

EXTENSIONS OF REMARKS

UNSOLICITED LOAN CHECK CONSUMER PROTECTION ACT OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation to address the problem of "live" loan checks that are mailed to consumers as part of credit solicitations. My bill, the "Unsolicited Loan Check Consumer Protection Act of 1999," amends the Federal Truth in Lending Act to prohibit credit solicitations involving "live", or negotiable checks and to clarify that consumers cannot be held liable for any debt created by live check solicitations.

Each month financial companies mail out thousands of live checks to consumers to entice them to accept credit offers. They come in official looking envelopes and are accompanied by letters instructing the recipient that all the check requires is their signature to become instant cash—and a fixed-term, high cost loan with interest rates often as high as 25 percent!

Live check solicitations target senior citizens, young families in need of credit and individuals generally who are already heavily in debt. The amounts of the checks may appear manageable at first glance—typically between \$1,500 and \$3,000. But they can trap consumers in fixed loan payments for three or four years, with any default or late payment triggering high fees, higher interest charges and demands for immediate payment in full.

At a minimum, live check solicitation create widespread anxiety about potential liability if the checks are stolen and cashed. In some instances, they have been mistaken for government benefits or insurance reimbursement checks and cashed by elderly recipients. More often, however, live check solicitations entice consumers to take on added debt they didn't request, they can't request, they can't afford and, often, they can't repay.

The problem of unsolicited live loan checks was brought to my attention by several constituent letters I received earlier this year. In one letter a man asked how his wife, who had earned only \$1,850 the previous year, could possibly qualify to receive a \$5,000 loan check based on her "excellent credit standing". Another letter described a young man in his early twenties who had received several loan check solicitations, between \$1,500 and \$2,000 each, despite the fact that he worked at an entry level job and had little credit history. The letter asked how any responsible financial institution could offer this young man thousands of dollars "just for extra cash" and expect him to repay the debt at 22 percent interest.

The answer in both instances is that no responsible credit underwriting was involved. Credit was offered without any debt to income calculation to determine if the recipient could afford additional debt. No effort was made to determine whether the recipient had sufficient income to make monthly payments. The lend-

ers didn't even care how the loan proceeds would be used. Live check solicitations have one purpose, and one purpose only—to entice and trap consumers into high-cost debt that they would never accept if offered by more legitimate means.

Live check solicitations are not a new problem. They first began appearing in consumers' mailboxes in 1996 and immediately raised widespread concerns regarding consumer liability and abuse. The live loan checks were equated by the press and consumer groups with the live credit card solicitations that had caused similar consumer concerns in the 1960s. Congress responded to these earlier concerns in 1970 with a broad prohibition against all mailing of unsolicited credit cards to consumers.

Seeking to avoid a similar prohibition on live check solicitations, the financial industry promised in 1997 to implement voluntary disclosure and security measures to minimize consumer confusion and potential liability. While of questionable benefit to begin with, these so-called "protections" were never uniformly implemented in live check solicitations in 1998. And they have largely disappeared from many of the live check solicitations that consumers have received this year.

At a White House briefing in May, President Clinton equated the problem of live loan checks with the earlier problems of unsolicited credit cards and called upon Congress to enact a similar prohibition against live loan check solicitations. "Consumers should not feel they have to shred their daily mail," the President noted, in order to avoid the potential liability and credit record hassles that can result from live check solicitations.

The legislation I am introducing would address the problem of live loan check credit solicitations in several ways. First, it proposes a broad and unequivocal prohibition against any credit solicitation to consumers involving a check or other negotiable instrument that has not been applied for or requested in advance by the consumer. Second, it clarifies that no consumer will be held liable for repayment of any debt arising from a live check solicitation, nor may creditor submit adverse information about a consumer to a credit bureau relating to any debt arising from such solicitations. Third, the bill requires the Federal Reserve Board to publish final regulations to implement this prohibition within 6 months after enactment.

The bill section that clarifies consumer liability is extremely important and distinguishes my bill from earlier proposals to address this issue. While proposing a prohibition on live check solicitations these proposals would continue to make consumers liable for any prohibited live check solicitation they voluntarily or inadvertently Deposit. This approach fails to address the problems of individuals who don't understand the implications of the check solicitations, or who confuse them with the other check payments or reimbursements, and would continue to encourage live check solicitations targeted to the most vulnerable groups.

The bill also includes a provision to provide the Federal Reserve with authority to issue regulations, if it becomes necessary, to address the related problem "look-alike" checks in credit solicitations. Look-alike checks are typically for amounts significantly larger than live loan checks and are used primarily by so-called sub-prime lenders to solicit second mortgages and home equity loans. While non-negotiable, the "checks" often have all the elements of negotiable instruments, including what appear to the consumer as account numbers, clearance bar codes, official signatures—with some even including the FDIC logo or other government-related symbols. Their purpose is clearly to attract consumer attention by looking as close to an official bank or government check as possible. In some instances the fact that they are non-negotiable is not clearly apparent, or is disclosed only in very small print.

My concerns with "look-alike" checks center on the possibility, if we succeed in prohibiting live check solicitations, that numerous creditors will shift to "look-alike" checks to attract and confuse consumers. If this becomes as widespread as I fear it will, the Federal Reserve would have the authority to address it with guidelines that could, for example, restrict the use of government symbols or require that these "checks" state prominently that they are "non-negotiable." Such regulation is merely discretionary in the bill, it is not required.

I agree with President Clinton that consumers should not feel they have to shred their daily mail to avoid liability for unsolicited loan checks. I do not believe that senior citizens should be deceived into high-cost debt by mailings designed to look like government checks. I oppose any practices that attempt to lure low-income families with easy credit under terms they clearly cannot afford. And I strongly believe that all solicitations of consumer credit should be subject to thorough and responsible credit underwriting.

Mr. Speaker, the problems of unsolicited loan checks parallel those of unsolicited credit cards three decades ago. I urge the Congress to respond in similar fashion by enacting a board and unambiguous prohibition on live loan check solicitations. I urge consideration of this legislation at the earliest opportunity.

The text of the bill follows:

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unsolicited Loan Check Consumer Protection Act of 1999".

SEC. 2. UNSOLICITED LOAN CHECKS PROHIBITED.

(a) IN GENERAL.—Chapter 2 of the Consumer Credit Protection Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 140. SOLICITATIONS FOR CONSUMER LOANS.

"(a) 'LIVE' LOAN CHECKS PROHIBITED.—No consumer credit which is otherwise subject

• 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.

to this title may be extended by any creditor through the use of a check or other negotiable instrument which has been sent by the creditor to the consumer in connection with a solicitation by the creditor for such extension of credit, unless the consumer has submitted an application for, or otherwise requested, such extension of credit before receiving the check or instrument.

“(b) CONSUMER NOT LIABLE.—If any creditor includes a check or other negotiable instrument in a solicitation to a consumer for an extension of credit sent by a creditor to a consumer in violation of subsection (a)—

“(1) the consumer shall not be liable for the amount of any such check or other negotiable instrument; and

“(2) no information on any liability of the consumer alleged by the creditor to have been established through such check or other negotiable instrument may be reported to or received by any credit agency (as defined in section 603 of the Fair Credit Reporting Act) or included in any consumer credit report under such Act.

“(c) REGULATIONS.—

“(1) REGULATIONS REQUIRED.—

“(A) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of the Unsolicited Loan Check Consumer Protection Act of 1999, the Board shall prescribe final regulations to implement the requirements of this section.

“(B) MODIFICATIONS.—The Board shall modify and clarify any regulation prescribed under subparagraph (A) whenever the Board determines such action to be necessary to prevent any circumvention of the requirements of this section or to facilitate compliance with such requirements.

“(2) LIMITATIONS ON ‘LOOK-ALIKE’ CHECKS.—

“(A) REGULATIONS AUTHORIZED.—The Board may, if the Board finds that such action is necessary to prevent confusion by consumers, prescribe regulations setting forth guidelines for the use, in a solicitation for an extension of credit, of certificates, vouchers, or other non-negotiable instruments that are intended to have the appearance of a check or other negotiable instrument, but which do not violate subsection (a) of this section.

“(B) DISCLOSURES AND OTHER REQUIREMENTS.—Any regulation prescribed under subparagraph (A) shall include such disclosures and modifications relating to the appearance and use of certificates, vouchers, or other non-negotiable instruments in a solicitation for an extension of credit as the Board determines necessary or appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Consumer Credit Protection Act is amended by adding at the end the following new item:

“140. Solicitations for consumer loans.”

(c) SCOPE OF APPLICATION.—The requirements of this Act and the amendments made by this Act shall apply to solicitations for extensions of credit made to consumers after the date of enactment of this Act.

IN HONOR OF RICHARD W. POGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Richard W. Pogue for his outstanding dedication and contribution to public service in Greater Cleveland. Today, Richard joins a select group of individuals by being saluted with the “In Tribute to the Public Service” Award.

Mr. Pogue is a native of Cambridge, Massachusetts and received a BA from Cornell Uni-

versity and a JD from the University of Michigan. Over the years, Pogue has used his expertise and time in a variety of ways. He has been actively involved in the business, education, social services, nonprofit and cultural sectors of our Cleveland community.

Pogue has served in a wide array of organizations, including The Cleveland Foundation, University Hospitals Health System, the Greater Roundtable, Cleveland Institute of Music, Cleveland Bicentennial Commission (Co-chair), and the 1989 Untied Way Cleveland Campaign, which raised about \$52,000,000. In addition, he is the principal organizer of an innovative organization: the Northeast Ohio Regional Business Coalition. As if this was not enough, he currently serves as a Director of Continental Airlines, Inc. (Houston), Derlan Industries Limited (Toronto), M.A. Hanna Company, IT Group, Inc. (Pittsburgh), KeyCorp, LAI Worldwide Inc. (New York City), Rotek incorporated (Aurora) and TRW Inc.

Mr. Pogue's commitment and dedication has not gone unnoticed. Pogue is also recipient of the “Humanitarian Award” from the National Conference of Christians and Jews, the “Excellence in Philanthropy Award” from the Ohio Council of Fund Raising Executives, “Economic Development Leadership Award” from the Council for Urban Economic Development, and “Man of the Year” by Plymouth Church of Shaker Heights, just to name a few.

My fellow colleagues, join me in saluting Richard W. Pogue for his continual commitment to our community. He is a renowned citizen of Cleveland and I am pleased to recognize his accomplishments.

IN TRIBUTE TO BILLY K. HIGGINS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. WOLF. Mr. Speaker, I want to pay tribute today to a gentleman I met in my early days in Washington in the 1970's at the Department of the Interior, and whose path I again crossed when I came to Congress.

Billy K. Higgins has worked for more than 25 years to advance our nation's transportation system, first as a congressional liaison officer for the Federal Highway Administration, and since 1977 as the governmental relations director of the American Association of State Highway and Transportation Officials (AASHTO). He has also worked for the Republican National Committee, and the Standard Oil Company of Indiana, now Amoco Oil Company.

But for the past 22 years he has represented the state departments of transportation through a period of tremendous change, as the construction of the Interstate system was completed, as the focus of federal transportation interests broadened, and as the world became increasingly dependent on the economic lifeline transportation provides.

He has guided AASHTO through five reauthorizations of the federal-aid highway and transit program, through 22 years of transportation appropriations bills, through the designation of the National Highway System and a host of other transportation legislation. He has always worked closely and fairly with the state departments of transportation, the con-

struction and contracting industries, the National Governors' Association and numerous other organizations representing state and local government interests.

And in all those years, from the first time I ever met Billy, he has been a true model of integrity, honesty, courtesy and compassion. Billy has decided to retire from his full-time duties at AASHTO, but fortunately for those of us in Congress who've had the pleasure to work with him on so many transportation matters, he intends to continue to keep his hand in the legislative process on a part-time basis as a consultant with AASHTO on governmental affairs.

I was honored to be asked to speak at a reception for Billy on Capitol Hill this past Tuesday evening, June 22. One of the most impressive things about that event was that Billy's family was there, too. Billy's greatest joy is his family. He and his wife Nancy have been married for 45 years and have raised a wonderful family including three sons and a daughter, all of whom are married, with their own children, a total of 10 grandchildren for Billy and Nancy. His oldest or “number one” son, as Billy calls him, is Craig Higgins, with his wife Wendy and their two children Kristen and Keith. Next in order is his son Duane Higgins, his wife Cynthia and their four children, Lauren, Michael, Danielle and Samantha. Then there is daughter Marcy, with her husband Bill Davis and their two children, Carter and Paige. His youngest son is Ron Higgins, with his wife Amy and their two children Rebecca and Tim.

I would like to share my prepared remarks at the reception for Billy Higgins and urge all our colleagues who have had the chance to work with Billy to take the opportunity to wish him well.

IN TRIBUTE TO BILLY HIGGINS

Many of you may not know that Billy and I go way back in Washington, all the way back to the 1970's—when our hair was much darker! We worked together at the Department of the Interior. Billy was at the Bureau of Mines and I was with Secretary Rogers C.B. Morton's office.

It was easy to strike up a friendship with Billy because he was such a genuinely nice guy. In describing him, words immediately come to mind such as fair, honest, trustworthy, principled, hard-working, highest moral standards, a man of character.

The first time we met, too, I saw in Billy a quality that hasn't wavered one millimeter over the years. And that's integrity. A lot of people in this town aspire to be called people of integrity. But along the way there may be a slip here, or a fudge there, and pretty soon, they're compromised and just don't measure up. There's never been a minute in Billy's career when he didn't measure up.

When we walk out the door of whatever business we're in for the last time, all we take with us is our name. Billy Higgins today takes with him his good name—followed by well done, good and faithful servant.

He is truly one of the good guys. He's also one of the most dedicated family men around this town, and it's so good to see his family here this evening. I know how important family is to Billy. I even ran into him a few summers ago on the Outer Banks where he and Nancy and all the kids and grandkids have a tradition of spending vacation time together each year.

And I also know how important faith is to Billy. I have a quotation on my office wall from

Dr. James Dobson, which I'd like to share with you because I believe it could very well describe Billy:

"I have concluded that the accumulation of wealth, even if I could achieve it, is an insufficient reason for living. When I reach the end of my days, a moment or two from now, I must look backward on something more meaningful than the pursuit of houses and land and machines and stocks and bonds. Nor is fame of any lasting benefit. I will consider my earthly existence to have been wasted unless I can recall a loving family, a consistent investment in the lives of people, and an earnest attempt to serve the God who made me. Nothing else makes much sense."

That's Billy's legacy.

Billy, I am grateful that our paths in life crossed and have run together for so many years, and I am proud to call you my friend. God bless you.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. ANDREWS. Mr. Speaker, on roll call numbers 167-169, I was unable to cast my vote. Had I been present, I would have voted Aye on each of them. At the time of the votes, I was proudly attending a ceremony in honor of my wife, Camille Spinello Andrews.

In addition to her tireless dedication as the mother of our two children, Jacquelyn and Josie, Camille serves as the Associate Dean of Enrollment and Projects for Rutgers University School of Law-Camden Campus. Her work in this capacity is well-regarded both by her colleagues and throughout the New Jersey legal community.

