

## EXTENSIONS OF REMARKS

### IN SUPPORT OF LEGISLATION TO PREVENT THE EARLY RELEASE OF VIOLENT FELONS AND CONVICTED DRUG DEALERS

**HON. TOM DeLAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. DELAY. Mr. Speaker, I rise to introduce a bill in this Congress that I first offered last April 23rd in the 105th Congress. The bill is simple—it ends forever, the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoner rights wish list than about the Constitution, and the safety of our towns, communities and fellow citizens.

Under the threat of federal courts, states are being forced to prematurely release convicts because of what activist judges call "prison overcrowding."

In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates to gain control over the prison system and establish a cap on the number of prisoners. To meet that cap, she ordered the release of 500 prisoners a week.

In an 18 month period alone, 9,732 arrestees that were out on the streets of Philadelphia on pre-trial release because of her prison cap, were re-arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts. How does she sleep at night?

Each one of these crimes was committed against a person with a family dreaming of a safe and peaceful future—a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course Judge Shapiro is not alone. There are many other examples. In a Texas case that dates back to 1972, federal Judge William Wayne Justice took control of the Texas prison System and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

Under the threats of Judge Justice, Texas was forced to adopt what is known as the "nutty release" law that mandates "good time credit" for prisoners. Murderers and drug dealers who should be behind bars are walking the streets of our Texas neighborhoods—thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25-year sentence for butchering an 18-year-old Fort Worth girl. Now, after another crime spree, he was re-arrested.

Huey Meaux was sentenced to 15 years for molesting a teen-age girl. He is eligible for parole this September after serving only two years in prison.

Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering someone else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the fi-

nancial impact of Judge Justice's sweeping order. I remember back when I was in the state legislature, the state of Texas spent about \$8.00 per prisoner per day.

By 1994, when the full force of Judge Justice's edict was finally being felt, the state was spending more than \$40.00 every day for each prisoner. That's a fivefold increase over a period when the state's prison population barely doubled.

The truth is no matter how Congress and state legislatures try to get tough on crime, we won't be effective until we deal with the judicial activism.

The courts have undone almost every major anti-crime initiative passed by the legislative branch. In the 1980s, as many states passed mandatory-minimum sentencing laws, the judges checkmated the public by imposing prison caps. When this Congress mandated the end of "consent decrees" regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of the most perverse failures of today's justice system: violent offenders serving barely 40% of their sentences; 3.5 million criminals, most of them repeat offenders, on the streets on probation and parole; 35% of all persons arrested for violent crime being on probation, parole, or pretrial release at the time of their arrest.

The Constitution of the United States gives us the power to take back our streets. Article III allows the Congress to set jurisdictional restraints on the Courts. My bill will set such restraints.

I presume we will hear cries of "court stripping" by opponents of my bill. These cries, however, will come from the same people who voted to limit the jurisdiction of federal courts in the 1990 Civil Rights Bill.

Let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 Year-end Report on the Federal Judiciary, he said, "I therefore call on Congress to consider legislative proposals that would reduce the jurisdiction of federal courts." We should heed Justice Rehnquist's call—right here, right now.

Mr. Speaker, this bill is also identical to an amendment I offered last Congress to HR 1252, the Judicial Reform Act. That amendment passed 367–52. That's right, 367–52. While that is an overwhelming victory, it is not enough. I am saddened that 52 Members so callously voted against protecting the families they represent.

Despite the fact that the liberal legal establishment will fight against my bill and the families it will help protect, many of my liberal Democrat colleagues voted for my amendment last year.

They couldn't afford not to. How can any member of this body go home to their district and face a mother whose son or daughter has been savagely beaten and killed by a violent felon—a felon let out of prison early to satisfy the legal community's liberal agenda.

Judicial activism threatens our safety and the safety of our children, if in the name of

justice, murderers and rapists are allowed to prowl our streets before they serve their time. It's time to return some sanity to our justice system, and keep violent offenders in jail. I strongly urge my colleagues, for the sake of the families they represent, to support my bill.

### INTRODUCTION OF BILL TO TAKE THE AIRPORT AND AIRWAY, THE INLAND WATERWAYS, AND THE HARBOR MAINTENANCE TRUST FUNDS OFF BUDGET

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SHUSTER. Mr. Speaker, I am again standing before Congress requesting that the Transportation Trust Funds be treated fairly. The bill I am introducing today, referred to as the "Truth in Budgeting Act," is a bill I have introduced in the past. With the support of many members of Congress and of course, my colleague, Congressman JIM OBERSTAR, the Transportation and Infrastructure Committee was successful last Congress in passing into law the appropriate budget treatment for the Highway Trust Fund.

This Congress, we are asking that the remainder of the transportation trust funds be treated fairly. In short, the taxes which transportation users pay should be spent on the intended purposes.

During the past decade, aviation taxes have increased dramatically. In 1990, airline passengers and other users of the air transportation system paid \$3.7 billion in taxes and fees for their use of that system. By 1995, taxes had increased to \$5.5 billion. Now, in 1999, it is estimated that aviation users will pay over \$10 billion in aviation taxes and fees, almost triple the amount that they paid at the beginning of the decade and almost double what they paid just 4 years ago.

This increase is partly due to the increase in passengers and aviation activity. But it is also due to the fact that the tax rates have been dramatically increased over the past few years.

All these taxes go into a Trust Fund that was created in 1970. When this aviation trust fund was created, it was designed primarily to pay for improvements in the aviation infrastructure, such as airport improvements and the modernization of air traffic control equipment.

The problem is that this Trust Fund is part of the unified budget. As a result, it does not operate like a true trust fund. Under current budget rules, there is no assurance that tax revenues deposited in the trust fund will actually be spent on aviation infrastructure needs. Arbitrary budget caps often limit the amount that can be spent.

In fact, over time, aviation infrastructure needs have been dramatically underfunded. And, on occasion, money has been taken out

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the aviation trust fund to pay FAA salaries or meet general budget needs. More often, the money is not spent, in order to offset increased spending for other programs unrelated to aviation.

As a result, by the end of this year, it is expected that the uncommitted surplus in the Trust Fund will be \$6.9 billion and the cash balance will be \$12.6 billion. It would be even higher if not for the fact that the taxes temporarily expired a few years ago. In 10 years, if nothing is done, CBO projects that the uncommitted balance will balloon to \$57 billion and the cash balance to \$63 billion!

This is clearly unacceptable. If the government is not going to spend the money then it should not be collecting the tax. The only thing worse than paying taxes is paying the tax and then not getting the promised benefit from it.

Unfortunately, the same type of problem exists with the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund. Both are part of the unified budget and both are accumulating unacceptable surpluses in the face of enormous infrastructure needs.

The Inland Waterways Trust Fund helps to finance improvements to the nation's navigable waterways, including locks and dams. Notwithstanding the significant cost of keeping these arteries of commerce open and functioning, the trust fund's surplus continues to grow. As of October 1, 1998, the Inland Waterway Trust Fund balance was \$342.3 million.

The Harbor Maintenance Trust Fund, which helps to finance navigation needs at the nation's ports and harbors, has an even larger surplus. As of October 1, 1998, the fund's balance was \$1.29 billion. Harbor maintenance is critical to jobs, economic development and international trade. There is growing concern about the failure to adequately meet port infrastructure needs. There is also concern about the Supreme Court's March 1998 decision that the Harbor Maintenance Tax is unconstitutional as it relates to exports and the possibility it violates international commitments relating to imports. Both concerns emphasize the need for truth in budgeting.

Last year, we were confronted by the same problem in surface transportation. People who used the roads were paying gas taxes into a trust fund with no assurance that the money would be spent. We fixed that problem in the TEA-21 legislation by creating "firewalls" to ensure that all the gas tax money would be spent on road and transit improvements.

1999 will be the year of aviation. By that I mean, at a minimum, that we intend to do the same thing for aviation that we did for surface transportation last year. We intend to unlock the Trust Fund to ensure that the money can be spent to meet aviation infrastructure needs.

The needs are significant. Airports estimate, and GAO agrees, that meeting airport infrastructure needs will require about \$10 billion per year. Currently airports have access to only about \$7 billion per year from all sources. Therefore, there is about a \$3 billion airport infrastructure funding gap that we need to close.

Over the last 5 years, the number of passengers in the U.S. has grown 37% to 655 million. It is expected to grow to 995 million in 10 years.

Daily aircraft delays were 19% higher in 1996 than in 1995. Mitre estimates that a 60% increase in airport capacity will be needed by 3015 just to prevent delays from increasing above current levels.

FAA's air traffic control facilities and equipment are also very old and badly in need of upgrades. The towers, TRACONS and centers that house air traffic controllers have building design lives of 20 years. Yet the average age of the towers and TRACONS is already 20 years and the Centers are on average 40 years old.

The FAA is still using computers that are so old that they are no longer used anywhere else in the world and replacement parts are no longer manufactured. When the old equipment breaks down, flights must be delayed to prevent endangering passengers.

The FAA is trying to expand airport capacity and modernize the air traffic control system. But this will take money, in many cases, a great deal of money. That money is in the Aviation Trust Fund and could be used if it were not for the current budget caps that are unrelated to the Trust Fund revenue.

Therefore, today, on a bipartisan basis, I am introducing legislation that will take the Aviation Trust Fund off budget. This will ensure that aviation tax revenue can be spent on aviation needs without regard to any arbitrary budget caps. To the extent the needs are demonstrated and the money is in the fund, it could be spent under this legislation.

I recognize that this will be controversial and we are prepared to work with the aviation community and others to perfect it.

As we do so, one of the things that will be absolutely vital to the final legislative package will be the assurance that the general fund payment will continue. I am not undertaking this effort merely to convert general fund obligations to trust fund spending. The general fund now pays a certain portion of the FAA's budget in lieu of taxes to compensate the FAA for government and military aircraft use of the system. In addition, the general fund payment is justified by the benefit aviation provides to the general economic well being of this country.

