will ever retire from public service. As a testimony to his tireless work in the community, a family center and a local shelter have both been named in his honor. He has received numerous awards from groups such as Florida's teachers, firefighters, children's advocates, and the American Lung Association. I am certain his dedication to the community will continue.

Mr. Speaker, I commend State Representative Fred Lippman for his twenty years of service in the Florida House of Representatives.

RETIREMENT OF JAMES N. WOODRUFF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to James N. Woodruff, who has recently retired after a distinguished career with the Office of Personnel Management and its predecessor, the Civil Service Commission.

It may seem unusual for the Congress to honor the service of a long-time Executive branch employee, but I can assure my colleagues that Jim served the Congress effectively for many years. The vast majority of Jim's tenure was devoted, either directly or in his supervisory capacity, to the drafting and analysis of measure addressing many of the most significant and complex Federal personnel issues. He contributed immeasurably to major initiatives such as the Federal Employees Pay Comparability Acts of 1970 and 1990, the Federal Employees' Retirement System Act of 1986, and the Civil Service Reform Act of 1978.

In addition, many members of personal and committee staffs have benefited from Jim's quick and able assistance over the years. Whether on the most arcane technical matters or the broadest constitutional concerns, Jim's expertise and counsel reflected sound judgment and were always readily available.

We would be remiss in allowing only the Executive branch to express regrets at Jim's departure. His career-long commitment to excellence is in the finest tradition of public service and we wish him well.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. WILSON. Mr. Speaker, on rollcall vote numbers 520, 531, 532, and 533, I was unavoidably detained. Had I been present, I would have voted 'aye' on each of these votes.

IN HONOR OF JACK HECHLER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. REGULA. Mr. Speaker, I would like to bring to the Congress' attention an individual who has over the past decade made innumerable contributions promoting a better understanding of our institution and the federal government to visitors from around the world.

Jack Hechler, for the past ten years, has served as escort/interpreter for the well-regarded annual Congress-Bundestag/Bundesrat Staff Exchange Program. Begun in 1983, this exchange program has greatly contributed to improving the working relationship between the legislatures of the United States and Germany. Since 1988, Mr. Hechler has been the escort/interpreter for the German delegation which arrives each summer for a three week program in Washington and Members' districts.

Born and raised in Germany, Mr. Hechler graduated from American University in Washington, D.C., served in the U.S. Armed Forces, and for more than 37 years was an active Civil Service employee. Prior to his retirement, he served as Director of Policy, Plans, and Evaluation at the General Services Administration. Since his retirement, Mr. Hechler has provided escort and interpreting services for the Department of State and the U.S. Information Agency.

Mr. Hechler has been invaluable to the success of the Congress-Bundestag/Bundesrate Staff Exchange by providing continuity to the program which relies heavily on alumni volunteers. The ten member German delegations and the network of American alumni have come to depend on his insights, his wide breadth of knowledge of American history, and his composure. It is no wonder that the Federal Republic of Germany awarded him the Order of Merit for his work with this program.

Mr. Hechler has provided Congress with a great service for which I offer my appreciation and that of my colleagues.

PROVIDING FOR CONCURRENCE BY THE HOUSE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

SPEECH OF

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. JOHN. Mr. Speaker, I rise in support of House Resolution 602 and H.R. 2204, the Coast Guard Authorization Act of 1998. In general, the purpose of H.R. 2204 is to authorize approximately $4.1 billion in expenditures for the United States Coast Guard for fiscal year 1999. The U.S. Coast Guard is on the front lines every day, saving lives and preventing drugs from entering the country. They are the lead agency in the cleanup of oil spills and they help protect our nation's fisheries within our 200 mile exclusive economic zone. The funding authorized in this bill will enable them to continue to accomplish their important mission.

Mr. Speaker, I would like to devote the remainder of my time discussing the merits of Title VI of this bill. I rise strongly in support of Title VI because it is essentially H.R. 4235, the legislation that I introduced in July of this year. H.R. 4235 is entitled the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998. My bill, and Title VI of H.R. 2204, authorizes appropriations through the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction and control of Harmful Algal Blooms, hypoxia, pfiesteria and other aquatic toxins.

Mr. Speaker, as you are well aware, the problems associated with Harmful Algal Blooms (HABs) have been well documented. Recent occurrences of HABs include red tides in the Gulf of Mexico and the Southeast; brown tides in New York, New Jersey and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the U.S. Virgin Islands; and shell fish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska. In addition, the recent outbreak of *pfiesteria piscicida* in the Chesapeake Bay estuary is an example of how a naturally occurring species can explosively reproduce in our nation's coastal waters. Furthermore, according to NOAA, 53 percent of U.S. estuaries experience hypoxia—including a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas which creates a massive ''dead zone'' where little or no marine life exists.

Representing the western half of Louisiana's coastline, I am particularly sensitive to these problems as they affect not only the public health, but also my state's valuable fisheries resources. As I just relayed, however, these are not problems isolated to Louisiana or the Gulf of Mexico. Rather, it is a national problem that deserves a national approach.