On June 7, her excellent work was publicly recognized in a ceremony in which she was awarded the Alfred C. Clapp Distinguished Service Award. Presented by the New Jersey Institute for Continuing Legal Education, this award is an expression of appreciation to legal professionals whose voluntary service has significantly contributed to the field of continuing legal education.

At this ceremony, I was proud to honor Camille with a Congressional Commendation. Proclaiming June 7, 1999 to be Camille Spinello Andrews Day throughout the First Congressional District of New Jersey, this commendation is a small token of the great respect I have for Camille's work. Her service to our community deserves the thanks and gratitude of us all. I am fortunate to love and receive the love of such a special woman.

Balancing the dual responsibilities of public service and family life is always a challenging task. I thank my constituents for their understanding and appreciate the strong support they have given to me and my family.

HONORING CARMEN DIAZ FOR HER LIFETIME DEDICATION TO THE COMMUNITY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in honoring Ms. Carmen Diaz for her years of leadership and contribution to the communities of the 12th Congressional District.

In 1953 Ms. Diaz came to the United States to fulfill her dream of creating a better life for herself and her family. She began by working hard for \$42 a week as a machine operator in a woman's garment factory. She saved money, and was diligent and with great determination, in 1955 she was able to send for her children in Puerto Rico. With herself and two children to feed she continued to toil. She ensured the children were healthy and that they received an education.

She also took time to further her own education, making the effort to become a bilingual teacher. Once she received her degree, she began teaching bilingual education which she did for eight years.

During this time she became active in the community, working for Community Board 1. She was able to use her experience, education and determination to help other people in the community. Wanting to do more, striving to succeed, she enrolled in Boricua College in Brooklyn. With the same kind of dedication and effort that made her a success, she was able to earn a Bachelor's Degree in Sociology. With that accomplishment, she engaged in increased community work as a social worker.

From that point on, she remained deeply committed to civil service, working hard to help people throughout Brooklyn. She played a key role in many organizations including the Los Sures Senior Center and later in the Diana Jones Senior Center.

She did this kind of work until last year when she became ill and was unable to continue working. Despite the fact that she can no longer work, she still has an impact on our community. The work she does still helps people, but more importantly, she stands as a role model to thousands of people. She truly embodies the American Dream. She is a great woman and a great American, and I urge my colleagues to join me in honoring her.

A TRIBUTE TO HONOR OF THE 175TH ANNIVERSARY OF THE CITY OF TECUMSEH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SMITH of Michigan. Mr. Speaker, on June 25, 1999 the city of Tecumseh will celebrate its 175th anniversary. Tecumseh has a long and rich history dating back to 1824, when Musgrove Evans, Joseph Brown and Austin Wing founded the town making Tecumseh one of the first three settlements in the Michigan Territory along with Detroit and Monroe.

Tecumseh shares its unique name with the Shawnee Chief Tecumseh, who used the site as a meeting place for local Indian tribes and war councils in his effort to form a unified Indian nation.

The residents of Tecumseh have always been civic-minded and concerned with the conditions of their fellow man. Prior to the Civil War Tecumseh, along with several other communities in Lenawee County, was a common transit point for slaves seeking freedom along with the Underground Railroad.

While maintaining its distinctive small town atmosphere and agricultural roots, Tecumseh has been home to a multi-national Fortune 500 company, Tecumseh Products Inc., since 1934.

It is a testament to the perseverance and faith of her residents that Tecumseh has prospered for so long. I am proud of the city of Tecumseh and what its residents have accomplished over the last 175 years and I wish them another successful 175 years. I am proud to represent Tecumseh and offer them my heartfelt congratulations on this truly remarkable milestone.

VICRYL SUTURES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. STARK. Mr. Speaker, on May 20 of this year I commented on the 1994 recall of Vicryl sutures produced by the Ethicon Corporation. In my comments, I noted that according to FDA records, only 2% of the sutures were recovered in the recall. The numbers given to me by the FDA were incorrect. In fact, approximately 25% of the sutures were recovered in the recall. I include a letter from Melinda K. Plaisier, Interim Associated Commissioner for Legislative Affairs, describing the cause of the error and the correct facts.

FOOD AND DRUG ADMINISTRATION,
Rockville, MD, May 28, 1999.

Hon. PETE STARK,
House of Representatives, Washington, DC.

DEAR MR. STARK: In the Food and Drug Administration's (FDA) May 18, 1999 letter of response to your April 19, 1999 letter regarding the distribution and recall of Vicryl sutures manufactured by Ethicon, Inc., there was a mistake. This letter is intended to correct that mistake. A response has also been sent to your cosigner, Representative Henry A. Waxman.

When Ethicon originally provided distribution information to FDA, the manner in which the figures were reported was misunderstood by FDA. The number of sutures understood by FDA to have been distributed was considerably larger than the actual quantity. The 2% recovery rate therefore was inaccurate. The correct recovery figure was approximately 25%. This is based on distribution of 293,452 dozens and recovery of 72,929 dozens of sutures. If you have any questions regarding this information, we would be happy to discuss it with you further.

We trust this responds to your concerns. If we may be of further assistance, please let us know.

Sincerely,

MELINDA K. PLAISIER,
*Interim Associate Commissioner
for Legislative Affairs.*

IN HONOR OF DANIEL JOSLYN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the winner of the Plain Dealer Cuyahoga County Spelling Bee, Mr. Daniel Joslyn.

Daniel Joslyn is an extraordinary student at North Olmsted Middle School. He is very dedicated to his school work and it shows through this accomplishment. Daniel is the first North Olmsted Middle School student to win this competition in its twenty year history.

The National Spelling Bee is a wonderful program that motivates students to focus on the fundamentals of their education. It is a remarkable achievement for this young man to receive such an honor and to represent his school at the national level.

I would ask my fellow colleagues to join me in honoring young Daniel for his accomplishment and wishing him luck in his future endeavors.

**INTRODUCTION OF THE DEATH
TAX INFLATION ADJUSTMENT ACT**
HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. HERGER. Mr. Speaker, today I rise to announce the introduction of The Death Tax Inflation Adjustment Act, legislation which would provide an annual cost-of-living adjustment for the unified credit—a major estate tax reduction tool—beginning in 2007.

Despite a tax system that discourages savings, many American families work hard to set aside a portion of their earnings because they hope to be able to leave something to their children. Not only are these lifelong savings subject to the death tax, however, but the value of the unified credit—a major death tax reduction tool—had, until recently, been seriously eroded by inflation.

As a result of the historic "Taxpayer Relief Act of 1997," the unified credit will now be gradually increased from an effective exemption of \$600,000 in 1998 to an effective exemption of \$1,000,000 in 2006. Regrettably, while both the House- and Senate-passed versions of that landmark tax reduction package indexed this \$1,000,000 exemption annually for inflation, this provision was dropped from the final conference report and was not enacted into law.

Mr. Speaker, the legislation I am introducing today would simply provide for an annual cost-of-living adjustment to the unified credit beginning in 2007. While many of us in Congress would like to eliminate the death tax entirely, I hope we can all at least agree that the value of this important benefit should never again be eaten away by inflation. The time to act is now. I would urge all of my colleagues to co-sponsor The Death Tax Inflation Adjustment Act.

TRIBUTE TO JOEL SKLAR

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Joel Sklar, an outstanding individual who has dedicated his life to public service and education. He will be honored on Thursday, June 24, during the graduation ceremony at Lehman High School in my South Bronx Congressional district for his outstanding contributions to the community. Mr. Sklar, Principal of the Lola Rodriguez de Tio Academy of Future Technologies at Intermediate School 162 will be leaving his current position at the end of this month. He has devoted his entire career of 28 years to bettering the lives of the students in district 7.

A graduate of Yeshiva University and the City University of New York, Mr. Sklar began his teaching career in 1970 at P.S. 5 where he was a 6th grade teacher. A year later he moved to the Middle School level and became a science teacher at I.S. 162. While teaching science at I.S. 183, Mr. Sklar demonstrated the active engagement of students as they pursued the challenges of the world of science. After becoming a grade leader at I.S. 183 Mr. Sklar was soon recruited to the District 7 Office where he worked in the Curriculum & Instruction Unit. This led to his becoming the assistant to the Deputy Superintendent in the Office of Funded Programs.

Mr. Speaker, Joel Sklar's leadership abilities were fine-tuned during his tenure at the District 7 Office. He soon found his way to I.S. 151, where he helped redefine the instructional program before being appointed principal of I.S. 162 on August 7, 1987. During his twelve years at the helm of the school, he brought the students to the new age of technology. A New York State Magnet School in 1995 led the way to the birth of the Lola Rodriguez de Tio Academy of Future Technologies at I.S. 162. A model middle school for New York City and New York State, it has been the number one choice of middle schools for more than half of all the students graduating from District 7 elementary schools over the past 4 years. The Academy is currently the top middle school in District 7 in both reading and mathematics achievements. Its technology program is one that is being replicated in schools throughout the City of New York, as well as in New Jersey.

Mr. Sklar leaves us with many lessons learned in leadership, education and wisdom. A talented leader and educator, Mr. Sklar will continue sharing his knowledge and views with Yeshiva University High School for Boys, his alma mater.

Mr. Speaker, I ask my colleagues to join me in wishing continued success to Mr. Joel Sklar and in recognizing him for his outstanding achievements in education and his enduring commitment to the community.

CONGRATULATING TRINIDAD
CATHOLIC HIGH SCHOOL GIRLS
BASKETBALL TEAM**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to honor the Trinidad Catholic High School Girls basketball team on their Class A District 6 Championship. The Trinidad Catholic players, led by Coach Mike Vecellio, made their families and community proud in their achievement.

All teams, no matter what the sport, continually strive to find that special and unique combination of teamwork, leadership, skill and effort which unlocks the door to success. Under careful tutelage, hard-working teams not only win games, but also build the confidence necessary to win championships. Clearly, these dedicated hoopsters have found this winning formula and attained the next rung of sporting success.

May the Trinidad Catholic High School girls team rise to next year's challenge and find themselves the winner of the Colorado Class A State Championship. No matter what the outcome of next season, this team has proven it has the heart of a champion, and can take pride in the District 6 Championship.

CHILDREN'S CONGRESS**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. PACKARD. Mr. Speaker, today I would like to recognize the children who are here in our Nation's Capital this week for the first Children's Congress. Children from all 50 States are meeting with Members of Congress to discuss funding for research to find a cure for juvenile diabetes.

The Children's Congress was organized by the Juvenile Diabetes Foundation International. JDF was founded in 1970 by parents of children with diabetes. The mission of JDF is to find a cure for this disease through research within their children's lifetime. I can't think of a better way to understand the daily frustrations experienced by children with diabetes than to listen to their concerns. These children are helping others by sharing their own experience with diabetes and teaching us about its impact on their lives.

Many may not realize the extent of the negative effects diabetes can have on people. This dreadful disease attacks 16 million Americans and is a leading cause of blindness, kidney disease, heart disease, and amputations. The reality is, people with diabetes live 15 years less than those without. As Members of Congress, we have the unique opportunity to help find a cure for diabetes by funding further research.

Mr. Speaker, I encourage my colleagues to support the cause of the Children's Congress and support allocations for more resources and medical research. I would like to thank the courageous young boys and girls of Children's Congress for taking the time to educate my colleagues and me on this terrible disease.

TRIBUTE TO ELFLORA K. AIKMAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. PHELPS. Mr. Speaker, I rise today to honor and pay tribute to Elflora K. Aikman of Marion, IL. On July 1 of this year, Elflora will retire from the Marion Senior Citizens Center as Administrator. For twenty years, since February of 1981, Elflora has done an outstanding job at Marion Senior Citizens Center where she will be sorely missed. Elflora has been a blessing to both the Marion Senior Citizens Center and to the residents of Southern Illinois.

Mr. Speaker, as the nation ages, and our senior citizens live longer and longer, it can sometimes be a burden to families both financially and psychologically to give appropriate care to the seniors they love. I know everyday that families across the Southern Illinois and America struggle with this hardship. Elflora has eased this burden on countless families by providing a nurturing and wonderful place for the elderly. I am sure that her hard work and diligence at the Marion Senior Citizens Center has provided many families, who sought caring geriatric care for their loved ones, with answers to their prayers.

Elflora helped to create the Marion Senior Citizens Center in 1981 and since then has played a leading role in making it the exceptional Senior Center it is today. She has also been extremely active in the community as a whole and particularly at her church, where she has served as a Sunday School teacher, member of the Church Council, Logos instructor, organist, pianist and choir member. This year on Christmas Eve, Elflora will celebrate the 50th Anniversary of her marriage to her husband Sam. She has a large and loving family, who I am sure she will spend a great deal of her time with, when she is not playing her piano or gardening. Mr. Speaker, I would like to wish Elflora the best of luck in her retirement and God's speed. Her accomplishments will not soon be forgotten and never overlooked.

TRIBUTE TO THE LATE GORDON BYNUM

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SANFORD. Mr. Speaker, I rise tonight to pay tribute to, and say good-bye to, a dear friend. Gordon you will be missed, but not forgotten. Gordon Bynum was the living definition of the word, "friend." This spring, on what turned out to be his last trip down to Coosaw, he called my wife Jenny ahead of time to say he wanted to come early to get things ready for the party. He was there and helped. This was part of a well worn pattern in the way he lived his life. Getting there early, staying later—going the extra mile—was what he thought normal. If I had ever found myself in real trouble with the option of only one call, it would have been to Gordon.

In his forty-four years he did not spectate on life, he lived it. When Atlanta was still sleep-

ing, I remember leaving town in the early morning hours to go on one of his crazy mountain canoe trips. Exotic locations, atlases, wilderness maps were part of Gordon's world; Jenny and I still have at the house National Geographic books he had sent after our wedding. In fact his birthday card to me, this year, one I received two days after his death, had penned at the bottom. "Adventure soon?"

Finally, he lived a life that towers as an example to each of my four boys. At dinner on Tuesday upon hearing the story of Gordon's death a friend asked, "Was he a Christian?" I said, "Absolutely." Whereupon he asked, "How do you know?" I said because Matthew 5:16 says let your light so shine before men that they may see your good works give glory to your father who is in heaven. He had the light, you could see it in his eyes and in his actions. One of those actions was his work at the Sheppard Clinic. He loved the patients and they loved him, despite the fact volunteerism is a trait lost on most bachelors. In short, he didn't spend his time talking about his faith, he lived it. Love, joy, peace, patience, kindness, gentleness, faithfulness, and self control are what the Bible calls the fruit—the byproduct—of the spirit. He had it in abundance. He would have given love and more generously to Laura Lee, who he was to have married two weeks after his death. Love was the easiest word to describe him, and I suppose what I will most miss.

Good-bye.

A TRIBUTE TO JERRY BERGER,
SUFFOLK COUNTY BOARD OF
ELECTIONS COMMISSIONER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. FORBES. Mr. Speaker, I rise today to honor a true community leader, a visionary in the election process—Jerry Berger, the Suffolk County Republican Commissioner of Elections, who will be sorely missed upon his upcoming retirement.

Jerry Berger started at the Suffolk County Board of Elections on June 1, 1974 working on voting machines in the warehouse. Shortly thereafter, Jerry was appointed to the position of Campaign Finance Director. Since this was a new position, Jerry worked with the New York State Board of Elections and proceeded to co-author the first Campaign Finance Guide Book that was used throughout New York State. In 1978, he was appointed Deputy Commissioner, and in 1992 he was appointed Commissioner of Elections and was reappointed in 1994 and 1998.