In TEA-21, the general fund payment for transit is within the "firewalls" and is therefore guaranteed. I am committed to the same sort of treatment of the general fund in aviation.

I am also committed to ensure that the aviation needs are met using existing Trust Fund taxes and fees. I cannot conceive of a circumstance where I would support an increase in federal taxes. The current tax structure, coupled with the general fund contribution, provides enough money to meet aviation needs. If it is fully utilized, there will be no need for any new federal taxes.

The only possible exception involves the passenger facility charge (PFC). There, I am prepared to consider an increase if we unlock the Trust Fund and it does not provide enough for airport improvements. It is my hope that the airlines and airports would work together on this to ensure that airports needs are met while airline interests are respected.

The legislation also provides a unique opportunity to consider fundamental structural reform at the FAA. It is not enough for the FAA to spend more money. We also want them to spend it wisely. I look forward to working with the aviation community, the Administration, and others on this.

Finally, I want to thank Congressman OBERSTAR for his support for this effort. He has been a proponent of aviation infrastructure spending and water infrastructure for a long time. Under this Chairmanship, the Airport Im-

provement Program achieved one of its highest funding levels ever. I look forward to working with him, Subcommittee Chairman DUNCAN, and ranking member LIPINSKI as we carry this legislation to a successful conclusion. I also look forward to working with Chairman BOEHLERT and ranking member BORSKI of the Water Resources and Environment Subcommittee as they consider water resources development and infrastructure financing proposals.

#### A TRIBUTE TO SHIVA K. PANT

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Mr. Shiva K. Pant for his more than two decades of service to Fairfax County, Virginia commuters. Mr. Pant has faithfully served in the Fairfax County Government for the past twenty-five years and will be retiring in January of 1999. Even though the citizens of Fairfax County will be losing Mr. Pant's services with the Department of Transportation, he will still be working to clear our congested roads as the Government Relations Officer for Virginia with the Washington Metropolitan Area Transit Authority (WMATA).

The Washington Metropolitan Area has excessive traffic needs to say the least, and Shiva Pant has been preparing to tackle them since he began his education. While still in India, Shiva Pant earned a Bachelor of Technology in Civil Engineering from the Indian Institute of Technology in Kanpur, India in 1968. After relocating to the United States he immediately began work, and ultimately completed in 1969, a Master of Science in Civil Engineering (MSCE) with specialization in Transportation, at West Virginia University.

After mastering the academic theories of transportation and traffic control, Shiva Pant began his career with the State of Virginia as a Transportation Planner for the Virginia Department of Highways, the precursor to VDOT, starting in 1970. During his tenure in Richmond Mr. Pant established himself as a leader in the field of transportation through his service as project manager for the first Congressionally mandated statewide transit needs study.

In 1974, Shiva Pant relocated to Fairfax County to become Transportation Planning Branch Chief for the Fairfax County Office of Comprehensive Planning. After recognizing the enormous scope of Fairfax County's future transportation needs, Mr. Pant led the successful drive to establish an autonomous office of transportation for Fairfax County. Three years after transferring to Fairfax County, Shiva Pant, in 1977, became the first Director of the Fairfax County, Office of Transportation. A post he has faithfully held to this day.

As Director of the Office of Transportation, which now employs 60 staff full-time, Mr. Pant is head of the agency responsible for conducting and coordinating all aspects of highway and transit planning, implementation, operations and financing for all projects. Over the preceding two decades Mr. Pant was personally responsible for a number of key projects including the 35-mile Fairfax County Parkway, the Route 28 Transportation Tax District, he

also designed a number of bond initiatives and lead the start-up of the County's own bus system which now operates over 120 buses.

Through out his career Shiva K. Pant has been an innovator and leader in the field of transportation for the State of Virginia and the County of Fairfax. After 28 years of service to the State and County, we will truly miss Mr. Pant's council and leadership. As much as we hate to lose his years of experience and personal expertise, I know he will be enormous value to both Virginia and WMATA in his new capacity as Government Relations Officer for Virginia.

REPEAL THE NATIONAL VOTER  
REGISTRATION ACT

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. STUMP. Mr. Speaker, I am today reintroducing my legislation to repeal the National Voter Registration Act of 1993, the "motor-voter" bill.

The law, which took effect in most states on January 1, 1995, requires states to establish voter registration procedures for federal elections so that citizens may register to vote by mail, at state and local public assistance agencies and while applying for a driver's license. Motor voter provides no funding to the states to carry out any of these prescribed features.

The motor voter law was crafted to increase voter turnout by making the ballot more accessible. In one sense, it has achieved its goal. Motor voter has extended voting rights to non-citizens, dead people, children and even animals. On a more serious note, motor voter has fallen woefully short of its intended goal. While it is responsible for adding massive numbers of new voters to the rolls, voter turnout remains at dismally low levels. In 1996, voter participation dropped to 49.7%, one of the lowest rates in this century.

Motor voter has been a nightmare for many state election officials. Some have stated that motor voter has caused them to lose control over potential voter fraud. It ties their hands in removing "dead wood" from their rolls by requiring them to keep registrants who fail to vote or who are unresponsive to voter registration correspondence to be maintained on voter rolls for years. Moreover, it fails to provide for citizenship verification. As troubling, the law has actually hindered citizens' voting rights. In the last election, in my home State of Arizona, voters who registered to vote while applying for a driver's license were turned away at the polls. Apparently, their applications were not properly forwarded to the election recorder. Mr. Speaker, this presents an interesting and poignant question: Why would we entrust our privileged right to vote to the wrong people?

Mr. Speaker, there is absolutely no need for this unyielding federal presence in voter registration. The states carry the responsibility for administering all elections and should be free to do so without unnecessary and heavy-handed federal intervention. Last Congress, we were unsuccessful in mitigating some of the more egregious provision of motor voter. Although I found this disappointing, I was en-

couraged by the heightened interest in reversing the law.

Mr. Speaker, the fraud perpetuated by motor voter will undoubtedly contribute to increasing voter apathy. I urge my colleagues to continue their fight to preserve the integrity of the vote by repealing motor voter. Voters must have assurances that a fraudulent ballot will not negate their precious vote. Please join me in repealing this ill-conceived federal mandate, which is a threat to our democracy.

THE NOTCH BABY HEALTH CARE  
RELIEF ACT INTRODUCTORY RE-  
MARKS

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mrs. EMERSON. Mr. Speaker, today I am again introducing legislation to assist the over 6 million senior citizens who have been negatively impacted by the Social Security Amendments of 1977. Seniors born between the years 1917 and 1921—the "Notch Babies"—have received lower Social Security monthly payments than those seniors born shortly before or after this five year period. My legislation, the Notch Baby Health Care Relief Act, will offset the reduction in Social Security benefits by providing a tax credit for Medicare Part B premiums.

The approach taken in this bill is different that taken in my Notch Baby Act of 1999 or in any other Notch bill that has been introduced in the previous Congress. This legislation is particularly noteworthy because it was suggested to me last year by one of my own constituents—adjust Medicare insurance payments for Notch Babies. Specifically, my new bill provides a refundable tax credit for monthly Medicare Part B premiums for senior citizens born between the years 1917 and 1921, their spouses and their widows or widowers. The bill also eliminates the Medicare Part B premium late enrollment penalty for these individuals.

As health care expenses can take up a large proportion of a senior's retirement income, this tax credit can go a long way to both correct the inequity caused by the Notch and to help seniors meet their health care needs. I urge my colleagues to review the Notch Baby Health Care Relief Act, to discuss this legislation with the seniors in their districts, and to join me in cosponsoring this important legislation.

AMERICA'S BLESSINGS

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues this November 26, 1998, Omaha World Herald editorial. This extension would have been submitted earlier but the House was not in session. Of course, the sentiments expressed in the editorial are certainly worth sharing at the beginning of the new year and the new Congress.

[From the Omaha World-Herald, November 11, 1998]

AMERICA'S BLESSINGS EXTEND BEYOND THE  
NATION'S SHORES

As Americans count their blessings on Thanksgiving Day, it would be appropriate if they looked at the freedoms and opportunities that have been handed down from the Founding Fathers. It would be fitting if they gave thanks for family, health and prosperity.

However, they might also look beyond the borders of the United States as they identify things for which to be thankful. In this ever-shrinking world, global developments have a sustained influence on life in America.

The world has enough food. Indeed, surpluses are a bigger problem than hunger in some places. Certainly international relief efforts still must compensate for an inadequate market system that fails to get food to some hungry people. But the hunger that exists is not because the world's farmers have failed to produce enough.

Man is using less water. For many years, the prospect of regional water shortages, harming agriculture and industry, led to concerns about possible water wars in the next century, as water-short nations attempted to take possession of a neighbor's water supply. Now, with improved irrigation techniques and widespread conservation methods, many countries are demonstrating that existing water supplies can be stretched much further.

Negotiated agreements have produced a shaky peace between the factions in Northern Ireland and between the Israelis and Palestinians on the West Bank, raising hopes for a permanent decline in hostilities. A cease-fire has held up in Bosnia. Diplomacy has kept tensions in check on the Korean Peninsula. India and Pakistan have backed away from a violent confrontation over nuclear weapons.

Researchers are learning more about AIDS, although the epidemic still rages out of control in much of the world. The fact that HIV-positive men and women are being kept alive longer raises hopes of additional progress toward a treatment or immunization that would be both effective and affordable.

Because of declining birth rates in a number of countries, demographers are backing away from some of their more depressing population projections, including the projection of a population doubled to 12 billion by the middle of the next century. Overpopulation is at the root of many other problems, including deprivation, environmental degradation, illegal immigration and disease.