Up to this point, research on the HAB problem has focused primarily on basic science, detection, and monitoring. One vital research need is a reliable technique for the rapid detection and identification of algal species and stages. Monitoring of water quality in order to forecast the onset or subsidence of algal blooms is another key research issue. Such monitoring also is important for understanding interactions between algal species and the environment and the relationship of algal species with other marine organisms.

The range of economic impacts from HAB outbreaks and the extent of those costs have spiraled. Economic losses have been documented from limited or restricted shellfish harvests, losses from reduced tourism and marine recreation due to aesthetically unpleasant areas, and panicked consumers who avoid purchasing seafood products. In addition, there are indirect costs associated with HABs, such as the medical costs of treating exposed people and diminished development of or investment in coastal resources.

The technical, legal, and managerial tools to address HABs may collectively exist within a variety of federal and state agencies. Currently, however, a structured and effective means to bring this expertise together to address HABs does not exist. The missions and goals of many agencies overlap in the coastal zone where HAB phenomena are pronounced. Although no single agency has the lead role for the federal government, NOAA and the Environmental Protection Agency (EPA) are coordinating the efforts of several agencies and departments. At present, the goal of these efforts is to more effectively direct resources toward minimizing future HAB outbreaks and supporting research and monitoring efforts.

Mr. Speaker, I introduced H.R. 4235 to address this problem. H.R. 4235 was structured to ensure that much needed federal resources are effectively used to address our nation's

coastal communities environmental and public health concerns. Though the authorized funding level in Title VI is less than I proposed in H.R. 4235, I am pleased to see that the integrity of the structure of my bill was not breached.

Finally, I would like to briefly thank my staff, David Kay, for all his hard work and all the Members who were supportive of my proposal. I am confident that the broad-based support that we garnered in the form of cosponsors to H.R. 4235 was instrumental in the bill's eventual inclusion as Title VI of H.R. 2204.

Mr. Speaker, I urge that the House support H.R. 2204. I urge the Senate to quickly act to pass it as well and I urge our President to sign this bill into law.

SALUTING RON JAMES—INTREPID DEFENDER OF THE AMERICAN FLAG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity as we come to the close of the 105th Congress, to recognize a man who has been so instrumental in efforts to protect the eternal symbol of our great nation—the American Flag. That man is Ron James.

Those of us ingrained in the fight to enact the constitutional amendment prohibiting the physical desecration of the American Flag identify Ron James, who we also know as Ronald M. Sorenson, as a true patriot. Ron has devoted countless volunteer hours to promoting the amendment that will return the right of the American people to protect the American Flag—the perennial symbol of American ideals and the countless sacrifices that have been made in securing them. A former Marine, Ron has extended his service to his country well beyond his time in the armed services. His actions on behalf of all veterans and in support of protecting the American flag are truly commendable.

Mr. Speaker, I invite all Members to join me in paying tribute to Ron James, a true American patriot.

MULTIPLE CHEMICAL SENSITIVITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf War veterans. I continue the submission for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. federal, state and local government authorities, U.S. federal and state courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders for the benefit of my colleagues.

RECOGNITION OF MCS IN 8 U.S. FEDERAL COURT DECISIONS

In decisions affirming MCS (by this or another name) as a real illness, handicap or disability under:

Daubert: *Kannankeril* v. *Terminix Internationals Inc.* Third Circuit Court of Appeals (CA 3), No 96–5818 [17 Oct. 1997, 5 pages, R–148], overturning a lower court's summary judgement for the defendant (District of NJ, No 92–cv–03150) on a Daubert motion, saying it had ''improperly exercised its gate keeping role by excluding'' the plaintiff's medical expert, Dr. Benjamin Gerson, and his testimony on causation—specifically his view that the plaintiff developed MCS as a result of overexposure to chlorpyrifos. [Terminix had sprayed Dursban in the plaintiff's home 20 times in 17 months.] The court described MCS as becoming ''sensitized to multiple other chemicals'' and said ''It is an acknowledged scientific fact that chlorpyrifos, the active ingredient in Dursban, is harmful to humans and can cause the very symptoms displayed by Dr. Kannankeril,'' which included headaches, fatigue, numbness, memory and concentration problems, sleeplessness, nausea, and skin rashes. Even though Dr. Gerson had not examined the plaintiff or written about the toxic effects of organophosphates, the court said his ''opinion is not a novel scientific theory'' and ''is supported by widely accepted scientific knowledge of the harmful nature of organophosphates.''

Fair Housing Act: *United States* v. *Association of Apartment Owners of Dominis West et al,* Case No. 92–00641 (D. Ha.) 25 August 1993 [19 pages, R–61], in which a consent order won by the Department of Justice's Housing and Civil Justice Enforcement Section requires the management of an apartment complex in Honolulu to take several steps to accommodate a tenant with MCS.

Rehabilitation Act: *Vickers* v. *Veterans Administration,* 549 F. Supp. 85, W.D. Wash. 1982 [4 pages, R–56], in which the plaintiff's sensitivity to tobacco smoke was recognized as handicap by the VA and the court, but his request for totally a smoke-free environment was denied on the grounds that the VA had already made sufficient reasonable efforts; *Rosiak* v. *Department of the Army,* 679 F. Supp. 444, M.D. Pa. 1987 [6 pages, R–57], in which the court, although finding the plaintiff ''not otherwise qualified'' to continue working, implicitly recognized his MCS disability, as did the Army, which the court found had made sufficient reasonable (albeit unsuccessful) efforts to accommodate the plaintiff's chemical sensitivity.