As Commissioner, Jerry implemented the computerization and modernization of the Suffolk County Board of Elections which has been the first throughout New York State to certify its election results during his entire tenure as Commissioner. Due to Jerry's innovative thinking, an inspector's instructional video was developed and is being used at all inspector training seminars. A natural leader, Jerry knows that ensuring the outstanding management of the election process meant forming an effective training system of its administrators—a move that will benefit the voters of Suffolk County for years to come.

Jerry's propensity for fairness and his devotion to his position as Commissioner can only be emulated, never replaced. He has worked tirelessly for the people of Suffolk County, putting aside politics in the most political of environments. Jerry typifies what the public wants in a "Public Servant" and we have been truly blessed to count him as our friend and neighbor.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Jerry Berger and to recognize his commitment to promoting all that is good in Suffolk County for his family and his community. We will sure miss Jerry, and we wish he and his wife, Marion, a wonderful retirement in West Palm Beach, Florida.

TRIBUTE TO JOHN R. JONES

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SCARBOROUGH. Mr. Speaker, the citizens of Escambia County and the State of Florida have been blessed with a man who has dedicated his career to the pursuit of excellence in all aspects of life. This gentleman distinguished himself as a community leader and the model of an honest and effective public servant. The man that I speak about is John R. Jones.

Most of the residents of Northwest Florida remember John R. Jones for his over 40 years of public service, during which he served as an Escambia County Commissioner and as the Escambia County Property Appraiser. We are better because of his belief that the needs of each taxpayer are equally important, and his insistence that he wasn't just elected by the people of Escambia County, he was employed by them.

However, what I admire most about Mr. Jones, is that he always went above and beyond the call of duty to help others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a professional who always went the extra mile to represent the under-represented and to promote equality within the community, the State of Florida, and the nation. During his distinguished career, John never forgot how important the little guy is to the American way of life.

Mr. Speaker, on Tuesday, June 29, an athletic park in Escambia County will be dedicated in Mr. Jones' honor. I can't think of a more fitting way to honor the life of a man who has been such an integral part of our community.

As we celebrate the accomplishments of John R. Jones, we can take pride in knowing that he has influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office. Mr. Jones' overall attitude and dedication to public service has been a model in the lives of the public servants that he has trained, supervised, and encouraged. His legacy will be a constant reminder that one person can make an extraordinary difference in the lives of many.

IN HONOR OF HUFF-N-PUFFERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the participants in the Huff-N-Puffers senior citizen baseball league.

This is a wonderful organization that provides and promotes physical activity for seniors. This is a great way for seniors to get together to socialize and partake in aerobic activities. The Huff-N-Puffers is open to anybody who is over the age of 65. This program was started in 1985 and has more than doubled in size since that time.

These senior citizens participate in many games and tournaments around the country as well as a championship tournament at the end of each season. They have a very busy schedule consisting of around 20 games against other teams in their league. These seniors are an inspiration to us all by getting the best out of what life has to offer.

My fellow colleagues please join me in honoring the dedication of these outstanding athletes.

CONGRATULATING MS. NICOLE SIEMINSKI

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. INSLEE. Mr. Speaker, I rise today to congratulate Ms. Nicole Sieminski for earning the honor of 1999 Class Valedictorian at Marysville-Pilchuck High School in Marysville, WA. Ms. Sieminski is the first member of the Tulalip Tribes to achieve this distinguished position at Marysville-Pilchuck High School. I want to commend her for her dedication and commitment to education. Clearly, great achievements such as this do not occur by chance. Ms. Sieminski worked very hard throughout her high school years. I know that the knowledge and skills she gained at Marysville-Pilchuck High School will help her reach even higher goals in the future.

INTRODUCTION OF H.R. 2337, THE "MEDICARE COVERAGE INFORMATION DECISION ACT OF 1999"

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to introduce legislation to greatly improve the Medicare coverage decision-making process.

While Medicare law provides for the coverage of various categories of benefits, it does not specify a list of covered technologies and services. That's where the Health Care Financing Administration (HCFA) and its coverage process come in to play.

Medical technology and innovation play an important role in this critical health care program for America's seniors. As new life-enhancing and life-saving technologies and pro-

cedures are developed, and more Americans learn about them, the process for making these coverage decisions becomes increasingly important.

HCFA recently published its new proposal to completely overhaul the decision-making process, and I applaud the hard work and time HCFA staff put into developing this new process. HCFA has been attempting to make these much needed changes for over a decade, and it was Dr. Jeffrey Kang's leadership and thoughtful approach at HCFA that finally brought the effort to fruition.

HCFA's proposal is a good first step in making the coverage process transparent, timely and understandable. However, I believe there are a few additional issues that need to be addressed.

In addition to addressing the issue of appeals—which my good friend and Health Subcommittee Chairman Thomas is working on—and timely payment and coding updates—which I outlined in my other bill, H.R. 2030, the Medicare Patient Access to Technology Act—we also need to ensure the process encourages HCFA to work in a collaborative way with those petitioning for coverage.

For example, current Food and Drug Administration law provides for early meetings and a written agreement between manufacturers and the FDA on the studies to be done for pre-market approvals. Both parties have found this to be a beneficial tool because both know what is required. In addition, I am told FDA staff has found it improves their efficiency when agreed-upon data is submitted for review.

I strongly believe HCFA's coverage process should include a similar step.

HCFA currently allows stakeholders to come in and informally discuss the required data, but no written agreement is ever reached. The importance of this agreement cannot be understated. Without an agreement, HCFA is not required to accept the data given to them, even when HCFA initially suggested it at the early meeting. HCFA's ability to continuously change what constitutes appropriate data has left many companies in my district stuck in an endless loop of data collection. In fact, one constituent company of mine, Empi, has been petitioning for a coverage decision for over 7 years!

Given the handful of national coverage decisions that are announced each year, I believe HCFA's informal discussions could be transformed into more formalized collaborative meetings at which binding agreements could be written. That's why I am introducing this legislation today to require HCFA to meet with stakeholders and develop an agreement on the required data, should the stakeholders request to do so.

Just as with the FDA process, there are exceptions in the legislation to give HCFA flexibility for changing the agreement should it become aware of a new, substantial scientific issue that would impact its ability to adequately review the technology or procedure. In addition, should HCFA wish to change the agreement for other reasons, it can do so with the written consent of the stakeholders.

These meetings and agreements are practical and beneficial additions to the coverage decision-making process. I urge my colleagues to cosponsor this legislation to further improve this important process and ensure Medicare beneficiaries have timely access to

life-saving and life-enhancing medical innovations.

INTRODUCTION OF A BILL TO NAME A POST OFFICE IN EAST CHICAGO, INDIANA AFTER LANCE CORPORAL HAROLD GOMEZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. VISCLOSKY. Mr. Speaker, today I was joined by the other nine members of the Indiana House delegation in introducing legislation to name a post office in East Chicago, Indiana, after a true hero of my congressional district, Marine Corps Lance Corporal Harold Gomez. Lance Corporal Gomez was the first citizen of Northwest Indiana to give his life for his country during the Vietnam War. My colleagues and I firmly believe that the time has come to honor him in a way that will value his memory and his sacrifice. To name a post office after Lance Corporal Gomez, a place that is synonymous in our country with the center of a community's life, is an appropriate way to accomplish this worthy goal.

Lance Corporal Gomez was born in East Chicago in 1946 and graduated from East Chicago's Washington High School in June 1965. After working briefly at Inland Steel Company, he enlisted in the U.S. Marine Corps and was ordered to Vietnam in 1966. A fire team leader in a rifle company of the Third Marine Division, a land mine killed Lance Corporal Gomez on February 21, 1967, while on duty in South Vietnam. For his valiant leadership and bravery during that day's combat, the Marine Corps posthumously awarded him the Silver Star Medal. Lance Corporal Gomez was also awarded the Purple Heart Medal, a Combat Action Ribbon, a Presidential Unit Citation, the National Defense Service Medal, the Vietnam Campaign Medal, and the Rifle Sharpshooters Badge.

In Harold Gomez's all-too-brief life, he touched many lives and was admired by friends and comrades alike. I consider it a privilege to take this opportunity to honor a true hero who still serves us now as a source of inspiration to the citizens of East Chicago and the whole of Northwest Indiana. On behalf of those citizens from my district who answered their country's call, those who made it home and those who did not, I am proud to introduce this legislation to name an East Chicago post office in honor of Lance Corporal Harold Gomez.

HONORING THE MOST REVEREND G. AUGUSTUS STALLINGS, JR., D.D., ARCHBISHOP AND FOUNDER ON HIS 25TH ANNIVERSARY AS A PRIEST AND THE 10TH ANNIVERSARY OF THE IMANI TEMPLE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mrs. CLAYTON. Mr. Speaker, on Sunday, July 4, 1999, at 10:00 a.m., when the Nation

pauses to celebrate its independence, the Imani Temple, African-American Catholic Congregation, will also pause to celebrate its founding and to properly pay tribute to its Archbishop and Founder, the Most Reverend G. Augustus Stallings, Jr. D.D. This native North Carolinian has made our state proud.

Archbishop Stallings is not an ordinary man. He has braved perilous waters, daring to be different, daring to walk alone, daring to have a purpose firm and daring to make it known. He understands Saint Matthew at Chapter 16, Verse 18, which reminds us that, "Upon this rock I will build my church; and the gates of hell shall not prevail against it." He follows the instruction of Ecclesiastes, Chapter 4, Verse 12, which teaches that, ". . . though a man might prevail against one who is alone, two will withstand him. A threefold cord is not quickly broken."

With faith as his instrument and God as his guide, in the Imani Temple, Archbishop Stallings has created a formless rock, and by joining in a strong, woven cord, the Church helps our families avoid stumbling blocks and helps them shape stepping stones. That is because Father Stallings recognizes that the real strength of America, and the real strength of his Church, is compassion for people, those who live in the shadows of life—the poor, the weak, the frail, the disabled, our children, our seniors, the hungry.

More importantly, unlike some, Archbishop Stallings does not sit in comfortable pews, shielded by stained glass windows, protected from the people and things that many do not wish to see. No, he makes certain his Church goes out and embraces the huddled masses, crouched beneath the street lights of our Nation.

The common fabric that can be found in Archbishop Stallings and other great leaders of our time is compassion. He cares. He is comfortable, embracing the infirm, hugging a child, standing up for the downtrodden. He responds to the less fortunate among us, those who work hard yet can not make ends meet, those who dwell in the back alleys and on the rear stoops of our towns and cities, in the gutters of America, those who need a little help to make it through the day.

And, so it is fitting, that we pause and pay tribute to Archbishop Stallings on the 10th Anniversary of the founding of Imani Temple and on the 25th Anniversary of his tenure as a Priest.

INTRODUCTION OF A BILL TO CLARIFY THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to clarify the tax treatment of Settlement Trusts authorized by the Alaska Native Claims Settlement Act. This legislation is very similar to a bill that I introduced with my colleagues, Congressman GEORGE MILLER and J.D. HAYWORTH, last Congress.

The bill has been further improved from last Congress and a companion measure was in-

roduced in the Senate recently. This bill will be cited as the "Alaska Native Claims Settlement Act Settlement Trusts Remedial Tax Act of 1999".

Federal law first authorized settlement trusts in 1988 to permit Alaska Native Corporations to provide a variety of benefits to their shareholders in a long term permanent manner. Present law requires settlement trusts to report tax information to their beneficiaries on Form K-1, rather than Form 1099 which corporations use. This causes confusion to the beneficiaries and encourages misreporting of income. This legislation requires all settlement trusts to use Form 1099.

In recent years I have written to the Chairman of the Ways and Means Committee informing him that what had started as a simple proposition, promoted by Congress in the Settlement Trust legislation—to provide aid from a protected source to Alaska Natives who often have very little in other available assets to sustain them and in particular in their retirement years—had become a complex and bewildering situation which frustrated the use of the settlement trust provisions in law. This result stems from an IRS interpretation calling for the immediate taxation to potential beneficiaries when these trusts are established by Alaska Native corporations which have earnings and profits, as opposed to taxation when the money is actually received by the beneficiaries. Put simply, in the case of some beneficiaries, particularly the elderly, who have to prepay taxes in order to receive their benefits and, if they die prematurely, they will not even receive the amount of their prepaid taxes back. Needless to say, this is a substantial impediment to setting up and continuing such beneficial trusts.

But those Native corporations having favorable tax situations which enable them to make contributions to trusts which are not immediately taxable to their beneficiaries face other impediments. The IRS has taken the position that there is no authority to withhold tax from beneficiary payments, which prevents a simple way for a Native to pay his or her tax. The IRS requires that trust reporting to beneficiaries be accomplished via the complex so-called "K-1" form as opposed to the simple 1099 form, so familiar to most of us. As you can imagine, the requirement to use the former, particularly in rural areas in the state of Alaska where accountants may not be readily available, presents major reporting problems. We believe the IRS internally has been supportive of such a change but has advised in the past that it would need to be accomplished by statute.

Finally, the original authorizing legislation failed to provide a mechanism to encourage sustaining the longevity of these trusts dedicated to the goals enumerated. Such trusts are currently treated as regular trusts and penalized for accumulating income with an assessment of the highest marginal tax rate. Accordingly, from the standpoint of a settlement trust, it currently makes good tax sense to distribute all income to the beneficiaries rather than leaving it to be taxed at the current trust tax rate. This, however, does not make good social sense and encourages the opposite result one would envision for these entities, whose goal is to sustain the funds on a long-term basis in order to fulfill the objectives envisioned for Settlement Trusts.

Therefore, I am pleased that, on a bipartisan basis, I can join my colleague and Rank-

ing Minority Member on the Resources Committee, Mr. MILLER, and my other distinguished colleagues Mr. HAYWORTH, Mr. KILDEE and at least 16 other cosponsors to introduce this important remedial legislation. I am attaching a brief summary and section by section analysis of the legislation.

SETTLEMENT TRUST CORRECTIVE TAX LEGISLATION

Federal law first authorized settlement trusts in 1988 to permit Alaska Native corporations to provide a variety of benefits for their Native shareholders in a long term, permanent fashion. Although Alaska Native corporations are not governments, they do provide many social services to their shareholders. We have worked with the Treasury Department on the proposed legislation, which clarifies present law and provides an elective tax structure to encourage use of these trusts as follows:

(1) Contributions to an electing settlement trust are not taxable to the shareholders. Present IRS ruling policy is that contributions to settlement trusts are deemed distributions to the Native corporation's shareholders. If that corporation has earnings and profits under the tax law, the deemed distributions will then be taxable to the shareholders even though they have not actually received any money. The legislation eliminates this significant disincentive by providing that contributions to an electing trust are not currently taxable to the shareholders.

(2) Permit electing settlement trusts to retain up to 45% of their annual taxable income without adverse tax consequences. Present law imposes a severe penalty for inflation proofing these trusts (which permits constant dollar benefits to be provided), by taxing reinvested income at the maximum individual tax rates (presently 39.6 percent). The legislation provides that up to 45 percent of the trust's annual income can be reinvested in the trust without current taxation, but this reinvested income will be eventually taxable at ordinary income rates to shareholders when distributed. This treatment continues so long as the only persons who hold the beneficial interests in the trust are persons who could hold the Native corporation's own stock.