Even with the more optimistic projections of recent years, the world could still have too many people, perhaps more than it could feed.

But a lowered birth rate is the best hope for dealing with overpopulation. A prolonged slowdown in the rate of growth, leading to a stabilized world population at a sustainable level. Would be some of the best news that Americans could hope for as they consider the prospects of their children and grandchildren in the decades ahead.

FREEDOM AND PRIVACY  
RESTORATION ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. PAUL. Mr. Speaker, I rise to introduce the Freedom and Privacy Restoration Act of

1999. This act forbids the federal government from establishing any national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions between American citizens. This legislation also explicitly repeals those sections of the 1996 Immigration Act that established federal standards for state drivers' licenses and those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier.

The Freedom and Privacy Restoration Act halts the greatest threat to liberty today: the growth of the surveillance state. Unless Congress stops authorizing the federal bureaucracy to stamp and number the American people federal officials will soon have the power to arbitrarily prevent citizens from opening a bank account, getting a job, traveling, or even seeking medical treatment unless their "papers are in order!"

In addition to forbidding the federal government from creating national identifiers, this legislation forbids the federal government from blackmailing states into adopting uniform standard identifiers by withholding federal funds. One of the most onerous practices of Congress is the use of federal funds illegitimately taken from the American people to bribe states into obeying federal dictates.

Perhaps the most important part of the Freedom and Privacy Restoration Act is the section prohibiting the use of the Social Security number as an identifier. Although it has not received as much attention as some of the other abuses this legislation addresses, the abuse of the Social Security number may pose an even more immediate threat to American liberty. For all intents and purposes, the Social Security number is already a national identification number. Today, in the majority of states, no American can get a job, open a bank account, get a drivers' license, or even receive a birth certificate for one's child without presenting their Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license! Even members of Congress must produce a Social Security number in order to vote on legislation.

One of the most disturbing abuses of the Social Security number is the congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in order to claim them as dependents. Forcing parents to register their children with the state is more like something out of the nightmares of George Orwell than the dreams of a free republic which inspired this nation's founders.

Since the creation of the Social Security number in 1935, there have been almost 40 congressionally-authorized uses of the Social Security number as an identification number for non-Social Security programs! Many of these uses, such as the requirement that employers report the Social Security number of new employees to the "new hires data base," have been enacted in the past few years. In fact, just last year, 210 members of Congress voted to allow states to force citizens to produce a Social Security number before they could exercise their right to vote.

Mr. Speaker, the section of this bill prohibiting the federal government from using identifiers to monitor private transactions is nec-

essary to stop schemes such as the attempt to assign every American a "unique health identifier" for every American—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know well the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctor will be placed in a government accessible data base?

A more recent assault on privacy is a regulation proposed jointly by the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Reserve, known as "Know Your Customer." If this regulation takes effect in April 2000, financial institutions will be required not only to identify their customers but also their source of funds for all transactions, establish a "profile" and determine if the transaction is "normal and expected." If a transaction does not fit the profile, banks would have to report the transaction to government regulators as "suspicious." The unfunded mandate on financial institutions will be passed on to customers who would have to pay higher ATM and other fees and higher interest rates on loans for the privilege of being spied on by government-inspired tellers.

Many of my colleagues will claim that the federal government needs these powers to protect against fraud or some other criminal activities. However, monitoring the transactions of every American in order to catch those few who are involved in some sort of illegal activity turns one of the great bulwarks of our liberty, the presumption of innocence, on its head. The federal government has no right to treat all Americans as criminals by spying on their relationship with their doctors, employers, or bankers. In act, criminal law enforcement is reserved to the state and local governments by the Constitution's Tenth Amendment.

Other members of Congress will claim that the federal government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that in a constitutional republic the people are never asked to sacrifice their liberties to make the job of government officials a little bit easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Mr. Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure citizens' rights are protected through legislation restricting access to personal information, the fact is the only solution is to forbid the federal government from using national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for several reasons. First, federal laws have not stopped unscrupulous government officials from accessing personal information. Did laws stop the permanent violation of privacy by the IRS, or the FBI abuses by the Clinton and Nixon administrations?

Secondly, the federal government has been creating property interests in private information for certain state-favored third parties. For example, a little-noticed provision in the Pa-

tient Protection Act established a property right for insurance companies to access personal health care information. Congress also authorized private individuals to receive personal information from government data bases in last year's copyright bill. The Clinton Administration has even endorsed allowing law enforcement officials' access to health care information, in complete disregard of the fifth amendment. Obviously, "private protection" laws have proven greatly inadequate to protect personal information when the government is the one providing or seeking the information!

The primary reason why any action short of the repeal of laws authorizing privacy violation is insufficient is because the federal government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the federal government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson's advice and "bind (the federal government) down with the chains of the Constitution."

Mr. Speaker, those members who are unpersuaded by the moral and constitutional reasons for embracing the Freedom and Privacy Restoration Act should consider the overwhelming opposition of the American people toward national identifiers. My office has been inundated with calls from around the country protesting the movement toward a national ID card and encouraging my efforts to thwart this scheme. I have also received numerous complaints from Texans upset that they have to produce a Social Security number in order to receive a state drivers' license. Clearly, the American people want Congress to stop invading their privacy. Congress risks provoking a voter backlash if we fail to halt the growth of the surveillance state.

In conclusion, Mr. Speaker, I once again call on my colleagues to join me in putting an end to the federal government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers are incompatible with a limited, constitutional government. I therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Freedom and Privacy Restoration Act of 1999.

STEP FORWARD AGAIN TO PROTECT OLD GLORY: COSPONSOR THE FLAG PROTECTION AMENDMENT

**HON. JOHN E. SWEENEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SWEENEY. Mr. Speaker, on the opening day of the 106th Congress, I respectfully request that all of my colleagues contact Congressman DUKE CUNNINGHAM'S office to co-sponsor the Flag Protection Amendment.

For more than 100 years, Americans have crafted laws to protect the American flag from physical desecration—until 1989, when on a 5-4 vote the Supreme Court denied them that right to protect the eternal symbol of freedom and democracy.

Across our country, our citizens have voiced loud and clear that Congress must enact the constitutional amendment that restores that right to protect the flag. 82% of Americans support it, 49 states have passed resolutions calling for it, 310 House Members responded in the 105th Congress to pass it, and 61 Senators cosponsored the Senate bill that came just a few votes shy of restoring the power to protect the flag that has been denied for the past nine years.

The 106th Congress must follow through and make the Flag Protection Amendment a reality.

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PROTECT CALIFORNIA'S COASTLINE WITH A MORATORIUM ON OIL AND GAS DEVELOPMENT

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to extend the moratorium on oil and gas development in the Outer Continental Shelf (OCS) off the coast of California. This legislation is similar to H.R. 133 from the 105th Congress.

Californians strongly favor continuing this moratorium. The State of California has enacted a permanent ban on all new offshore oil development in state coastal waters. In addition, former Governor Pete Wilson, Governor Gray Davis, and state and local community leaders up and down California's coast have endorsed the continuation of this moratorium.

I believe that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. A 1989 National Academy of Sciences (NAS) study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. Cultivation of oil and gas off the coast of California could have a negative impact on California's \$27 billion a year tourism and fishing industries.

This legislation focuses on the entire state of California, and would prohibit the sale of new offshore leases in the Southern California, Central California, and Northern California planning areas through the year 2009. New exploration and drilling on existing active leases and on undeveloped leases in the same areas would be prohibited until the environmental concerns raised by the 1989 National Academy of Sciences study are addressed, resolved and approved by an independent scientific peer review. This measure ensures that there will be no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

I am proud to be working to protect the beaches, tourism, and the will of the people of California. I ask my colleagues to join me in co-sponsoring this legislation.

TRIBUTE TO JUDGE SCANLAN

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. GREEN of Texas. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual, Judge James "Jim" Scanlan. Judge Scanlan recently retired after serving Harris County residents for 21 years on the Probate Court No. 3 bench.

Judge Scanlan, a native of Dallas, landed in Houston after he got out of the Coast Guard in Galveston and could not afford to make it all the way back to Dallas. He worked as an elevator repairman while he earned a bachelor's degree and a law degree at the University of Houston. He decided to run for the Probate Court No. 3 while he was working for the Probate Court No. 2. Judge Scanlan won that first election and has not faced any opposition since.

While the majority of Jim's time was spent hearing cases on wills, guardianships, and estates, Judge Scanlan also spent two days a week for the last twenty one years hearing cases dealing with people with psychiatric problems. He recalled many humorous situations, such as the time there were two people scheduled on the docket—both claiming to be Jesus Christ. But his guiding principle and reason for his success is that he treats everyone gently and with respect.

There have been so many changes in the way society deals with mental illness since Judge Scanlan first started hearing cases. While he marvels at the improvements in medicine, he is most proud of the "miracle that happened" when Harris County replaced the old psychiatric hospital with the Harris County Psychiatric Hospital. That change signaled a real sense of responsibility that people with mental illness need and deserve quality medical care.

Judge Scanlan's decision to retire is definitely a blow to the Harris County community. His 21 years of dedicated service will leave a legacy for future judges. Those people who have found themselves before Judge Scanlan are very fortunate to have benefited from his dedication and understanding of the law.

Mr. Speaker, please join me in thanking Judge Scanlan for his service to Harris County. Those of us who know Judge Scanlan are truly grateful for his leadership and wish him well in all his future endeavors.

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INTRODUCTION OF BILL TO EXTEND THE AVIATION WAR RISK INSURANCE PROGRAM

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SHUSTER. Mr. Speaker, the War Risk Insurance Program has operated successfully for over 45 years. Last year, the program was extended to March 31, 1999. This bill would reauthorize the program for another four and a half years.

