/98.
Rep. Menendez—06/25/98.
Rep. Hinchey—06/25/98.
Rep. Borski—06/25/98.
Rep. Woolsey—06/25/98.
Rep. LoBiondo—06/25/98.
Rep. Ehlers—07/17/98.
Rep. Allen—07/17/98.
Rep. Waxman—07/17/98.
Rep. S. Brown—07/17/98.
Rep. King—07/17/98.
Rep. Meehan—07/17/98.
Rep. Faleomavaega—08/06/98.
Rep. Cramer—08/06/98.
Rep. Olver—08/06/98.
Rep. Calvert—08/06/98.
Rep. Forbes—08/06/98.
Rep. Kelly—08/06/98.
Rep. Adam Smith—08/06/98.
Rep. Underwood—08/06/98.
Rep. Engel—08/06/98.
Rep. Kennelly—09/23/98.
Rep. Ackerman—09/23/98.
Rep. Furse—09/23/98.
Rep. Watts—09/25/98.
Rep. Slaughter—10/05/98.
Rep. C. Maloney—05/22/98.
Rep. Abercrombie—05/22/98.
Rep. Rohrabacher—05/22/98.
Rep. Gilman—05/22/98.
Rep. Cox—05/22/98.
Rep. Lofgren—05/22/98.
Rep. Pelosi—05/22/98.
Rep. Dixon—06/25/98.
Rep. Nadler—06/25/98.
Rep. Skaggs—06/25/98.
Rep. Farr—06/25/98.
Rep. Pappas—06/25/98.
Rep. Frank—06/25/98.
Rep. Rivers—07/17/98.
Rep. Roybal-Allard—07/17/98.
Rep. Solomon—07/17/98.
Rep. Pascrell—07/17/98.
Rep. Goodling—07/17/98.
Rep. Gejdenson—08/06/98.
Rep. John Lewis—08/06/98.
Rep. Stark—08/06/98.
Rep. McGovern—08/06/98.
Rep. Sherman—08/06/98.
Rep. English—08/06/98.
Rep. Dreier—08/06/98.
Rep. Sanders—08/06/98.
Rep. Rangel—08/06/98.
Rep. G. Miller—09/23/98.
Rep. Christensen—09/23/98.
Rep. Inglis—09/23/98.
Rep. Kilpatrick—09/23/98.
Rep. Salmon—10/05/98.
Rep. McKinney—10/07/98.

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Whereas the International Commission of Jurists is a nongovernmental organization founded in 1952 to defend the rule of law throughout the world and to work toward the full observance of the provisions of the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964 the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (in 1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law;

Whereas the President of the United States has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses grave concern regarding the findings of the report of the International Commission of Jurists on Tibet issued in December 1997, that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, suppression of peaceful protests, and an accelerated movement of Chinese people to Tibet; and

(B) in 1997, a senior office of the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a ''foreign culture'' in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural integration;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to ensure respect for the fundamental human rights of the Tibetan people; and

(ii) to end those practices which threaten to erode the distinct cultural, religious, and linguistic identity of the Tibetan people;

(B) call on the United Nations General Assembly to resume its debate on Tibet; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to the Congress in accordance with the requirements of section 536(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236); and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year-old child identified by the Dalai Lama as the Panchen Lama, Gedhun Choekyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) recognizes that the Dalai Lama is not seeking independence but genuine autonomy and calls on the People's Republic of China to respond positively to the Dalai Lama's proposal for Tibet and to enter into discussions with him or his representatives;

(6) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(7) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.