(3) Impose severe penalties on electing settlement trusts which no longer benefit Alaska Natives. The settlement trust election is intended to benefit Alaska Natives. In the event that a settlement trust ceases to benefit Alaska Natives, the trust will no longer be permitted to receive the elective benefits discussed above. In addition, unless the trust terminates through a distribution of its assets, a one-time tax is imposed at the highest marginal income tax rates upon the value of the trust's assets.

(4) Require withholding on certain trust distributions. Present law does not require any income tax withholding on trust distributions. Under the proposed legislation, withholding on distributions by any settlement trust is required to the extent the annualized distributions exceed the basic standard deduction and personal exemption amounts under the Tax Code.

(5) Modify information reporting requirements. Present law requires settlement trusts to report tax information to their beneficiaries on Form K-1, rather than Form 1099 which corporations use. This causes confusion to the beneficiaries and encourages misreporting of income. The proposed legislation requires all settlement trusts to use Form 1099.

SECTION-BY-SECTION ANALYSIS

ANCSA SETTLEMENT TRUST REMEDIAL TAX
LEGISLATION

Federal law authorized in 1988 Alaska Native corporations to use their own funds to establish settlement trusts to "promote the health, education and welfare of its beneficiaries and preserve the heritage and culture of Natives." Although Alaska Native corporations are not governments, they do help provide certain social services as contemplated in the Alaska Native Claims Settlement Act (ANCSA) to their shareholders. This proposed legislation corrects several deficiencies in and clarifies present law while providing an elective tax structure to lessen the current impediments to the establishment and maintenance of these trusts. The following is a section-by-section analysis of the legislation:

Section 1 is the Short Title of the bill.

Section 2(a) (identification of ANCSA settlement trust as eligible to elect tax exempt status). This provision of the legislation provides a partial exemption from income taxes for Alaska Native Settlement Trusts which make a one-time election. The partial exemption is accomplished by adding settlement trusts as entities which can be tax exempt under Tax Code section 501(c), and then requiring that to qualify for the tax exemption a settlement trust must currently distribute at least 55% of its annual taxable income.

Section 2(b) (detailing new 501(p) elective tax treatment). New subsection 501(p) has six paragraphs.

Paragraph (1) describes the taxation of both electing and non-electing settlement trusts. Contributions to electing trusts are not currently taxable to the beneficiaries; by contrast, current IRS ruling policy is that contributions to non-electing trusts are currently taxable to beneficiaries to the extent of corporate earnings and profits. Electing trusts will be tax exempt if they currently distribute 55% of their income and if transfers of trust units are restricted similarly to transfers of ANCSA corporate stock. Eventual distributions to beneficiaries of the trust's exempt income, as well as any other distributions by the electing trust, are taxed to the beneficiaries at ordinary income rates. Non-electing trusts remain subject to present law.

Paragraph (2) provides the basic mechanism by which a settlement trust elects tax exemption. Paragraph (3) imposes a rule to assure that primarily Alaska Natives receive the benefits of this elective tax exemption, just as the Alaska Native Claims Settlement Act (43 USC 1601 et seq.) limits transferability of the stock in Native corporations to assure that the benefits of stock ownership accrue primarily to Alaska Natives. Under this bill, if at any time the beneficial interests in an electing trust become transferable in a manner which would be prohibited if those beneficial interests were ANCSA stock, the trust becomes permanently ineligible to continue the election. Also, a one-time penalty tax equal to the highest marginal tax rate under section 1(e) times the asset value of the trust is imposed. This tax can be avoided by a distribution of the trust assets to the beneficiaries before the close of the taxable year in which the trust beneficial interests became transferable. Paragraph (3) also causes the foregoing rule to apply if a Native corporation which is not governed by the non-transferability rules makes a transfer to an electing settlement trust.

Paragraph (4) imposes an annual distribution requirement (55% of taxable income) on electing trusts. The consequence of a failure to make these annual distributions is a non-deductible tax at ordinary income rates upon

the income which should have been distributed.

Paragraph (5) describes the taxation of the beneficiaries of both electing and non-electing trusts. All distributions to a beneficiary of an electing trust produce ordinary income. But for this rule, the character of income earned by the trust would flow out to the beneficiaries and distributions of capital and accumulated income would be tax free to the beneficiaries. Distributions by a non-electing trust are taxable to the extent required by Subchapter J of the Tax Code, which generally limits beneficiary taxation to the amount of income of the trust and flows the character of the trust's income out to the beneficiary.

Paragraph (6) provides certain definitions applicable to the election.

Section 2(c) (Withholding on distributions by electing trusts). Present law does not require any tax withholding on trust distributions. Many Alaska Natives have income levels so low that they are not required to file income tax returns. In such circumstances, requiring withholding on distributions increases the administrative burden to both the government and settlement trusts since these Alaska Natives would have to apply for refunds of over collected taxes. Therefore, under this legislation, withholding on distributions by any settlement trust is required to the extent the annualized distributions of the Trust exceed the basic standard deduction and personal exemption amounts under the Tax Code.

Section 2(d) (Modify information reporting requirements.) Under present law, settlement trusts report to their beneficiaries on Form K-1s, which with extensions, can be sent as late as October of the year following the taxable year to which the information relates. Much of Form K-1 is inapplicable to the typical settlement trust and can be confusing to beneficiaries. Native corporations, by contrast, have long reported to their shareholders on Form 1099s which must be sent by January 31 of the following year. This section requires all settlement trusts to provide annual information on Form 1099s (rather than on Forms K-1s). In the case of a non-electing settlement trust, the Form 1099 would differentiate among the different types and character of income being distributed. Form 1099 reporting would be in lieu of the requirement that a non-electing settlement trust attach a copy of beneficiary Form K-1s to its own tax return.

Section 2(e) (effective date). In general, the provisions of the bill are applicable to taxable years ending after the date of enactment of the bill and to contributions to trusts made after such date.

CRISIS IN KOSOVO (ITEM NO. 12)
REMARKS BY CHRISTOPHER
SIMPSON OF AMERICAN UNIVER-
SITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KUCINICH. Mr. Speaker, on June 10, 1999, I joined with Representative CYNTHIA A. MCKINNEY, Representative BARBARA LEE, and Representative JOHN CONYERS in hosting the fifth in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a lasting peace is to be achieved in the region, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for

peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

The presentation is by Christopher Simpson, an associate professor specializing in national security, new media and the psychological warfare at American University School of Communication here in Washington. He is the author of four books on international human rights law, genocide and national security, including *The Splendid Blond Beast* (1993) and *The Science of Coercion* (1994). His work has won many awards including the National Jewish Book Award, the Investigative Reporters and Editors Prize, the Cavior Prize for Literature and the 1997 Freedom Award.

PRESENTATION BY CHRISTOPHER SIMPSON,
AMERICAN UNIVERSITY

Thank you for inviting me to this briefing, and thanks especially to Rep. Dennis Kucinich for his leadership in these issues.

I'm going to discuss three main ideas. First, I'll look briefly at the most basic principles of international law concerning war.

Second, I'll bring forward new information on what is known as "infrastructure warfare," which is today central to the way that the United States and NATO choose targets for aerial attacks. Bombing and cruise missile attacks, as you know, have been the primary U.S. strategy in Yugoslavia and in the on-going, de facto war with Iraq. In Yugoslavia, infrastructure warfare targets have thus far included the electrical power generation and distribution grid for the entire country; sewage treatment and water purification plants in at least three cities (and the destruction of those plants, by the way, affects not only those cities, but everyone downstream from the city as well); natural gas pipelines and pumping stations; the Yugoslav federal reserve; and purely economic targets of no military consequence in towns and villages that have no military barracks, storage facilities or any other known military significance.

This leads me to my third point. "Infrastructure warfare" has become in part a means of making war on Yugoslavia's civilian population. In many cases it has had a minor or negligible military effect compared to the damage it has done to civilians. As such, these tactics skate very close to becoming a war crimes under international treaties and the United States military's own definitions of such crimes.

In fact, a recent U.S. presidential commission defined the intentional destruction of urban infrastructures such as electrical power grids, water treatment plants and banking networks as a form of criminal "terrorism"—that's their word—if used against U.S. cities.¹

See footnotes at end of article.

This is called "terrorism" at home and is presently being used by the administration to create or expand repressive federal laws authorizing political surveillance of people in the United States, particularly those who use computer networks.

But interestingly enough, the Defense Department's representative on that presidential commission has been simultaneously

engaged in designing U.S. Air Force offensive tactics for destroying precisely the same type of targets abroad.² When one compares the U.S. government's various definitions of infrastructure warfare side by side, we find that criminal "terrorists" use car bombs to attack the basic urban services necessary to sustain life and maintain order, while the U.S. Air Force prefers to strike the identical types of targets with cruise missiles and bombs dropped from B-52's. Not surprisingly, the Air Force generally does a more thorough and devastating job in eliminating its target.

The most basic principle of international law concerning warfare is to separate non-combatant civilians from the punishment of war to the greatest extent possible, taking into account what are termed legitimate military objectives. This is much easier said than done, of course. Nevertheless, the United States, all the NATO states, Yugoslavia, Russia and more than 100 other nations all agree, at least on paper, that making war on civilians is in almost every circumstance a prima facie war crime. This includes, by the way, aerial attacks on civilian economic centers carried out with the aim of undermining civilian morale or inducing a country to overthrow an established government.³

These elementary principles are codified with increasing specificity in the Hague Convention of 1907, the United Nations charter, the 1949 Geneva conventions, the unanimously adopted UN resolution on Respect for Human Rights in Armed Conflict of 1969 (Resolution 2444), similar protocols adopted in 1977 and, not least, in the on-paper rules of the U.S. Air Force itself.⁴

Today, NATO representatives often speak of what they term the relatively low degree of "collateral damage" to civilians caused by modern bombing and cruise missile attacks on Yugoslavia. Those claims should be disputed.

But we should also recognize that NATO representatives use the collateral damage argument to obscure the more telling point, which are tactics and target selection practices that are clearly on the record. Wanton destruction of non-combatant civilians or their ability to sustain life is a prima facie war crime, and NATO knows it.

Let me give you an example. Virtually all experts agree that intentionally poisoning civilian water wells or food processing centers is in most circumstances a war crime. Poisoning a farmer's well may kill or incapacitate a dozen or more people. Yet the infrastructure warfare tactic of destroying sewage treatment plants in Baghdad or Belgrade spreads disease to thousands or even tens of thousands of people at a time, and is apparently intended to do so because the results of destroying such plants are well known. Most of the Western news media, the Pentagon and much of the U.S. Congress refuse to come to grips with the reality that this tactic poisons civilian water supplies, spreads cholera and helps spread other epidemic diseases, and is particularly dangerous to civilian children and the elderly, whose death rate increases dramatically in the wake of such attacks. The journal *Foreign Affairs*—which is certainly not a hotbed of radicalism—reports in its current issue that the destruction of water works in Baghdad combined with on-going sanctions has—quoting now—"contributed to hundreds of thousands of [civilian] deaths. By 1998 Iraqi infant mortality had reportedly risen from the pre-Gulf War rate of 3.7 percent to 12 percent. Inadequate food and medical supplies, as well as breakdowns in sewage and sanitation systems and in the electrical power systems needed to run them, reportedly cause an increase of 40,000 deaths annually of children under the age of five and of 50,000 deaths annually of older Iraqis."⁵ Neverthe-

less, this infrastructure warfare tactic remains widely used today when NATO selects targets in Yugoslavian cities.⁶

Another example. Intentionally bombing a hospital is almost certainly a war crime, and everyone knows it. Yet bringing down the electrical grid of any city produces an identical result at all of the hospitals in a city, without physically hitting the hospital buildings. The hospital refrigerators that hold medicine fail, destroying antibiotic drugs, vaccines and other medicines; soon it becomes impossible to sterilize surgical tools; bedridden patients die without clean water to drink or, for that matter, without clean water for the staff to use to wash the floors. That's because hospitals can rapidly become vectors for spreading disease if they are not kept clean. The city's hospitals have been effectively damaged just as surely as if they had been directly bombed. In fact, considering what has taken place in Baghdad in the eight years since the Gulf War took place, it may take considerably longer to return such hospitals to safe operation.

As with any issue in international law, things are often more complicated than they seem at first. NATO's military rationale for the destruction of Belgrade's or Novi Sad's infrastructure is that the attacks degrade the Milosevic government's ability to wage its own war against civilians in Kosovo, and they are therefore legitimate military targets. Preventing Yugoslav military and paramilitary atrocities in Kosovo, in turn, provide NATO's legal justification for what would otherwise be a transparently illegal attack on a sovereign state. If past experience is a guide, it is unlikely that NATO commanders responsible for these attacks will ever be regarded as anything other than heroes in the Western news media.

Yet Congress should look very closely at such claims. First, the mere fact that something might be a military target does not provide legal grounds for destroying it. Even the destruction of infrastructure in Belgrade, which is ostensibly the seat of the Milosevic government, has produced few military results compared to the damage it has wrecked on purely civilian activities. That is because most of the national security apparatus of the Milosevic government dispersed from the capitol city well before the bombing began. Such dispersal of key security assets is a well established contingency for virtually every modern military power, including the United States.

I'd like to conclude with these remarks. I hope that some of you will point out that it is all well and good to oppose the NATO bombing campaign. But what about the other atrocities, including massacres of Albanian men killed by certain Yugoslav military units and paramilitary organizations? What about the mass deportations of civilians from Kosovo and the examples of gang rapes of Albanian refugee women? How do you propose to stop those crimes?

First of all, there is no sound-bite solution to the crisis in the Balkans, no matter what Madeline Albright may say on the Sunday morning talk shows. People who say they have a simple solution are either ignorant or attempting to deceive you. Second, the cease fire plan announced today should be welcome news for all people of good will. But once the euphoria has passed, we will see exactly how difficult it will be to make a just peace work. Regardless of whether the cease fire holds, the NATO bombing campaign has made stabilization of the Balkan conflict significantly more difficult for years to come. It is also transparently clear that the primary victims of NATO's intervention have been those whom NATO was purportedly attempting to assist. NATO Supreme Commander Wesley Clark once told reporters that the mass deportations from Kosovo and the violence that accompanied them was

"entirely predictable" once the NATO air strikes began. He was right about that, but the NATO publicity line soon changed and his public relations handlers have told him to change his tune.

So called "ethnic cleansing" and the crimes that have accompanied it are the direct and predictable result of attempting to redraw Balkan national boundaries along ethnic lines. Germany's former Chancellor Helmut Kohl bears much of the responsibility for setting off the present debacle. Germany underwrote establishing independent countries of Slovenia and Croatia back in the late 1980s as a means of extending German economic and geopolitical interests in the Balkans. But regardless of what Kohl may have intended at the time, the crisis his maneuver precipitated has long since spun out of his or anyone else's control.

The plight of the hundreds of thousands Albanian refugees is reported daily. Less understood in the West is that there are some 400,000 Serbian refugees from the ethnic cleansing that was set off by the redrawing of national borders. Their number will almost certainly grow by tens or hundreds of thousands of new Serbian refugees from Kosovo in the months ahead.