Airline insurance is essential to any airline operation. However, commercial insurance

companies will often not insure flights to high risk areas, such as countries at war or on the verge of war.

In many cases, flights into these dangerous situations are required to further the United States' foreign policy or national security policy. For example, in Operation Desert Shield and Desert Storm, commercial airlines were needed to ferry troops and equipment to the Middle East. Commercial airlines would not have flown these flights without the insurance provided through the War Risk Program.

I intend to act promptly on this bill so as to guarantee that the War Risk Insurance Program does not expire.

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INTRODUCTION OF DECLARATION OF OFFICIAL LANGUAGE ACT

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. STUMP. Mr. Speaker, today I am reintroducing my Declaration of Official Language Act, a bill I introduced in the last Congress. This legislation establishes English as the official language of government, requires that naturalization ceremonies be conducted solely in English, repeals the federal bilingual education requirements and repeals bilingual voting requirements.

My own State of Arizona is a crossroads for people of all sorts of backgrounds. I am reminded every day that America, like Arizona, has been enriched by the contributions of people from all over the world. This unified nation of immigrants has been made possible because we have a common national tongue—the English language. We only need to look to the nation to our north, Canada, to realize that a common language is not to be taken for granted.

Yet, Mr. Speaker, I would argue that we have not only taken this great gift for granted, but that our government has actively worked to undermine it. Voting ballots, welfare applications and all types of official government documents are now issued in languages other than English.

Recently, USA Today reported that eight immigrants have filed suit in Miami against English requirement for U.S. citizenship. A federal judge may now be able to strike down our long-standing requirement that prospective new citizens must demonstrate a minimum command of the English language. Elderly immigrants are already exempt from this fairly basic standard. This suit was brought because U.S. citizenship is required for full access to certain federal benefits. The attorney who filed the complaint will no doubt argue that since so many government services are already provided in languages other than English, an English requirement for citizenship is unnecessary.

I am not surprised that this case has been filed, only that it was not filed many years earlier. U.S. citizenship was something that immigrants took justifiable pride in earning. They carried their English workbooks with them everywhere. The Clinton Administration's 1995–96 Citizenship USA program effectively waived English requirements in an attempt to naturalize many more voters for the presidential ticket.

Today's immigrants have merely adapted the same disparaging stance toward English that many in our government adopted in the 1960's and 1970's. It is now a serious question whether the children of immigrants should be taught English in America's public schools. California voters were forced to pass an initiative last year in an attempt to force taxpayer-funded public schools to teach immigrant children English.

My Declaration of Official Language Act will restore the place of English in our nation's government and public school system. The legislation I am proposing is not only the right thing to do, it is also the popular thing to do. Opinion poll after opinion poll consistently finds that Americans want English to be America's official language. In fact, most Americans mistakenly believe that official English is already part of the national statutes and are surprised to learn that it is not.

The choice this nation confronts is crystal clear. We can reaffirm our national language or we can continue down the road upon which Canada has preceded us. We can be a one-language country or a Balkanized ruin. I urge my colleagues to support the Declaration of Official Language Act and invite their cosponsorship.

TRIBUTE TO THE HERNDON, VA  
CHAMBER OF COMMERCE

**HON. THOMAS M. DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to an organization that has helped fuel the economy of Northern Virginia for the past forty years. On January 20, 1999 the Herndon Chamber of Commerce will celebrate its 40th anniversary serving the needs and interests of the businesses of Herndon, VA. The Herndon Chamber of Commerce was founded by Town Attorney Marshall A. Martin, and was officially incorporated on January 20, 1959 with three members. As they approach their 40th anniversary, the Chamber will have been presided over by twenty-four presidents and its membership has grown to over 650 businesses.

Being the instrument of Herndon's commercial interests the Chamber is irrevocably linked to the Town and people they serve. In its early years, the Herndon Chamber was essential in raising money for the first Christmas decorations for downtown and led the fight to keep the W&OD Railroad in operation. Since its humble beginnings the Chamber has been quintessential in spearheading the combined fund-raising efforts for the new golf course and Community Center, helped found the Herndon Historical Society, and led the effort to preserve the Depot, a treasured Herndon landmark.

Over the last decade the Chamber has taken even greater steps to strengthen its relationship with the Herndon community. Most notably, the Chamber has formed a business partnership with Herndon High, developed a nationally recognized, award-winning recycling program at the High School with SAGA, and stages an annual Ethics Seminar for the junior class and the Herndon Middle School. The Chamber has recently lent its support to

Vecinos Unidos—a group dedicated to tutoring Hispanic children in and around Herndon. They also host a Friday Night Live! Series that provides the community with an opportunity to come together and socialize during the summer, while highlighting the downtown area.

The Chamber's résumé of economic development initiatives is extensive. They include a joint project with the Town of Herndon to produce both print and CD versions of The Herndon Advantage as a business relocation marketing tool. In recognition of the telecommunications revolution being led by Northern Virginia, the Herndon Chamber recently participated in the World Congress on Information Technology as an affiliate sponsor. The Chamber was one of the very first in the country to establish and maintain a comprehensive and interactive home page and the second Chamber of Commerce in the State of Virginia to offer a free home page to its members.

From a legislative perspective, the Herndon Chamber has taken an aggressive leadership role to find and present transportation solutions to both the Virginia General Assembly and the U.S. Congress. It has also been supportive of BPOL and zoning ordinance amendments for the growing force of home-based businesses.

Ultimately, and most importantly, the Herndon Chamber of Commerce provides its members with a wide variety of networking opportunities all designed to promote and further the commercial interests of the Town of Herndon. For their four-decades long commitment to the businesses and community of Herndon, VA, it gives me great pleasure to acknowledge the work of the Herndon Chamber of Commerce on the eve of their 40th anniversary.

INTRODUCTION OF THE  
SWEEPSTAKES PROTECTION ACT

**HON. JAMES E. ROGAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. ROGAN. Mr. Speaker, I rise in support of the Sweepstakes Protection Act, legislation I introduced today aimed at encouraging accuracy in advertising mail pieces.

Many of my constituents, especially seniors, regularly receive offers for products in the mail that include tantalizing promises of money and other grand prizes. I have in my office literally dozens of such offers received by just one resident of the 27th District. Some of these offers are legitimate, but too many are not.

The envelopes entice recipients with such promises as: "designated entry for cash settlement," "immediate response required, \$3,450,000.00 cash payment pending;" and "you have won." While these promises are shouted in big, bold letters, the real details are hidden in fine print on the bottom of the last page. Expecting to win a prize, trusting consumers respond to offers of products that they do not need by sending money they cannot afford.

The Sweepstakes Protection Act will compel businesses that rely on such offers to identify their advertisements as a game of chance or sweepstakes on the mailing envelope. It will also require mailers to put a clear, legible disclaimer prominently on the first page of their literature.

By implementing these consumer protections, the Postmaster General will have authority to go after those who previously tried to portray marketing schemes as prize offerings.

Mr. Speaker, as we work on issues vital to all Americans, it is crucial that this House pursue policies that protect our senior citizens. Too many of our seniors have been exploited by fraudulent promises of prosperity that have depleted their savings.

With the Sweepstakes Protection Act, we take a step toward limiting the ability of opportunists to misrepresent their products and prey on the unsuspecting. For the sake of our seniors, I urge the House to support the Sweepstakes Protection Act.

DEFEND THE RIGHT TO LIFE

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of the right to life. Tragically, this most basic human right has been disregarded, set aside, abused, spurned, and sometimes altogether forgotten. Even more tragically, the United States Government has been a willing partner in this affair, and the sad consequence is the sacrifice of something far more important than just principle.

One of the things that sets America apart from the rest of world is the fact that in this country, everyone is equal before the law. Regardless of race, religion, or background, each person has fundamental rights that are guaranteed by the law. However, we too often overlook the rights of perhaps the most vulnerable among us—the unborn. When abortion is legal and available on demand, then where are the rights of the unborn? When abortion is sanctioned and sometimes paid for by the government, then how do we measure the degree to which life has been cheapened? When an innocent life is taken before its time, then how can one say that this is justice in America?

My amendment would establish beyond a doubt the fundamental right to life. Congress has an obligation to do what it has failed to do for so long, fully protect the unborn. I urge this body to move forward with this legislation to put an end to a most terrible injustice.

INTRODUCTION OF THE  
NEOTROPICAL MIGRATORY BIRD  
CONSERVATION ACT

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today the Neotropical Migratory Bird Conservation Act.

This important conservation measure is modeled after the highly successful programs that Congress created to assist African and Asian elephants, rhinoceroses, and tigers.

Based on the success of the African Elephant Conservation Act, I am confident that this small investment of Federal funds will provide the lifeline that neotropical migratory birds need to survive in the wild.

Neotropical birds, like bluebirds, robins, orioles, and goldfinches, travel across international borders and depend upon thousands of miles of suitable habitat. In fact, according to the U.S. Fish and Wildlife Service, neotropical migratory birds typically spend five months of the year at Caribbean/Latin American wintering sites, four months in North American breeding areas, and three months traveling to these sites during spring and autumn migrations.

Sadly, there are 90 North American bird species that are listed as either threatened or endangered under the Endangered Species Act and an additional 124 birds that the U.S. Fish and Wildlife Service has identified on its list of Migratory Nongame Birds of Management Concern.

In North America, an estimated 70 percent of prairie birds are declining. The Government of Mexico lists approximately 390 birds species as endangered, threatened, vulnerable, or rare. What is lacking, however, is a strategic plan for bird conservation, money for on-the-ground projects, public awareness, and any real coordination among the various nations where neotropical migratory birds reside.

While the full extent of the problems facing neotropical migratory birds is unclear, there is no debate over the fact that both bird populations and critical habitat declined significantly in the 1990's. We must act now before more of these species become endangered or extinct. This bill will contribute to the recovery and conservation of migratory birds, without violating private property rights.