Social Security Disability Act: *Slocum* v. *Califano (Secretary, HEW),* Civil No. 77–0298 (D. Haw.) 27 August 1979 [9 pages, R–60], in what is believed to be the earliest decision of any court recognizing MCS, the US District Court of Hawaii awarded disability benefits to a plaintiff whose *pro se* claim of ''chemical hypersensitivity'' dated from 1 May 1968; *Kornock* v. *Harris,* 648 F.2d 525, 9th Cir. 1980 [3 pages, R–59]; and *Kouril* v. *Bowen,* 912 F.2d 971, 974, 8th Cir. 1990 [7 pages, R–58]; *Creamer* v. *Callahan,* Civil No. 97–30040–KPN (D. Mass.), 5 November 1997, [7 pages, R–150] reversing and remanding the decision of the SSA Commissioner, who agreed that the administrative law judge's ''analysis was flawed with respect to MCS.'' The court ordered the Commissioner to file a supplemental memorandum on SSA's ''position with respect to MCS,'' which he did—specifically stipulating that SSA ''recognizes multiple chemical sensitivity as a medically determinable impairment'' (31 October 1997, 2 pages, R–164).

RECOGNITION OF MCS IN 21 U.S. STATE COURT DECISIONS

In decisions affirming MCS illness (by this or some other name) as a handicap or injury in cases regarding:

Housing Discrimination: *Lincoln Realty Management Co.* v. *Pennsylvania Human Relations Commission,* 598 A.2d 594, Pa. Commw. 1991 [47 pages, R–62].

Employment Discrimination: *County of Fresno* v. *Fair Employment and Housing Commission of the State of California,* 226 Cal. App. 3d 1541, 277 Cal. Rptr. 557 Cal App. 5th Dist. 1991 [11 pages, R–63]; and *Kallas Enterprises* v. *Ohio Civil Rights Commission,* 1990 Ohio App. 1683, Ohio Ct. App. May 2, 1990 [6 pages, R–64].

Health Services Discrimination: *Ruth, Barbara; June P. Hall; Cricket J. Buffalo; Susan Molloy; and Cathy Lent* v. *Kenneth Kizer/Molly Coe, Director, CA. Department of Health Services,* No. 665629–8, 1989 [1 page, R–65], in which the plaintiffs won the right to receive oxygen treatments for MCS by successfully appealing to the CA Superior Court of Alameda County which overturned the prior ruling of an administrative law judge.

Negligence/Toxic Tort: *Melanie Marie Zanini* v. *Orkin Exterminating Company Inc. and Kenneth Johnston,* Broward County Circuit Court, No. 94011515 07, verdict of 7 December 1995 and final judgement of 28 December 1995 [4 pages, R–92], in which the jury ruled that the pesticide applicator's negligence in applying Dursban was the legal cause of damage to the plaintiff, who was awarded a total of $1,000,000 in damages by the jury. This was subsequently reduced to $632,500 in the final judgement.; *Ruth Elliott, et al.,* v. *San Joaquin County Public Facilities Financing Corp. et al.,* California Superior Court, San Joaquin County, No. 244601, 31 October 1996 [2 page verdict report, R–112] in which a public lease-back corporation was held responsible for 14 awards of partial to permanent disability based on MCS and various other health complaints that started after extensive renovations were inadequately ventilated (half the roof air conditioners did not work). Awards ranged from $15,000 to $900,000 each (total $4,183,528) *Linda Petersen and Eleni Wanken* v. *Polycap of California,* California Superior Court, Alameda County, No. H7276–0, 1 April 1988 [1 page verdict report, R–143], in which plaintiffs were awarded $250,000 and $13,000, respectively, for MCS they developed after a polyurethane roofing material was installed at two school buildings where they worked. These jury awards led to prompt settlement of a dozen other cases against the same defendant.

Tort of Outrage and ''Deliberate Intention'' Exception to Workers Compensation: *Birklid et al* v. *The Boeing Company,* Supreme Court of the State of Washington, 26 October 1995, No. 62530–1, in which the court issued an EN BANC ruling in response to a question it ''certified'' from the Ninth Circuit Court of Appeals. By unanimous 9–0 decision, the WA Supreme Court found sufficient evidence of Boeing's deliberate intent to harm its employees from chemical exposure that the 17 workers who claim they were physically and/or emotionally injured as a result (including those with MCS) can sue the company for civil damages in addition to their workers' compensation benefits. (This ''deliberate intention'' exception was last allowed by the court in 1922). The court also found that the chemically-injured workers had a claim under the Tort of Outrage for recovery of damages arising from Boeing's intentional infliction of emotional distress. The matter now returns to the U.S. District Court for the Western District of Washington for a jury trial. [25 page decision with a 2 page background paper from Randy Gordon, one of the plaintiffs' attorneys., R–66].