If you care about justice for ethnic Albanians and for Serbians, the way forward is to: Stabilize national and regional borders; prevent new fighting or persecution by any of the parties involved, particularly the KLA; demand some responsible reporting for a change from much of the major news media of the United States; and de-politicize accusations of war crimes and instead work to identify and bring to justice the perpetrators of particular crimes.

Here in the U.S. Congress, the time has come to re-examine the administration's claims about "infrastructure warfare," "information warfare," and the latest buzz word from the RAND Corporation, "Netwar." These deserve close scrutiny because of their cost, their questionable legality under international treaties and U.S. law, and their use as a rationale for expansion of National Security State powers aimed at the people of the United States itself. Congress could begin by asking the administration how it has come to pass that what a Presidential commission terms a terrorist crime has now become an established part of U.S. military doctrine and target selection practices in the Balkans and in Iraq.

There is much more to do, but I must close now. Thank you for your time and your patience with my talk.

FOOTNOTES

¹President's Commission on Critical Infrastructure Protection, *Report Summary*, (March 1998 summation of PCCIP's *Critical Foundations* study), <http://www.pccip.gov/summary.html>, downloaded June 7, 1999.

²President's Commission on Critical Infrastructure Protection, "Commissioner Brenton C. Greene," (n.d.) <http://www.pccip.gov/greene.html> and Information Warfare Research Center, "Organization: Infrastructure Policy Directorate, Office of the Undersecretary of Defense (Policy)" <http://www.terrorism.com/infowar/j6kdefense.html>, both downloaded June 7, 1999.

³Human Rights Watch, *Needless Deaths in the Gulf War: Civilian Casualties during the Air Campaign and Violations of the Laws of War*, New York: Middle East Watch, 1991, p.32-33, "Terror and Morale Attacks."

⁴For a useful summary of this evolution and specific provisions, see *Ibid*, pp. 26-64. "The Legal Regime Governing the Conduct of Air Warfare."

⁵John Mueller and Karl Mueller, "Sanctions of Mass Destruction," *Foreign Affairs*, May-June 1999, p. 49.

⁶For example, see *USAF Intelligence Targeting Study Guide*, (unclassified), Air Force pamphlet 14-210. 1 February 1998:

McANDREWS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to John A. McAndrews on the occasion of his retirement following 41 years in government service. Jack has served as the Personnel Officer of Tobyhanna Army Depot for more than 37 years.

The largest employer in Northeastern Pennsylvania, Tobyhanna Army Depot's existence was threatened by the 1995 round of base closures. Jack was an integral part of the team of legislators, community leaders, and thousands of Depot employees who succeeded in convincing the base-closing commission to keep the Depot open. Jack's presentation outlining the high quality of the workforce was extremely persuasive and was noted by at least one commissioner who talked to me about it. After it was determined that Tobyhanna would not be closed, Jack traveled to Sacramento, California to offer Air Force civilian personnel the opportunity to continue their careers at Tobyhanna.

Jack has been a distinguished representative of the Depot, addressing personnel and labor relations issues throughout the region. His progressive approach to labor-management relations earned him recognition by President Clinton's National Partnership Council. He has been commended by every depot commander he has served throughout his long career. He has been honored by area educators and businesses and has received commendations from the Secretary of the Army, the Director of the U.S. Office of Personnel Management, General Colin Powell, and Vice President Albert Gore.

Under his able leadership, Tobyhanna developed a workers compensation program that has saved the Depot million of dollars and now serves as a model for the entire federal government. Jack has traveled across the country sharing this program with other agencies.

A native of Northeastern Pennsylvania, Jack personifies family values and exemplary character. He is the proud father of two and grandfather of one. Jack's devotion to his beloved wife as her caregiver during her long struggle with Multiple Sclerosis was recognized nationally when Oprah Winfrey named him "Husband of the Year" on her show in 1989. Lamely, Jack's high school sweetheart and beloved wife died on New Year's Day of this year.

Mr. Speaker, Jack has been a credit to his profession and to the United States Army for all of his adult life. His devotion to his family, community, and career has set an example to his colleagues and all those whose lives he has touched at the Depot and the surrounding community. I am pleased and proud to join in this salute of an outstanding leader and public servant. I send my very best wishes for a happy, healthy, and productive retirement to Jack McAndrews.

PRIVACY PROJECT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. PAUL. Mr. Speaker, I rise today to introduce the Privacy Protection Act, which repeals those sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizing the establishment of federal standards for birth certificates and drivers' licenses. This obscure provision, which was part of a major piece of legislation passed at the end of the 104th Congress, represents a major power grab by the federal government and a threat to the liberties of every American, for it would transform state drivers' licenses into national ID cards.

If this scheme is not stopped, no American will be able to get a job; open a bank account; apply for Social Security or Medicare; exercise their Second Amendments rights; or even take an airplane flight unless they can produce a state drivers' license, or its equivalent, that conforms to federal specifications. Under the 1996 Kennedy-Kassebaum health care reform law, Americans may even be forced to present a federally-approved drivers' license before consulting their physicians for medical treatment!

Mr. Speaker, the Federal Government has no constitutional authority to require Americans to present any form of identification before engaging in any private transaction such as opening a bank account, seeing a doctor, or seeking employment. Any uniform, national system of identification would allow the federal government to inappropriately monitor the movements and transactions of every citizen. History shows that when government gains the power to monitor the actions of the people, it eventually uses that power to impose totalitarian controls on the populace.

Any member who is reluctant to support this legislation should consider the reaction of the American people when they discover that they must produce a federally-approved ID in order to get a job or open a bank account. Already many offices are being flooded with complaints about the movement toward a national ID card. If this scheme is not halted, Congress and the entire political establishment could drown in the backlash from the American people. In fact, I am holding in my hand a letter from almost all citizens' groups from across the political spectrum, representing thousands of Americans, opposing the plans to implement a national ID.

Although the Transportation Appropriations bill restricts the Department of Transportation from implementing a final rule regarding this provision, the fact is that unless the House acts this year to repeal the provision, states will begin implementing the law so as to be in compliance with the mandate. Therefore, Congress must repeal Section 656 in order to comply with the Constitution and the wishes of the vast majority of the American people who do not want to be forced to carry a national ID card.

National ID cards are a trademark of totalitarianism and are thus incompatible with a free society. In order to preserve some semblance of American liberty and republican government I am proud to introduce the Privacy Protection Act. I urge my colleagues to stand

up for the rights of American people by co-sponsoring the Freedom and Privacy Restoration Act.

NATIONAL CONFERENCE OF STATE LEGISLATURES [NCSL]; AND AMERICAN CIVIL LIBERTIES UNION [ACLU]; ELECTRONIC PRIVACY INFORMATION CENTER [EPIC]; NATIONAL COUNCIL OF LA RAZA [NCLR]; EAGLE FORUM; ELECTRONIC FRONTIER FOUNDATION; FREE CONGRESS FOUNDATION/COALITION FOR CONSTITUTIONAL LIBERTIES; AND AMERICANS FOR TAX REFORM

We represent a broad-based coalition of state legislators, county officials, public policy groups, civil libertarians, privacy experts, and consumer groups from across the political spectrum. We urge the Congress to repeal Section 656 of the Illegal Immigration Reform and Immigrant Responsibilities Act of 1996 that requires states to collect, verify and display social security numbers on state-issued driver's licenses and conform with federally-mandated uniform features for driver's license. The law preempts state authority over the issuance of the state driver's licenses, violates the Unfunded Mandate Reform Act of 1994 (UMRA) and poses a threat to the privacy of citizens. Opposition to the law and the preliminary regulation issued by the National Highway Traffic Safety Administration (NHTSA) has been overwhelmingly evidence by the more than 2,000 comments submitted by individuals, groups, state legislators, and state agencies to NHTSA.

THE LAW IS COUNTER-DEVOLUTIONARY, PREEMPTIVE AND VIOLATES THE UNFUNDED MANDATE REFORM ACT

The law and the proposed regulation run counter to devolution. The law preempts the traditional state function of issuing driver's licenses and places it in the hands of officials at NHTSA while imposing tremendous costs on the states that have been vastly underestimated in the Preliminary Regulatory Evaluation. The actual cost of compliance with the law and the regulation far exceeds the \$100 million threshold established by UMRA. In addition, the law and proposed regulation require states to conform their drivers' licenses and other identity documents to a detailed federal standard. Proposals for a national ID have been consistently rejected in the United States as an infringement of personal liberty.

THE LAW RAISES SERIOUS PRIVACY CONCERNS

The law raises a number of privacy concerns relating to the expanded use and dissemination of the Social Security Number (SSN), the creation of a national ID card, and the violation of federal rules of privacy. The law and proposed rule require that each license contain either in visual or electronic form the individual's SSN unless the state goes through burdensome and invasive procedures to check each individual's identity with the Social Security Administration. This will greatly expand the dissemination and misuse of the SSN at a time that Congress, the states, and the public are actively working to limit its dissemination over concerns of fraud and privacy. Many states are taking measures to reduce the use of SSNs as the driver's identify number. Only a few states currently require the SSN to be used as an identifier on their driver's licenses.

While the impact of Section 656 may not be fully comprehended in 1996, we urge the Congress now to act swiftly to repeal this provision of law that has been challenged by many diverse groups. If you or your staff have any further questions, please contact Dawn Levy of the National Conference of State Legislatures at (202) 624-8687.

QUOTES FROM THE BOOK OF
PEACE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate Louis David Brown. Louis was fifteen and a tenth grader in the fall of 1993. He dreamed about college and graduate school in aeronautical engineering. He dreamed about space travel and he worked in his community. On December 20, 1993, on his way to a meeting of Teens Against Gang Violence, he was shot dead, caught in the crossfire of a gang fight.

Louis's parents, Joseph and Clementina (Tina) Chery have coped heroically with their grief. They created in memory of their son, the Louis D. Brown Peace Institute. The Institute supports a variety of peace initiatives, including a literature-based high school curriculum and an elementary school arts program. Each year, high school essayists are chosen as Louis D. Brown Peace Fellows, honored for their writing and their community service.

In Louis's memory, with thanks to the dedicated teachers who use and refine the curriculum, and with the deepest sympathy and respect for Joseph and Tina Chery, I have the honor to present excerpts from the writings of the Louis D. Brown Peace Fellows of 1998 (sic.):

The person, who has peace in his or her heart, must be near to God . . . peace also means forgiveness, thankfulness, and patience.—Student: Mary Hanna, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

We chase after peace, why does it run?
Is it too busy chanting and having fun,
Or is it worse, does it run away in fear
Worried we'll try to destroy it, rip and tear
Thinking that once we have it we'll get upset

If it doesn't turn out to be just as we bet?—Student: Meichelle (ADARKPOET) Ferguson, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

Peace is the strength you have to fight the negativity.—Student: Johnnye Garcia, Grade: 9, School: Charlestown High, Teacher: Julia Jenkins.

We are all from the same source, we bleed the same color, we breathe the same air, and we all share the same feature . . . the human heart.—Student: Trell Payne, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

Everyone [must] come together and make a change before it is too late—Student: Suzanne Morson, Grade: 10, School: Charlestown High, Teacher: Julia Jenkins.

Peaceful Everlasting Actions Control Everything—Student: Kimberly Baia, Grade: 10, School: Charlestown High, Teacher: Julia Jenkins.

. . . we will have peace when we all accept each other for who we are and not for what we look like—Student: Silea Williams, Grade: 10, School: Charlestown High, Teacher: Mrs. Ogluik.

Peace can be simply participating in an after school program or caring for a younger brother or sister or simply helping an elder person when in need. Anyone can do it.—Student: Andrea Stallings, Grade: 10, School: Jeremiah E. Burke, Teacher: Kelly Mathews.

This Louis D. Brown Peace Curriculum gives me a wonderful opportunity to express my feelings and thoughts to everyone.—Stu-

dent: Ricardo Brown, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

Start building a better living for the sake of our children . . . Lead'em, feed'em knowledge and the words of wisdom.—Student: Thomas Hernandez, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

I, as a person, promote peace by rejecting violence. I don't fight, I settle my differences with people nonviolently, and I help out in my neighborhood with young children.—Student: Ciara Washington, Grade: 10, School: Health Careers Academy at Dorchester High School, Teacher: Bethany Wood.

Sometimes they [teenagers] just need someone to love them, to hang out with them, and just show them what's right and what's wrong.—Student: Channell Burt, Grade: 10, School: Jeremiah E. Burke High, Teacher: Warren Cutler.

I would love to see a more peaceful world, and it could happen if we talked more with love in our minds and hearts instead of using threats and weapons.—Student: Chermion Lawson, Grade: 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

I do not want my kids to grow up in a world where countries are at war, family members are being killed or crippled and every one is in tears. I want my kids to grow up in a world where every body gets along with each other and helps each other out, and where guns do not exist.—Student: Lissy Baez, Grade: 11, School: West Roxbury High, Teacher: Daniel Jordan.

The young teenagers today are surrounded by violence on television, music, ideas and movies, as well as in school and in the streets. Violence is almost becoming second nature to us.—Student: Nina Abdillahi, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

If people knew how to cope with themselves, maybe instead of hitting or killing someone they would learn how to be more peaceful.—Student: Gilbert Perea, Grade: 10, School: West Roxbury High, Teacher: Daniel Jordan.

. . . before we start working on getting rid of the hatred and violence in our streets and cities, and, hopefully the world, we are going to need to have peace with ourselves and our families.—Student: Sarita Manigat, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

I believe unlocking the door towards peace is a long and hard goal that no one race of people can achieve alone. We all have to meet each other halfway.—Student: Jason R. Walters, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

I help make peace by keeping a positive attitude in front of younger kids.—Student: Ezequiel Cardoso, Grade 10, School: Jeremiah E. Burke School, Teacher: Warren Cutler.

Peace cannot be taught or enforced if it is not practice . . . peace can be the future we look forward to if children, parents, teachers, policymakers, and all humankind take action.—Student: Patricia Abdi, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I think that peace is a very important part of the life of a community because it keeps it organized, it keeps your neighborhood calm, quiet and makes it a better place to live . . . To keep the peace we need good parents.—Student: Ebony Williams, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

. . . if you keep busy there's no room for thinking violently.—Student: Adina Sutton, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I think that teaching kids about God will promote peace in the community because

the kids will be going to church every Sunday instead of going somewhere else to get themselves into trouble or even getting killed.—Student: Joliane Charlotin, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I . . . help many of my peers get involved in programs that keeps them off the street. This is the way I promote peace.—Student: Raquel Pinto, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

I tried to influence [children] by setting a good example.—Student: Julia C. Austin, Grade 11, School: West Roxbury High, Teacher: Daniel Jordan.

I devoted all of my knowledge to each one of these children to help them become a better person.—Student: Kevin Stallings, Grade 10, School: West Roxbury High, Teacher: Daniel Jordan.

Instead of trying to see who is the jiggliest, who is the hardest, and who is down with whom, we need to be down for each other, unite as one and make and promote peace.—Student: Gracie White, Grade 12, School: Greater Egleston Community High School, Teacher: Terri Coyle.

. . . peace does begin with a simple friendship.—Student: Jada Reid, Grade 10, School: Health Careers Academy, Teacher: Bethany Wood.