There are 60 million adult Americans who enjoy watching and feeding birds at their homes. In fact, these activities generate some \$20 billion in economic activity each year. In addition, healthy bird populations are an invaluable asset for farmers and timber interests. By consuming detrimental insects, these birds prevent the loss of millions of dollars each year.

Under the terms of this legislation, an individual or an organization would be able to submit a project proposal to the Secretary of the Interior. While the bill does not limit the type of projects, I would expect that efforts to determine the condition of neotropical migratory bird habitat, implement new or improved conservation plans, undertake population studies, educate the public, and reduce the destruction of essential habitat would be forthcoming. Since these birds migrate between the Caribbean, Latin America, and North America, comprehensive plans must be developed. It does little good if we are successful in conserving suitable habitat in only a portion of their range.

During the previous Congress, I introduced a similar bill to assist neotropical migratory birds. In fact, that bill was the subject of a public hearing on September 17, 1998. At that time, the Administration testified that "H.R. 4517 goes a long way in promoting the effective conservation and management of neotropical migratory birds by supporting conservation programs and providing financial resources. We applaud this important and timely initiative." In addition, representatives from the National Fish and Wildlife Foundation and the National Audubon Society testified in strong support of my legislation.

I am confident that a Neotropical Migratory Bird Conservation Fund would provide much-needed support for projects designed to con-

serve critical habitat for declining migratory bird species in an innovative and cost-effective way.

I urge my colleagues to support the Neotropical Migratory Bird Conservation Act.

COUNTRY OF ORIGIN MEAT  
LABELING ACT

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. POMEROY. Mr. Speaker, I rise today to announce my original cosponsorship of the Country of Origin Meat Labeling Act of 1999. I am looking forward to working in a bipartisan manner with my colleague, Representative CHENOWETH of Idaho, on this important legislation for America's ranchers, farmers, and consumers.

The Country of Origin Meat Labeling Act of 1999 is designed to provide American consumers with the right to know where the meat products they are feeding their families are produced. As we all know, American consumers can easily determine which country their automobiles are from and which country their shoes, shirts, and trousers are from, but they have no idea where the meat and meat products they feed their families originate.

Throughout my service in the House of Representatives, I have been a strong supporter of country of origin labeling—especially for meat and meat products—because of its common-sense nature, its benefits to ranchers and consumers, and its cost-free benefit to taxpayers. During the 105th Congress, I joined Representative CHENOWETH as an original cosponsor of H.R. 1371, the Country of Origin Meat Labeling Act of 1997. I was pleased that the Senate adopted an amendment identical to H.R. 1371 by unanimous consent during consideration of the FY 1999 Agriculture Appropriations bill.

Unfortunately, the special interests prevailed during the Agriculture Appropriations Conference Committee and the meat labeling provision was dropped from the report. Instead, Congress directed the United States Department of Agriculture (USDA) to conduct another study to determine the empirical impacts of country of origin labeling for consumers, packers, and producers. Basically, the study provides the packing industry with yet more time to delay this important, consumer-friendly legislation.

Mr. Speaker, America's livestock industry is in dire straits. Livestock prices are near record lows while at the same time packers' profits are at near record highs. America's ranchers and farmers have invested heavily in genetic research and nutrients to produce the most cost-effective and nutritious products in the world. But, unfortunately, without country of origin labeling, consumers have no idea where the meat products they purchase originate, leaving American cattlemen's efforts for naught.

I look forward to working with my colleagues from both sides of the aisle, the National Farmers Union, the National Cattlemen's Beef Association, the American Farm Bureau Federation, the American Sheep Industry Association, and the National Consumers League in the passage of this important legislation.

HEALTH INSURANCE TAX  
DEDUCTIBILITY ACT

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. GREEN of Texas. Mr. Speaker, today I am reintroducing the Health Insurance Tax Deductibility Act of 1998. This bill is the same simple, common sense solution to a very complex and destructive problem in our society.

Since I came to Congress in 1992, we have debated health care reform and considered a wide range of proposals—all designed to insure a greater number of Americans. When President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA) into law in 1996, everyone said Congress had taken the first step towards ensuring access to health insurance to more individuals and families.

Unfortunately, a study completed last year by the General Accounting Office shows us this goal has not been achieved. Although HIPAA did expand access to health insurance, it did nothing to ensure that Americans can afford health insurance. And as the GAO study recognized, affordability has become the major hurdle for the American family to clear.

In the past, Congress has passed initiatives to encourage and assist people to get health insurance. We allow employers who sponsor health insurance for their employees to deduct the employer's share of the premium as a business expense. We allow self employed people to deduct a percentage of the health insurance premium they purchase. Yet we provide no assistance or incentive for individuals whose employers do not provide health insurance.

The Health Insurance Tax Deductibility Act of 1999 will do just this. Under this legislation, individuals will be able to deduct a portion—linked to the deduction for the self insured—of the money they pay for health and long-term care insurance. This proposal will make health insurance more affordable for individuals and their families, which in turn, will give American families greater peace of mind.

TRIBUTE TO REVEREND DR.  
MARTIN LUTHER KING, JR.

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. GILMAN. Mr. Speaker, I take this opportunity to honor the legacy of the Reverend Dr. Martin Luther King, Jr., whose birthday we will be commemorating later this month. It is now over 30 years that his life was senselessly snuffed out by an assassin in Memphis, TN.

Following his death, I joined my colleagues in calling for the establishment of the third Monday in January to be a national holiday in honor of Rev. King. While this holiday is not ingrained in the American fabric of life, many of us are bittersweet regarding the message the holiday conveys. Too many Americans view Martin Luther King day as a holiday just for black people. Rev. King himself would be the first person to repudiate that attitude, for his message was for all people, of all races,

creeds, colors and backgrounds. Today, in 1999, we should dedicate ourselves to re-membering the universality of his message.

Dr. King contributed more to the causes of national freedom and equality than any other man or woman of our century. His achievements as an author and as a minister were surpassed only by his leadership, which transformed a torn people into a beacon of strength and solidarity, and united a divided nation under a common creed of brotherhood and mutual prosperity.

It was Dr. King's policy of nonviolent protest which served to open the eyes of our nation to the horrors of discrimination and police brutality. This policy revealed the Jim Crow laws of the South as hypocritical and unfair, and forced civil right issues into the national dialectic. It is due to the increased scope and salience of the national civil rights discussion that the movement achieved so much during its decade of our greatest accomplishment, from 1957 to 1968.

It was in 1955 that Dr. King made his first mark on the nation, when he organized the black community of Montgomery, AL, during a 382-day boycott of the city's bus lines. The boycott saw Dr. King and many other civil rights activists incarcerated prison as "agitators," but their efforts were rewarded in 1956, when the U.S. Supreme Court declared that the segregational practices of the Alabama bus system was unconstitutional, and demanded that blacks be allowed to ride with equal and indistinguishable rights. The result proved the theory of nonviolent protest in practice, and roused our nation to the possibilities to be found through peace and perseverance.

In 1963, Dr. King and his followers faced their most ferocious test, when they set a massive civil protest in motion in Birmingham, AL. The protest was met with brute force by the local police, and many innocent men and women were injured through the violent response. However, the strength of the police department worked against the forces of discrimination in the nation, as many Americans came to sympathize with the plight of the blacks through the sight of their irrational and inhumane treatment.

By August of 1963 the civil rights movement had achieved epic proportions, and it was in a triumphant and universal air that Dr. King gave his memorable "I Have a Dream" speech on the steps of the Lincoln Memorial. In the next year, Dr. King was distinguished as Time magazine's Man of the Year for 1963, and he would later be awarded the Nobel Peace Prize for 1964.

Throughout his remaining years, Dr. King continued to lead our nation toward increased peace and unity. He spoke out directly against the Vietnam War, and led our nation's War on Poverty, which he saw as directly involved with the Vietnam struggle. To Dr. King, the international situation was inextricably linked to the domestic, and thus it was only through increased peace and prosperity at home that tranquility would be ensured abroad.

When Dr. King was gunned down in 1968 he had already established himself as a national hero and pioneer. As the years passed his message continued to gather strength and direction, and it is only in the light of his multi-generational influence that the true effects of his ideas can be measured.

Dr. King was a man who lacked neither vision nor the means and courage to express it.

His image of a strong and united nation overcoming the obstacles of poverty and inequality continues to provide us with an ideal picture of the "United" states which will fill the hearts of Americans with feelings of brotherhood and a common purpose of years to come.

Mr. Speaker, I urge my colleagues to bear in mind the courageous, dedicated deeds of Rev. Dr. Martin Luther King, Jr., and to join together on Monday, January 18, in solemn recollection of his significant contributions for enhancing human rights throughout our nation and throughout the world.

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INTRODUCTION OF BILL TO REAUTHORIZE THE FEDERAL AVIATION ADMINISTRATION PROGRAMS

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SHUSTER. Mr. Speaker, today, I am introducing a simple authorization extension bill for the Federal Aviation Administration's programs. With the passage of this bill, \$10.3 billion for FAA would be authorized for 1999.

The Omnibus Appropriations bill passed at the end of last Congress extended FAA's Airport Improvement Program for 6 months. The bill I am introducing today would extend AIP until the end of the fiscal year and reauthorize two other FAA programs for 1999—Facilities and Equipment, and Operations.

The AIP program authorization expires on March 31, 1999. Since AIP is funded with Contract Authority, the expiration of Contract Authority means no further funding of the program. Without this extension, the nation's airports will stop receiving new airport grants. These grants fund projects such as runway extensions, taxiway constructions, and other airport capacity enhancing projects.

Aviation delays already cost the industry billions of dollars. According to the Air Transport Association, aviation delays in 1997 cost the air carriers \$2.4 billion. If this bill is not passed by March 31, 1999, the airport capacity enhancing projects supported by the AIP program could be delayed, possibly increasing the cost of delays in the future.