FOUNDATIONS OF DEMOCRACY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today we honor Mr. Richard Goldstein and his students Alan Amaya, Cynthia Barber, Maria Benner, Christopher Bond, Elliott Bundy, Cynthia Clark, Daniel Cleary, Leah Davis, Courtney Duffin, Lizza Easley, Earlene Eaton, Karoline Enzenberger, Lindsey Faulkner, Justin Garretson, Katherine Greim, Namita Kalyan, Rebecca Lindermann, Kristin McCarrey, James McElligott, Brooks Miner, Justin Mohr, Aaron Tucker, Benjamin Wagner, James Welt, Gretchen Wieman, and Eric Wieman from West High School in Anchorage, Alaska.

These students won an award at the We the People . . . the Citizens and the Constitution national finals held in Washington D.C. in May 1999. These students were recognized for their expertise on Unit 1: What are the Philosophical and Historical Foundations of the American Political System? Of the We the People . . . text. This award is presented to the school achieving the highest cumulative score during the first two days of the national finals in each of the six units. These outstanding young people competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Congratulations students and Mr. Goldstein on your achievement!

IN MEMORY OF ARLIE WAYNE
NEAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death

of Arlie Wayne Neal, 59, City Manager of Nevada, Missouri.

Mr. Neal was born Aug. 18, 1939, in Higgenson, Arkansas, to Ira Earl and Viola Pearle Cole Neal. He married Patricia Walters on July 19, 1960, in Uxbridge Middlesex, England.

Mr. Neal joined the Air Force in 1959. He served in the Viet Nam conflict and two tours in Germany and Thailand. He served for 31 years, retiring in 1990 at the rank of Colonel. His decorations include the Commendation Medal with one oak leaf cluster, the Meritorious Service Medal with four oak leaf clusters and the Legion of Merit Medal.

Mr. Neal was the City Manager in Frontenac, Missouri, prior to his move to Nevada, Missouri in 1993. He served as City Manager of Nevada from 1993 to present.

Mr. Neal was active in the community. He managed the Nevada Boxing Club for the past four and one-half years. He was also a member of the All Saints' Episcopal Church in Nevada, Missouri. He belonged to many running clubs in Germany and Mississippi, participating in numerous marathons. He was a member of the Kansas City Golden Gloves Boxing Association, and coach of the year in 1997.

Survivors include his wife, Patricia; his four daughters, Carol Ann Michaels, Donna Davenport, Patricia New, and Sara Lundin; his mother, Pearle Neal, three brothers, Earl, Jimmy, and Archie; one sister, Rita Davis, and six grand-children. Mr. Speaker, I know this body joins me in expressing sympathy to the family of this great Missourian.

CELEBRATE THE PAST

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DeFAZIO. Mr. Speaker, one of my constituents, Margaret Ingram of Albany, Oregon, has made it a personal crusade to encourage people to keep journals and otherwise record the events of their lives. The following bill was introduced in the Oregon Legislature at Ms. Ingram's request. In honor of her efforts and to advance the pursuit of journal and diary-keeping, I would like to insert the text of that resolution in the CONGRESSIONAL RECORD.

OREGON HOUSE CONCURRENT RESOLUTION 8

ENCOURAGES CITIZENS OF STATE TO OBSERVE MEMOIR TRAIL 2000: CELEBRATE THE PAST.

Whereas history is an account of the past events of all persons, individuals, families and communities; and

Whereas historians are writers of history, preparers of records and finders of past events, and the people of Oregon and the United States are historians; and

Whereas history informs, measures change, preserves a way of life and shares stories, legends and tales; and

Whereas today's Oregonians are the proud inheritors of a trail of personal stories that winds through the past century; and

Whereas recording and collecting memoirs will help preserve the past for future generations; and

Whereas the year 2000 will mark the end of the 20th Century and the beginning of another 100 years; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Seventieth Legislative Assembly, encourage all citizens to observe Memoir Trail 2000: Celebrate the Past.

HONORING RABBI HOWARD SIMON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. DUNCAN. Mr. Speaker, this week, Knoxville is losing a wonderful spiritual and community leader who has devoted many years to our community. After serving thirteen years, Rabbi Howard Simon is retiring from the oldest Jewish Congregation in East Tennessee, Temple Beth El, founded in 1864.

Rabbi Simon received his Bachelor of Hebrew Letters degree from Hebrew Union College Jewish Institute of Religion in 1960, a masters of Hebrew Letters along with his rabbinic ordination in 1963 and a doctor of divinity in 1988.

Rabbi Simon has served on the board of directors of the United Way, Leadership Knoxville, the Knox County Mental Health Association and the executive committee of the Knoxville Jewish Federation.

He is also a member of the Knoxville Ministerial Alliance and the ministerial board for East Tennessee Children's Hospital.

Rabbi Simon has also been honored by the National Conference of Christians and Jews for his dedication and service to the community.

Before coming to Temple Beth El, Rabbi Simon served as rabbi at Har Sinai Temple in Baltimore; Beth Israel Congregation in Atlantic City, N.J., and K.K. Bene Israel Rockdale Temple in Cincinnati, Ohio.

Mr. Speaker, Rabbi Simon has been a tremendous spiritual leader in our Nation, but I would like to highlight one of his accomplishments that I am especially proud of. Rabbi Simon had a huge impact on the creation of the Interfaith Health Clinic in Knoxville. This clinic provides medical services for those who otherwise would not be able to afford proper medical care. I believe this says a tremendous amount about Rabbi Howard Simon.

Mr. Speaker, I know that I join with all Americans in thanking Rabbi Simon for his service to Temple Beth El and the Knoxville community for the past thirteen years. I have included a copy of a story written in the Knoxville News-Sentinel honoring Rabbi Simon that I would like to call to the attention of my fellow members and other readers of the RECORD.

[From the Knoxville News-Sentinel, June 12, 1999]

TIME FOR NEW CHAPTER TO BEGIN—RABBI HOWARD SIMON LOOKS AHEAD TO RETIREMENT (By Jeannine F. Hunter)

Rabbi Howard Alan Simon greets people as if they shared many moments of tears and cheers together.

He embraces one with a firm grip and an engaging smile. To him, they are family.

For 13 years, he served as spiritual leader at Temple Beth El, East Tennessee's oldest Jewish congregation. The Jewish Reform congregation was established in 1864 and became a member of the Union of American Hebrew Congregations 11 years later.

Members are like siblings, calling upon one another and adhering to Simon's open door policy.

"And people waltz in all the time, which is nice," he said, in his nearly empty office. "We've shared so much together."

Friday, June 25, marks the beginning of Simon's last weekend at the temple. He will retire from the temple, ending his 36-year rabbinic career.

During a recent visit, Simon and his wife, retired educator Rona Simon, discussed Simon's rabbinate, their philosophy on teaching and humanity, and their retirement plans.

As the pair talked about their time at Temple Beth El, they smiled frequently.

"The people have been so warm. We have a loving, warm congregation," Rona Simon said.

Howard Simon agreed.

Simon will be replaced by Rabbi Beth L. Schwartz, the temple's first woman rabbi.

Schwartz is a newly ordained graduate of the Hebrew Union College-Jewish Institute of Religion in Cincinnati, where Simon also was ordained. Her work experience includes being an academic adviser at George Mason University; a senior analyst for the U.S. Department of Education; a senior business analyst for the Federal Home Loan Mortgage Corp. in McLean, Va., and a book buyer.

Schwartz assumes leadership of Temple Beth El on July 1. She is married to Larry Washington, and they have two adult children.

"I told the congregation I feel the best years at Temple Beth El are ahead of them," Simon said. "It's difficult to leave. It has been wonderful for us."

After 10 years as director of education at the temple, Rona Simon retired in 1998. In May, she retired from her private practice as an educational consultant, specializing in learning disabilities.

The temple's school grew from 36 to 120 children during their tenure.

"The focus of my attention the first few years of being here was our religious school, seeing it grow in numbers and enhancing its curriculum," he said.

Howard Simon said another goal of his administration was to create a familial atmosphere so that the membership interacted with each other in a variety of ways.

Outreach and adult education were also emphasized.

"We learned more and more people want the temple, and they want it to be a focal point of their lives," Simon said.

Simon, the only rabbi in his family, said his experiences at his home temple in Colorado and subsequent leadership roles at a youth camp influenced him.

"Teaching the kids Judaism, I loved the interaction we had with the children," he said, adding in college he initially wanted to study law.

Throughout his rabbinate he has met officials from former Israeli Prime Minister Benjamin Netanyahu to the late Dr. Martin Luther King Jr.

He was among the first religious leaders to spearhead the creation of Knoxville's Interfaith Health Clinic in 1991. He has served as chairman of the clinic's board of directors.

He cited it as one of his most important endeavors.

"I am proud to have been a part of the group that brought this into being," he said.

When commenting about service, Simon used a Hebrew term which means "repair the world," a Judaic belief.

"We're supposed to, as individuals, try to make the world a better place," he said. "Part of my rabbinate is to be committed to the community we live in. We do not live in a vacuum. Fortunately I had a congregation that agreed with that and supported me."

Simon, a humanitarian and scholar, also is an author. He has a book of poetry, "Back

from the Abyss: Thoughts on Life and Death" and looks forward to completing other works, one on his experiences as a rabbi in New Jersey, before and after gambling was legalized in Atlantic City.

One book may be about retirement: How to plan for it and how to respond to the emotions it may evoke.

"You need to be active," he said. "Also you need to have a realization that retirement is not a lowering of your self-esteem but an opening of a new chapter in your life."

Rona Simon added, "It's a new beginning." In their new beginning, the Simons will reduce but not eliminate all of their civic commitments. They want to spend more time with each other, their children and three grandchildren.

A few of their road trips will be to away Lady Vols basketball games.

When the Lady Vols basketball team's schedule is released, the Simons, who are perennial ticket holders, have a planning meeting.

"She tells me to block those nights out so I try not to have meetings," says Simon. "At this point, the ideal job for me would be the team's chaplain."

He laughed. "They have done so much for Knoxville and are excellent role models," Rona Simon said. "They are role models not because they win but because they inspire young people and are committed to various causes."

A special Shabbat service, prepared by Simon, on June 25 will be followed by a special oneg Shabbat to honor Simon at the temple. On Saturday, June 26, there will be a program beginning at 7:30 p.m. that will also celebrate the 80th birthday of temple member Millie Gelber.

At 6:30 p.m. Sunday, June 27, there will be a special dinner honoring Simon's 36 years of service to Reform Judaism and his 13 years at the temple. It will be at the Hyatt and will feature a toast and a roast of Simon by his relatives and friends.

AT A GLANCE: RABBI HOWARD SIMON

Born in Davenport, Iowa, and moved to Denver, Colo. He graduated from Colorado University in 1958.

Bachelor of Hebrew Letters degree from Hebrew Union College—Jewish Institute of Religion in 1960; master of Hebrew Letters and rabbinic ordination both in 1963; and doctor of divinity in 1968.

Temple Beth El is Simon's fourth congregation. Also served as rabbi at Har Sinai Temple in Baltimore; Beth Israel Congregation in Atlantic City, N.J.; and K.K. Bene Israel Rockdale Temple in Cincinnati.

Samuel Neustadter Memorial Award for Service to the state of Israel, 1977.

Rabbinic Services Award from the Council of Jewish Federation, 1989.

Participated in study mission to Poland and to the Soviet Union.

Was scholar in residence at the Sam and Esther Rosen Institute in Knoxville; adjunct professor at Hebrew Union College—Jewish Institute of Religion from 1981-86; taught at Xavier College and Hiwassee College.

National affiliations: Union of American Hebrew Congregations' Committee on Judaism and Health and its Committee on Cults and Missionary Movements; National Rabbinic Cabinet of United Jewish Appeal.

Local affiliations: Board of directors for the Interfaith Health Clinic, the United Way, Leadership Knoxville; the Knox County Mental Health Association; executive committee of the Knoxville Jewish Federation.

In 1996, became a UT Chancellor's Associate, one of several Knoxville-area community leaders who advised Chancellor Bill Snyder and his staff on community issues.

Members of Knoxville Ministerial Alliance, the Knox County Steering Committee for the

Tennessee Bicentennial Celebration, the Metropolitan Drug Commission's Faith Committee and the ministerial board for East Tennessee Children's Hospital.

Chair of Leadership Knoxville Class of 2000's selection committee.

Awards include National Conference of Christians and Jews, now known as the National Conference for Community and Justice and the American Organization for Rehabilitation through Training Federation based in Israel.

GRANT OF FEDERAL CHARTER TO THE AMERICAN ASSOCIATION OF STATE GEOLOGISTS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. RAHALL. Mr. Speaker, today I along with the gentleman from Nevada, JIM GIBBONS, are introducing a bill to grant a federal charter to the American Association of State Geologists. Indeed, the grant of a federal charter to this organization would have a direct correlation to the very first such charter ever granted by the Congress, in 1863 to the National Academy of Science. Both organizations are premised on serving the general public through scientific research and the advancement of knowledge.

The American Association of State Geologists was established in 1908 and today is a nonprofit organization whose mission is to advance the science and practical application of geology and related earth sciences. Its membership is comprised to the heads of Geological Surveys in the various States, territories and commonwealths of the United States. In fact, the first State geological survey was established in 1823 in North Carolina and by the time the U.S. Geological Survey was established in 1879, 35 State geological surveys already existed.

Over the past 91 years, the AASG has served the Nation and each and every State by bringing its unique and important state perspective to the deliberations of the federal government on issues related to or involving geology or geoscience. State geological surveys have generated and made publically available much of the geological and geoscience information and services that led to the growth of our Nation, its economic development, general prosperity, environmental quality and the quality of life we enjoy today. Their mission remains equally important to our Nation's future.

Every member of Congress and their staff have, at one time or another, consulted the State geological surveys concerning issues related to geology in their districts. State geological surveys are universally relied upon for their expertise and relevant, credible, and timely maps, information and services concerning energy, mineral, water, land, biological/ecological and environmental resources, as well as information relevant to avoid or mitigate natural hazards such as earthquakes, volcanoes, landslides and the like.

There is no doubt that the AASG has earned a high reputation within the federal government for its expertise, credibility, candor and trust. It is frequently called upon by the executive, legislative, and judicial branches to

bring the state perspective on geological issues to the attention and consideration of the federal government and especially Congress.

In my view, the nature, extent, magnitude, and high quality of the contributions of State geological surveys and AASG to our Nation fully merits recognition of their critical role through issuance of a federal charter. AASG is exactly the sort of organization that federal charters were intended to recognize.

Mr. Speaker, it would be completely fitting and proper for Congress to grant a federal charter to AASG and by doing so would return to the spirit of the first federal charter granted to the National Academy of Science in 1863 recognizing the importance of science to our Nation.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2122) to require background checks at gun shows, and for other purposes;

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy provisions and against the Dingell provisions. I agree with Mr. Alvin Bell of Garland, Texas when we said:

The congressional measures passed at the stroke of midnight, by a Congress in the grasp of the National Rifle Association and the religious right, are a sad commentary to how insulated the Capitol can become to the real needs of the American people. The very idea that the posting of the Ten Commandments in schools and the loosening of gun control measures can achieve less school violence is lunacy.