The bill also reauthorizes the formula that determines the Aviation Trust Fund contribution to the FAA's Operations account. In addition, the bill makes minor adjustments to the Airport Improvement Program formulas.

The House Transportation and Infrastructure Committee has always worked in a bipartisan fashion. I look forward to working with my colleagues; Congressman JIM OBERSTAR, Congressman JOHN DUNCAN, JR., and Congressman BILL LIPINSKI, on this bill and other important aviation issues we will face during the 106th Congress.

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LIMIT CONGRESSIONAL TERMS

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. STUMP. Mr. Speaker, I rise today to again introduce a proposed amendment to the

U.S. Constitution to limit the terms of Members of the House of Representatives. I do so on the first day of the 106th Congress to underscore my belief that this legislation is one of the most important reforms the new Congress can pursue.

My legislation would limit Members of the House to three four-year terms. I have long maintained that the current system of unlimited two-year terms frustrates our ability to advance legislation that is in the Nation's best interest. We have seen first-hand that reelection pressures can paralyze Members. All too often, Members succumb to special interests and cast their votes in favor of parochial causes, instead of what is best for the country. Under the system of nation-wide term limits that I am proposing, Members would have a new perspective on governing. They would have a sense of independence in knowing that they will be in Washington for a limited time and would no longer be beholden to special interest and contributors.

Mr. Speaker, I also believe that term limits must be enacted nationally to be truly effective. Some of my colleagues, who I admire and respect, have chosen to abide by self-imposed term limits. While their actions are clearly well-intentioned, I believe they are placing their states and districts at a disadvantage. Under a system of piecemeal term limits, unaffected states will build an inordinate amount of seniority and power.

Mr. Speaker, the courts have ruled that nothing short of a constitutional amendment can limit congressional terms. Last Congress, we failed to agree on term limit language to send to the 50 states for ratification. We should not repeat this mistake in the 106th Congress. I strongly urge all of my reform-minded colleagues to cosponsor my proposed amendment.

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INTRODUCTION OF THE MILITARY RETIREE HEALTH CARE TASK FORCE ACT

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mrs. EMERSON. Mr. Speaker, I am here today to introduce the Military Retiree Health Care Task Force Act of 1999. This legislation will establish a Task Force that will look into all of the health care promises and representations made to members of the Uniformed Services by Department of Defense personnel and Department literature. The Task Force will submit a comprehensive report to Congress which will contain a detailed statement of its findings and conclusions. This report will include legislative remedies to correct the great injustices that have occurred to those men and women who served their country in good faith.

Let us not forget why we are blessed with freedom and democracy in this country. The sacrifices made by those who served in the military are something that must never be overlooked. Promises were made to those who served in the Uniformed Services. They were told that their health care would be taken care of for life if they served a minimum of twenty years of active federal service.

Well, those military retirees served their time and expected the government to hold up its

end of the bargain. They are now realizing that these were nothing more than empty promises.

Those who served in the military did not let their country down in its time of need and we should not let military retirees down in theirs. It's time military retirees get what was promised to them and that's why I am introducing this legislation.

THE FILIPINO VETERANS SSI  
EXTENSION ACT, H.R. 26

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 26, the Filipino Veterans SSI Extension Act.

For the last several Congresses, I have introduced the Filipino Veterans Equity Act, a bill which would provide full veterans benefits to those veterans of the Commonwealth Army of the Philippines.

Although hearings were held on this bill last year, the prospect of legislative action on a comprehensive benefit package for Filipino veterans appears unlikely. Therefore, I am offering this measure in part to provide some relief for those Filipino veterans residing in the United States who currently receive supplemental security income benefits.

Under current law, individuals who receive SSI benefits must relinquish those benefits if they choose to leave the country. This bill would permit those who were members of the Filipino Commonwealth Army and recognized guerilla units during World War II to continue to receive SSI benefits if they elect to return to the Philippines.

These benefits would be reduced by 50 percent if the individual veteran returned to the Philippines, to reflect the lower cost of living and per capita income of that nation.

It is estimated that several thousand veterans would be affected, many of whom are financially unable to petition their families to immigrate to the United States. Should this bill be adopted, these veterans would be able to return to their families in the Philippines while bringing a decent income with them.

Accordingly, I urge my colleagues to join me in supporting this worthwhile measure.

H.R. 26

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROVISION OF REDUCED SSI BENEFIT TO CERTAIN INDIVIDUALS WHO PROVIDED SERVICE TO THE ARMED FORCES OF THE UNITED STATES IN THE PHILIPPINES DURING WORLD WAR II AFTER THEY MOVE BACK TO THE PHILIPPINES.**

(a) IN GENERAL.—Notwithstanding sections 1611(b), 1611(f)(1), and 1614(a)(1)(B)(i) of the Social Security Act—

(1) the eligibility of a qualified individual for benefits under the supplemental security income program under title XVI of such Act shall not terminate by reason of a change in the place of residence of the individual to the Philippines; and

(2) the benefits payable to the individual under such program shall be reduced by 50 percent for so long as the place of residence of the individual is in the Philippines.

(b) QUALIFIED INDIVIDUAL DEFINED.—In subsection (a), the term "qualified individual" means an individual who—

(1) as of January 1, 1990, was eligible for benefits under the supplemental security income program under title XVI of the Social Security Act; and

(2) before August 15, 1945, served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent military authority in the Army of the United States.

HONORING MY FRIEND, BASEBALL  
LEGEND NOLAN RYAN, ON HIS  
ELECTION TO THE HALL OF  
FAME

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. PAUL. Mr. Speaker, I rise today to pay honor to my long-time friend, Nolan Ryan, on the announcement of his election to the Baseball Hall of Fame. I've known Nolan for many years, and I knew him as a kind, generous man who seeks to do what is right and just. It seems there are so few heroes for kids today, especially in athletics, but I can sincerely commend Nolan Ryan as a true hero of our times, a role-model for our youth, and a man worthy of honor and respect.

Nolan was born in Refugio, Texas, a historic town in my congressional district, but he was destined for the national stage. His successful career spanned 27 years, taking him from rural Texas to the dug-outs of the New York Mets, the California Angels, the Houston Astros and the Texas Rangers. He pitched a record seven no-hitter games, but his real fame comes from having pitched 5,714 strikeouts.

Nolan told newspaper reporters yesterday that he never viewed himself as a "hall of famer." For once, I have to disagree with my friend. He is Hall of Fame material not only for his prowess on the field, but for his strong character and unwavering dedication to his family, his friends, his beliefs, and his God.

I trust all my colleagues join me in congratulating Nolan Ryan.

GOOD ADVICE ON THE STATE OF  
THE UNION CEREMONIES

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. BEREUTER. Mr. Speaker, this Member strongly commends to the attention of his colleagues an editorial found in the January 5, 1999, edition of the Omaha World Herald entitled, "Discreet State of Union Would Do." The editorial appropriately points out that during recent years during a president's State of the Union address "supporters bounce up and

down giving standing ovations in response to choreographed rhetorical flourishes. His opponents, also playing to the cameras, signify displeasure with stony silence. Or they disproportionately applaud such presidential lines as, "We must do better," when "better" refers to a policy that the opponents support."

Indeed, it should be obvious to Members of Congress and to much of the American public that the atmosphere now attending the delivery of a State of the Union address has become high political theater which does not serve the reputation of the Congress well; nor does it reassure the American public that the Congress or the President are seriously attempting to work together to address the problems and opportunities facing our nation. It has degenerated into the kind of exaggerated conduct that one would expect to find in an old-fashioned melodrama. It is time for a change, and the editorial makes some relevant points and suggestions about directions for such changes. This Member urges his colleagues and especially leaders of the Congress to work with the President and his successor to make appropriate modifications in the manner in which the State of the Union is presented to the Congress.

DISCREET STATE OF UNION WOULD DO

Some U.S. senators, including Democrats Robert Torricelli of New Jersey and Joseph Lieberman of Connecticut, say it would be inappropriate for President Clinton to appear before a joint session of Congress to report on the State of the Union while his impeachment trial is pending. It would not be a national tragedy if Clinton listened to them.

Nothing in the Constitution says a president must deliver a prime-time, televised speech from the House of Representatives every year. It says only that the president "shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient." George Washington and John Adams addressed joint sessions of Congress in person. Thomas Jefferson discontinued the practice. He said a personal appearance was too monarchical a ceremony for the leader of a democratic republic.

Written State of the Union addresses—often not much more than a collection of bureaucratic reports from the departments of the executive branch—were delivered to Congress until 1913, when Woodrow Wilson resurrected the tradition of a presidential speech. Wilson said he wanted to show "that the president of the United States is a person, not a mere department of the government hailing Congress from some isolated island of jealous power, sending messages, not speaking naturally with his own voice—that he is a human being trying to cooperate with other human beings in a common service."

It's hard to quibble with that proposition. But the development of television since Wilson's time has put the State of the Union address in a different light. The president is now one of the most visible persons in the world. And the event Wilson described as a chance for the president to speak naturally with his own voice about common service to the people has devolved into a glitzy production heavy on style and light on substance.

In the modern television age, the formula is the same regardless of which party holds the White House. As senators and representatives look on in the House chamber, the president's entrance is preceded by processions of Cabinet members and Supreme Court justices. Members of the president's

party send up a raucous cheer when the chief executive enters the chamber. Even people who despise the president jostle to be captured on camera smiling, clapping and cheering for him.

Throughout the address, the president's supporters bounce up and down giving standing ovations in response to choreographed rhetorical flourishes. His opponents, also playing to the cameras, signify displeasure with stony silence. Or they disproportionately applaud such presidential lines as "We must do better," when "better" refers to a policy that the opponents support.