I would not be surprised if this Congress would soon legislate the passing out of crucifixes in schools, under the guise of warding off vampires.

June 18, 1999: Charlton Heston 2—The American people 0.

IN HONOR OF THE LATE J.B. WHITTEMORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. McINNIS. Mr. Speaker, it is with a great deal of sadness that I wish to recognize the remarkable life and spirit of Mr. J.B. Whittemore of Pueblo, Colorado. With this, I would like to take a moment to pay tribute to Mr. Whittemore who embodied and exemplified hard work, dedication, and compassion. For more than half of a century, he dedicated his energy to ensuring the happiness of thousands of Pueblo children, never letting a lack of money keep children from enjoying a ride on the carousel.

J.B. Whittemore was born in Pueblo, Colorado in 1914, the same year in which the City

Park carousel was manufactured. With nickels earned by milking cows, Mr. Whittemore escaped the world by riding the carousel.

On March 1, 1943, he joined the City Parks Department staff—a job which became a career spanning 33 years. While working for the City Parks Department, Mr. Whittemore also worked nights, Sundays and holidays as the maintenance man and operator of the City Park carousel. Just as Mr. Whittemore cared about the happiness of children, he also cared about his family. He loved and appreciated his family and shared his light with all.

Mr. Whittemore was a man of kindness and generosity. Through his involvement in the community, he touched the lives of many. His smile, his devotion, and his zest for life will long be remembered and admired. Those who have come to know J.B. Whittemore will miss him greatly. I am confident however, that in spite of this profound loss, the family and friends of Mr. Whittemore can take comfort in the knowledge that he made a significant impact on the quality of life of the citizens of Pueblo.

THE INTERNATIONAL ARBITRATION ENFORCEMENT ACT AND THE NEW YORK CONVENTION COMPLIANCE ACT

HON. BILL MCCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. MCCOLLUM. Mr. Speaker, today I am introducing legislation, the International Arbitration Enforcement Act and the New York Convention Compliance Act, to protect American businesses from foreign backed companies who fail to act in good faith.

In 1991, Ross Manufacturing, a Florida company, filed a claim with the Stockholm Arbitration Institute against a Chinese state-owned corporation for defaulting on a contractual agreement. Even though the arbitration panel found in favor of Ross Manufacturing, the Chinese company refused to pay the settlement. Furthermore, the Chinese courts initially refused to accept the claim. By the time the claim was eventually accepted by the Chinese courts, the Chinese company had been liquidated and the Chinese offered no remedy to enforce the settlement. This was so even though the liquidated company was a state-run industry and it appears may have been liquidated as a pretense just to give cover to avoiding this debt.

There are companies throughout this country that have ventured into business relationships with China and been burned. That is why I am introducing two pieces of legislation to protect U.S. companies and make sure that foreign companies live up to pre-existing trade agreements.

The International Arbitration Enforcement Act, would create a civil remedy against foreign states that either ignore or prohibit arbitral awards entered in favor of United States persons. If the President certifies that a person has been injured and has exhausted every avenue of relief in pursuing enforcement of a foreign arbitral award then that person gets his or her day in Federal Court to pursue a civil action against the foreign state.

The New York Convention Compliance Act, would direct the President to withhold exten-

sion of the WTO Agreement to any country that is not in compliance with its obligations under the New York Convention. This would require foreign countries to meet their outstanding obligations before receiving full consideration for WTO ascension.

While I believe that American companies need to be prudent in their dealings with entities overseas, having a company fully backed by the Chinese government default on a legal and binding contract is unacceptable. I urge my colleagues to support this timely legislation.

ACTIVIST PHYSICIAN NAMED "OUTSTANDING LEADER" BY LEADERSHIP MONTGOMERY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate Dr. Horace W. (Bud) Bernton for receiving the Bell Atlantic Outstanding Leader Award at Leadership Montgomery's graduation ceremonies. Dr. Bernton graduated from Leadership Montgomery in 1994, and quickly thereafter began to recruit other community-minded individuals and organizations to join him in his life-long effort to make medicine more accessible to persons of limited income.

Leadership Montgomery selected Dr. Bernton for its annual award after he was nominated by fellow graduate and county health officer, Dr. Carol Garvey. Dr. Garvey noted that Dr. Bernton's active nature took over when he retired from practicing medicine seven years ago, leading him to join Community Clinic, which offers care to low-income county residents. As a board member he helped launch the Primary Care Coalition, a consortium of local hospitals, the medical society, the health department, and various providers and supporters of indigent care. The coalition is dedicated to enhancing access to primary medical care for the growing numbers of low income county residents, who often face language and cultural differences.

Once Dr. Bernton joined Leadership Montgomery, he tapped its considerable community connections, some of which helped him develop the Primary Care Coalition. He nurtured the coalition through its founding, became its first chair, solicited pro bono legal services to make it a non-profit corporation, and worked aggressively with several coalition members to attract grants to fund Project Access. The initiative now connects low income patients with private physicians who agree to provide care at minimal cost.

Dr. Bernton's advocacy has now come full circle: Project Access has also absorbed PARS, the Patient Advocacy Referral Service for low income patients. Dr. Bernton started PARS back in 1972 to refer patients to physicians building their practices, as long as they agreed to accept uninsured, low income patients. His policy demanded that no one be turned away due to an inability to pay for care, and it is this demonstrated compassion that makes him such a deserving recipient of this year's 'outstanding leader' award.

LUIS SABINES, OF CAMACOL, CELEBRATES 20TH HEMISPHERIC CONGRESS IN MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to congratulate Mr. Luis Sabines, President of the United States Latin American Chamber of Commerce (Camacol), for his devoted labor in establishing the annual Hemispheric Congress and for having been honorably elected to preside as President of the Hemispheric Congress for the year 2000.

Luis Sabines has worked tirelessly and extensively with a variety of trade organizations and businesses in order to promote this year's Hemispheric Congress which, under his leadership and guidance, proved to be a resounding success. Due to his guidance and leadership, he was selected to preside in the upcoming Hemispheric Congress on May 3rd to the 6th of next year, which should prove to be an even bigger success.

This year's recent conference, entitled "Globalization with Integral Development," brought in individuals from 60 different businesses and chambers of commerce, representing 34 countries. It hosted an additional exposition of non-traditional products from overseas that were available for purchase. Contract negotiations among American businesses occurred, promoting both American products abroad, and Latin American products in the United States. Next year's Hemispheric Congress promises to continue the negotiations among American businesses, and to add on to the number of countries taking part in the negotiating, and promotion of trade between Latin American and the United States.

Luis Sabines has done a remarkable job promoting international trade and educating businesses, helping them to foster their growth. Today, I congratulate him on having been elected as President of the 21st Congress. Future Congresses will continue to make important contributions to South Florida's vital role in international trade.

INTRODUCING TO THE RECOVERY IMPLEMENTATION PROGRAM FOR ENDANGERED FISH SPECIES IN THE UPPER COLORADO AND SAN JUAN RIVER BASIN PROGRAMS

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am introducing an Act that would authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River Basins. This Act is needed so that two cooperative inter-governmental programs can continue working to achieve recovery of four endangered fish in the Upper Colorado River and San Juan River Basins while meeting continuing demands for water in the arid West. To date, requests for

funding for the recovery programs have received considerable support in Congress because the programs serve as a dispute resolution and provide a means to solve a very complex set of problems. However, as the amount of funding required increases because capital construction projects are underway, program participants are seeking clear statutory authority to help ensure that needed funds continue to be appropriated by Congress.

The Recovery Program is a mutually supported program including the states, government agencies, Indian tribes, private organizations, and environmental organizations. Participants in the Upper Colorado River program alone include the state of Colorado, the state of Utah, the state of Wyoming, the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the Western Area Power Administration, environmental organizations, water development interests, and federal power customers.

This bill would authorize the appropriation of \$46 million to the Bureau of Reclamation and the Bureau of Indian Affairs and ensure the completion of the capital projects and research needed to recover the listed species. Once the bill is enacted, non-federal participants like the states and those who purchase power from federal hydroelectric projects, will also share in the cost of the capital projects.

This bill is a good example of how the recovery of listed species can coincide with existing and future uses of water for states needs. Also, this is an opportunity to set a precedent for other regions of the country who could be impacted by the recovery of a listed species. These implementation programs are running models—showing how cooperation between states, government agencies, and private organizations can achieve results. Participants in these programs are eager to move ahead and willing to share the costs. I urge all my colleagues to support and co-sponsor this Act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River Basins.

D.R.O.P. SPECIES ACT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. CALVERT. Mr. Speaker, today I am dropping the fourth in a series of single-issue bills to make common sense corrections to the Endangered Species Act. My bill, the Direct Review of Protected Species Act, would amend the ESA to provide for the review and recommendation by the National Academy of Sciences of species that should be removed from the list of endangered and threatened species.

During ESA's 26 years, over 1,154 animals and plants have been listed as endangered or threatened, yet only 27 species have been removed from the list. 27! That is a recovery rate of 2 percent, which leads me to believe that either the Fish and Wildlife Service is not keeping up with their mandate to review the list every five years and remove recovered species, or their best efforts to conserve habitat at the expense of billions of dollars to tax-

payers are failing. Either conclusion is unacceptable. The DROP Species Act would take the de-listing process out of the hands of politicians and place it in the hands of a well-respected, independent panel of scientists.

I'm unhappy with the Fish and Wildlife Service, Mr. Speaker. So unhappy that I will introduce one ESA reform bill every week until the Resources Committee field hearing in California on July 9. The agency has a responsibility to balance the rights of species with the rights of taxpaying citizens. This is a call to common sense.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

HARRISBURG, Pa. (AP)—The question of whether ex-cons should be able to vote is becoming an issue in Pennsylvania and nationally.

Human-rights groups and prison-rights advocates plan to challenge the law because of its "racial implications," said Pennsylvania Prison Society director William DiMascio said.

In addition, there is legislation in Harrisburg seeking to overturn the law. And the chairman of the state Senate Judiciary Committee, Sen. Stewart Greenleaf, R-Montgomery County, a former prosecutor, said he is "willing to look at" a reconsideration of the law.

State Rep. Jerry Birmelin, R-Wayne County, chairman of the House Subcommittee on Crime and Corrections, said that while he opposes inmates voting, he'd consider extending the vote to ex-cons.

Pennsylvania's law, which passed virtually unnoticed as part of the 1995 "motor voter" legislation, bans felony ex-cons from registering to vote for five years after release from prison. Before 1995, ex-cons could register as soon as they got out of prison.

The law's supporters, including state Attorney General Mike Fisher, say criminals should pay for their crimes, and that losing the vote is part of the price.

"Since the Legislature has determined a convicted felon does not enjoy the same rights as people who are not convicted felons, I have no problem with that," Philadelphia District Attorney Lynne M. Abraham said through spokeswoman Cathie Abookire.

The effort to eliminate the ban comes as the prison inmate population rises to record levels nationally and in the face of a new Justice Department report that says blacks are six times more likely to be jailed than whites, and 2 times more likely than Hispanics.

It also comes as some Pennsylvania politicians become more concerned about losing 100,000 potential voters because of the ban.

A state-by-state study by Human Rights Watch, an international research group, estimates that 3.9 million Americans currently are banned from the ballot box. About 13 percent of black men, more than 1.3 million men nationally, cannot vote, according to the study.

While the ban applies to anyone convicted of a felony, it does not apply to people convicted or jailed on misdemeanor charges.

The only problem is that many minor criminals think they also are forbidden from voting, critics say.

"We find ex-offenders and other non-felony folks under the impression they can't vote," said Leodus Jones, director of Community Assistance for Prisoners, a nonprofit advocacy group. "I really believe there are thousands in Philadelphia alone."

Only four states—Maine, Vermont, Massachusetts and New Hampshire—allow inmates to vote.

Estimating exactly how many Pennsylvanians are affected is difficult due to recidivism and because no one adequately tracks state, local and federal releases. The Pennsylvania Commission on Crime and Delinquency offered "rough numbers," saying there are about 86,000 to 101,000 inmates and ex-cons who currently cannot vote.

The irony for those who believe the law is discriminatory is that in the 1995 "motor voter" law the ban is a part of what was designed to increase minority voting by making registration easier. However, many lawmakers say they were unaware of the felony provision, which was inserted at a time the Legislature was being hurried, under a federal court order, to pass a motor voter bill.

"We call it 'the mickey bill,' because they caught everybody asleep when they passed it," Jones said.

State Rep. Harold James, D-Philadelphia, a former Philadelphia police officer, said, "When we voted on 'motor voter,' we didn't even know that was in there."

[From the Washington Post, Apr. 20, 1999]

WORKER BIAS LAWSUITS FLOOD AGRICULTURE DEPT—MINORITIES, WOMEN ALLEGE DISCRIMINATION

(By Michael A. Fletcher)

The U.S. Department of Agriculture is grappling with a flood of discrimination complaints from minority and female employees who describe the agency as a hotbed of racial bias and harassment, where women assigned to remote work crews are physically threatened by male colleagues and minorities are routinely passed over for promotions.

Minority and women employees have long complained about what they call a deeply entrenched culture of discrimination at the sprawling federal agency, which is often derided as "the last plantation." The problems have intensified in recent months as more employees have stepped forward with formal complaints, even as top USDA officials have acknowledged longstanding civil rights problems. Earlier this year, the agency agreed to a huge court settlement that could result in hundreds of millions of dollars being paid to thousands of black farmers for past discrimination.

With a work force of 89,000 and a sweeping mandate that includes administering farm aid programs, managing national forests and running the food stamp program, USDA is one of the federal government's largest departments. With many of its workers deployed in rural outposts, critics charge that USDA's rank-and-file often seems impervious to the civil rights edicts that flow from the agency's Washington headquarters.

The agency is facing at least five class action or proposed class action complaints, either in federal court or before the Equal Employment Opportunity Commission, where groups of female and minority employees allege that they have been the victims of blatant racial bias or repeated sexual discrimination and harassment. In addition, more

than 1,500 individual employment discrimination complaints are pending at USDA. And of the 1,800 cases resolved over the past two years, more than 1,000 ended with settlements, indicating that they had merit, said Rosalind Gray, USDA's director of civil rights.

Charges lodged against the agency either in lawsuits or individuals' complaints run the gamut:

In several bathroom stalls at USDA headquarters, someone had scrawled "NAACP" and underneath it, "now apes are called people." Some employees say such graffiti is evidence of workplace hostility that the agency has not done enough to address.

Black and Hispanic employee complained about working in rural offices under white supervisors who assign them few important tasks or the kind of training that would put them in line for promotions.

Women such as Ginelle O'Connor, 42, who work as Forest Service firefighters say they were subjected to a never-ending stream of taunts and sexually laced comments and even threats of rape from male colleagues.

The men "were making bets on how they could get rid of me," said O'Connor, now a USDA biologist working in Northern California. "But I was determined they weren't going to run me off."

The settlement with the black farmers was part of Agriculture Secretary Dan Glickman's effort to "change the culture" of the agency. "For far too long USDA has been ignoring serious, pervasive problems within our civil rights system," he said.

"Clearly, Secretary Glickman is concerned by the number of EEO complaints against USDA," said Tom Amontree, Glickman's spokesman, noting that the department has "resolved the vast majority of the EEO complaints that were part of the so-called backlog."

Amontree said that Glickman "is impressed with the progress and the changes instituted" under Gray. "Under her leadership, USDA is implementing procedures that will hold people accountable, and the secretary will continue to keep a close eye on that progress."

Despite Glickman's efforts, the barrage of slights, insults and outright harassment over the years has helped foster a culture that makes many female and minority employees at USDA complain that they feel like outsiders on their own jobs.

In a case now before the EEOC, a group of 300 African American managers at the Farm Service Agency, the branch of USDA found to have discriminated against black farmers, says they have been repeatedly passed over for promotions in favor of less qualified whites.

Charles W. Sims Sr., 55, a program coordinator at USDA's Washington headquarters, says he has been ignored for promotions on more than 40 separate occasions over the past 18 years. "Management will not tell me why they will not hire me for a higher position," said Sims, who says that he was given meaningless assignments after he began filing EEO complaints against the department. "They always tell me that I'm a great employee, so the only thing I can surmise from that is that it is a race thing."

During his 23 years at USDA, Carnell McAlpine, a program complaint specialist in Alabama, said he has learned to "expect the worst" from his job. He has been passed over for promotions given to whites with less experience and made to feel excluded from the flow of information.

"Those are the adversities a black person has to deal with," McAlpine said. "You just have to harden yourself. . . . When I've had good things happen to me on the job, I've learned to view them as surprises."

Harold Connor, 46, deputy director of USDA's Price Support Division, says he has faced insults since his first days at the agency. More than 20 years ago, it was the white local farm committee member who vowed to "go out the back door" the day Connor, who is black, entered the front door as a new director in the St. Louis area. Now that he works in Washington, the insults are often indirect: He was advised not to seek promotions initially because he was too new. Later, he was discouraged by superiors who said he had been in Washington too long and that the agency needed fresh thinking.

"You just kind of do a slow burn," he said. "First you doubt yourself. But then you realize it is not you, it's them."

While some employee activists cite USDA as among the worst federal agencies when it comes to civil rights complaints, they point out that charges of racial and gender discrimination are not uncommon within the federal government. That is seen as a troubling reality because for years federal employment was seen as a sure route to the middle class for women and minorities, particularly African Americans. Blacks make up 17.2 percent of the federal work force, compared with only 10.6 percent of the U.S. labor force.

Groups of minority employees have filed successful class action discrimination complaints against several federal agencies, including the Library of Congress, the Army Corps of Engineers and the State Department. Suits also are pending at other agencies, including the Internal Revenue Service and the Department of Commerce. Black employees also allege bias at the Social Security Administration [Details, Page A21]. Activists call the complaints evidence of the growing civil rights problems within the federal government.

Many employee activists say that nowhere in the federal government is the problem more pronounced than at the Department of Agriculture, an agency whose roots reach deep into rural America.

While 20 percent of USDA's employees are minorities, whites hold 91 percent of the senior management positions, a reality that critics call a direct outgrowth of the agency's culture. Some 80 percent of USDA's best-paid employees are men, although women make up more than 40 percent of the work force.

USDA officials have pointed to enforcement of civil rights laws as a priority in recent years. Since assuming his job in 1995, Secretary Glickman has convened a blue-ribbon panel on the matter, ordered a civil rights review and reactivated the agency's dormant civil rights office. Yet the problem continues to grow.

The employee complaints are buttressed by the findings of the department's own civil rights task force, which two years ago issued a report that described widespread bias both within the department's work force and in its delivery of programs to the public.

The report was a key piece of evidence in a federal lawsuit brought by black farmers. The farmers charged that USDA officials unfairly discouraged, delayed or rejected their applications for federal loans. The suit resulted in a settlement that lawyers involved in the case said could cost the federal government as much as \$1 billion. A federal judge approved the deal last week.

Ironically, some USDA officials say privately that Glickman's aggressive rhetoric and work to attack employee complaints—the backlog of unresolved employee discrimination complaints has been cut significantly during his tenure—have opened the agency to more charges of discrimination. Also, top USDA officials say their civil rights efforts have been met with significant resistance.

"There are some people who don't want their way of life changed," said Gray, who was appointed by Glickman to be the department's lead civil rights enforcer. "Their way of life is based on their local culture, and we have a work force that is spread out throughout the country."

While acknowledging the hurdles, some activists complain that Glickman has not moved boldly enough. While he has threatened to fire employees found participating in reprisals against those who make discrimination complaints, few have faced such punishment.

"The secretary is selling snake oil," said Leroy W. Warren Jr., who chaired an NAACP task force that last summer issued a critical report on employment discrimination in the federal government. "It is all good rhetoric. But I'm waiting on the substance."

Similarly, many of the employees who have brought complaints against the agency say they also are waiting for justice.

O'Connor, who joined a class action filed by female Forest Service employees, said she faced harassment throughout much of her 17-year tenure at the Forest Service. In 1982, she was the only woman on the Fulton Hot Shots, an elite firefighting brigade that battles blazes in national forests.

One day, she made her way to the fire camp's bathroom for a shower. She unwittingly dropped her panties on the way from the shower. Hours later, she found her underwear flying on the antennae of a fire engine. Her colleagues drove the truck for a day before removing the underwear.

For O'Connor and other women at the Forest Service, the incident represented far more than a boorish prank: It was another example of the harrowing sexual harassment and hostility they had to endure.

Lesia L. Donnelly, a 19-year Forest Service employee and lead plaintiff in the lawsuit, said some of the hostility grew out of resentment of a federal court order requiring the Forest Service to hire more women in its western region.

In the wake of the order, she says, female firefighters were threatened with being pushed into wildfires. They were spit at and hit during physical training. Other women said they were stalked or tormented with dead animals. Some were allegedly left in the woods without transportation.

The women's class action suit is in mediation and a federal judge in San Francisco has set a May 26 deadline for settlement efforts.

"We have heard horror story after horror story," said Lawrence Lucas, president of the USDA Coalition of Minority Employees. "But unless people are held accountable, nothing is going to change at USDA."

CONGRESSIONAL BLACK CAUCUS BEGINS POLICE BRUTALITY HEARINGS

(By Paul Shepard)

WASHINGTON (AP)—Rep. James Clyburn pledges that the Congressional Black Caucus' first hearing on police brutality will yield more than a report that will sit on a bookshelf and collect dust.

"We are focused on solutions," Clyburn, D-S.C., said Monday. "Panels like this often focus only on the horror stories, but we are talking solutions. We need to stay focused and achieve some meaningful results."

The caucus on Monday hosted the first of a planned national series of hearings on police brutality designed to measure whether the recent spate of high-profile deaths of young blacks at the hands of police are an aberration or a troubling new outgrowth of tougher policing policies nationwide.

Early in the five-hour hearing, the panel heard from representatives of the civil rights

community, including National Urban League President Hugh Price and Raul Yzaguirre, president of the National Council of La Raza.

"The problem isn't only excessive use of force but dragnet techniques" that include racial profiling of suspects on traffic stops and the random stopping and frisking policies employed by New York City police, Price said.

Later, Bill Lann Lee, acting assistant attorney general for civil rights, told the caucus members that although his office is limited in its ability to bring federal prosecutions in local police jurisdictions, it has reached settlements with the cities of Pittsburgh and Steubenville, Ohio, which were judged by the Justice Department to discriminate in policing.

Lee said investigations of the Washington, New York City and New Orleans police departments are continuing.

"We have seen several tragedies in the last few months," Lee said. "We have to see how we as a nation as a whole respond, not by pointing fingers but by moving forward."

Witnesses like Dorothy Elliott provided tearful testimony of how their loved ones died at the hands of police. Mrs. Elliot's son, Archie Elliott III, 24, was stopped by Prince George's County, MD, police in June 1995 for driving erratically.

Police said Elliott, with his hands cuffed behind him in a police car, pointed a gun at them. The official version of events was that after refusing police orders to drop the gun, Elliott was shot 14 times and died.

"You can call it a tragedy, but I call it a murder," Mrs. Elliott sobbed. "My son didn't resist arrest. My son's life had value."

The shooting was ruled justified by authorities. Seated next to Mrs. Elliott was Saiko Diallo, whose son Amadou Diallo, a street vendor from Guinea, was killed Feb. 4 outside his apartment in the Bronx when four white police officers fired 41 shots, striking him 19 times and making the young immigrant a national symbol of police abuse.

"The police officers have been indicted for (second-degree) murder," Mrs. Diallo said in halting tones. "But they are still working full time with a full salary. This is unfair. This is not right."

Additional hearings are planned for New York, Los Angeles, Houston, Chicago and Atlanta.

BELL ATLANTIC WORKERS SUE COMPANY FOR \$100 MILLION

(By Genaro C. Armas)

PHILADELPHIA.—A group of current and former employees of Bell Atlantic Corp. filed a \$100 million federal lawsuit against the company Monday charging that a racially hostile environment led to the suicides of three employees who worked at a company garage.

The lawsuit filed in U.S. District Court alleges that company executives did not do enough to stem the discrimination allegations lodged by 10 plaintiffs against two men who were supervisors at the garage where the suicide victims worked. The three workers, all black males, died between 1994 and 1997.

The suit said the alleged harassment against the victims, as well as other black workers in the Philadelphia garage by white supervisors, Thomas Flaherty and Nick Pomponio, who were named as defendants in the lawsuit, was so harsh that some workers considered "taking the laws into their own hands."

"But (they) opted to endure the suffering instead, believing that Bell Atlantic would take the action it promised to take (to inves-

tigate complaints and take corrective action)," court documents said.

Both Flaherty and Pomponio have since been transferred out of the garage, plaintiffs' attorney John Hermina said. Flaherty, reached by phone, referred comment to corporate attorneys. A number the company provided for Pomponio was incorrect and he could not be reached for comment.

Joan Rasmussen, a Bell Atlantic spokesperson in Arlington, VA., said Hermina had tried to file a similar lawsuit in federal court in Washington seeking class status but a judge "denied their claim of a pattern of discrimination."

"Bell Atlantic is proud of its record on diversity," said Ms. Rasmussen, who declined to comment specifically on the Philadelphia lawsuit because she had not seen it. "Discrimination is totally unacceptable in the workplace at Bell Atlantic."

The lawsuit accuses the company of racial discrimination and retaliation, negligence, breach of contract, and intentional infliction of emotional distress.

"Bell Atlantic knew this was going on," Hermina said. "It's a culture of neglect, because apparently Bell Atlantic felt that these African-American employees don't matter."

IN SUPPORT OF COLORADO HOUSE JOINT RESOLUTION 99-1020

HON. BOB SCHAFFER

OF COLORADO

HON. THOMAS G. TANCREDO

OF COLORADO

HON. JOEL HEFLEY

OF COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 1999

Mr. SCHAFFER. Mr. Speaker, in the matter of designating certain additional wilderness lands in Colorado, the Colorado General Assembly has spoken clearly.

By the passage of Colorado House Joint Resolution 99-1020, the General Assembly has established Colorado's official position on pending federal legislation designating approximately 1.4 million acres of land in Colorado as wilderness.

We hereby submit for the RECORD the full text of the resolution adopted in both houses of Colorado's General Assembly and urge all colleagues to consider the stated official policy of our state regarding this important matter.

Furthermore, we commend the leadership of the authors and prime sponsors of H.J.R. 99-1020, State Representative Diane Hoppe and State Senator Gigi Dennis.

Mr. Speaker, we hereby serve notice of our intent to support and represent Colorado's official position, as expressed in H.J.R. 99-1020, regarding the relevant legislation pending consideration by the U.S. House of Representatives.

HOUSE JOINT RESOLUTION 99-1020

By Representatives Hoppe, Smith, Alexander, Berry, Clapp, Kester, Larson, McKay, Miller, Mitchell, Spradley, Taylor, Webster, T. Williams, Allen, Dean, Decker, Fairbank, Hefley, King, Lawrence, Lee, McElhany, McPherson, Nunez, Paschall, Scott, Young.

Also Senators Dennis, Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Hillman,

Musgrave, Teck, Wattenberg, Wham, Congrove, Lamborn, Owen, Powers.

CONCERNING OPPOSITION TO H.R. 829, THE

"COLORADO WILDERNESS ACT OF 1999"

Whereas, H.R. 829, the "Colorado Wilderness Act of 1999", proposes to designate another approximately one million four hundred thousand acres of land in Colorado as wilderness prior to the revision of many of Colorado's forest plans, thereby usurping the United States Forest Service's land management review process and ignoring the original wilderness recommendations made to the United States Congress by the United States Bureau of Land Management ("BLM") that totaled four hundred thirty-one thousand acres; and

Whereas, H.R. 829 was drafted without input from either the general public or local elected officials and does away with local control over land management; and

Whereas, Federal lands in Colorado have been exhaustively studied for their wilderness suitability under the "Wilderness Act" of 1964, the Department of Agriculture's second roadless area review and evaluation (RARE II), the wilderness evaluation by the BLM, the "Colorado Wilderness Act of 1980", and the "Colorado Wilderness Act of 1993"; and

Whereas, Many acres of federal lands slated for wilderness designation do not qualify as pristine as required by the "Wilderness Act" of 1964; and

Whereas, The United States Congress considered the option of wilderness designation for federal lands in Colorado and designated several areas under the "Wilderness Act" of 1964 and approved two statewide wilderness bills. One of those statewide wilderness bills was enacted in 1980 and classified one million four hundred thousand acres as wilderness. The other was enacted in 1993 and provided wilderness protection for six hundred eleven thousand seven hundred acres, bringing the total wilderness acreage in Colorado to three million three hundred thousand to date; and

Whereas, The United States Congress declared that lands once studied and found to be unsuitable for wilderness designation should be returned to multiple-use management; and

Whereas, H.R. 829 creates a federal reserved water right for each wilderness area, an approach specifically rejected in the 1980 and 1993 wilderness bills; and

Whereas, The designation of downstream wilderness areas may result in the application of the federal "Clean Water Act of 1977" requirements in a manner that interferes with existing and future beneficial water uses in Colorado; and

Whereas, The overall effect of the designation of downstream wilderness areas will be to destroy Colorado's ability to develop and use water allocated to the citizens of this state under interstate compacts, thereby forfeiting Colorado's water to downstream states; and

Whereas, Many of our rural economies are dependent on a combination of multiple uses of our public lands, such as timber production, oil, gas, and mineral development, and motorized and mechanized recreation, all of which are prohibited by a wilderness designation and also severely inhibits the ability to conduct grazing activities on public lands; and

Whereas, Wilderness designations limit the land management options available to public land managers to protect forest health and dependent watersheds; and

Whereas, Additional wilderness designation puts increased pressure on the new designated lands as well as lands currently open to multiple-use activities and limits access to only the most physically capable individuals; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

That the members of the Sixty-second General Assembly oppose H.R. 829, the "Colorado Wilderness Act of 1999".

Be It Further Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Sec-

retary of the Interior, the Director of the United States Bureau of Land Management, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

RUSSELL GEORGE,
*Speaker of the House
of Representatives.*

RAY POWERS,
*President of the Sen-
ate.*

JUDITH M. RODRIGUE,
*Chief Clerk of the
House of Represent-
atives.*

PATRICIA K. DICKS,
*Secretary of the Sen-
ate.*