The president tosses rhetorical bouquets to people seated in the House gallery—his family, disabled veterans, civilian heroes.

The State of the Union address has become a long, shallow and predictable bit of political theater. A reversion to Jeffersonian discretion, considering the current circumstances, wouldn't be a bad thing.

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#### COMMENTS ON 1ST SWEARING IN— THE 106TH CONGRESS

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### HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SWEENEY. Mr. Speaker, thank you, Mr. Speaker, and thank you, my newly confirmed colleagues of the 106th Congress. I am truly honored to be here today joining this distinguished group of Americans from across our great nation. Standing shoulder-to-shoulder in the U.S. Capitol today with these Members of the 106th Congress is an honor exceeded only by that of representing the wonderful people of the 22nd District of New York.

Mr. Speaker, I am truly humbled by the awesome responsibility and I am invigorated by the challenge before me—to carry on the tradition of my esteemed predecessor, Jerry Solomon, and to advance policies beneficial to the 600,000 people I now represent.

Today is a day dominated by idealistic visions and profound rhetoric. While I bring with me today the ideals of freedom and opportunity, I am riveted in the reality that these notions must be translated into concrete results in people's everyday life. Bringing tax relief to hard working families, promoting economic development to create new job opportunities, taking significant steps to ensure a safe and drug-free environment in our schools—All these examples make a difference in the homes of the people of the Hudson Valley and Adirondack Mountains of New York and all will be my priorities as I take the oath of office today.

Mr. Speaker, I would like to thank my family, those that are here today and those that could not make the trip, for all their love and support as we begin this new endeavor. I would like to thank Congressman Solomon a truly great American, for his two decades of dedicated and tireless service to the citizens of the 22nd District of New York. And thank you to those same citizens that have entrusted me to advance their views here in the U.S. Capitol.

#### THE IMPORTANCE OF PRESCRIBED BURNS IN AREA NATIONAL FOR- ESTS

### HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. ROGAN. Mr. Speaker, recent figures from the Department of the Interior indicate that the cost of fighting severe wildfires has risen from \$100 million per year just two decades ago, to well over \$1 billion today. In addition, wildfires every year destroy hundreds of acres of forest lands, threatening lives, home and air quality.

In many remote regions of the country, forestry officials use small, controlled fires known as "prescribed burns" to remove excess underbrush that fuels severe wildfires. In so doing, they eliminate a major source of fuel of wildfires, while also promoting healthier forest growth.

In metropolitan areas like Los Angeles, however, officials are prevented from expanding this procedure due to air quality regulations that limit emissions from all sources—wildfires, burns, smog, and the like. Last year alone, these officials wanted to burn more than 20,000 acres to protect local residents from out-of-control wildfires. Bureaucratic regulations, however, permitted the burning of only 2,000 acres—well below safety expert's recommendations.

Working with Representatives DREIER, MCKEON and local forestry and air quality officials, I have introduced the Forest Protection Act. This measure will ease current restrictions for ten years to allow officials to conduct an expanded prescribed burn program. Over the time-year period, local officials will monitor forest health and air quality to ensure that both improve over time.

Local forestry officials are not the only experts to recognize the importance of this procedure. Both Interior Secretary Babbitt and Environmental Protection Agency chief Carol Browner have publicly supported prescribed burns as a means to promote forest health and prevent severe wildfires.

The Forest Health and Wildfire Prevention Act will give forestry officials the ability to use this time-tested technique to protect area residents and air quality while supporting the delicate ecological balance in our forests.

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#### NOTCH BABY ACT OF 1999

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mrs. EMERSON. Mr. Speaker, I rise today to introduce the Notch Baby Act of 1999 which would create a new alternative transition computation formula for Social Security benefits for those seniors born between 1917 and 1921. These seniors, who are generally referred to as "Notch Babies," have been receiving lower monthly Social Security benefits than seniors born in the years just prior to or after this five year period.

There are those who dispute the existence of a Notch problem. However, take into consideration the following example presented in

a 1994 report by the Commission on Social Security Notch Issue. There are two workers who retired at the same age with the same average career earnings. One was born on December 31, 1916 and the other was born on January 2, 1917. Both retired in 1982 at the age of 65. The retiree born in 1917 receives \$110 a month less in Social Security benefits than did the retiree born just two days before in 1996. Also take into consideration that there are currently more than 6 million seniors in our Nation who are faced with this painfully obvious inequity in the Social Security benefit computation formula.

By phasing in an improved benefit formula over five years, the Notch Baby Act of 1999 will restore fairness and equality in the Social Security benefit computation formula for the Notch Babies. For once and for all this legislation would put to rest the Notch issue, and it would put an end to the constant barrage of mailings and fundraising attempts which target our Nation's seniors in the name of Notch reform. Our seniors deserve fairness and equality in the Social Security system. They deserve an end to the repeated congressional stalling on this issue. I urge my colleagues in the House to discuss this issue with the seniors in their districts, and to join me in ensuring that the Notch issue is addressed in the 106th Congress.

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#### INTRODUCING H.R. 218, THE COMMUNITY PROTECTION ACT

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CUNNINGHAM. Mr. Speaker, today I am reintroducing my legislation to permit qualified current and former law enforcement officers to carry a concealed firearm in any jurisdiction. This measure is called the Community Protection Act, and I have requested that it be assigned the same bill number as in previous Congresses—H.R. 218.

The Community Protection Act provides three benefits to our police and to our country.

First, it effectively provides thousands more trained cops on the beat—at zero taxpayer cost.

Second, it enables current and former law enforcement officers to protect themselves and their families from criminals. When a criminal completes his or her sentence, that criminal can find where their arresting officer lives, where their corrections officer travels, and other information about our brave law enforcement personnel and their families.

And, third, it helps keep our communities safer from criminals.

This measure is very similar to the H.R. 218 reported by the Judiciary Committee in the 105th Congress, with one exception: this version for the 106th Congress does not address the matter of interstate reciprocity for holders of civilian concealed carry licenses. This measure affects police only.

In the interest of providing Members and the public additional background information on the Community Protection Act, I have attached below some excerpts from the Committee report accompanying H.R. 218 from the 105th Congress (H. Rept. 105-819), and my testimony before the House Judiciary Subcommittee on Crime, the details of which remain applicable to the legislation I introduce today:

THE COMMUNITY PROTECTION ACT SELECTED  
EXCERPTS FROM H. REPT. 105-819  
PURPOSE AND SUMMARY

H.R. 218, the "Community Protection Act of 1998," establishes federal regulations and procedures which may allow active-duty and retired law enforcement officers \* \* \* to travel interstate with a firearm \* \* \*.

For law enforcement officers, H.R. 218 creates strict guidelines which must be met before any law enforcement officer, active-duty or retired, may carry a firearm into another state \* \* \*.

H.R. 218 establishes a mechanism by which law enforcement officers \* \* \* may travel interstate with a firearm. Qualified active-duty law enforcement officers will be permitted to travel interstate with a firearm, subject to certain limitations and provided that the officer is carrying his or her official badge and photographic identification.

Generally, an active-duty officer is a qualified officer under H.R. 218 if the officer is authorized to engage in or supervise any violation of law, is authorized to carry a firearm at all times, is not subject to any disciplinary action by the agency, and meets any agency standards with respect to qualification with a firearm. A qualified active-duty officer may not carry a concealed firearm on any privately owned lands, if the owner prohibits or restricts such possession. A qualified officer may also not carry a firearm on any state or local government property, installation, building, base, or park. However, in their official capacity, law enforcement officers are permitted to carry weapons whenever federal, state, or local law allows. This legislation is not intended to interfere with any law enforcement officer's right to carry a concealed firearm, on private or government property, while on duty or in the course of official business.

A qualified retired officer may carry a concealed firearm, subject to the same restrictions as active-duty officers, with a few additional requirements. A retired officer must have retired in good standing, have a non-forfeitable right to collect benefits under a retirement plan, and have been employed before retirement for an aggregate of five years or more, unless forced to retire due to a service-related injury. In addition, a qualified retired officer must complete a state-approved firearms training or qualification course at his or her own expense \* \* \*.

As you know, I am the sponsor of one of these measures, the Community Protection Act (HR 218). The Community Protection Act permits qualified current and retired sworn law enforcement officers in good standing to carry a concealed weapon into any jurisdiction. In effect, it means three things: More cops on the street, more protection for the public, at zero taxpayer cost.

Too often, State laws prevent highly qualified officers from assisting in crime prevention and protecting themselves while not on duty. An officer who has spent his life fighting crime can be barred from helping a colleague or a citizen in distress because he cannot use his service revolver—a handgun that he is required to train with on a regular basis. That same officer, active or retired, isn't allowed to defend himself from the criminals that he put in jail.

I would like to give you an example of how the Community Protection Act would work, based upon an incident in my own home town of San Diego. Following is a story from the April 29, 1997, San Diego Union-Tribune:

OFFICER FINDS WORK ON HER DAY OFF  
(By Joe Hughes)

HILLCREST.—For San Diego police Officer Sandra Oplinger, it was anything but an off day.

Oplinger ended up capturing a suspected bank robber at gunpoint on her day off yesterday.

She happened to be in the area of Home Savings Of America on Fifth Avenue near Washington Street about 12:30 p.m. when she saw a man running from the bank, a trail of red smoke coming from an exploded red dye packet that had been inserted into a wad of the loot.

With her gun drawn, she tracked down and caught the man. Citizens helped by gathering up loose bank cash.

The incident began when a man entered the bank and asked a teller if he could open an account. The teller gave him a blank form and he left. He returned 10 minutes later, approached the same teller and declared it was a robbery, showing a weapon and a demand note he had written on the same form the teller had given him.

He then grabbed some money and ran out the door. The dye pack exploded outside, leaving a trail of smoke that attracted Oplinger's attention and led to the suspect's arrest.

The names of the man and a possible accomplice in a nearby car were not immediately released. A gun was recovered.

Mr. Chairman, it is a good thing that Officer Oplinger was in San Diego. If she was in many other states or in Washington, D.C., she could have been charged with a crime. That's wrong. We can fix it—with the Community Protection Act.

My bill seeks to change that by empowering qualified law enforcement officers to be equipped to handle any situation that may arise, wherever they are. . . .

In the tradition of less government, this bill offers protection to police officers and to all of our communities without creating new programs or bureaucracies, and without spending more taxpayer dollars. It helps protect officers and their families from criminals, and allows officers to respond immediately to crime situations.

I encourage my colleagues to support this common-sense legislation, which is supported by several of America's leading law enforcement organizations and by cops on the beat.

INTRODUCTION OF VETERANS' ACCESS TO EMERGENCY CARE ACT OF 1999

**HON. LANE EVANS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. EVANS. Mr. Speaker, today I am introducing legislation to assure that all veterans enrolled in VA health care will receive coverage for emergency care services delivered both in and outside of VA facilities.

Currently, most veterans lack access to reimbursement for such care unless the emergency occurs on VA grounds.

Many VA medical centers don't routinely offer emergency services and those that do lack an emergency room that is open twenty-four hours a day. Compounding the problem is the fact that most VA medical centers are further from their patients' places of residence than other community providers.

If a veteran receives emergency room care from a non-VA provider, he or she is denied reimbursement even if a trip to the nearest VA hospital would be life threatening.

Last year the President asked all federal agencies to identify where they were deficient

in complying with the Patient Bill of Rights. The VA determined it needed legislation to reimburse veterans for emergency care it didn't provide. While being encouraged to view VA as their managed care provider, veterans could risk financial ruin if VA failed to comply with the same emergency care reimbursement standards applied to private-sector managed health care providers.

Even before veterans began enrolling last year for VA care, VA's responsibility for reimbursing veterans for the cost of emergency health care services was confusing. VA would provide emergency care to only those veterans who were either already at VA when the emergency occurred or to those veterans who were able to physically present themselves at a VA facility before receiving required emergency care from a non-VA provider.

VA's physical "tag up" requirement creates confusion for the majority of veterans who are not on grounds during an emergency. Too often in crisis situations, veterans lack the time to resolve who will pay for their care before seeking treatment.

This situation is likely to become even more confusing as VA begins to market itself as a managed care provider featuring enrollment, a basic benefits package and a new primary care focus—characteristics commonly associated with Health Maintenance Organizations (HMOs). Most HMOs reimburse enrollees for pre-authorized emergency care. The pending legislation would give VA the authority to reimburse emergency care delivered by any provider if veterans had no other coverage for such care.

Many veterans are literally "banking on" VA either furnishing or reimbursing their care for any condition in an emergency. Too many veterans and their families have been financially devastated because they assume VA will be there for them in a health crisis. I believe veterans should be able to count on VA in an emergency.

I am encouraged by the recent recommendation by a coalition of veterans service organizations, the Independent Budget group, to add funds to the FY 2000 VA Medical Care budget in order to provide emergency care to veterans. I encourage my colleagues to cosponsor and support this important legislation.

HONORING RABBI IRWIN GOLDENBERG FOR HIS SERVICE TO THE COMMUNITY

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. GOODLING. Mr. Speaker, I rise today to honor Rabbi Irwin Goldenberg for his generous service to the community. For twenty-five years, Rabbi Goldenberg has served both his congregation at Temple Beth Israel and the community of York, Pennsylvania as a revered leader, teacher, and father.

In times of sorrow and in times of celebration, Rabbi Goldenberg has demonstrated a strong commitment to his congregation. He has always been there to provide loving support and strong leadership to people of his Temple. Rabbi Goldenberg has long served as the official voice for the Jewish community in

York, establishing a sturdy link between his congregation and the community at large. To this day, he has remained very active in his faith serving on the central Conference of American Rabbis, the American Jewish Congress, the Philadelphia Board of Rabbis, and the Association of Reformed Zionists to highlight just a few of his many efforts.

One of the greatest aspects of this man is that his kind efforts are not simply confined within the Jewish community. Rather, his works extend far beyond his Temple and into the community at large. Rabbi Goldenberg's gracious outreach into the community has been consistent for over twenty-five years. He relishes his role as teacher and friend to troubled young people. He lends his time to countless charities and organizations, and has been showered with accolades including "Educator of the Year" and "Man of the Year."

And, despite the extraordinary constraints on his time, Rabbi Goldenberg has always remained lovingly committed to his family. The proud father of two exceptional young ladies, one of which is studying Judaism in Israel, Rabbi Goldenberg is an example to fathers everywhere. Recently, the Rabbi and his lovely wife Joyce celebrated their 30th wedding anniversary. Their loving devotion to each other and their family is the premier model of what marriage should be.

I ask my colleagues to join me in honoring Rabbi Irwin Goldenberg for twenty-five years of dedicated and selfless service to the congregation at Temple Beth Israel, the Jewish community, and the people of York, Pennsylvania.

#### ARTICLES OF IMPEACHMENT

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. TALENT. Mr. Speaker, it is not my preference or custom to speak on matters relating to the misconduct of others who hold public office. I have never done so before during my time in Congress. I hope never to have to do so again.

But the Constitution confides in Members of this House the obligation to decide whether high officers have acted in a manner that requires their impeachment. Where an official has a legal or moral obligation to judge misconduct and when that obligation cannot honorably be avoided, it is necessary to stand without flinching for what is clearly right.

Those failing to do so become inevitably part of the wrong against which they failed to act. The issue before the House is not whether Bill Clinton has acted with integrity. We all know the answer to that question. The issue is whether we have the integrity to do our duty under the Constitution and laws.

Public men and women commit private wrongs, just like everyone else. And just like everyone else, they are usually called to account for those wrongs in the fullness of time. If they act honorably when called to account, and accept responsibility for what they have done, they can emerge with a measure of their integrity intact. If they act less than honorably and refuse to own up to their actions, they may, and often are judged by the voters.

Their fellow officers in government have no warrant to judge them formally if they at least conform to the minimum standards of law and morality in how they react. But the minimum standards are just that: the minimum that we have the right to expect and insist upon. No one can fall below those standards with impunity. No officer of government can actively subvert the law, abuse the powers of his office and flout the standards of decency without facing the consequences that any other person in a position of trust would have to face.

That is the gravamen of the charges against President Clinton. The genesis of this matter was the President's liaison with Monica Lewinsky. But that affair, however sordid, was a private wrong. The Articles of Impeachment deal exclusively with what the President did to avoid the consequences when that private wrong reached the eyes and ears of the public. When the President was called to account before the people, he lied to the people; when he was called to account before a civil deposition, he lied under oath; and then, to cover up those initial lies, he tampered with witnesses, abused the trust of other officers of government, perjured himself before a federal grand jury, and abused the powers of the Presidency to avert investigations into his wrong doing.

From the record before the House, it is impossible to conclude anything other than that the President is guilty of these wrongs. He is therefore, in my judgment unfit to hold any position of trust, much less the Presidency.

I do not blame anyone for wishing somehow to avoid impeachment. It is a terrible thing to have to participate in the shipwreck of a person's reputation and public career, and it is not a sign of health for our country that two Presidents within a generation must face removal from office. But none of the arguments offered in defense of the President present an honorable alternative to impeachment. I will discuss them one by one:

(1) Some suggest that the misconduct in question does not meet the Constitutional standard for impeachment. But I believe the President's actions not only qualify as high crimes and misdemeanors; they present a classic example of what the term signifies, fully within the intentions of the Framers and the precedents of history.

The term "high crimes or misdemeanors" means a deliberate pattern of misconduct so grave as to disqualify the person committing it from holding a position of trust and respon-

sibility. The President's misconduct qualifies as such an offense according to the commonly accepted understandings of civic responsibility, never before questioned until this controversy arose. No one would have argued a year ago that a President could perjure himself, obstruct justice, and tamper with witnesses without facing impeachment, and no one would argue that a business, labor, educational, or civic leader should stay in a position of trust having committed such misconduct. Congress has impeached and removed high officers for less than the President has done. Are we to lower the standards of our society because the President cannot live up to them?

(2) Others have suggested that the House censure the President. But the alternative of censure would constitute too small a penalty for Mr. Clinton's gross misconduct and too great a danger to the Presidency, suggesting that the House of Representatives has a power, never contemplated in the Constitution, to harass future Presidents for behavior not rising to the level of high crimes or misdemeanors.

As many have pointed out, this is not a parliamentary democracy. It is a constitutional republic with separate branches of government. The House may act formally against a President only when the Constitutional standard of impeachment has been met. If censure is intended as a meaningless action, a cover for those who for other reasons want to do nothing, it should be discarded as a sham. If it is intended as a formal and real punishment, it represents an extra-constitutional action, a power arrogated by the Congress to itself, with more potential for harm in the future than good for the present. I would prefer that the House do nothing rather than that—better not to act at all than to twist the Constitution because we are unwilling to enforce it.

(3) Finally, some have argued that impeachment is too traumatic for the country to endure. I believe the opposite is more nearly true. Hard as impeachment may be, to ignore misconduct so grave and notorious would be to suggest that the importance to the country of an office can place the holder of the office above the country's laws.

Mr. Speaker, this whole affair, distasteful as it is, presents an opportunity for the House to make a clear statement. There is such a thing as right and wrong. No society, and certainly not a constitutional republic like America, can endure without acknowledging that fact; and if we believe in right and wrong, we must give life to that belief by trusting that the right thing will be the best thing for our country. I urge each member of the House to do his duty today in the faith that only in that way can America emerge stronger